

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA
Mitchell, et al. v. Intero Real Estate Services, No. 5:18-cv-05623-BLF (N.D. Cal.)

If you received phone calls promoting Intero Real Estate Services at a telephone number registered on the National Do Not Call Registry between September 13, 2014 and December 19, 2019, you may be entitled to benefits under a class action settlement.

A court authorized this Notice. This is not a solicitation.

- The lawsuit claims that Intero Real Estate Services (“Intero” or “Defendant”), through its agents, violated the Telephone Consumer Protection Act (“TCPA”) by calling Plaintiffs and as many as 37,962 others to solicit real estate business at telephone numbers registered on the National Do Not Call Registry. The TCPA entitles consumers who prove they received illegal calls to recover money damages and get a court order stopping the calls. Intero denies that it did anything wrong. The Court has not decided who is right.
- If the Court approves the parties’ Settlement, Intero has agreed to pay each Settlement Class Member who submits a valid Claim **\$350**. You may be a Settlement Class Member if your telephone number was on the National Do Not Call Registry for at least 31 days, and you received marketing calls placed through Mojo Dialing Solutions, LLC, by a specific list of real estate agents promoting Intero’s services between September 13, 2014 and December 19, 2019.
- If the Court approves the parties’ Settlement, Intero may be required to pay service awards to Class Representatives who pursued this litigation; pay attorneys’ fees and costs to the lawyers who brought this lawsuit; and pay Notice and Administration Costs. Plaintiffs will request service awards of up to \$5,000 each, and up to \$2,775,000 in attorneys’ fees and costs. These payments will not reduce the amount of relief available to Settlement Class Members.

YOUR LEGAL RIGHTS AND OPTIONS	
SUBMIT A CLAIM BY: JULY 6, 2022	This is the only way to get money as part of this Settlement. You may make a Claim for settlement relief by: (1) submitting a Claim online at www.InteroClassActionSettlement.com ; (2) calling 1-844-594-2521 and providing information requested by the Settlement Administrator; or (3) if you received a postcard, filling out, signing and mailing the Claim Form to <i>Mitchell v. Intero Real Estate Settlement Administrator</i> , P.O. Box 43501, Providence, RI 02940-3501.
DO NOTHING	If you are a Settlement Class Member and do nothing, you will not receive any money as part of the Settlement. You also will never be able to sue Intero separately over the legal claims in this lawsuit and will be bound by any judgment.
ASK TO BE EXCLUDED FROM THE SETTLEMENT BY: JULY 6, 2022	If you are a Settlement Class Member and you request to be excluded from the Settlement, you won’t be eligible to receive any money, but you will keep any rights to sue Intero separately over the legal claims in this lawsuit.
OBJECT TO THE SETTLEMENT BY: JULY 6, 2022	If you are a Settlement Class Member and you would like to object to the Settlement, you must submit your objection in writing to the Court. Even if you file a valid and timely objection, you can still submit a Claim for money.

- Your rights and options are explained in this Notice and must be exercised by **July 6, 2022**. The Court has scheduled a hearing for October 20, 2022 at 9:00 a.m. in Courtroom 3 of the U.S. District Court for the Northern District of California, San Jose Division. At that time, it will decide whether to give Final Approval to the Settlement. The hearing may be changed without notice. It is not necessary for you to appear at this hearing, but you may attend at your own expense.
- Payments will be made on valid and timely claims if the Court approves the Settlement and after any appeals are resolved.

QUESTIONS? CALL 1-844-594-2521 OR VISIT WWW.INTEROCLASSACTIONSETTLEMENT.COM

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BASIC INFORMATION

1. Why was this Notice issued?

The Court (as defined below) has authorized this Notice to let you know about a proposed Settlement of a class action lawsuit that may affect you. You have legal rights and options that you may exercise, as explained in this Notice, before the Court decides whether to approve the Settlement. If the Court approves the Settlement and after any appeals are resolved, an administrator appointed by the Court will make payments as provided by the Settlement. Because your rights may be affected by this Settlement, it is important that you read this Notice carefully.

If you received a Notice by email or mail, it is because records obtained in this case indicate that you may have received phone calls promoting Intero Real Estate Services (“Intero” or “Defendant”) at a telephone number registered on the National Do Not Call Registry between September 13, 2014 and December 19, 2019. As a result, you may be a Settlement Class Member.

Judge Beth Labson Freeman of the United States District Court for the Northern District of California (the “Court”) is currently overseeing the case. The case is known as *Mitchell, et al. v. Intero Real Estate Services*, Case No. 5:18-cv-05623-BLF (N.D. Cal.). The persons who sued are called the Plaintiffs. The company the Plaintiffs are suing, Intero, is called the Defendant.

2. What is this class action about?

In a class action, a person called the “Class Representative” (in this case, Ruby Mitchell and Edward J. Kelly) sues on behalf of a group (or groups) of people who have similar claims. Together, the Class Representatives and others with similar claims are all “Class Members” and are all part of the same “Class.” One Court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

The lawsuit claims that Intero Real Estate Services (“Intero” or “Defendant”), through its agents, violated the Telephone Consumer Protection Act (“TCPA”) by calling Plaintiffs and as many as 37,962 others to solicit real estate business at telephone numbers registered on the National Do Not Call Registry. The TCPA entitles consumers who prove they received illegal calls to recover money damages and get a court order stopping the calls. Intero denies that it did anything wrong. **The Court has not decided who is right.**

3. Why is there a settlement?

The Court did not decide in favor of the Class Representatives or Intero. Both sides agreed to a settlement instead of going to trial. The Class Representatives and their attorneys think the Settlement is best for all Settlement Class Members.

WHO IS IN THE SETTLEMENT?

4. How do I know if I am a Settlement Class Member?

The Court has decided that everyone who fits the following description is a Settlement Class Member:

All persons in the United States who: (a) received two or more calls on their residential telephone number (b) that had a duration of more than zero seconds; (c) initiated by, or on behalf of, a real estate salesperson at a time when Intero or Intero Referral Services was the salesperson’s responsible broker (as reflected in the records maintained by the California Department of Real Estate (“DRE”)); (d) promoting the purchase of Intero’s goods or services; (e) placed through the dialing platform provided by Mojo Dialing Solutions, Inc, the call records for which appear in one of 35 account files, identified in Appendix A to the Court’s order granting class certification in the Litigation; (f) within a 12-month period; (g) whose telephone number(s) were on the National Do Not Call Registry for at least 31 days prior to the calls; and (h) at any time since September 13, 2014.

Note: Only calls made by certain Intero agents using the Mojo dialing service are included in this case. You may have been called by other Intero agents or by Intero agents who did not use Mojo to call you; those calls are not part of this class action.

More information about the Settlement Class is available at www.InteroClassActionSettlement.com or by calling toll-free 1-844-594-2521.

WHAT DOES THE SETTLEMENT PROVIDE?

5. What am I eligible to get?

Intero has agreed to pay each Settlement Class Member who submits a valid Claim **\$350**.

As part of the settlement, if approved by the Court, Intero may be required to pay service awards to Class Representatives who pursued this litigation; pay attorneys’ fees and costs to the lawyers who brought this lawsuit; and pay Notice and Administration Costs. Plaintiffs will request service awards of up to \$5,000 each, and up to \$2,775,000 in attorneys’ fees and costs. These payments will not reduce the amount of relief available to Settlement Class Members. You may find additional details about the Settlement at www.InteroClassActionSettlement.com or by calling 1-844-594-2521.

HOW CAN I GET SETTLEMENT RELIEF?

6. How do I make a Claim for Settlement Relief?

You may make a Claim for Settlement Relief by: (1) submitting a Claim online at www.InteroClassActionSettlement.com; (2) calling 1-844-594-2521 and providing information requested by the Settlement Administrator; or (3) if you received a postcard, filling out, signing and mailing the Claim Form to *Mitchell v. Intero Real Estate* Settlement Administrator, P.O. Box 43501, Providence, RI 02940-3501.

You will need your Unique Identification Number and the telephone number at which you received the calls to submit a Claim. You can find your Unique Identification Number on the Postcard Notice and/or Email Notice you were sent.

YOUR RIGHTS AND OTHER OPTIONS

If you are a Settlement Class Member, you must decide whether to stay in the Settlement Class or whether to exclude yourself by no later than **July 6, 2022**.

7. What happens if I do nothing?

If you are a Settlement Class Member and do nothing, you will stay in the Settlement Class. If you stay in the Settlement Class, you will be bound by the Release in the Settlement. That means that, if the Settlement is approved, you can't sue, continue to sue, or be a part of any other lawsuit against Intero and other released persons that relates to or arises out of calls that were placed through the dialing platform provided by Mojo Dialing Solutions, Inc., the calling records for which appear in one of 35 accounts, identified in Appendix A to the Court's Order Granting Class Certification.

8. How do I exclude myself from the Settlement?

If you exclude yourself from the Settlement Class—sometimes called “opting out” of the Settlement Class—you won't get any money from and cannot object to this Settlement. However, you will be able to separately start your own lawsuit against, or continue to separately sue, Intero for the calls at issue in this case. If you exclude yourself, you will not be legally bound by the Settlement or the Court's judgment in this class action.

To exclude yourself from the Settlement Class, you must send a letter with the following information:

- Your name and address;
- The phone number(s) at which you received Intero calls between September 13, 2014 and December 19, 2019;
- A statement that you wish to be excluded from the Class in *Mitchell, et al. v. Intero Real Estate Services*, Case No. 5:18-cv-05623-BLF (N.D. Cal.); and
- Your signature.

You must mail your exclusion request postmarked by **July 6, 2022**, to:

Mitchell v. Intero Real Estate Settlement Administrator
P.O. Box 43501
Providence, RI 02940-3501

9. How do I object to the Settlement?

If you are a Settlement Class Member and do not exclude yourself from the Settlement, you can object to the Settlement, or any part of it. You can state the reasons you think the Court should not approve the Settlement, and the Court will consider your reasons.

To object, you must file a written statement with the Court stating that you object to the proposed Settlement in *Mitchell, et al. v. Intero Real Estate Services*, Case No. 5:18-cv-05623-BLF (N.D. Cal.). To be valid, your objection must include: 1) your name, address, and telephone number; 2) the telephone number at which you received calls on behalf of Intero; 3) if represented by an attorney, the name, address, and telephone number of the attorney; 4) the basis for your objection to the Settlement; and 5) a statement of whether you intend to appear at the Final Approval Hearing, either with or without an attorney. Any documents that you would like the Court to consider must also be attached to your objection.

Your written objection must be filed no later than **July 6, 2022**. You must mail your objection to:

Clerk of the Court
280 South 1st Street, Room 2112
San Jose, CA 95113

THE LAWYERS REPRESENTING THE SETTLEMENT CLASS

10. Do I have a lawyer in this case?

Yes, if you are a Settlement Class Member. The Court appointed the law firms of Tycko & Zavareei LLP, Reese LLP, and Bailey & Glasser, LLP to represent all Settlement Class Members in this case. They are called “Class Counsel.” They are experienced in handling similar class action cases.

You do not need to hire your own lawyer because Class Counsel is working on your behalf. You do not have to pay Class Counsel out of your own pocket.

You may seek the advice and guidance of your own lawyer, if you wish, at your own expense.

You can contact Class Counsel by filling out a contact form on the Case Website at www.InteroClassActionSettlement.com or by calling 1-844-594-2521.

11. How will the Class Counsel and Class Representatives be paid?

Class Counsel will ask the Court to approve and award attorneys’ fees and costs of up to \$2,775,000 to compensate them for the work they’ve done in connection with this case. Class Counsel will also request service awards of up to \$5,000 each for the Class Representatives, as compensation for their time and effort. Intero may object to these amounts, and the Court may award less. Intero has agreed to pay Class Counsel’s attorneys’ fees and costs (up to \$2,775,000), the service awards (up to \$5,000), and the Notice and Administration Costs, as approved by the Court. These payments will not reduce the amount of relief available to Settlement Class Members.

THE COURT’S FINAL APPROVAL HEARING

12. When and where will the Court decide whether to approve the Settlement?

The Court will hold a hearing (the Final Approval Hearing) to decide whether to approve the Settlement. The Final Approval Hearing will be held on October 20, 2022 at 9:00 a.m. in Courtroom 3 of the U.S. District Court for the Northern District of California, San Jose Division. The hearing may be held virtually and may be moved to a different date or time without additional notice. You may check the Settlement Website www.InteroClassActionSettlement.com, the Court’s PACER website (<https://pacer.uscourts.gov/file-case/court-cmecf-lookup/court/CANDC>), or Judge Freeman’s calendar (<https://cand.uscourts.gov/judges/freeman-beth-l-blf/>) for updates.

At the Final Approval Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate, and whether to award Class Counsel attorneys' fees, costs, and service awards to the Class Representatives, as described above, and in what amounts. If there are objections to the Settlement, the Court will consider them. At or after the hearing, the Court will decide whether to approve the Settlement. We do not know how long it will take the Court to issue its decision.

13. May I appear and speak at the Final Approval Hearing?

You do not have to come to the Final Approval Hearing. You may attend, however, at your own expense with or without an attorney. However, any Settlement Class Member who fails to object to the Settlement in the manner described in Section 9 above will not be permitted to object to any terms or approval of the Settlement at the Final Approval Hearing, and will not be permitted to appeal the Court's decision.

If you filed a timely objection in the manner describe in Section 9 above, you may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must file a written notice with the Court of your intention to appear at the Final Approval Hearing. The notice must include: 1) the case name/number; 2) your full name, address, and telephone number; and 3) copies of any papers, exhibits or other evidence that you intend to present to the Court in connection with the hearing.

Your written notice of intention to appear must be filed no later than **July 6, 2022**. You must mail your notice of intention to appear to:

Clerk of the Court
280 South 1st Street, Room 2112
San Jose, CA 95113

GETTING MORE INFORMATION

14. Where can I get more information?

The Settlement Website at www.InteroClassActionSettlement.com contains several court documents that provide additional information about this case, including the Settlement Agreement, the First Amended Class Action Complaint filed by the Plaintiffs, and Intero's Answer and Defenses, and the Court's Order Granting Preliminary Approval of the Settlement. This website will be updated with the most current information about the lawsuit as it becomes available.

You may also call the Settlement Administrator toll-free at 1-844-594-2521 or write to *Mitchell v. Intero Real Estate Settlement Administrator*, P.O. Box 43501, Providence, RI 02940-3501.

You may request contact with Class Counsel by filling out a contact form in the Case Documents tab of the Settlement Website.

Intero personnel, Intero agents, and Intero counsel are NOT authorized to discuss this case with you. Please do NOT call Intero about this case. Please direct all inquiries to Class Counsel or the Settlement Administrator.

15. How do I access the Court's case docket through PACER?

PACER is available to anyone who registers for an account. Sign up for one using the online registration process, at <https://pacer.uscourts.gov/register-account>. You will be asked to provide your name, address, phone number, email address and date of birth. For immediate access to court records, provide a credit card during registration. If you do not provide a credit card, an activation code will be sent by U.S. mail to the address you provide on the registration form. Please allow 7-10 business days for mail delivery.

There is no registration fee. However, the Judicial Conference of the United States has established a fee for access to PACER. Generally, documents cost \$0.10 per page, but if your usage is less than \$30 in a quarter, fees are waived.

To access the Court's docket in this case, log in to PACER at <https://ecf.cand.uscourts.gov/cgi-bin/login.pl>, using the Login name and password you obtained during the registration process. Once logged in, click on "Query" at the top of the screen. In the "Case Number" box, type in "5:18-cv-05623," click "Find this Case," and then click "Run Query." Click "Docket Report," then click "Run Report." The Docket Report lists all the docket entries in the case. If you know the date range or the document number(s) you are interested in, make the appropriate entries in the boxes; this will make the Docket Report shorter, and therefore less expensive to view. When you view the docket report, you will see the titles of the documents that have been filed in the case, and you can then click on documents you would like to access.