

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

DARYL TEBLUM, individually and  
on behalf of all others similarly  
situated,

Plaintiff,

CASE NO. 2:19-cv-403-MRM

v.

PHYSICIAN COMPASSIONATE  
CARE LLC,

Defendant.

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**PLAINTIFF’S RENEWED CONSENT MOTION FOR APPROVAL OF  
RENEWED PROPOSED NOTICE AND OBJECTION PROCEDURE**

Plaintiff Daryl Teblum, on behalf of himself and a class of similarly situated persons, and with the consent of Defendant Physician Compassionate Care LLC d/b/a DocMJ (“Defendant”) (referred collectively as the “Parties”), hereby respectfully requests that the Court approve the following renewed proposed notice and objection procedure.

As ordered by the Court on February 25, 2022, [Doc. 78], the case caption and date of the Court’s Order denying without prejudice the Unopposed Motion for Final Approval of Class Settlement and Application for Service Award and Attorneys’ Fees, [Doc. 74], has been corrected on both the proposed notices attached hereto and on the Settlement Website. *See* Declaration of KCC’s Lana Luchessi (“Luchessi Decl.”), at ¶¶ 4-6, attached as **Exhibit A**. The Court’s February 25, 2022 Order has been posted

on the Settlement Website. *See id.* at ¶ 6. This Renewed Motion will also be posted on the Settlement Website shortly after filing.

## I. INTRODUCTION

On May 14, 2021, Plaintiff filed an Unopposed Motion for Final Approval of Class Settlement and Application for Service Award and Attorneys' Fees (the "Motion for Final Approval"). [Doc. 67]. On June 14, 2021, the Court conducted an in-person fairness hearing. [*See* Doc. 70 at 1-47].

On January 24, 2022, this Court denied without prejudice Plaintiff's Motion for Final Approval (the "Order"). [Doc. 74]. First, the Court determined that certain deficiencies in the Settlement Website rendered class member notice inadequate—specifically, the lack of important case documents on the website. *See Id.* at pgs. 4-11. Second, the Order denied without prejudice Class Counsel's request for attorneys' fees because the fees request was not posted on the Settlement Website and thus did not give class members sufficient notice as to whether they would like to object. *Id.* at pgs. 12-13. Finally, the Court determined that authorization of Notice and Administration Costs was not properly requested. *Id.* at pgs. 13-15.

Through this Renewed Motion, Plaintiff, with the approval and consent of Defendant, seeks this Court's approval for the following proposed subsequent notice and objection procedure.<sup>1</sup> Further, Plaintiff seeks to update the Court on changes that have been made to the Settlement Website since the Court's Order.

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<sup>1</sup> Through separate motion, [Doc. 77], Plaintiff has sought approval of its attorney's fees and approval of the notice and administration costs but has respectfully requested

## II. RENEWED PROPOSED NOTICE AND OBJECTION PROCEDURE

Plaintiff, with the approval of Defendant, proposes the following renewed proposed notice and objection procedure and proposed timeline.

First, KCC Class Action Services LLC (“KCC”) will continue to serve as the Settlement Administrator and will be responsible for administering the subsequent Notice Program (“Re-Notice Program”).

Second, KCC has agreed to bear the cost of the Re-Notice Program. *See* Declaration of KCC’s H. Jacob Hack (“Hack Decl.”), at ¶¶ 7,13, attached as **Exhibit B**.

Third, on January 27, 2022, shortly after the Court’s Order, the Settlement Website was updated to include the following Case Documents:

1. Previously Approved Notice (Long Form Notice);
2. Claim Form;
3. Class Action Complaint [Doc. 1];
4. Defendant’s Answer and Affirmative Defenses [Doc. 18];
5. First Amended Class Action Complaint [Doc. 38];
6. Defendant’s Motion to Dismiss Plaintiff’s First Amended Class Action Complaint [Doc. 40];
7. Plaintiff’s Response in Opposition to Defendant’s Motion to Dismiss [Doc. 42];

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that the Court withhold entering an order on that motion until after the Second Fairness Hearing. *See id.* at fn. 1. Plaintiff filed that motion as early as possible to ensure Class Members get notice of Plaintiff’s requested fees, service award, and notice and administrative costs. That motion was posted on the Settlement Website shortly after filing. A renewed version of that motion will be filed shortly after the filing of this Motion to correct the case caption. That renewed motion will also be posted on the Settlement Website.

8. Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement [Doc. 49];
9. Settlement Agreement and Release [Doc. 49-1];
10. Report and Recommendation on Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement [Doc. 53];
11. Order on Plaintiff's Unopposed Motion for Preliminary Approval of Class Action Settlement [Doc. 54];
12. Plaintiff's Notice of Filing Revised Short Form Notices and Compliance with Court Order [Doc. 55];
13. Order approving Short Form Notice [Doc. 56];
14. Unopposed Motion for Final Approval of Class Settlement and Application for Service Award and Attorney's Fees [Doc. 67];
15. Order Denying Final Approval [Doc. 74];

*See* Hack Decl. at ¶ 8.<sup>2</sup> As required by this Court, the Settlement Website will continue to be updated to include subsequent filings, including this Motion, any approved notices, any future motions, and any future orders.

Fourth, the Settlement Website now includes the following “Frequently Asked Questions” regarding the breadth and scope of the Released Claims and the Released Parties as defined in the Settlement Agreement:

### **23. Who are the Released Parties?**

“Released Parties” means Physician Compassionate Care, LLC, a Florida limited liability company d/b/a “DocMJ,” Doctor Compassionate Care Ohio, LLC, an Ohio limited liability Company d/b/a “DocMJ,” Refuah Care, LLC, a Florida limited liability company, and each of their affiliates, agents, employees, members, managers, subsidiaries, predecessors, successors, parents, co-venturers, divisions, joint ventures and assigns, as well as each of those entities’ or persons’ past or present owners, investors, directors, officers, employees,

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<sup>2</sup> *See also* <http://www.physiciancompassionatecaretcpassettlement.com/case-documents.aspx> (last visited 3/2/2022).

partners, managers, members, principals, agents, underwriters, insurers, co-insurers, re-insurers, indemnitors, shareholders, attorneys, accountants or auditors, banks or investment banks, associates, personal or legal representatives, consultants, vendors, contractors, volunteers, performers, co-marketers, licensors, concessionaires, franchisors, and assigns.

#### **24. What are the Released Claims?**

“Released Claims” means any and all claims, actions, causes of action, rights, suits, defenses, debts, sums of money, payments, obligations, promises, damages, penalties, attorneys’ fees, costs, liens, judgments, and demands of any kind whatsoever that each member of the Settlement Class may have or may have had in the past, whether in arbitration, administrative, or judicial proceedings, whether as individual claims or as claims asserted on a class basis, whether past or present, mature or not yet mature, known or unknown, suspected or unsuspected, whether based on federal, state, or local law, statute, ordinance, regulations, contract, common law, or any other source, that were or could have been asserted in the Complaint, the Action, or that relate to or arise from the Allegations, including, but not limited to, any and all claims under the TCPA or any related state analogue.

*See* <http://www.physiciancompassionatecaretcpasettlement.com/frequently-asked-questions.aspx#a25> (last visited 3/2/2022); *see also* Hack Decl. at ¶ 9. Additionally, the Settlement Website has been updated to explain why Class Members are receiving notice and to notify Class Members that if they have already submitted a timely claim in the past they will not need to submit a new claim to receive compensation:

##### **1. Why is there a Notice?**

A court authorized this Notice because you have a right to know about a proposed Settlement of a class action lawsuit known as Teblum v. Physician Compassionate Care LLC d/b/a DocMJ, Case No. 2:19-cv-00403-MRM (M.D. Fla.) and about all of your options before the Court decides whether to give Final Approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights. Magistrate Judge Mac R. McCoy of the United States District Court for the Middle District of Florida is overseeing this case. The person who sued, Daryl

Teblum, is called the “Plaintiff.” Physician Compassionate Care LLC d/b/a DocMJ is called the “Defendant.”

On January 24, 2022, the Court denied without prejudice the Motion for Final Approval of Class Settlement and Application for Service Award and Attorneys’ Fees that was filed on May 14, 2021 due to deficiencies in the previous notice program. Copies of the order and the motion are available on this website in the Case Documents section. This notice is being provided as part of changes approved by the Court to cure these deficiencies. If you previously submitted a timely claim, you are not required to submit a new claim to receive compensation.

*See* <http://www.physiciancompassionatecaretcpsasettlement.com/frequently-asked-questions.aspx#a25> (last visited 3/2/2022).

Fifth, Plaintiff, with Defendant’s consent, proposes that class members who previously timely submitted claims **not** be required to submit a new claims form to obtain a payment. The Parties respectfully submit that not requiring these class members to submit a new claim helps ensure that class members that previously submitted claims will not be adversely impacted by the proposed Re-Notice Program. As discussed below, the proposed notices include language advising these class members that they do **not** need to submit a new claim.

Sixth, like the Notice Program that this Court previously approved, the proposed Re-Notice Program consists of three different components: (1) Email Notice; (2) Mailed Notice; and (3) Long-Form Notice. Agreement at III.B. Like the Notice Program previously approved by the Court, the primary form of notice in the Re-Notice Program is to be email notice. (*See* Doc. 74 at pgs. 4-5 (citing Doc. 53 at 15 (citing Doc. 49 at 5; Doc. 49-1 at 41-42, 44-51, 66-68))).

Seventh, the proposed notices agreed upon by Plaintiff and Defendant are attached hereto for the Court’s review and approval as follows:

<b><u>Form of Notice:</u></b>	<b><u>Exhibit #:</u></b>
Email Notice:	Attached as <b><u>Exhibit C</u></b>
Long Form Notice:	Attached as <b><u>Exhibit D</u></b>
Mail Notice:	Attached as <b><u>Exhibit E</u></b>

These notices are based on the notices previously approved by the Court (after revision), *see* (Doc. 74 at pg. 5 (citing Doc. 53 at 15-16, 17; Doc. 54; Docs. 55-56)).

For the Re-Notice Program, the notices have been revised to (1) in all notice formats, advise class members that they do not have to resubmit a claim if they have already done so, (2) in all notice formats, reflect that Magistrate Judge Mac R. McCoy of the United States District Court for the Middle District of Florida is presiding over this matter, (3) in the Email Notice and Long Form Notice (and not in the Mail Notice due to space constraints), inform class members why they are receiving notice again, and (4) in the Email Notice and Long Form Notice (and not in the Mail Notice due to space constraints), include language regarding which entities are released by the Settlement and what the released claims are.

Finally, the Parties respectfully propose the following timeline:

<b>Event</b>	<b>Proposed Date</b>

Deadline for Completion of Re-Notice	45 days after entry of an Order Approving Re-Notice Program
Deadline for filing Motion for Final Approval of the Settlement, for filing of Motion for Attorneys' Fees and Service Award, and for Motion for Approval of Notice and Administration Costs, and for posting such Motions on the Settlement Website	60 days before the Second Fairness Hearing
Deadline for opting-out of the Settlement and for submission of Objections	30 days before the Second Fairness Hearing
Deadline for Responses to Objections	15 days before the Second Fairness Hearing
Second Fairness Hearing Date:	Approximately 120 days after an Order Approving Re-Notice Program
Last day Class Claimants may submit a Claim Form	15 days after the Second Fairness Hearing

## V. CONCLUSION

Wherefore, Plaintiff and Class Counsel respectfully request that this Court approve this subsequent notice and objection procedure as outlined above.

### **LOCAL RULE 3.01(g) CERTIFICATION**

Pursuant to Local Rule 3.01(g), I hereby certify that counsel for Plaintiff conferred with counsel for Defendant regarding the issues raised in this motion, and Defendant consents to the relief requested herein.



Dated: March 2, 2022

Respectfully submitted,

**HIRALDO P.A.**

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Suite 1400  
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Email: mhiraldo@hiral dolaw.com  
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*Counsel for Plaintiff and the Class*

/s/ Ignacio J. Hiraldo

**IJH Law**

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Miami, FL 33131  
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Telephone: 786.496.4469  
*Counsel for Plaintiff and the Class*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 2, 2022, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notice of Electronic Filing generated by CM/ECF.

/s/ Ignacio J. Hiraldo

**IJH Law**

Ignacio J. Hiraldo, Esq.  
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1200 Brickell Ave  
Suite 1950

Miami, FL 33131  
Email: [ijhiraldo@ijhlaw.com](mailto:ijhiraldo@ijhlaw.com)  
Telephone: 786.496.4469  
*Counsel for Plaintiff and the Class*

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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

DARYL TEBLUM, *individually and on behalf of himself and others similarly situated,*

Plaintiff,

v.

PHYSICIAN COMPASSIONATE CARE LLC,

Defendant.

Case No. 2:19-cv-00403-MRM

**DECLARATION OF LANA LUCCHESI RE: UPDATES TO SETTLEMENT WEBSITE**

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I, Lana Lucchesi, declare and state as follows:

1. I am a Vice President with KCC Class Action Services, LLC (“KCC”), located in San Rafael, California. KCC was appointed as the Settlement Administrator in this matter and is not party to this action. I have personal knowledge of the matters stated herein and, if called upon, could and would testify thereto.
2. KCC is a leading class action administration firm that provides comprehensive class action services, including claims administration, legal notification, email and postal mailing campaign implementation, website design, call center support, class member data management, check and voucher disbursements, tax reporting, settlement fund escrow and reporting, and other related services critical to the effective administration of class action settlements. With more than thirty years of industry experience, KCC has developed efficient, secure and cost-effective methods to properly handle the voluminous data and mailings associated with the noticing, claims processing, and disbursement requirements of these matters to ensure the orderly and fair treatment of class members and all parties in interest.
3. KCC has served as the administrator across a wide range of practice types, including securities, antitrust, consumer, employment, and government, and our administrative work has included some of the largest and most complex private settlements, with individual cases that required direct notice to more than 25 million people and single case distributions of more than \$7 billion.

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KCC has handled the administration for over 7,000 settlements.

- 4. I submit this declaration in response to this Court’s February 25, 2022 Order which denied Plaintiff’s Consent Motion for Approval of Renewed Proposed Notice and Objection Procedure.
- 5. On February 25, 2022, KCC updated each page of the Settlement Website to reflect the correct case number (Case No. 2:19-cv-00403-MRM (M.D. Fla.) and to reflect that this Court’s Order denying Plaintiff’s Unopposed Motion for Final Approval of Class Settlement and Application for Service Award and Attorney’s Fees was entered on January 24, 2022 not January 24, 2021.
- 6. KCC also added the February 25, 2022 Order which denied Plaintiff’s Consent Motion for Approval of Renewed Proposed Notice and Objection Procedure to the Settlement Website.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 2, 2022:

  
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 Lana Lucchesi

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UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

DARYL TEBLUM, *individually and on behalf of himself and others similarly situated,*

Plaintiff,

v.

PHYSICIAN COMPASSIONATE CARE LLC,

Defendant.

Case No. 2:19-cv-403-FtM-38MRM

**DECLARATION OF H. JACOB HACK RE: DENIAL OF FINAL APPROVAL**

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I, H. Jacob Hack declare and state as follows:

1. I am a Senior Project Manager with KCC Class Action Services, LLC (“KCC”), located at 462 S. 4th Street, Louisville, KY 40202. KCC was appointed as the Settlement Administrator in this matter and is not party to this action. I have personal knowledge of the matters stated herein and, if called upon, could and would testify thereto.
2. KCC is a leading class action administration firm that provides comprehensive class action services, including claims administration, legal notification, email and postal mailing campaign implementation, website design, call center support, class member data management, check and voucher disbursements, tax reporting, settlement fund escrow and reporting, and other related services critical to the effective administration of class action settlements. With more than thirty years of industry experience, KCC has developed efficient, secure and cost-effective methods to properly handle the voluminous data and mailings associated with the noticing, claims processing, and disbursement requirements of these matters to ensure the orderly and fair treatment of class members and all parties in interest.
3. KCC has served as the administrator across a wide range of practice types, including securities, antitrust, consumer, employment, and government, and our administrative work has included some of the largest and most complex private settlements, with individual cases that required direct notice to more

1 than 25 million people and single case distributions of more than \$7 billion.

2 KCC has handled the administration for over 7,000 settlements.

3 4. I submit this declaration in response to the order denying Final Approval  
4 submitted on January 24, 2022.

5 5. On Monday, January 24, 2022, Class Counsel alerted KCC that the order  
6 denying Final Approval was submitted and requested a review of the website.

7 Upon review, KCC determined that a number of the court documents,  
8 including the *Class Action Complaint*, the *First Amended Class Action*  
9 *Complaint*, and the *Settlement Agreement and Release*, were left off of the  
10 settlement website.  
11

12 6. KCC determined that at the time the notice campaign was being scheduled, the  
13 project manager working on the administration was leaving KCC. In the  
14 transition of the administration from one project manager to another, there was  
15 a miscommunication about the website and whether or not it was fully up to  
16 date. As a result, the court documents were not made available on the website  
17 for the duration of the administration.  
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19 7. On January 26, 2022, KCC agreed that it will pay the costs for any re-notice  
20 plan approved by the Court.  
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22 8. On January 27, 2022, KCC made the following documents available on the  
23 website: the *Class Action Complaint*, *Defendant Physician Compassionate*  
24 *Care LLC d/b/a DocMJ's Answer and Affirmative Defenses to Plaintiff's Class*  
25 *Action Complaint*, the *First Amended Class Action Complaint*, *Defendant's*  
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1 *Motion to Dismiss Plaintiff's First Amended Class Action Complaint,*  
2 *Plaintiff's Response in Opposition to Defendant's Motion to Dismiss,*  
3 *Plaintiff's Unopposed Motion for Preliminary Approval of Class Action*  
4 *Settlement and Incorporated Memorandum of Law, the Settlement Agreement*  
5 *and Release, Report and Recommendation on Plaintiff's Unopposed Motion*  
6 *for Preliminary Approval of Class Action Settlement, Order on Plaintiff's*  
7 *Unopposed Motion for Preliminary Approval of Class Action Settlement,*  
8 *Plaintiff's Notice of Filing Revised Short Form Notices and Compliance with*  
9 *Court Order on Plaintiff's Unopposed Motion for Preliminary Approval,*  
10 *Order (approving short form notice), Unopposed Motion for Final Approval*  
11 *of Class Settlement and Application for Service Award and Attorneys' Fees,*  
12 *and Order (denying final approval).*

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16 9. In addition to the documents on the website, KCC added the following  
17 questions and answers to the Frequently Asked Questions section of the  
18 settlement website:  
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20 **Who are the Released Parties?**

21 *"Released Parties" means Physician Compassionate Care, LLC, a Florida limited*  
22 *liability company d/b/a "DocMJ," Doctor Compassionate Care Ohio, LLC, an Ohio*  
23 *limited liability Company d/b/a "DocMJ," Refuah Care, LLC, a Florida limited liability*  
24 *company, and each of their affiliates, agents, employees, members, managers,*  
25 *subsidiaries, predecessors, successors, parents, co-venturers, divisions, joint*  
26 *ventures and assigns, as well as each of those entities' or persons' past or present*  
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1 owners, investors, directors, officers, employees, partners, managers, members,  
2 principals, agents, underwriters, insurers, co-insurers, re-insurers, indemnitors,  
3 shareholders, attorneys, accountants or auditors, banks or investment banks,  
4 associates, personal or legal representatives, consultants, vendors, contractors,  
5 volunteers, performers, co-marketers, licensors, concessionaires, franchisors, and  
6 assigns.

7 **What are the Released Claims?**

8 “Released Claims” means any and all claims, actions, causes of action, rights, suits,  
9 defenses, debts, sums of money, payments, obligations, promises, damages,  
10 penalties, attorneys’ fees, costs, liens, judgments, and demands of any kind  
11 whatsoever that each member of the Settlement Class may have or may have had  
12 in the past, whether in arbitration, administrative, or judicial proceedings, whether  
13 as individual claims or as claims asserted on a class basis, whether past or present,  
14 mature or not yet mature, known or unknown, suspected or unsuspected, whether  
15 based on federal, state, or local law, statute, ordinance, regulations, contract,  
16 common law, or any other source, that were or could have been asserted in the  
17 Complaint, the Action, or that relate to or arise from the Allegations, including, but  
18 not limited to, any and all claims under the TCPA or any related state analogue.  
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22 10. KCC reviewed and determined that the costs to date for the settlement are  
23 \$34,164.99. The original cost of the settlement administration, if Final  
24 Approval was given and distribution had occurred, would have cost  
25 approximately \$46,158.75 in total.  
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28 11. KCC reviewed and determined that the cost to re-notice to the Class would be

1 approximately \$22,377. In total, the cost of the administration with the  
2 inclusion of the re-notice campaign will be approximately \$56,893.21.

3 12. Per the agreement with Counsel for this case, KCC will cover the costs of the  
4 re-notice campaign.

5 13. Accordingly, the \$22,377 that re-notice to the Class will cost will not be  
6 charged to the Settlement Fund.  
7

8 14. KCC only seeks \$34,164.99 from the Settlement Fund for costs and fees  
9 expended and incurred prior to the re-notice campaign.  
10

11 15. A non-exhaustive list of how the \$34,164.99 was incurred and spent follows:

- 12 a. On March 21, 2021 KCC caused the E-mail Notice to be sent to the  
13 40,296 eligible class members and the Mail Notice to be printed and  
14 mailed to the 573 potential class members.
- 15 b. Of the 40,296 Class Members E-mail Notices that were sent, 33,194  
16 were successfully delivered. Of the 7,102 undeliverable records, KCC  
17 worked with its data team to review the data and put together a mailing  
18 file for records where postal addresses were available. As a result,  
19 KCC identified 753 postal addresses. On April 29, 2021, KCC mailed  
20 a Mail Notice to these 753 eligible class members.
- 21 c. Since mailing the Mail Notices to the potential class members, KCC  
22 has received 114 Mail Notices returned by the USPS with  
23 undeliverable addresses. Through credit bureau and/or other public  
24 source databases, KCC performed address searches for these  
25 undeliverable Mail Notices and was able to find updated addresses for  
26 12 eligible class members. KCC promptly re-mailed Mail Notices to  
27 the found new addresses.
- 28 d. Per the parties' request, KCC was instructed to perform a supplemental  
notice campaign using the same E-mail Notice and Mail Notice as the  
initial notice campaign to class members where a claim form had not  
yet been received.

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- e. On May 14, 2021, KCC caused supplemental E-mail Notice to be sent to 40,239 eligible class members and supplemental Mail Notice to be printed and mailed to 556 potential class members.
- f. On or about March 21, 2021, KCC established the settlement class website at [www.physiciancompassionatecaretcpasettlement.com](http://www.physiciancompassionatecaretcpasettlement.com) to provide information to potential class members and to answer frequently asked questions.
- g. KCC established a toll-free telephone number at 1-844-917-2017. Eligible class members could call and obtain information about the Settlement or request a Claim Form and Long-Form Notice. The telephone hotline became operational by or around March 21, 2021 and is accessible 24 hours a day, 7 days a week.

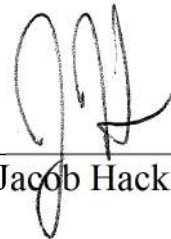
16. KCC also expects that if Final Approval is provided by this Court, costs and fees related to the distribution of the Settlement Fund to Class Members will cost an additional \$11,993.76.

17. In total KCC seeks \$46,158.75 in costs and fees related to notice and administration.

18. The costs and estimated costs of this administration are in line with what KCC charges in similar class action matters.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 16, 2022:



H. Jacob Hack

**IF YOU RECEIVED A TEXT MESSAGE FROM PHYSICIAN COMPASSIONATE CARE LLC D/B/A DOCMJ, YOU MAY BE ENTITLED TO A PAYMENT FROM A CLASS ACTION SETTLEMENT**

**If You Submitted a Timely Claim Previously You Are Not Required to Resubmit a New Claim to Receive Compensation.**

*Si desea recibir esta notificación en español, llámenos o visite nuestra página web.*

A settlement has been reached in a class action lawsuit alleging that Physician Compassionate Care LLC d/b/a DocMJ (“DocMJ”) sent text messages to wireless telephone numbers without consent of the recipients in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227. DocMJ denies the allegations and any wrongdoing. The Court has not decided who is right.

**Why am I Receiving Notice Again?** On January 24, 2022, the Judge presiding over this matter, Magistrate Judge Mac R. McCoy of the United States District Court for the Middle District of Florida, denied without prejudice the Motion for Final Approval of Class Settlement and Application for Service Award and Attorneys’ Fees that was filed on May 14, 2021 due to deficiencies in the previous notice program. Copies of the order and the motion are available on the Settlement Website. This notice is being sent as part of changes approved by the Court to cure these deficiencies. If you previously submitted a timely claim, you **are not** required to resubmit a new claim to receive compensation.

**Who’s Included?** The Settlement includes all persons who received a text message on their cell phone from DocMJ. Specifically, the class is defined as “All persons within the United States who (1) were sent a text message; (2) by or on behalf of Defendant; (3) on their mobile telephone; (4) from June 14, 2015 through the date of final approval; (5) using the text messaging platform provided by Twilio to send text messages like the one Plaintiff received.” You received this email because records show that you may be a Settlement Class Member.

**What Are the Settlement Terms?** DocMJ has agreed to pay class members who submit a valid Claim Form and to pay for notice and administration costs of the Settlement, attorneys’ fees and expenses incurred by counsel for the Settlement Class, and a service award for Plaintiff. Defendant will make available up to \$736,542 (the “Settlement Fund”). Each Settlement Class Member who submits a timely, valid, correct and verified Claim Form by the Claim Deadline in the manner required by the parties’ Settlement Agreement, making all the required affirmations and representations, shall be sent a Claim Settlement Check by the Administrator in the amount up to Eighteen Dollars (\$18.00), less any Notice and Administration Costs, Attorneys’ Fees and Expenses, and Service Award. One claim is allowed per Settlement Class Member.

**Who’s Released?** “Released Parties” means Physician Compassionate Care, LLC, a Florida limited liability company d/b/a “DocMJ,” Doctor Compassionate Care Ohio, LLC, an Ohio limited liability Company d/b/a “DocMJ,” Refuah Care, LLC, a Florida limited liability company, and each of their affiliates, agents, employees, members, managers, subsidiaries, predecessors, successors, parents, co-venturers, divisions, joint ventures and assigns, as well as each of those entities’ or persons’ past or present owners, investors, directors, officers, employees, partners,

managers, members, principals, agents, underwriters, insurers, co-insurers, re-insurers, indemnitors, shareholders, attorneys, accountants or auditors, banks or investment banks, associates, personal or legal representatives, consultants, vendors, contractors, volunteers, performers, co-marketers, licensors, concessionaires, franchisors, and assigns.

**What are the Released Claims?** “Released Claims” means any and all claims, actions, causes of action, rights, suits, defenses, debts, sums of money, payments, obligations, promises, damages, penalties, attorneys’ fees, costs, liens, judgments, and demands of any kind whatsoever that each member of the Settlement Class may have or may have had in the past, whether in arbitration, administrative, or judicial proceedings, whether as individual claims or as claims asserted on a class basis, whether past or present, mature or not yet mature, known or unknown, suspected or unsuspected, whether based on federal, state, or local law, statute, ordinance, regulations, contract, common law, or any other source, that were or could have been asserted in the Complaint, the Action, or that relate to or arise from the Allegations, including, but not limited to, any and all claims under the TCPA or any related state analogue.

**How Can I Get a Payment?** To get a payment, and only if you have not already submitted a valid Claim Form, you must complete and submit a valid, correct and verified Claim Form by the deadline stated below. If you have already submitted a valid Claim Form, you do not have to submit another Claim Form to receive a payment. You may download a Claim Form at the Settlement Website, [www.PhysicianCompassionateCareTCPAsettlement.com](http://www.PhysicianCompassionateCareTCPAsettlement.com), or request a Claim Form by calling the Settlement Administrator at the toll-free number below. To be valid, a Claim Form must be completed fully and accurately, signed under penalty of perjury, and submitted timely, as required by the terms of the parties’ Settlement Agreement. You may submit a Claim Form by U.S. mail, submit a Claim Form via email to [info@PhysicianCompassionateCareTCPAsettlement.com](mailto:info@PhysicianCompassionateCareTCPAsettlement.com) or file a Claim Form online at [www.PhysicianCompassionateCareTCPAsettlement.com](http://www.PhysicianCompassionateCareTCPAsettlement.com). If you send in a Claim Form by U.S. mail, it must be postmarked by **XX/XX/XXXX**. If you file a Claim Form online or via email, then you must so file by **11:59 p.m. EST on XX/XX/XXXX**.

**Your Other Options.** If you do not want to be legally bound by the Settlement, you must exclude yourself by **XX/XX/XXXX**. To exclude yourself from the Settlement, you must send a timely letter by mail to:

*Teblum v. Physician Compassionate Care LLC d/b/a DocMJ*  
TCPA Settlement Administrator  
P.O. Box 43502  
Providence, RI 02940-3502

Your request to be excluded from the Settlement must be personally signed by you under penalty of perjury and contain a statement that indicates your desire to be “excluded from the Settlement Class” and that, absent of excluding yourself or “opting out,” you are “otherwise a member of the Settlement Class.” Your exclusion request must be postmarked no later than **XX/XX/XXXX**. You cannot ask to be excluded on the phone, by email, or at the Settlement Website. You may opt out of the Settlement Class only for yourself. The Court will exclude from the class any member who requests exclusion. If you exclude yourself you will not

receive any payment from the Settlement Fund. If you do not exclude yourself, you will give up the right to sue Defendant for the claims that the Settlement resolves. You must exclude yourself from this Settlement Class in order to pursue your own lawsuit.

If you are a Settlement Class Member and do not exclude yourself from the Settlement Class, you may object to the Settlement by XX/XX/XXXX. To object, you must timely submit a letter that includes the following: 1) A heading that includes the case name and case number—*Teblum v. Physician Compassionate Care LLC d/b/a DocMJ*, Case No. 2:19-cv-00403-MRM (M.D. Fla.); 2) Your name, address, telephone number, the cell phone number at which you received text messages from Defendant and if represented by counsel, the name, bar number, address, and telephone number of your counsel; 3) A signed statement stating, under penalty of perjury, that you received one or more text message from Defendant and are a member of the Settlement Class; 4) A statement of all your objections to the Settlement including your legal and factual basis for each objection; 5) A statement of whether you intend to appear at the Final Approval Hearing, either with or without counsel, and if with counsel, the name of your counsel who will attend; 6) The number of times in which your counsel and/or counsel’s law firm have objected to a class action settlement within the five years preceding the date that you file the objection, the caption of each case in which counsel or the firm has made such objection, and a copy of any orders related to or ruling upon counsel’s or the firm’s prior objections that were issued by the trial and appellate courts in each listed case; 7) A list of all persons who will be called to testify at the Final Approval Hearing in support of the objection; and 8) Any and all agreements that relate to the objection or the process of objecting—whether written or verbal—between you or your counsel and any other person or entity. If you wish to object, you must file your objection with the Court (using the Court’s electronic filing system or in any manner in which the Court accepts filings) and mail your objection to each of the following three (3) addresses, and your objection must be postmarked by XX/XX/XXXX.

Clerk of the Court	Class Counsel	Defendant’s Counsel
United States District Court for the Middle District of Florida 2110 First Street Fort Myers, Florida 33901	Manuel S. Hiraldo, Esq. Hiraldo P.A. 401 E. Las Olas Blvd., Ste. 1400 Fort Lauderdale, FL 33301	Maria Vigilante, Esq. Blank Rome LLP 500 East Broward Blvd. Suite 2100 Fort Lauderdale, FL 33394

The Court will hold a Final Approval Hearing on XX/XX/XXXX to consider whether to approve the Settlement, a request for attorneys’ fees of up to 25% of the total amount of the Settlement, and a service award of \$5,000 to the Class Representative. You may appear at the hearing, either yourself or through an attorney you hire, but you don’t have to. For more information, call or visit the Settlement Website.

UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF FLORIDA

**If You Were Sent a Text Message from Physician  
Compassionate Care d/b/a DocMJ, You May Be  
Entitled to a Payment from a Class Action  
Settlement.**

**If You Previously Submitted a Timely Claim, You Are Not Required to  
Submit a New Claim to Receive Compensation.**

*A federal court authorized this Notice. You are not being sued. This is not a solicitation from a lawyer.*

- A Settlement<sup>1</sup> has been reached in a class action lawsuit about whether Defendant Physician Compassionate Care, LLC, d/b/a DocMJ (“DocMJ” or “Defendant”) sent text messages to mobile telephone numbers without prior express written consent of the recipients in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”). Defendant denies the allegations and any wrongdoing. The Court has not decided who is right.
- The Settlement offers payments to Settlement Class Members who file valid Claims.
- Your legal rights are affected whether you act or do not act. Read this Notice carefully.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT A CLAIM FORM</b>	If you are a member of the Settlement Class, you must submit a completed Claim Form to receive a payment. If you have already submitted a Claim Form, you <b>do not</b> have to submit a new Claim Form. If the Court approves the Settlement and it becomes final and effective, and you remain in the Settlement Class, you will receive your payment by check.
<b>EXCLUDE YOURSELF</b>	You may request to be excluded from the Settlement and, if you do, you will receive no benefits from the Settlement.
<b>OBJECT</b>	Write to the Court if you do not like the Settlement.
<b>GO TO A HEARING</b>	Ask to speak in court about the fairness of the Settlement.
<b>DO NOTHING</b>	You will not receive a payment if you fail to timely submit a completed Claim Form, and you will give up your right to bring your own lawsuit against Defendant about the Claims in this case.

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the Settlement. If it does, and after any appeals are resolved, benefits will be distributed to those who submit qualifying Claim Forms. Please be patient.

<sup>1</sup> Capitalized terms herein have the same meanings as those defined in the Settlement Agreement, a copy of which may be found online at the Settlement Website below.

**QUESTIONS? CALL 1-844-917-2017 OR VISIT at  
[www.PhysicianCompassionateCareTCPAsettlement.com](http://www.PhysicianCompassionateCareTCPAsettlement.com)**



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## BASIC INFORMATION

### 1. Why is there a Notice?

A court authorized this Notice because you have a right to know about a proposed Settlement of a class action lawsuit known as *Teblum v. Physician Compassionate Care LLC d/b/a DocMJ*, Case No. 2:19-cv-00403-MRM (M.D. Fla.) and about all of your options before the Court decides whether to give Final Approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

Magistrate Judge Mac R. McCoy of the United States District Court for the Middle District of Florida is overseeing this case. The person who sued, Daryl Teblum, is called the “Plaintiff.” Physician Compassionate Care LLC d/b/a DocMJ is called the “Defendant.”

On January 24, 2022, the Court denied without prejudice the Motion for Final Approval of Class Settlement and Application for Service Award and Attorneys’ Fees that was filed on May 14, 2021 due to deficiencies in the previous notice program. Copies of the order and the motion are available on the Settlement Website. This notice is being revised as part of changes approved by the Court to cure these deficiencies. If you previously submitted a timely claim, you **are not** required to resubmit a new claim to receive compensation.

### 2. What is this litigation about?

The lawsuit alleges that Defendant sent a text message to Plaintiff’s wireless telephone number marketing its goods, services or property without prior express written consent in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”) and seeks actual and statutory damages under the TCPA on behalf of the named Plaintiff and a class of all individuals in the United States.

Defendant denies each and every allegation of wrongdoing, liability, and damages that were or could have been asserted in the litigation and that the claims in the litigation would be appropriate for class treatment if the litigation were to proceed through trial.

The Plaintiff’s Complaint, Settlement Agreement, and other case-related documents are posted on the Settlement Website at [www.physiciancompassionatecaretcpsettlement.com/case-documents.aspx](http://www.physiciancompassionatecaretcpsettlement.com/case-documents.aspx). The Settlement resolves the lawsuit. The Court has not decided who is right.

### 3. What is the Telephone Consumer Protection Act?

The Telephone Consumer Protection Act (commonly referred to as the “TCPA”) is a federal law that restricts telephone solicitations and the use of automated telephone equipment.

### 4. Why is this a class action?

In a class action, one person called the “Class Representative” (in this case, Plaintiff Daryl Teblum) sues on behalf of himself and other people with similar claims.

All of the people who have claims similar to the Plaintiffs are Settlement Class Members, except for those who exclude themselves from the class.

### 5. Why is there a settlement?

**QUESTIONS? CALL 1-844-917-2017 OR VISIT at  
[www.PhysicianCompassionateCareTCPAsettlement.com](http://www.PhysicianCompassionateCareTCPAsettlement.com)**

The Court has not found in favor of either Plaintiff or Defendant. Instead, both sides have agreed to a settlement. By agreeing to the Settlement, the parties avoid the costs and uncertainty of a trial, and if the Settlement is approved by the Court, Settlement Class Claimants will receive the benefits described in this Notice. Defendant denies all legal claims in this case. Plaintiff and his lawyers think the proposed Settlement is best for everyone who is affected.

## WHO IS PART OF THE SETTLEMENT?

### 6. Who is included in the Settlement?

The Settlement includes all persons who received a text message on their cell phone from Defendant. Specifically, the Settlement is defined as:

All persons within the United States who (1) were sent a text message; (2) by or on behalf of Defendant; (3) on their mobile telephone; (4) from June 14, 2015 through the date of final approval; (5) using the text messaging platform provided by Twilio to send text messages like the one Plaintiff received.

Persons meeting this definition are referred to collectively as the “Settlement Class” and, individually, as “Settlement Class Members” or a “Settlement Class Member.”

Excluded from the Settlement Class are: (1) the trial judge and magistrate judge presiding over this case; (2) DocMJ, as well as any parent, subsidiary, affiliate, or control person of DocMJ, and the officers, directors, agents, members, managers, servants, or employees of DocMJ; (3) any of the Released Parties; (4) the immediate family of any such person(s); and (5) Plaintiff’s Counsel, their employees, and their immediate family.

“Released Parties” means Physician Compassionate Care, LLC, a Florida limited liability company d/b/a “DocMJ,” Doctor Compassionate Care Ohio, LLC, an Ohio limited liability Company d/b/a “DocMJ,” Refuah Care, LLC, a Florida limited liability company, and each of their affiliates, agents, employees, members, managers, subsidiaries, predecessors, successors, parents, co-venturers, divisions, joint ventures and assigns, as well as each of those entities’ or persons’ past or present owners, investors, directors, officers, employees, partners, managers, members, principals, agents, underwriters, insurers, co-insurers, re-insurers, indemnitors, shareholders, attorneys, accountants or auditors, banks or investment banks, associates, personal or legal representatives, consultants, vendors, contractors, volunteers, performers, co-marketers, licensors, concessionaires, franchisors, and assigns.

“Released Claims” means any and all claims, actions, causes of action, rights, suits, defenses, debts, sums of money, payments, obligations, promises, damages, penalties, attorneys’ fees, costs, liens, judgments, and demands of any kind whatsoever that each member of the Settlement Class may have or may have had in the past, whether in arbitration, administrative, or judicial proceedings, whether as individual claims or as claims asserted on a class basis, whether past or present, mature or not yet mature, known or unknown, suspected or unsuspected, whether based on federal, state, or local law, statute, ordinance, regulations, contract, common law, or any other source, that were or could have been asserted in the Complaint, the Action, or that relate to or arise from the Allegations, including, but not limited to, any and all claims under the TCPA or any related state analogue.

### 7. What if I am not sure whether I am included in the Settlement?

If you are not sure whether you are in the Settlement Class or have any other questions about the Settlement, visit the Settlement Website at [www.PhysicianCompassionateCareTCPAsettlement.com](http://www.PhysicianCompassionateCareTCPAsettlement.com) or call the toll-free number, 1-844-917-2017. You also may send questions to the Settlement

**QUESTIONS? CALL 1-844-917-2017 OR VISIT at  
[www.PhysicianCompassionateCareTCPAsettlement.com](http://www.PhysicianCompassionateCareTCPAsettlement.com)**

Administrator at Teblum TCPA Settlement Administrator, P.O. Box 43502, Providence, RI 02940-3502.

## THE SETTLEMENT BENEFITS

### 8. What does the Settlement provide?

To fully settle and release claims of the Settlement Class Members, Defendant has agreed to make payments to the Settlement Class Members and pay for notice and administration costs of the Settlement, attorneys' fees and expenses incurred by counsel for the Settlement Class, and a service award for Plaintiff (the "Settlement Fund"). Each Settlement Class member who timely files with the Settlement Administrator a valid Claim Form will receive a check for up to \$18.00, less notice and administration costs, attorneys' fees and expenses, and a service award.

### 9. How do I file a Claim?

If you qualify for a payment, you must complete and submit a valid Claim Form. You may download a Claim Form at the Settlement Website, [www.PhysicianCompassionateCareTCPAsettlement.com](http://www.PhysicianCompassionateCareTCPAsettlement.com), or request a Claim Form by calling the Settlement Administrator at the toll-free number below. To be valid, a Claim Form must be completed fully and accurately, signed under penalty of perjury, and submitted timely.

You may submit a Claim Form by U.S. mail and it must be postmarked by XX/XX/XXXX. You may also submit a Claim Form online at [www.PhysicianCompassionateCareTCPAsettlement.com](http://www.PhysicianCompassionateCareTCPAsettlement.com) or via email at [info@PhysicianCompassionateCareTCPAsettlement.com](mailto:info@PhysicianCompassionateCareTCPAsettlement.com). The deadline to file a Claim Form online or via email is 11:59 p.m. EST on XX/XX/XXXX.

Please read the Claim Form carefully and provide all the information required. Only one Claim Form may be submitted per Settlement Class Member.

### 10. When will I receive my payment?

Payments to Settlement Class Members will be made only after the Court grants Final Approval to the Settlement and after any appeals are resolved (*see* "Final Approval Hearing" below). If there are appeals, resolving them can take time. Please be patient.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want benefits from the Settlement, and you want to keep the right to sue or continue to sue Defendant on your own about the legal issues in this case, then you must take steps to get out of the Settlement. This is called excluding yourself—or it is sometimes referred to as "opting out" of the Settlement Class.

### 11. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send a timely letter by mail to:

*Teblum v. Physician Compassionate Care LLC d/b/a DocMJ* Settlement Administrator  
P.O. Box 43502  
Providence, RI 02940-3502

**QUESTIONS? CALL 1-844-917-2017 OR VISIT at  
[www.PhysicianCompassionateCareTCPAsettlement.com](http://www.PhysicianCompassionateCareTCPAsettlement.com)**

Your request to be excluded from the Settlement must be personally signed by you under penalty of perjury and contain a statement that indicates your desire to be “excluded from the Settlement Class” and that, absent of excluding yourself or “opting out,” you are “otherwise a member of the Settlement Class.”

Your exclusion request must be postmarked no later than XX/XX/XXXX. You cannot ask to be excluded on the phone, by email, or at the Settlement Website.

You may opt out of the Settlement Class only for yourself.

**12. If I do not exclude myself, can I sue Defendant for the same thing later?**

No. Unless you exclude yourself, you give up the right to sue Defendant for the claims that the Settlement resolves. You must exclude yourself from this Settlement Class in order to pursue your own lawsuit.

**13. What am I giving up to stay in the Settlement Class?**

Unless you opt out of the Settlement, you cannot sue or be part of any other lawsuit against Defendant about the issues in this case, including any existing litigation, arbitration, or proceeding. Unless you exclude yourself, all of the decisions and judgments by the Court will bind you.

The Settlement Agreement is available at [www.physiciancompassionatecaretcpasettlement.com/case-documents.aspx](http://www.physiciancompassionatecaretcpasettlement.com/case-documents.aspx). The Settlement Agreement provides more detail regarding the Releases and describes the Released Claims with specific descriptions in necessary, accurate legal terminology, so read it carefully. You can talk to the law firms representing the Settlement Class listed in Question 15 for free, or you can, at your own expense, talk to your own lawyer if you have any questions about the Released Claims or what they mean.

**14. If I exclude myself, can I still get a payment?**

No. You will not get a payment from the Settlement Fund if you exclude yourself from the Settlement.

**THE LAWYERS REPRESENTING YOU**

**15. Do I have a lawyer in the case?**

The Court has appointed the following lawyers as “Class Counsel” to represent all members of the Settlement Class.

Manuel S. Hiraldo, Esq.  
Hiraldo P.A.  
401 E. Las Olas Blvd., Ste. 1400  
Fort Lauderdale, FL 33301

Ignacio J. Hiraldo, Esq  
IJH Law  
1200 Brickell Ave., Ste. 1950  
Miami, FL 33131

**QUESTIONS? CALL 1-844-917-2017 OR VISIT at  
[www.PhysicianCompassionateCareTCPAsettlement.com](http://www.PhysicianCompassionateCareTCPAsettlement.com)**

Michael Eisenband, Esq.  
Eisenband Law, P.A.  
515 E. Las Olas Blvd., Suite 120  
Fort Lauderdale, FL 33301

You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

**16. How will the lawyers be paid?**

Class Counsel intend to request up to 25% of the value of the Settlement for attorneys' fees, including reimbursement of reasonable, actual out-of-pocket expenses incurred in the litigation. The fees and expenses awarded by the Court will be paid out of the Settlement Fund. The Court will decide the amount of fees and expenses to award.

Class Counsel will also request that a Service Award of \$5,000.00 be paid from the Settlement Fund to the Class Representative for his service as representative on behalf of the whole Settlement Class.

**OBJECTING TO THE SETTLEMENT**

**17. How do I tell the Court if I do not like the Settlement?**

If you are a Settlement Class Member (and do not exclude yourself from the Settlement Class), you can object to any part of the Settlement. To object, you must timely submit a letter that includes the following:

- 1) A heading that includes the case name and case number—*Teblum v. Physician Compassionate Care LLC d/b/a DocMJ*, Case No. 2:19-cv-00403-MRM (M.D. Fla.)
- 2) Your name, address, telephone number, the cell phone number at which you received text messages from Defendant and if represented by counsel, the name, bar number, address, and telephone number of your counsel;
- 3) A signed statement stating, under penalty of perjury, that you received one or more text message from Defendant and are a member of the Settlement Class;
- 4) A statement of all your objections to the Settlement including your legal and factual basis for each objection;
- 5) A statement of whether you intend to appear at the Final Approval Hearing, either with or without counsel, and if with counsel, the name of your counsel who will attend;
- 6) The number of times in which your counsel and/or counsel's law firm have objected to a class action settlement within the five years preceding the date that you file the objection, the caption of each case in which counsel or the firm has made such objection, and a copy of any orders related to or ruling upon counsel's or the firm's prior objections that were issued by the trial and appellate courts in each listed case;
- 7) A list of all persons who will be called to testify at the Final Approval Hearing in support of the objection; and
- 8) Any and all agreements that relate to the objection or the process of objecting—whether written or verbal—between you or your counsel and any other person or entity.

**QUESTIONS? CALL 1-844-917-2017 OR VISIT at  
[www.PhysicianCompassionateCareTCPAsettlement.com](http://www.PhysicianCompassionateCareTCPAsettlement.com)**

If you wish to object, you must file your objection with the Court (using the Court’s electronic filing system or in any manner in which the Court accepts filings) and mail your objection to each of the following three (3) addresses, and your objection must be postmarked by **XXXXXXXXXX**.

Clerk of the Court	Class Counsel	Defendant’s Counsel
United States District Court for the Middle District of Florida 2110 First Street Fort Myers, Florida 33901	Manuel S. Hiraldo, Esq. Hiraldo P.A. 401 E. Las Olas Blvd., Ste. 1400 Fort Lauderdale, FL 33301	Maria Vigilante, Esq. Blank Rome LLP 500 East Broward Blvd. Suite 2100 Fort Lauderdale, FL 33394

**18. What is the difference between objecting and asking to be excluded?**

Objecting is telling the Court that you do not like something about the Settlement. You can object to the Settlement only if you do not exclude yourself. Excluding yourself is telling the Court that you do not want to be part of the Settlement. If you exclude yourself, you have no basis to object to the Settlement because it no longer affects you.

**THE FINAL APPROVAL HEARING**

The Court will hold a hearing to decide whether to approve the Settlement and any requests for fees and expenses (“Final Approval Hearing”).

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

The Court has scheduled a Final Approval Hearing on XX/XX/XXXX at **xxx a.m.** at the xxxxxxxxxxxxxx. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check [www.PhysicianCompassionateCareTCPAsettlement.com](http://www.PhysicianCompassionateCareTCPAsettlement.com) for updates. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider the requests by Class Counsel for attorneys’ fees and expenses and for a Service Award to the Class Representative. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the Settlement. It is unknown how long these decisions will take.

**20. Do I have to attend the hearing?**

No. Class Counsel will answer any questions the Court may have. But you are welcome to attend the hearing at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you submitted your written objection on time to the proper addresses and it complies with all the other requirements set forth above, the Court will consider it. You may also pay your own lawyer to attend the hearing, but it is not necessary.

**21. May I speak at the hearing?**

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, your timely filed objection must include a statement of whether you intend to appear at the Final Approval Hearing (*see* Question 17 above).

You cannot speak at the hearing if you exclude yourself from the Settlement.

## **IF YOU DO NOTHING**

### **22. What happens if I do nothing at all?**

If you are a Settlement Class member and do nothing, meaning you do not file a timely Claim, you will not get benefits from the Settlement. Further, unless you exclude yourself, you will be bound by the judgment entered by the Court.

## **GETTING MORE INFORMATION**

### **23. How do I get more information?**

This Notice summarizes the proposed Settlement. You are urged to review more details in the Settlement Agreement. For a complete, definitive statement of the Settlement terms, refer to the Settlement Agreement at [www.PhysicianCompassionateCareTCPAsettlement.com](http://www.PhysicianCompassionateCareTCPAsettlement.com). You also may write with questions to the Settlement Administrator at Teblum v. Physician Compassionate Care LLC d/b/a DocMJ Settlement Administrator, P.O. Box 43502, Providence, RI 02940-3502 or call the toll-free number, 1-844-917-2017.

**QUESTIONS? CALL 1-844-917-2017 OR VISIT at  
[www.PhysicianCompassionateCareTCPAsettlement.com](http://www.PhysicianCompassionateCareTCPAsettlement.com)**



*Peblum v. Physician Compassionate*

Care LLC d/b/a DocMJ

Settlement Administrator

PO Box 43502

Providence, RI 02940-3502

FIRST-CLASS MAIL  
U.S. POSTAGE  
PAID  
Portland, OR  
PERMIT NO. 2882

## Legal Notice about a Class Action Settlement

<<BARCODE>>

<<NAME1>>

<<NAME2>>

<<ADDRESS1>>

<<ADDRESS2>>

<<CITY, ST, ZIP>>

<<COUNTRY>>

<<Mail ID>>

### Claim Form

To submit a Claim for a payment from the Settlement Fund, please fill out the Claim Form below and submit it via email to [info@PhysicianCompassionateCareTCPAsettlement.com](mailto:info@PhysicianCompassionateCareTCPAsettlement.com) or by U.S. mail. You may also file a Claim Form online at [www.PhysicianCompassionateCareTCPAsettlement.com](http://www.PhysicianCompassionateCareTCPAsettlement.com). The deadline to file a claim online or by email is **11:59 p.m. EST on XX/XX/XXXX**. If you send in a Claim Form by regular mail, it must be postmarked on or before **XX/XX/XXXX**.

\*First Name:

\*MI:

\*Last Name:

\*Address:

\*City:

\*State:

\*ZIP Code:

\*Cellular Telephone Number that received one or more texts from Physician Compassionate Care LLC d/b/a DocMJ:

Telephone Number where you can be reached if different from above:

Your Email Address:

\*I declare under penalty of perjury that to the best of my knowledge I received one (1) or more text messages from Physician Compassionate Care LLC d/b/a DocMJ

\*Signature:

\*Date (MM/DD/YY):

**\*Denotes Information You Must Provide To Have A Valid Claim**

Questions? Visit [www.PhysicianCompassionateCareTCPAsettlement.com](http://www.PhysicianCompassionateCareTCPAsettlement.com) or call 1-844-917-2017

**If You Received a Text Message from Physician Compassionate Care LLC, d/b/a DocMJ You May Be Entitled to a Payment from a Class Action Settlement.** If You Previously Submitted a Timely Claim You Are Not Required to submit a New Claim to Receive Compensation.

A \$736,542.00 settlement has been reached in a class action lawsuit claiming that Physician Compassionate Care LLC, d/b/a DocMJ ("DocMJ" or "Defendant") sent text messages to wireless telephone numbers without consent of the recipients in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227. Defendant denies the allegations in the lawsuit, and the Court has not decided who is right.

**Who's Included?** You received this email because Defendant's records show that you may be a Settlement Class Member. The Settlement includes all persons residing in the United States who received a text message call like the one Plaintiff received from Defendants from June 14, 2015 through the date of certification.

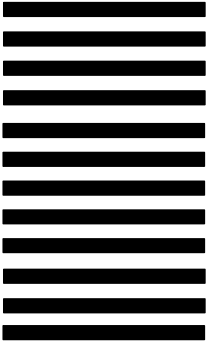
**What Are the Settlement Terms?** Defendants have agreed to make \$736,542.00 available to the Settlement Class, which will be used to pay individuals who submit valid Claims, attorneys' fees, a Service Award and to the Class Representative. The cash payments, which are up to \$18.00, less Notice and Administration costs, Attorney's Fees and costs, and Incentive Award, from the Settlement Fund will be distributed to Settlement Class Members who submit a valid Claim. One Claim is allowed per Settlement Class Member.

**How Can I Get a Payment?** To get a payment, you must submit a Claim Form by U.S. mail or via email info@PhysicianCompassionateCareTCPAsettlement.com or file a claim online PhysicianCompassionateCareTCPAsettlement.com. A Claim Form is attached to this notice. You may also download a Claim Form online at www.PhysicianCompassionateCareTCPAsettlement.com or call the Settlement Administrator at the toll-free number below to request a Claim Form. To be valid, a Claim Form must be completed fully and accurately, signed under penalty of perjury, and submitted timely. If you send in a Claim Form by regular mail, it must be postmarked on or before **XX/XX/XXXX**. The deadline to file a Claim online or via email is **11:59 pm. EST on XX/XX/XXXX**.

**Your Other Options.** If you do not want to be legally bound by the Settlement, you must exclude yourself by **XX/XX/XXXX**. To exclude yourself from the Settlement, you must send a timely letter by mail to: *Teblum v. Physician Compassionate Care LLC d/b/a DocMJ* Settlement Administrator, P.O. Box 43502, Providence, RI 02940-3502. Your request to be excluded from the Settlement must be personally signed by you under penalty of perjury and contain a statement that indicates your desire to be "excluded from the Settlement Class" and that, absent of excluding yourself or "opting out," you are "otherwise a member of the Settlement Class." Your exclusion request must be postmarked no later than **XX/XX/XXXX**. You cannot ask to be excluded on the phone, by email, or at the Settlement Website. You may opt out of the Settlement Class only for yourself. The Court will exclude from the class any member who requests exclusion. If you exclude yourself you will not receive any payment from the Settlement Fund. If you do not exclude yourself, you will give up the right to sue Defendant for the claims that the Settlement resolves. You must exclude yourself from this Settlement Class in order to pursue your own lawsuit. If you are a Settlement Class Member and do not exclude yourself from the Settlement Class, you may object to the Settlement by **XX/XX/XXXX**. To object, you must timely submit a letter that includes the following: 1) A heading that includes the case name and case number—*Teblum v. Physician Compassionate Care LLC d/b/a DocMJ*, Case No. 2:19-cv-00403-MRM (M.D. Fla.); 2) Your name, address, telephone number, the cell phone number at which you received text messages from Defendant and if represented by counsel, the name, bar number, address, and telephone number of your counsel; 3) A signed statement stating, under penalty of perjury, that you received one or more text message from Defendant and are a member of the Settlement Class; 4) A statement of all your objections to the Settlement including your legal and factual basis for each objection; 5) A statement of whether you intend to appear at the Final Approval Hearing, either with or without counsel, and if with counsel, the name of your counsel who will attend; 6) The number of times in which your counsel and/or counsel's law firm have objected to a class action settlement within the five years preceding the date that you file the objection, the caption of each case in which counsel or the firm has made such objection, and a copy of any orders related to or ruling upon counsel's or the firm's prior objections that were issued by the trial and appellate courts in each listed case; 7) A list of all persons who will be called to testify at the Final Approval Hearing in support of the objection; and 8) Any and all agreements that relate to the objection or the process of objecting—whether written or verbal—between you or your counsel and any other person or entity. If you wish to object, you must file your objection with the Court (using the Court's electronic filing system or in any manner in which the Court accepts filings) and mail your objection to each of the following three (3) addresses, and your objection must be postmarked by **XX/XX/XXXX**: 1) Clerk of the Court, United States District Court for the Middle District of Florida, 2110 First Street Fort Myers, Florida 33901; 2) Class Counsel, Manuel S. Hiraldo, Esq., Hiraldo P.A. 401 E. Las Olas Blvd., Ste. 1400, Fort Lauderdale, FL 33301; and 3) Defendant's Counsel, Maria Vigilante, Esq., Blank Rome LLP, 500 East Broward Blvd. Suite 2100, Fort Lauderdale, FL 33394. The Court will hold a Final Approval Hearing on **XX/XX/XXXX** to consider whether to approve the Settlement, a request for attorneys' fees of up to 25% of the total amount of the Settlement, and a service award of \$5,000 to the Class Representative. You may appear at the hearing, either yourself or through an attorney you hire, but you don't have to. For more information, call (1-844-917-2017) or visit the Settlement Website ([www.PhysicianCompassionateCareTCPAsettlement.com](http://www.PhysicianCompassionateCareTCPAsettlement.com))



NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES



**BUSINESS REPLY MAIL**  
FIRST-CLASS MAIL      PERMIT NO 581      PORTLAND OR

POSTAGE WILL BE PAID BY ADDRESSEE

TEBLUM V PHYSICIAN COMPASSIONATE  
CARE LLC D/B/A DOCMJ  
SETTLEMENT ADMINISTRATOR  
PO BOX 43502  
PROVIDENCE RI 02940-9990

