

LEGAL NOTICE OF PROPOSED SETTLEMENT

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

ABC Bartending School of Miami, Inc. v. American Chemicals & Equipment, Inc. and Steven Mote
(Case No. 15-CV-23142-KMW) / *Bais Yaakov of Spring Valley v. American Chemicals & Equipment, Inc.*
(Case No. 16-CV-24705-KMW)

A federal court authorized this legal notice. This is not a solicitation from a lawyer.

IF YOU RECEIVED ANY FAX ADVERTISEMENT(S) FROM OR ON BEHALF OF AMERICAN CHEMICALS & EQUIPMENT, INC., AND/OR STEVEN K. MOTE, BETWEEN OCTOBER 22, 2012 AND SEPTEMBER 20, 2016, INCLUDING BUT NOT LIMITED TO FAX ADVERTISEMENT(S) PROMOTING “GORILLA GLIDES”, “WWW.GORILLAGLIDES.COM”, AND OFFERING “GORILLA GLIDES” FLOOR PROTECTION PRODUCTS, AND/OR “STOCKUP.COM”, AND OFFERING OFFICE SUPPLY PRODUCTS, YOU MAY BE ELIGIBLE FOR A PAYMENT FROM A CLASS ACTION SETTLEMENT

- A proposed settlement of two consolidated class action lawsuits will provide \$1,550,000, less certain expenses, to pay claims of varying amounts to recipients of fax advertisements sent from or on behalf of defendants American Chemicals & Equipment, Inc. and/or Steven K. Mote, between October 22, 2012 and September 20, 2016. In return for making this payment, the defendants will be released from liability for sending fax advertisements to those fax recipients, unless the fax recipients affirmatively opt out of the settlement.
- The plaintiffs in the lawsuits have alleged that defendants sent fax advertisements to persons in the United States in violation of the Telephone Consumer Protection Act and state law.
- Court-approved lawyers for the fax advertisement recipients at issue will ask the Court to award up to one-third of the \$1,550,000 settlement amount to compensate them for investigating the facts, litigating the case, and negotiating the settlement, and will also ask to be reimbursed for their expenses incurred in this regard. A class administrator will also be compensated for carrying out the settlement.
- Your legal rights are affected whether you act or don't act. Please read this notice carefully.

SUMMARY OF YOUR OPTIONS IN THIS SETTLEMENT

Submit A Claim Form	If you have submitted a valid claim, you will be eligible to receive a payment based on a formula.
Opt Out of The Settlement	Get no payment. This is the only option that will allow you to ever be part of any other lawsuit against American Chemicals & Equipment, Inc. and/or Steven K. Mote involving the fax advertisements at issue in the proposed settlement.
Object To The Settlement	Write to the Court about why you don't like the settlement.
Go To The Settlement Hearing	Ask to speak in Court about the fairness of the settlement.
Do Nothing	Possibly get no payment. Give up rights to sue American Chemicals & Equipment, Inc. and/or Steven K. Mote for the fax advertisements at issue in the proposed settlement.

Questions? Visit www.AmericanChemicalsSettlement.com or call 1-844-702-2780

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BASIC INFORMATION

1. Why did I get this notice?

You or your business may have received facsimile advertisements that were sent from or on behalf of defendants American Chemicals & Equipment, Inc. and/or Steven K. Mote, between October 22, 2012 and September 20, 2016.

The Court authorized this notice because you have a right to know about a proposed settlement of a class action, and about all of your options, before the Court decides whether to give final approval to the settlement. If the Court approves it, and after any objections and appeals are resolved, a settlement administrator appointed by the Court will make the payments that the settlement allows.

This package explains the consolidated lawsuits, the settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court where this case is proceeding is the United States District Court for the Southern District of Florida, and the case is captioned *ABC Bartending School of Miami, Inc. v. American Chemicals & Equipment, Inc. and Steven Mote* (Case No. 15-CV-23142-KMW) / *Bais Yaakov of Spring Valley v. American Chemicals & Equipment, Inc.* (Case No. 16-CV-24705-KMW). The entities that sued, ABC Bartending School of Miami, Inc. and Bais Yaakov of Spring Valley, are the plaintiffs, and those they sued, American Chemicals & Equipment, Inc. and Steven Mote, the defendants.

2. What are the lawsuits about?

The plaintiffs allege that the defendants sent fax advertisements to recipients in the United States in violation of the federal Telephone Consumer Protection Act (the "TCPA") and state law. As pertinent to this lawsuit, the TCPA generally prohibits the sending of unsolicited fax advertisements. Defendants deny that they did anything wrong.

3. Why a class action?

In a class action, one or more parties, usually on the plaintiff's side, are called "class representatives." Class representatives sue on behalf of many persons who have similar claims. All these persons are called "class members." One court resolves the issues for all class members, except for those who exclude themselves. The Honorable Kathleen M. Williams, a federal judge in the Southern District of Florida, is in charge of this class action.

4. Why is there a settlement?

The plaintiffs believe that they could be awarded up to \$1,500 per fax advertisement sent by the defendants. The defendants believe plaintiffs will not be awarded anything and that any award granted would be reduced on due process grounds, and may not be enforceable. Instead of proceeding with this case, both sides have agreed to a settlement. By so doing, they will avoid the cost and uncertainty of further litigation, including a possible trial and appeal, the defendants will be enjoined from future TCPA violations, and the class members will receive monetary compensation. The class representatives and the attorneys believe the settlement is best for all class members.

WHO IS IN THE SETTLEMENT

To determine whether you will receive money from this settlement, you first have to determine whether you are a class member.

5. How do I know if I am eligible to participate in the settlement?

If you received legal notice of the proposed settlement via fax, email, or mail, it is possible that you received an alleged fax advertisement from Defendants at a fax number you owned, used, subscribed to, or controlled between October 22, 2012, and September 20, 2016 (“Class Period”). Although transmission logs for the subject faxes are not available for the entire period at issue, you may visit www.AmericanChemicalsSettlement.com to review “Exhibit 2” to the declaration of plaintiffs’ expert, Robert Biggerstaff, which is a listing of fax numbers, and the number of confirmed transmissions to each such fax number, between April 21, 2015 and August 18, 2015. However, irrespective of the fax transmissions confirmed in that listing, everyone who fits within the following description is a member of the proposed settlement class entitled to participate in the settlement:

All persons or legal entities in the United States who, during the Class Period, owned, used, subscribed to, or controlled any fax number(s) on the Facsimile List, and who received a facsimile advertisement from or on behalf of Defendants American Chemicals & Equipment, Inc., including its subsidiaries, affiliates, and d/b/a’s and/or Steven K. Mote, including but not limited to facsimile advertisements promoting (1) “Gorilla Glides”, “www.GorillaGlides.com”, and offering “Gorilla Glides” floor protection products, and/or (2) “StockUp.com”, and offering office supply products.

The “Facsimile List” is a compilation of fax numbers to which Defendants may have sent fax advertisements during the Class Period.

6. Are there exceptions to being included?

You are not a class member if you affirmatively exclude yourself from the settlement, which is known as “opting out” of the settlement.

7. What can I do if I’m still not sure if I am included?

If you are still not sure whether you are a class member eligible to receive compensation in the settlement, you can ask for free help. You can call **1-844-702-2780** toll free or visit www.AmericanChemicalsSettlement.com for more information.

THE SETTLEMENT BENEFITS—WHAT YOU GET

8. What does the settlement provide, and how much will my payment be?

Generally, you will receive a payment based on (a) the number of fax advertisements you received during the applicable time period and still possess, and/or (b) the number of fax advertisements you certify *under penalty of perjury* that you have received but no longer possess.

More specifically, if you submit a valid claim form and copies of the fax advertisements you actually received during the applicable time period, you will be eligible for a payment of up to \$500 for each such fax advertisement. In addition, if you do not have any or some of the fax advertisements you received, you may still submit a claim form stating *under penalty of perjury* the specific number of

fax advertisements you received but no longer possess. For those fax advertisements, your payment will be initially calculated as follows: 1 fax advertisement = up to \$150; 2 fax advertisements = up to \$200; 3 fax advertisements = up to \$250; 4 fax advertisements = up to \$300; 5 or more fax advertisements = up to \$325. Thus, you may submit a claim form irrespective of whether you produce copies of all, some, or none of the fax advertisements your claim is based on.

The number of valid claims varies widely from case to case. If a large number of valid claims is submitted, you could receive less money, as the amount remaining in the settlement fund would be distributed on a pro rata basis.

The \$1,550,000 settlement amount will also be used to pay class counsel's Court-approved fees, not to exceed one-third (1/3) of the settlement amount, plus expenses, as well as the class representatives' Court-approved awards for their efforts, not to exceed \$15,000 and \$10,000, respectively, and the class administrator's fees and expenses. If there is money left after the maximum amount of permissible payments is made under the settlement, that money will be returned to the defendants.

HOW YOU GET A PAYMENT—SUBMITTING A CLAIM FORM

9. How can I get a payment?

To be eligible for a payment under the settlement, you must submit a complete and timely claim form, either by fax, email, or mail. You may obtain a claim form at **www.AmericanChemicalsSettlement.com**. Read the instructions carefully, complete the form, sign it *under penalty of perjury*, and either submit it by fax or email by **March 7, 2017**, or mail the claim form postmarked no later than **March 7, 2017**, to **ABC Bartending School of Miami v. American Chemicals, c/o Heffler Claims Group, P.O. Box 58487, Philadelphia, PA 19102-8487**.

10. When will I get my payment?

The Court will hold a hearing on **April 6, 2017**, to decide whether to give final approval to the settlement. If the Court gives final approval to the settlement, there may be appeals by class members who have objected to the settlement, or possibly by others. Resolving any appeals can take time, perhaps more than a year. Everyone who submits a claim form will be informed of the progress of the settlement through periodic updates on the settlement website. Please be patient.

11. What am I giving up to get a payment or stay in the class?

Unless you affirmatively opt out of the settlement, you will be considered a member of the settlement class. That means that you can't sue, continue to sue, or be part of any other lawsuit against the defendants concerning the fax advertisements at issue in the settlement – you will have “released” all such claims against the defendants. It also means that all of the Court's orders will apply to you and legally bind you.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want a payment from this settlement, but you want to keep the right to sue the defendants on your own about the fax advertisements at issue in the settlement, then you must take steps to opt out of the settlement.

12. How do I opt out of the settlement?

To exclude yourself from the settlement, you must mail a written request saying that you want to opt out of the settlement in *ABC Bartending School of Miami, Inc. v. American Chemicals & Equipment, Inc. and Steven Mote* (Case No. 15-CV-23142-KMW) / *Bais Yaakov of Spring Valley v. American Chemicals & Equipment, Inc.* (Case No. 16-CV-24705-KMW). Be sure to include this case name and case number, and your name, address, telephone number, and signature. Please also state the reasons you wish to opt-out. You must send your request to opt out by mail postmarked no later than **March 7, 2017** to **ABC Bartending School of Miami v. American Chemicals, c/o Heffler Claims Group, P.O. Box 58487, Philadelphia, PA 19102-8487**.

If you opt out of the settlement, you will not receive any settlement payment, and you cannot object to the settlement. On the other hand, you will not be legally bound by anything that happens in this lawsuit.

13. If I don't opt out, can I sue the defendants for the same fax advertising later?

No. Unless you exclude yourself, you give up any right to sue the defendants for the claims that this settlement resolves. If you have a pending lawsuit against either of them, please speak to your lawyer in that case immediately, as that case is stayed pursuant to the Court's preliminary approval order in this case. Remember, the deadline for opting out is **March 7, 2017**.

14. If I opt out, can I get money from the settlement?

No. If you exclude yourself, do not submit a claim form to request money from the settlement.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

The Court has approved the law firms of Wallen Hernandez Lee Martinez, LLP, in Miami, Florida, Bellin & Associates LLC, in White Plains, New York, and Schlam Stone & Dolan LLP, in New York, New York, to represent the class members. These lawyers are called "class counsel." You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your own expense.

16. How will the lawyers, class representatives and class administrator be paid?

Class counsel will ask the Court to approve payment of up to one-third (1/3) of the settlement amount, or \$516,666.66, as attorneys' fees, which will compensate class counsel for investigating the facts, litigating the case, and negotiating the settlement. Class counsel will also ask the Court to approve payment to reimburse its expenses incurred in the case. Class counsel have not yet received any payment for their work on this case. Class counsel will additionally ask the Court to approve a payment of up to \$15,000 and \$10,000, respectively, to the named class representatives, plaintiffs ABC Bartending School of Miami, Inc. and Bais Yaakov of Spring Valley, for their time and expense serving as the class representatives in this case. The Court may award less than these amounts. In addition, the class administrator approved by the Court to administer this settlement will receive payment for its fees and expenses. These payments will reduce the settlement fund available to class members. The defendants have agreed not to oppose these payments.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you don't agree with the settlement or some part of it.

17. How do I tell the Court that I don't like the settlement?

If you're a class member, you can object to the settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must do so in writing specifically saying that you object to the settlement in *ABC Bartending School of Miami, Inc. v. American Chemicals & Equipment, Inc. and Steven Mote* (Case No. 15-CV-23142-KMW) / *Bais Yaakov of Spring Valley v. American Chemicals & Equipment, Inc.* (Case No. 16-CV-24705-KMW). Be sure to include this case name and number, and your name, address, telephone number, your signature, and the reasons why you object to the settlement. Send your objection to the Court at the following address, by mail postmarked no later than **March 7, 2017**:

Clerk of the Court
United States District Court
Southern District of Florida
400 N. Miami Ave., 8th Floor
Miami, FL 33128

If you object to the settlement but also still want to be eligible for payments under it, you must submit a valid claim form by **March 7, 2017**.

18. What's the difference between objecting and asking to opt out?

Objecting is simply telling the Court that you don't like something about the settlement. You can object only if you stay in the settlement class. Opting out is telling the Court that you don't want to be a part of that class. If you opt out, you have no basis to object because the case no longer affects you.

THE COURT'S FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to give final approval to the settlement. You may attend and you may ask to speak, but you don't have to.

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

The Court will hold the final approval hearing on **April 6, 2017**, at the United States District Court for the Southern District of Florida, 400 N. Miami Ave., Miami, Florida 33128, before the Honorable Kathleen M. Williams, in Courtroom 11-3. At this hearing the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court may also decide how much to pay to class counsel and to the named representative plaintiffs. During or after the hearing, the Court will decide whether to give final approval to the settlement.

The Court will also listen to people who have previously requested to speak at the hearing. If you intend to so speak, you must submit a request in that regard, in writing, to the Court, at Clerk of the Court, 400 N. Miami Ave., 8th Floor, Miami, Florida 33128. Be sure to include the case name and number, your full name, address, telephone number, and facsimile number. You cannot speak at the hearing if you have excluded yourself from the settlement.

20. Do I have to come to the hearing?

No. Class Counsel will address questions the judge may have. But you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court should consider it. You may also pay your own lawyer to attend, but it's not necessary.

IF YOU DO NOTHING

21. What happens if I do nothing at all?

If you do nothing, you'll get no money from this settlement, but you will be bound by its terms. If you want to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the defendants about the fax advertisements at issue in this settlement, you must opt out of the settlement.

GETTING MORE INFORMATION

22. Are there more details about the settlement?

This notice summarizes the proposed settlement. More details are in a formal settlement agreement. You can get a copy of the settlement agreement by visiting www.AmericanChemicalsSettlement.com.

23. How do I get more information?

You can visit www.AmericanChemicalsSettlement.com or call 1-844-702-2780 toll free.

DATE: January 6, 2017