

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

*Yevgenia Granina v. Eddie Bauer LLC*  
Superior Court for the State of California County of Los Angeles  
Case No. BC569111

**READ THIS NOTICE CAREFULLY  
YOUR LEGAL RIGHTS MAY BE AFFECTED**

This Notice is for persons who, during the period from July 1, 2014 through January 13, 2015, while physically located in California, called and spoke with a representative of Eddie Bauer LLC (“Eddie Bauer” or “Defendant”) and did not consent to the call being recorded. Please read the rest of this Notice carefully to find out more.

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT**

<b>Participate in the Settlement</b>	If you wish to receive a Settlement Payment, read this Notice for information on how to file a claim. If you do not file a Claim Form by March 22, 2018, you will not receive a Settlement Payment.
<b>Exclude Yourself from the Settlement</b>	If you do not want to participate in the settlement, you must send a letter requesting exclusion postmarked no later than March 22, 2018 or else you will be bound by the settlement.
<b>Object to the Settlement</b>	If you wish to object to the settlement, you must follow the directions in this Notice.
<b>Participate in the Hearing</b>	If you submit a timely objection to the settlement, you may also indicate in the objection whether you wish to appear and be heard at the time of the final fairness hearing. You may appear and be heard at the hearing even if you did not submit an objection to the settlement.
<b>Do Nothing</b>	If you do nothing with respect to this Notice, you will not receive any Settlement Payment and you will be bound by the terms of the settlement including the release of claims described below.

**THESE RIGHTS AND OPTIONS, INCLUDING THE DEADLINES BY WHICH TO EXERCISE THEM, ARE EXPLAINED IN THIS NOTICE BELOW**

**What is the Case About?**

This class action case alleges that Eddie Bauer violated California laws that prohibit the recording of telephone calls without notice to or consent of all parties to the conversation. The case covers persons who, during the period from July 1, 2014 through January 13, 2015, while physically located in California, called and spoke with a representative of Eddie Bauer and did not consent to the call being recorded.

### **What is a Class Action?**

In a class action, one or more people called class representatives (in this case Yevgenia Granina) sue on behalf of people who have similar claims.

### **Am I a Class Member?**

You are a Class Member if, during the period from July 1, 2014 through January 13, 2015, while physically located in California, you called and spoke with a representative of Eddie Bauer and did not consent to the call being recorded.

**If you received a notice of this proposed settlement by mail or email, Eddie Bauer has records indicating that you might be a member of the Class entitled to submit a Claim Form. You might be a member even if you did not receive notice by mail or email.**

### **Why is There a Settlement?**

Both sides agreed to a settlement to avoid the uncertainty and cost of class certification and a trial and to provide benefits to Class Members more promptly. The Court did not decide in favor of plaintiff Yevgenia Granina (“Plaintiff” or “Class Representative”) or defendant Eddie Bauer. Eddie Bauer denies any liability or wrongdoing of any kind associated with the claims in this class action.

### **What Can I Get From The Settlement?**

Defendant has agreed to create a Settlement Fund of \$300,000.00. After class action administration fees and notice costs (which the Claims Administrator has estimated will be \$40,000), service payment to the class representative, and Class Counsel’s attorneys’ fees and costs are deducted, the remaining amount will be divided up equally amongst all Class Members who submit timely and valid Claim Forms. If any of the Settlement Fund remains after payment of all valid and timely claims, including settlement checks that remain unclaimed or uncashed for more than 180 days, then 50% of such funds will be distributed to the Alliance for Children’s Rights, a non-profit organization engaged in child advocacy, 25% of such funds will be distributed to the California State Treasury for deposit in the Trial Court Improvement and Modernization Fund, and 25% of such funds will be distributed to the California State Treasury for deposit into the Equal Access Fund of the Judicial Branch.

You may make only one claim, regardless of the number of calls you made to Defendant during the period from July 1, 2014 through January 13, 2015. **Please note that the Claims Administrator and/or Defendant may use available records to investigate the accuracy of claims.**

Moreover, Defendant has re-implemented an automated verbal notice that informs persons calling it at the outset of the call that the call may be monitored and recorded.

### **What Do I Need to Do To Receive a Settlement Payment?**

**You must complete a Claim Form and return it to the Claims Administrator on time.** You may obtain a hard copy Claim Form from the Settlement Website, [www.grinaclassactionsettlement.com](http://www.grinaclassactionsettlement.com), by calling 1-866-653-4618, or by writing to the Claims Administrator at:

Granina Settlement Claims Administrator  
P.O. Box 404041  
Louisville, KY 40233-4041

You also may submit a completed Claim Form online at the Settlement Website, [www.grinaclassactionsettlement.com](http://www.grinaclassactionsettlement.com). A Claim Form will not be considered timely unless it is returned to the Claims Administrator online or sent by mail postmarked no later than March 22, 2018.

Upon a request from a Class Member, the Claims Administrator will accept a completed paper Claim Form by facsimile or e-mail which is sent no later than March 22, 2018.

**If you move during the pendency of the Lawsuit, please contact the Claims Administrator to update your address.**

### **What Am I Giving Up to Get Settlement Benefits or Stay In the Class?**

Unless you exclude yourself, as described below, you will remain in the Class and be bound by the terms of the settlement and all of the Court's orders. This means that you can't sue or be part of any other lawsuit against Defendant or its related parties about the issues in this case. Staying in the Class also means that you agree to the following release of claims, which describes the legal claims that you give up:

**Release by the Settlement Class.** Upon entry of the Judgment, Class Representative, for herself and on behalf of each member of the Class who has not submitted a valid and timely request for exclusion from the Class, and her respective heirs, assigns, successors, agents, attorneys, executors, and representatives, shall be deemed to have, and by operation of the Judgment shall have, fully, finally and irrevocably released Defendant and, whether or not specifically named herein, each of its past or present directors, officers, employees, agents, shareholders, members, investors, insurers, reinsurers, attorneys, advisors, consultants, representatives, partners, affiliates, related companies, parents, subsidiaries, joint venturers, independent contractors, service providers, vendors, divisions, predecessors, successors, and assigns, from any and all liabilities, claims, causes of action, damages, costs, attorneys' fees, losses, or demands, whether known or unknown, existing or potential, suspected or unsuspected, that (1) are or were asserted in the Action, (2) relate to the violation of the California Invasion of Privacy Act, Cal. Penal Code §§ 630, *et seq.*, including, without limitation, Cal. Penal Code §§ 631, 632, and/or 632.7, with respect to telephone calls made during the period from July 1, 2014 through January 13, 2015, (3) relate to the recording, eavesdropping upon and/or monitoring of telephone calls during the period from July 1, 2014 through January 13, 2015, and/or (4) arise out of the institution, prosecution, assertion, defense, settlement or resolution of the Action.

### **When Can I Expect To Receive My Settlement Payment?**

The Court will hold a hearing on April 23, 2018 at 9:00 a.m., to decide whether to give final approval to the settlement. You will be kept informed of the progress of the settlement through the dedicated settlement website at [www.grinaclassactionsettlement.com](http://www.grinaclassactionsettlement.com). Please be patient.

### **Can I Exclude Myself From the Settlement?**

If you don't want to receive benefits from this settlement, but you want to keep the right to sue Defendant on your own at your own expense about the issues in this case, then you must take steps to exclude yourself from the settlement. This is also called "opting-out" of the settlement. To exclude yourself from the settlement, you must send a letter by first class United States mail to the Claims Administrator, containing (1) the title of the Action; (2) the full name, address, and telephone number of the person requesting exclusion; and (3) a statement that he or she requests to be excluded from the Settlement Class. Be sure to include your name, address, telephone

number, and signature. Your letter requesting exclusion from the settlement must be postmarked no later than March 22, 2018 and mailed to:

Granina Settlement Exclusions  
P.O. Box 404041  
Louisville, KY 40233-4041

If you request exclusion from the settlement, you will not get any settlement benefits, and you cannot object to the terms of the settlement. You will not be legally bound by anything that happens in this lawsuit.

**If I Don't Exclude Myself, Can I Sue Defendant for the Same Thing Later?**

No. Unless you exclude yourself, you give up any right to sue Defendant and/or any of the released parties for the claims that this settlement resolves. If you have a pending lawsuit covering these same claims, speak to your lawyer in that case immediately. You must exclude yourself from this Settlement Class to continue your own lawsuit.

**Do I Have a Lawyer in the Case?**

The Court has appointed Law Offices of Zev B. Zysman, APC (Zev B. Zysman, Esq.) to represent you and other class members as Class Counsel. Class Counsel will be paid from the Settlement Fund and you will not be charged for this. If you want to be represented by your own lawyer, you may hire one at your own expense.

**How Will the Lawyers, the Class Representative and the Claims Administrator Be Paid?**

Class Counsel will ask the Court to approve payment of \$100,000.00 (33 1/3% of the \$300,000.00 Settlement Fund) in attorneys' fees plus all out-of-pocket costs (of an amount not to exceed \$20,000.00). The fees would pay Class Counsel for investigating the facts, litigating the case, negotiating the settlement, and following through to make sure that its terms are carried out. Class Counsel also will ask the Court to approve a payment of \$5,000 to plaintiff Yevgenia Granina for her service as Class Representative. The Court may award less than these amounts. These amounts will be paid out of the \$300,000.00 Settlement Fund. Class Counsel will file with the Court their motion for award of attorneys' fees, litigation costs, administration costs and Class Representative's service payment no later than February 13, 2018. After that date, you may view the motion on the Settlement Website.

The Claims Administrator will ask the Court to approve payment of approximately \$40,000 from the Settlement Fund for its fees and costs incurred in providing notice of and administering the settlement.

**How Do I Tell the Court That I Don't Like the Settlement?**

You can ask the Court to deny approval of the Settlement by making an objection. You can't ask the Court to order a larger settlement; the Court can only approve or deny the settlement. If the Court denies approval, no settlement payments will be sent out and the lawsuit will continue.

You must object to the proposed settlement in writing. All written objections and supporting papers must include (1) the name and case number of the lawsuit: *Yevgenia Granina v. Eddie Bauer LLC* Superior Court of the State of California, County of Los Angeles Case No. BC569111, (2) the objector's full name, postal address and telephone number, (3) proof of the objector's membership in the Class in the form of a statement made under penalty of perjury, (4)

all grounds for the objection including, if available, the factual and legal bases for the objection known to the objector or his or her counsel and the relief the objector is seeking, (5) the identity, postal address, and telephone number for all counsel who represent the objector, if any, and (6) a statement confirming whether the objector or the objector's counsel intends to appear personally at the final fairness hearing.

Objections must be mailed or otherwise served on the Claim Administrator at the following address:

Granina Settlement Objections  
P.O. Box 404041  
Louisville, KY 40233-4041

Objections must be postmarked or delivered by March 22, 2018 to be considered timely.

### **What's the Difference Between Objecting and Excluding?**

Objecting is telling the Court that you don't like something about the settlement. You can object only if you stay in the Class. If you object, you may still submit a Claim Form to receive the benefits of the settlement. Excluding yourself is telling the Court that you don't want to be part of the Class or participate in the settlement. If you exclude yourself, you have no basis to object because the case no longer affects you. You cannot both object to and exclude yourself from the settlement. Any person who attempts both to object to and exclude themselves from the settlement will be deemed to have excluded themselves and will forfeit the right to object to or participate in the settlement or any of its terms.

### **When and Where Will the Court Decide Whether to Approve the Settlement?**

The Court will hold a final fairness hearing regarding the settlement at 9:00 a.m. on April 23, 2018 at the Superior Court of the State of California, County of Los Angeles, Central Civil West Courthouse, Dept. 323, 600 South Commonwealth Ave., Los Angeles, CA, 90005. At that hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who ask to speak at the hearing. The Court also will decide how much to pay to Class Counsel and the Class Representative. After the hearing, the Court will decide whether to approve the settlement. Class Counsel does not know how long those decisions will take.

The final fairness hearing date, time or location may be changed and notice of any change will be provided on the Settlement Website, [www.graninaclassactionsettlement.com](http://www.graninaclassactionsettlement.com), so please check the Settlement Website for updated hearing information.

### **Do I Have to Come to the Hearing?**

No. Class Counsel will answer questions the Court may have. 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 submit your written objection on time, the Court will consider it. If you come to the hearing, you may speak at the hearing whether or not you have submitted a written objection. You also may also have your own lawyer attend the hearing at your own expense, but doing so is not necessary.

You cannot submit an objection or speak at the hearing if you excluded yourself from the settlement.

### **What Happens if I Do Nothing At All?**

If you do nothing, you will remain in the Settlement Class and will be bound by the terms of the settlement and all of the Court's orders including the Release. This also means that you will not receive any settlement benefits and can't sue or be part of any other lawsuit against Defendant or the other released parties about the issues in this case.

### **Are There More Details About the Settlement?**

This notice summarizes the proposed settlement. For the precise terms and conditions of the settlement, please see the Amended Settlement Agreement. You can get a copy of the Amended Settlement Agreement and other case documents through the Settlement Website, [www.graninaactionsettlement.com](http://www.graninaactionsettlement.com), by calling 1-866-653-4618, by writing to the Claims Administrator at Granina Settlement Claims Administrator, P.O. Box 404041, Louisville, KY 40233-4041, or by visiting the office of the Clerk of the Court for the Superior Court of the State of California, County of Los Angeles located at Central Civil West Courthouse, 600 South Commonwealth Ave., Los Angeles, CA 90005. You also can contact Class Counsel:

Zev B. Zysman, Esq.  
Law Offices of Zev B. Zysman  
15760 Ventura Boulevard  
16<sup>th</sup> Floor  
Encino, California 91436  
818-783-8836  
zev@zysmanlawca.com

**PLEASE DO NOT CALL THE COURT, THE COURT CLERK'S OFFICE, DEFENDANT, OR DEFENDANT'S COUNSEL WITH ANY QUESTIONS RELATED TO THE SETTLEMENT.**