

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF ARKANSAS

**If you received a facsimile transmission regarding a "Doctors Club" credit card on or after January 15, 2012, you may be entitled to benefits under a proposed class action settlement.**

*A federal court authorized this Notice. This is not a solicitation from a lawyer.*

- Records indicate that you may be a member of a class in the action styled *Davis Neurology, P.A. v. First Arkansas Bank & Trust, et. al.*, United States District Court for the Eastern District of Arkansas, Western Division, Case No. 4:16CV00371 BSM, which has been settled, subject to court approval. The purpose of this Notice is to inform Settlement Class Members of the terms of the proposed settlement and important deadlines relating to the settlement, as summarized below and described more fully on the Settlement Website at [www.DoctorsClubFaxSettlement.com](http://www.DoctorsClubFaxSettlement.com).
- The proposed settlement will provide \$1,525,000 (the "Settlement Fund") to fully settle and release all claims against The Released Parties (as such term is defined in the Settlement Agreement), including FIRST ARKANSAS BANK & TRUST ("Defendant" or "FABT") held by persons who, on or after January 15, 2012, were successfully sent a facsimile transmission advertising the commercial availability or quality of any property, goods, or services by or on behalf of Defendants related to "Doctors Club" credit cards (exemplars of which can be found on the Settlement Website at [www.DoctorsClubFaxSettlement.com](http://www.DoctorsClubFaxSettlement.com)). Further, Defendant has agreed to refrain from sending faxes advertising the availability of "Doctors Club" credit cards without prior express consent or without including the opt-out notice required by law.
- Plaintiff Davis Neurology, P.A. alleges that the transmission of these faxes violated the federal Telephone Consumer Protection Act (the "TCPA"). Defendant denies Plaintiff's allegations and denies any wrongdoing whatsoever. The Court has not ruled on the merits of Plaintiff's claims or Defendant's defenses. By entering into the settlement, Defendant has not conceded the truth or validity of any of the claims against it.
- The Settlement Fund shall be used to pay all amounts related to the settlement, including awards to Settlement Class Members who submit a fully executed and timely claim, attorneys' fees and costs for Plaintiff's counsel, any incentive award for Plaintiff, and the costs of administering the settlement. If there are any amounts remaining in the Settlement Fund after the administration is concluded, that money will be redistributed to settlement class members or distributed to a charity, the National Lawyers Committee for Civil Rights, subject to Court approval.
- Your legal rights are affected whether you act or do not act. Read this Notice carefully.

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

<p align="center">SUBMIT A CLAIMFORM</p>	<p><b>In order to receive benefits under the proposed settlement, you must submit a fully executed Claim Form by no later than March 20, 2017.</b> The Claim Form will be faxed to you or may be accessed on the Settlement Website. The claim form may be submitted to the Class Administrator by mail, facsimile transmission or electronically through the settlement website. Please see the settlement website for additional details concerning how to submit a claim form.</p>
<p align="center">OPT-OUT/EXCLUDE YOURSELF FROM THE CASE</p>	<p><b>To opt-out/exclude yourself from the settlement, submit a written request for exclusion by mail, fax or through the Settlement Website on or before February 1, 2017.</b> To be valid, the written exclusion request must contain specific information that is described in the FAQs section of the Settlement Website and in the Settlement Agreement also available on the Settlement Website. If you do not submit a fully executed and timely exclusion request, you will be bound by the terms of the proposed settlement and you will give up your right to sue The Released Parties, including Defendant in your individual capacity regarding the legal claims in this case.</p>
<p align="center">OBJECT TO THE SETTLEMENT</p>	<p><b>To object to the proposed settlement or the Fee Request, you must file an objection with the Court and send the objection to counsel postmarked by February 1, 2017</b> at the addresses listed on the Settlement Website. Anyone who files a timely objection to the proposed settlement may ask to appear at the final approval hearing, described below. If your objection is valid and submitted timely, the Court may consider it whether or not you appear at the hearing.</p>
<p align="center">IF YOU DO NOT FILE A CLAIM</p>	<p><b>If you do not file a claim,</b> you will not receive any monetary award and you will lose the right to sue The Released Parties, including Defendant, in your individual capacity regarding the legal claims in this case.</p>

- This Notice explains these rights and options, and the deadlines to exercise them.
- The Court in charge of this case still has to decide whether to approve the proposed settlement. Payments will be made if the Court approves the settlement and after appeals are resolved. Please be patient.

## BASIC INFORMATION

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

This lawsuit is styled *Davis Neurology, P.A. v. First Arkansas Bank & Trust, et. al.*, United States District Court for the Eastern District of Arkansas, Western Division, Case No. 4:16CV00371 BSM. The Honorable Federal District Court Judge Brian Miller is in charge of this action. It is brought as a class action by the Plaintiff, the class representative, who has sued on behalf of people who allegedly have similar claims. This group is called a class and the persons included are called class members. One court resolves the issues for all of the class members, except for those who exclude themselves from the proposed class. Here, the Court has preliminarily certified a class action for settlement purposes only.

### 2. Why is there a settlement?

Plaintiff claims that the Defendant and others violated the TCPA by sending facsimile transmissions advertising the availability of "Doctors Club" credit cards. Defendant denies these allegations and denies any claim of wrongdoing. The Court did not decide in favor of Plaintiff or Defendant or any of the other named defendants. Instead, Plaintiff and Defendant agreed to this settlement to avoid the risk and cost of a trial, and so that the settlement class members will receive compensation. By entering into the settlement, Defendant has not conceded the truth or validity of any of the claims against them. Plaintiff and its attorneys ("Class Counsel") think the settlement is best for all persons in the proposed settlement class.

## WHO IS IN THE SETTLEMENT CLASS?

### 3. How do I know if I am a part of the Settlement Class?

The Court has certified a class action for settlement purposes only. The class (the "Settlement Class") is defined as:

All persons within the United States who on or after four years prior to the filing of this Action, were successfully sent a facsimile transmission advertising the commercial availability or quality of any property, goods, or services by or on behalf of Defendants related to "Doctors Club" credit cards.

Excluded from the Settlement Class are FABT and Dental Equities, and any affiliate, subsidiary or division of FABT or Dental Equities, along with any employees thereof, and any entities in which any of such companies have a controlling interest, as well as all persons who validly opt-out of the Settlement Class. "Settlement Class Member" is defined as any person in the Settlement Class who does not submit a timely request for exclusion from the settlement. If you are still not sure whether you are included in the class, you can visit [www.DoctorsClubFaxSettlement.com](http://www.DoctorsClubFaxSettlement.com), or you may write the Claims Administrator at Davis Neurology v. Dental Equities c/o GCG, P.O. Box 10329, Dublin, OH 43017-0329 for more information.

QUESTIONS? CALL TOLL-FREE 1-866-877-0961 OR  
VISIT [WWW.DOCTORSCLUBFAXSETTLEMENT.COM](http://WWW.DOCTORSCLUBFAXSETTLEMENT.COM)

## THE LAWYERS REPRESENTING YOU

### 4. Do I have lawyers in this case?

The Court has appointed the law firms of BRANSTETTER, STRANCH & JENNINGS, PLLC, and the STRETT LAW FIRM, P.A., to represent you and the other Settlement Class Members as Class Counsel. You will not be personally charged by these lawyers.

### 5. How will Class Counsel be paid?

Class Counsel will ask the Court to approve payment of up to 30% of the Settlement Fund for attorneys' fees and for reimbursement of their expenses. Class Counsel also will ask the Court to approve payment of up to \$10,000 to Davis Neurology, P.A. for its services as Class Representative. The Court may award less than these amounts.

## THE SETTLEMENT BENEFITS

### 6. What does the settlement provide?

Settlement Class Members may receive a cash payment by submitting a fully executed and timely claim form. Further, under the Settlement, Defendant has agreed to refrain from sending faxes advertising "Doctors Club" credit cards without prior express permission or without the opt-out notice required by law.

### 7. How much will my payment be?

Your pro-rata share of the Settlement Fund will depend on the number of valid claims that are received from Settlement Class Members. Class Counsel estimates that the amount of the cash award (while dependent upon the number of claims) may be within the range of \$46 to \$117.

### 8. What am I giving up to stay in the Class?

Unless you exclude yourself from the settlement, you will be part of the Settlement Class, and you will be bound by the Released Claims in the Settlement. This means that, if the settlement is approved, you cannot sue, continue to sue or be part of any other lawsuit against any of the Released Parties (as that term is defined in the Settlement Agreement), including Defendant or Dental Equities, LLC ("Dental Equities"), related to the claims in this litigation. It also means that all of the Court's orders will apply to you and will legally bind you. If you sign the claim form or do nothing, you will agree to release the Released Parties, including Defendant and Dental Equities, from any and all claims that arise from the legal claims in this case.

## HOW TO FILE A CLAIM

### 9. How can I get a payment?

To qualify for a cash payment, you must send in a fully executed claim form prior to the claims deadline: (1) by mail addressed to the claims administrator at Davis Neurology v. Dental Equities c/o GCG, P.O. Box 10329, Dublin, OH 43017-0329; (2) by facsimile to 614-553-1399; or (3) through the Settlement Website, [www.DoctorsClubFaxSettlement.com](http://www.DoctorsClubFaxSettlement.com)

**Read the instructions carefully, fill out the form completely and accurately, sign it and submit it prior to the claims deadline.** To be valid, the claim form must be completed fully and accurately and submitted timely. A claim form may be submitted either (1) by mail addressed to the Claims Administrator at Davis Neurology v. Dental Equities c/o GCG, P.O. Box 10329, Dublin, OH 43017-0329; (2) by facsimile to the Claims Administrator at 614-553-1399; or (3) via the Settlement Website. If you are submitting your claim by mail, it must be postmarked by March 20, 2017. If submitted via the Settlement Website, it must be submitted no later than March 20, 2017. If you are submitting your claim form to the Claims Administrator via facsimile, it must be submitted no later than March 20, 2017.

## WHEN WILL I RECEIVE MY PAYMENT?

### 10. When will I receive payment?

The Court will hold a final fairness hearing on April 3, 2017 to decide whether to approve the proposed settlement. If the Court approves the proposed settlement, after that, there may be appeals. It is always uncertain when and how these appeals will be resolved, and resolving them can take time, perhaps more than a year. Everyone who submits a claim form may access information regarding the progress of the settlement through information posted at [www.DoctorsClubFaxSettlement.com](http://www.DoctorsClubFaxSettlement.com). Please check the website and be patient.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

### 11. How do I exclude myself or opt-out of the settlement?

If you want to retain the right to sue or continue to sue the Released Parties, including Defendant and Dental Equities, regarding the Released Claims in the Settlement (as that term is defined in the Settlement Agreement), including the legal claims at issue in this lawsuit, then you must take steps to exclude yourself or opt-out from the Settlement Class.

To exclude yourself from the settlement, you must send a letter by mail to Davis Neurology v. Dental Equities c/o GCG, P.O. Box 10329, Dublin, OH 43017-0329, or submit a written request to the Settlement Administrator through the Settlement Website or by facsimile that: (a) is signed by you; (b) includes your full name, address, telephone number and your fax number(s); and (c) includes the following statement: "I/we request to be excluded from the class settlement in *Davis Neurology, P.A. v. First Arkansas Bank & Trust, et al.*, Case No. **4:16CV00371 BSM**." No request for exclusion will be considered unless all of the information described above is included. No person in the Settlement Class, or any person acting on behalf

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of or in concert or participation with that person, may exclude any other person in the Settlement Class from the Settlement Class. So called “mass” or “class” opt-outs shall not be allowed. **To be valid, you must submit your exclusion request to the claims administrator no later than February 1, 2017.**

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

No. If you do not exclude yourself, you give up any right to sue (or continue to sue) the Released Parties, including Defendant and Dental Equities, for the Released Claims in this settlement.

**13. If I exclude myself, can I get money from this settlement?**

No. If you ask to be excluded, you will not be able to submit a claim for a settlement payment and you cannot object to the settlement.

## **OBJECTING TO THE SETTLEMENT**

**14. How do I object to the settlement?**

If you are in the Settlement Class, you may object to the settlement or any part of the settlement that you think the Court should reject, and the Court may consider your views.

To object, you must state your objection in writing advising the Court that you object to the settlement in *Davis Neurology, P.A. v. First Arkansas Bank & Trust, et al.* In order to be considered by the Court, the written objection must include: (a) the name and case number of this action; (b) your full name, address, telephone number, and e-mail address (if applicable); (c) an explanation of the basis upon which you claim to be a Settlement Class Member; (d) all grounds for the objection, accompanied by any legal support for the objection known to you or your counsel; (e) the identity of any counsel who represent you, including any former or current counsel who may be entitled to compensation for any reason related to the objection; (f) the identity of all counsel representing the objector who will appear at the final approval hearing, if any; (g) a list of all persons who will be called to testify at the final approval hearing in support of the objection; (h) a statement confirming whether you intend to personally appear and/or testify at the final approval hearing; and (i) your signature (an attorney’s signature is not sufficient).

**In order to be valid, objections must be both filed with the Court and mailed to the attorneys listed below, no later than February 1, 2017.**

For Plaintiff:

Joe P. Leniski, Jr.  
Branstetter, Stranch & Jennings, PLLC  
223 Rosa Parks Avenue, Suite 200  
Nashville, TN 37203

For FIRST ARKANSAS BANK & TRUST:

Lewis S. Wiener  
Sutherland Asbill & Brennan, LLP  
700 Sixth Street NW #700  
Washington, DC 20001

**15. What is the difference between filing an objection and excluding myself or opting out?**

Objecting is telling the Court that you do not like something about the settlement. You can object only if you stay in the Settlement Class. You are still entitled to receive payment from the Settlement Fund. Excluding yourself means that you do not want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because you are no longer a party to the case and you have no entitlement to receive payment from the Settlement Fund.

**IF YOU DO NOTHING**

**16. What happens if I do nothing and do not file a claim?**

If you do nothing and do not file a claim, you will remain a member of the Settlement Class and you will give up your rights to sue the Released Parties, including Defendant and Dental Equities, regarding the Released Claims including claims at issue in this lawsuit. You will not receive any benefits under the settlement.

**THE COURT’S FINAL FAIRNESS HEARING**

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

The Court will hold a final fairness hearing at 1:00 p.m. on April 3, 2017 at the UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF ARKANSAS, WESTERN DIVISION, 500 West Capitol Avenue, Little Rock, Arkansas 72201, in Courtroom 2D. At this hearing, the Court will consider whether the settlement is fair, reasonable and adequate. If there are valid objections, the Court also will consider them and will listen to people who have asked to speak at the hearing. The Court may also award payments to Class Counsel and Plaintiff at this time.

**18. Do I have to come to the hearing?**

No. Class Counsel will appear at the final fairness hearing on behalf of the Settlement Class. But, you are welcome to come, or have your own lawyer appear, at your own expense.

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

You may ask the Court for permission to speak at the final approval hearing, but only in connection with an objection that you have timely submitted to the Court. To speak at the final approval hearing, you must also file a document stating your “Notice of Intention to Appear in *Davis Neurology, P. A. v. First Arkansas Bank & Trust, et al.*” You must include your name, address, telephone number and your signature. Your Notice of Intention to Appear must be filed no later than February 1, 2017 and be sent to all listed in Question 14, above. If you exclude yourself from the Settlement Class, you give up the right to speak at the hearing.

## GETTING MORE INFORMATION

### 20. Is this the entire settlement?

No. This notice is only a summary of the proposed settlement. More details can be found in the Settlement Agreement which is available on the Settlement Website, at [www.DoctorsClubFaxSettlement.com](http://www.DoctorsClubFaxSettlement.com), or by contacting the Claims Administrator at the below address.

### 21. How do I get more information?

You can write to the Claims Administrator at Davis Neurology v. Dental Equities c/o GCG, P.O. Box 10329, Dublin, OH 43017-0329; or review the Settlement Agreement at [www.DoctorsClubFaxSettlement.com](http://www.DoctorsClubFaxSettlement.com). Complete copies of the other public pleadings, court rulings, and other filings in this matter are available for review and copying at the Clerk's office. The address is:

500 West Capitol Avenue Little Rock,  
Arkansas 72201

Judge Brian Miller for the United States District Court for the Eastern District of Arkansas, Western Division is overseeing the Class Action.

***Please do not contact the Court or Judge Miller.***

DATE: November 18, 2016.