

YOU HAVE BEEN IDENTIFIED AS A CLASS MEMBER AND THAT IS WHY YOU ARE RECEIVING THIS NOTICE.

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

- Plaintiff brought a lawsuit alleging that NCSPlus Inc. violated the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, *et seq.*, by using an automatic telephone dialing system to place calls to cell phones without the prior express consent of Class Members between August 31, 2008, and August 31, 2012. N C S P l u s I n c . denies any wrongdoing or liability.
- A settlement has been reached in this case, which affects individuals who received a call from NCSPlus Inc. between August 31, 2008 and August 31, 2012.
- The Settlement, if approved by the Court, would provide \$1,800,000.00 to pay: (i) the claims of Plaintiff and Class Members resulting from the above-described calls made by NCSPlus Inc., (ii) a service award to Plaintiff, (iii) attorney’s fees, costs and expenses to Class Counsel, and (iv) the administrative costs of the Settlement. Each Class Member will receive a check for his, her or its equal share of the Settlement Fund, after the Settlement Fund is reduced by up to 25% to be paid towards the attorney’s fees incurred in the litigation of this case, and an additional amount towards the incurred costs and expenses. The check received by each Class Member will not be less than \$5 and not more than \$10. The Settlement avoids the further cost and risk associated with continuing the lawsuit, pays money to recipients of the calls made by NCSPlus Inc., and releases NCSPlus Inc. from further liability for the claims of Class Members.
- **Your legal rights are affected whether you act or don’t act. Read this notice carefully.**

Questions? Call 1-877-455-1175 or visit www.NCSPlusLitigationSettlement.com

YOUR LEGAL RIGHTS IN THIS SETTLEMENT

Object	Write to the Court and Settlement Administrator about why you believe the Settlement, Plan of Distribution or their terms are unfair. A copy of this objection letter must also be mailed to Class and Defense Counsel.
Go to a Hearing	Ask to speak in Court about the fairness of the Settlement, Plan of Distribution, or their terms.
What if I Do Nothing?	If you do nothing and the Settlement is approved by the Court, you will receive a check for your equal <i>pro rata</i> amount.

- The right to object **and the deadline for objecting** are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the Settlement. Payments to Plaintiff, Class Counsel and Class Members will only be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.

Questions? Call 1-877-455-1175 or visit www.NCSPlusLitigationSettlement.com

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION.....	PAGE 4
1. Why is there a notice?	
2. What is this class action lawsuit about?	
3. Why is there a Settlement?	
WHO IS IN THE SETTLEMENT	PAGE 5
4. How do I know if I am part of the Settlement?	
THE SETTLEMENT BENEFITS – WHAT YOU GET	PAGE 5
5. What does the Settlement provide?	
HOW YOU GET A PAYMENT.....	PAGE 6
6. How and when can I get a payment?	
7. What am I giving up to get a payment?	
THE LAWYERS REPRESENTING YOU	PAGE 8
8. Do I have a lawyer in this case?	
9. How will the lawyers and Class Representative be paid?	
OBJECTING TO THE SETTLEMENT	PAGE 9
10. How do I tell the Court that I do not think the Settlement is fair?	
THE COURT’S FAIRNESS HEARING.....	PAGE 9
11. When and where will the Court decide whether to approve the Settlement?	
12. May I speak at the hearing?	
IF YOU DO NOTHING	PAGE 10
13. What happens if I do nothing at all?	
GETTING MORE INFORMATION.....	PAGE 10
14. How do I get more information?	

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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 this class action lawsuit before the Court decides whether to approve the Settlement. If the Court approves the Settlement and after any objections or appeals are resolved, a settlement administrator appointed by the Court will make the payments that the Settlement allows. Because your rights will be affected by this Settlement, it is extremely important that you read this Notice carefully.

If you received a postcard Notice, it is because NCSPlus Inc.'s records indicate that you received a call from NCSPlus Inc. to your cell phone between August 31, 2008 and August 31, 2012.

The Court in charge of the case is the United District Court for the Southern District of New York, and the case is known as *Edward Zyburow v. NCSPlus Inc.*, Case No. 12-cv-06677-JSR (S.D.N.Y.). The proposed Settlement would resolve all the claims in this case. The person who sued is called the Plaintiff, and the company he sued, NCSPlus Inc., is called the Defendant and is referred to herein as "Defendant."

2. What is the class action lawsuit about?

A class action is a lawsuit in which the claims and rights of many people are decided in a single court proceeding. A representative plaintiff, also known as the "Class Representative," asserts claims on behalf of the entire class.

The Class Representative filed this case against Defendant alleging that it violated the TCPA by using an automatic telephone dialing system to call cell phones without the prior express consent of the recipients.

Defendant denies that it did anything wrong, or that this case is appropriate for treatment as a class action.

3. Why is there a Settlement?

The Court did not decide in favor of the Plaintiff or the Defendant. Both sides agreed to a settlement instead of going to trial. That way, they avoid the cost of a trial, and the people affected will get compensation. The Class Representative and Class Counsel think the Settlement is best for all Class Members.

WHO IS IN THE SETTLEMENT

4. How do I know if I am part of the Settlement?

The Settlement provides relief for all Class Members, who are described as individuals whose cell phones were called by Defendant using an automatic telephone dialing system and without prior express consent between August 31, 2008 and August 31, 2012.

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Excluded from the Class are Defendant, Defendant's parent companies, affiliates or subsidiaries, or any employees thereof, and any entities in which any of such companies has a controlling interest, the judge to whom the case is assigned; and, any member of the judge's staff and immediate family.

If you have questions about being a Class Member, you can call 1-877-455-1175 or visit www.NCSPLUSLitigationSettlement.com for more information.

THE SETTLEMENT BENEFITS – WHAT YOU GET

5. What does the Settlement provide?

NCSPlus has agreed to pay a total settlement amount of \$1,800,000.00, which will be used to create a Settlement Fund to pay attorney's fees, costs and expenses to Class Counsel, a service award to Plaintiff, and the administrative costs of the Settlement. Each Class Member will receive a check for an equal share of the Settlement Fund, after the Settlement Fund is reduced by up to 25% to be paid towards the attorney's fees incurred in the litigation of this case, and an additional amount towards the incurred costs and expenses. The check received by each Class Member will not be less than \$5 and not more than \$10.

Any residual amount remaining after all the payments included in the Settlement will be donated to Public Justice or another non-profit organization of the Court's selection.

HOW YOU GET A PAYMENT

6. How and when can I get a payment?

Each Class Member will receive a check for an equal share of the Settlement Fund, which will not be less than \$5 and not more than \$10 without doing anything, on the condition that the Court approves the Settlement.

The Court will hold a Final Settlement Approval Hearing on June 25, 2015 at 3:00 p.m., to decide whether to approve the Settlement. If the Settlement is approved, appeals may still follow. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. Please be patient.

7. What am I giving up to get a payment?

If you are a Class Member, that means that you can't sue, continue to sue, or be part of any other lawsuit against NCSPlus Inc. regarding the legal issues in *this* case and all of the decisions and judgments by the Court will bind you.

You will be unable to file your own lawsuit involving all of the claims described and identified below, and you will release NCSPlus Inc. from any liability for them.

You, as well as your respective assigns, heirs, executors, administrators, successors and agents, will release, resolve, relinquish and discharge NCSPlus Inc. (and all related entities) any and all claims, causes of action, suits, obligations, debts, demands, agreements, promises,

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liabilities, damages, losses, controversies, costs, expenses, and attorneys fees of any nature whatsoever, whether based on any federal law, state law, common law, territorial law, foreign law, contract, rule, regulation, any regulatory promulgation (including, but not limited to, any opinion or declaratory ruling), common law or equity, whether known or unknown, suspected or unsuspected, asserted or unasserted, foreseen or unforeseen, actual or contingent, liquidated or unliquidated, punitive or compensatory, as of the date of the Final Judgment, that arise out of or relate in any way to the Released Parties' use of an "automatic telephone dialing system" to contact or attempt to contact Class Members via autodialed calls to cell phones to the fullest extent that term is used, defined or interpreted by the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*, relevant regulatory or administrative promulgations and case law, from August 31, 2008 to August 31, 2012.

You may not institute any action or cause of action (in law, in equity or administratively), suits, debts, liens, or claims, known or unknown, fixed or contingent, which they may have or claim to have, in state or federal court, in arbitration, or with any state, federal or local government agency or with any administrative or advisory body, arising from or reasonably related to the Released Claims.

The Settlement (available on the website located at www.NCSPlusLitigationSettlement.com) provides more detail regarding the release and describes the Released Claims with specific descriptions in necessary, accurate legal terminology, so read it carefully. You can speak to the law firm representing the Class listed in Question 8 for free or you can, at your own expense, consult your own lawyer if you have any questions about the Released Parties or the Released Claims or what they mean.

THE LAWYERS REPRESENTING YOU

8. Do I have a lawyer in this case?

The Court appointed the following law firm to represent you and other Class Members:

- John Yanchunis and Jonathan Cohen of the law firm of Morgan & Morgan Complex Litigation Group

These lawyers are called "Class Counsel." You will not be charged for the services provided by these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

9. How will the lawyers and class representative be paid?

Class Counsel will ask the Court to award up to 25% of the Settlement Fund to be paid toward the attorney's fees incurred in the litigation of this case and an additional amount toward the incurred costs and expenses, and to distribute a service award to the Class Representative.

Any objection to Class Counsel's application for attorney's fees, costs and expenses, or the service award to the Class Representative may be filed, and must be postmarked, no later than **April 23, 2015**.

OBJECTING TO THE SETTLEMENT

Questions? Call 1-877-455-1175 or visit <http://www.NCSPLUSLitigationSettlement.com>

You can tell the Court that you do not agree with the Settlement or some part of it.

10. How do I tell the Court that I do not think the Settlement is fair?

You can tell the Court that you don't agree with the Settlement or some part of it. If you are a Class Member, you can object to the Settlement if you do not think the Settlement is fair. You must state reasons why you think the Court should not approve it. The Court will consider your views. If you want to object to the terms of the Settlement, you must serve on Class Counsel, Defendant's Counsel and the Third Party Administrator, at the addresses listed below, and file with the Clerk of Court, a written statement of objection, as well as the specific reasons, if any, for each objection, and identify any evidence you have in support of your objection. Be sure to include your full name, address, telephone number and the case name (*Zyburo v. NCSPlus Inc.*, Case No. 12-cv-6677-JSR (S.D.N.Y.)). You must also state whether you intend to appear at the Final Settlement Approval Hearing on your own behalf or through counsel. **Your objection to the Settlement must be postmarked no later than April 23, 2015.**

The objection must be mailed to:

Court Clerk of Court United States Courthouse 500 Pearl St. New York, NY 10007-1312	Third Party Administrator Zyburo v. NCSPlus Inc. c/o Angeion Group 1801 Market Street, Suite 660 Philadelphia, PA 19103
Class Counsel Morgan & Morgan Complex Lit. Group 201 N. Franklin Street, 7 th Floor Tampa, FL 33602	Defendant's Counsel Messer, Stilp & Strickler Ltd. 166 W. Washington St., Suite 300 Chicago, Illinois 60602

The Court's Final Settlement Approval Hearing

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

The Court will hold a hearing to decide whether to approve the Settlement. This Final Settlement Approval Hearing will be held at 3:00 p.m. on June 25, 2015, at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007-1312 in Courtroom 12-2. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check the case website for updates. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate, and whether to award attorney's fees, expenses, and service awards as described above, and in what amounts. If there are objections, the Court will consider them. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long it will take the Court to issue its decision. It is not necessary for you to appear at this hearing, but you may attend at your own expense.

Questions? Call 1-877-455-1175 or visit <http://www.NCSPLUSLitigationSettlement.com>

12. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Settlement Approval Hearing. To do so, you must send a letter saying that you intend to appear at the Final Settlement Approval Hearing in *Zyburo v. NCSPlus Inc.*, Case No. 12-cv-6677-JSR (S.D.N.Y.). Be sure to include your full name, address, and telephone number. Your letter stating your notice of intention to appear must be postmarked no later than **April 23, 2015** and be sent to the Clerk of the Court, at the address listed above.

IF YOU DO NOTHING

13. What happens if I do nothing at all?

If you are a Class Member and do nothing, you will receive a check for an equal share of the Settlement Fund, after the Settlement Fund is reduced by up to 25% to be paid towards the attorney's fees incurred in the litigation of this case, and an additional amount towards the incurred costs and expenses. The check received by each Class Member will not be less than \$5 and not more than \$10.

GETTING MORE INFORMATION

14. How do I get more information?

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement, which is located on the website at www.NCSPlusLitigationSettlement.com, where you will also find answers to common questions about the Settlement.

Questions? Call 1-877-455-1175 or visit <http://www.NCSPLUSLitigationSettlement.com>