

**IN THE  
CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION**

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JONATHAN SMITH, JOSEPH ROGERS,	)	
TAYLOR ARMIGER and RAMSEY	)	
GARDNER, individually and on behalf of	)	
themselves and all others similarly situated,	)	Case No.: 2023-CH-09225
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
ASSURANCE IQ, LLC,	)	
	)	
Defendants.	)	

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**NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT**

**TO: All persons (1) to whom Assurance IQ, LLC or its agents placed, or caused to be placed, a call or calls, (2) directed to a telephone number for which Assurance IQ LLC’s records show a WN and/or DNC designation, and for which the parties’ reverse telephone number lookup process returned names different than names Assurance IQ, LLC associated with the telephone numbers, (3) in connection with which Assurance IQ, LLC used, or caused to be used, an artificial or prerecorded voice, (4) from October 1, 2018 through March 6, 2024.**

**IF YOU THINK YOU MAY BE A MEMBER OF THIS CLASS OF PERSONS, YOU SHOULD READ THIS NOTICE CAREFULLY BECAUSE IT MAY AFFECT YOUR LEGAL RIGHTS AND OBLIGATIONS.**

*A FEDERAL COURT AUTHORIZED THIS NOTICE. THIS IS NOT A SOLICITATION FROM A LAWYER.*

- A Settlement has been proposed in the class action lawsuit referenced above, which is pending in the Chancery Division of the Cook County Illinois Court (“Action”). You may be entitled to participate in the proposed Settlement.
- The Chancery Division of the Cook County Illinois Court has ordered the issuance of this notice. Assurance IQ, LLC (“Assurance IQ”) denies it did anything wrong and has defended itself throughout the lawsuit. The Court has not decided who is right. Both sides have agreed to settle the dispute to avoid burdensome and costly litigation.
- If the Court finally approves the Settlement, Assurance IQ will create a fund of \$21,875,000. If you submit a valid Claim Form, you may be eligible to obtain a share of this fund. Class Counsel estimates each participating Settlement Class Member’s share of the fund will be approximately between **\$167 to \$33**. Each participating Settlement Class Member’s share of the fund may be higher or lower depending on how many Settlement Class Members in total elect to participate in the Settlement.

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

<b>SUBMIT A CLAIM FORM</b>	This is the only way to get an award under the Settlement. If you have a Class ID number, you may submit a claim through the Settlement Website at <a href="http://www.AssuranceTCPASettlement.com">www.AssuranceTCPASettlement.com</a> , or by mailing in your Claim Form. The Claims Administrator may seek additional information from persons without a Class ID number.	Deadline: <b>July 31, 2024</b>
<b>EXCLUDE YOURSELF</b>	If you exclude yourself from the Settlement, you will not receive a share of the Settlement Fund, and you will not release any claims you may have against Assurance IQ. Excluding yourself is the only option that allows you to bring or maintain your own lawsuit regarding the allegations in the Action ever again.	Deadline: <b>July 31, 2024</b>
<b>OBJECT</b>	As explained in detail below, you may write to the Court about why you object to (i.e., don't like) the Settlement and think it should not be approved. Submitting an objection does not exclude you from the Settlement.	Deadline: <b>July 31, 2024</b>
<b>DO NOTHING</b>	If you do nothing, you will not receive a share of the Settlement Fund, but if you are a Settlement Class Member you will release certain claims you may have against Assurance IQ.	N/A

- These rights and options—**and the deadlines to exercise them**—are explained in more detail below.
- The Court in charge of this Action has preliminarily approved the Settlement and must decide whether to give final approval to the Settlement. The relief available to Settlement Class Members will be provided only if the Court finally approves the Settlement and, if there are any appeals, after the appeals are resolved in favor of the Settlement. *Please be patient.*

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## BACKGROUND INFORMATION

### 1. Why did I get this Class Notice?

You received this Class Notice because a Settlement has been reached in this Action and you may be a Settlement Class Member. If you are a member of the Settlement Class, you may be eligible for the relief detailed below.

This Class Notice explains the nature of the Action, the general terms of the proposed Settlement, and your legal rights and obligations. To obtain more information about the Settlement, including information about how you can see a copy of the Settlement Agreement (which defines certain capitalized terms used in this Notice), see Section 20 below.

### 2. What is this lawsuit about?

A number of individuals (the “Plaintiffs”) filed lawsuits against Assurance IQ on behalf of themselves and others similarly situated. Through the lawsuits, Plaintiffs assert that Assurance IQ violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 (the “TCPA”) by, *inter alia*, placing unsolicited calls to telephone numbers, in connection with which it used an artificial or prerecorded voice, absent consent.

Assurance IQ denies each and every one of the allegations of unlawful conduct, any wrongdoing, and any liability whatsoever, and no court or other entity has made any judgment or other determination of any liability. Assurance IQ further denies that any Settlement Class Member is entitled to any relief and, other than for settlement purposes, that this Action is appropriate for certification as a class action.

**The issuance of this Class Notice is not an expression of the Court’s opinion on the merits or the lack of merits of the Plaintiffs’ claims in the Action.**

For information about how to learn about what has happened in the Action to date, please see Section 20 below.

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

In a class action lawsuit, one or more people sue on behalf of other people who allegedly have similar claims. For purposes of this proposed Settlement, one court will resolve the issues for all Settlement Class Members. The company sued in this case, Assurance IQ, is called the Defendant.

### 4. Why is there a Settlement?

Plaintiffs have made claims against Assurance IQ. Assurance IQ denies that it has done anything wrong or illegal and admits no liability. The Court has **not** decided that the Plaintiffs or Assurance IQ should win this Action. Instead, both sides agreed to a Settlement. That way, they avoid the cost of a trial, and the Settlement Class Members will receive relief now rather than years from now, if at all.

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

The Court has decided that everyone who fits this description is a Settlement Class Member for purposes of the proposed Settlement: All persons (1) to whom Assurance IQ, LLC or its agents placed, or caused to be placed, a call or calls, (2) directed to a telephone number for which Assurance IQ LLC’s records show a WN and/or DNC designation, and for which the parties’ reverse telephone number lookup process returned names different than names Assurance IQ, LLC associated with the telephone numbers, (3) in connection with which Assurance IQ, LLC used, or caused to be used, an artificial or prerecorded voice, (4) from October 1, 2018 through March 6, 2024.

## 6. I am still not sure if I am included.

If you are still not sure whether you are included in the Settlement Class, you can write or call the Claims Administrator for free help. The Claims Administrator's contact information is below.

Assurance IQ TCPA Settlement  
c/o Kroll Settlement Administration  
PO Box 5324  
New York, NY 10150-5324  
(833)-425-7847  
Email: info@AssuranceTCPASettlement.com

## THE PROPOSED SETTLEMENT

## 7. What relief does the Settlement provide to the Settlement Class Members?

Assurance IQ will create a Settlement Fund of \$21,875,000 which will be used to pay the claims of Settlement Class Members, Class Counsel's Fees, Costs, and Expenses Award (see Section 11 below), Plaintiffs' incentive awards (see Section 12 below), and compensation for the Claims Administrator for providing notice to the Settlement Class and administering the Settlement.

If you are a Settlement Class Member, you are eligible to receive a *pro rata* share of the Settlement Fund by timely and validly submitting a Claim Form.

## HOW TO REQUEST AN AWARD UNDER THE SETTLEMENT – SUBMITTING A CLAIM FORM

## 8. How can I get a Settlement payment?

To qualify for a payment from the Settlement, you must send in a Claim Form. A Claim Form is available by clicking [HERE](#) or on the Internet at the website [www.AssuranceTCPASettlement.com](http://www.AssuranceTCPASettlement.com). The Claim Form may be submitted electronically at [www.AssuranceTCPASettlement.com](http://www.AssuranceTCPASettlement.com) or by postal mail. Read the instructions carefully, fill out the form, and postmark it by **July 31, 2024**, or submit it online on or before 11:59 p.m. (Pacific) on **July 31, 2024**.

## 9. When will I get a Settlement payment?

As described in Sections 17 and 18, the Court will hold a hearing on **September 3, 2024**, at 11:00 AM to decide whether to approve the Settlement. If the Court approves the Settlement, after that, there may be appeals. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. You can check on the progress of the case on the website dedicated to the Settlement at [www.AssuranceTCPASettlement.com](http://www.AssuranceTCPASettlement.com). *Please be patient.*

## THE LAWYERS IN THIS CASE AND THE PLAINTIFF

## 10. Do I have a lawyer in this case?

The Court has ordered that Greenwald Davidson Radbil PLLC, Keogh Law, Ltd, Turke & Strauss LLP, and Paronich Law, P.C. ("Class Counsel") will represent the interests of all Settlement Class Members. You will not be separately charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

### 11. How will the lawyers be paid?

Class Counsel will petition the Court to receive a Fees, Costs, and Expenses Award up to \$8,795,000, which is 40% of the fund plus reasonable expenses. The Court will make the final decision as to the amount to be paid to the attorneys for their fees and costs. You will not be required to separately pay any attorneys' fees or costs to the Settlement Class Counsel.

### 12. Will the Plaintiffs receive any compensation for their efforts in bringing this Action?

The Plaintiffs will each request an incentive award of \$5,000 for their services as Class Representatives and their efforts in bringing the Action and obtaining the Settlement benefits for Settlement Class Members. The Court will make the final decision as to the amount to be paid to the Plaintiffs.

## DISMISSAL OF ACTION AND RELEASE OF ALL CLAIMS

### 13. What am I giving up to obtain relief under the Settlement?

If the Court approves the proposed Settlement, Settlement Class Members will release claims against Assurance IQ and the other entities allegedly involved in the calls at issue unless the Settlement Class Members exclude themselves from the Settlement. This generally means that Settlement Class Members will not be able to file or pursue a lawsuit against Assurance IQ or be part of any other lawsuit against Assurance IQ asserting claims that were or could have been asserted in the Action. The Settlement Agreement, available on the Internet at the website [www.AssuranceTCPASettlement.com](http://www.AssuranceTCPASettlement.com), contains the full terms of the release.

## HOW TO EXCLUDE YOURSELF FROM THE SETTLEMENT

### 14. How do I exclude myself from the Settlement?

Settlement Class Members may exclude themselves from the Settlement Class and the Settlement by submitting a request for exclusion to the Claims Administrator electronically (through the Settlement website) or by postal mail. If you want to be excluded, you must either complete the opt-out form available on the Settlement website located at [www.AssuranceTCPASettlement.com](http://www.AssuranceTCPASettlement.com), or write the Claims Administrator stating: (a) the name and case number of the action – “*Smith, et. al. v. Assurance IQ LLC, 2023-CH-09225* (Cook County, Illinois)”; (b) the full name and the unique identification number for the Settlement Class Member assigned by the Claims Administrator; (c) the address, telephone number, and email address (optional) of the Settlement Class Member seeking exclusion; (d) that the requestor does not wish to participate in the Settlement; and (e) including your personal signature. If you are not using the opt-out form on the Settlement Website, the request for exclusion must be sent to the Claims Administrator at:

*Assurance IQ TCPA Settlement*  
c/o Kroll Settlement Administration  
PO Box 5324  
New York, NY 10150-5324  
[www.AssuranceTCPASettlement.com](http://www.AssuranceTCPASettlement.com)

Your request for exclusion must be submitted electronically or be postmarked no later than **July 31, 2024**, at 11:59 pm (Pacific). If you submit your request for exclusion by postal mail, you are responsible for your postage.

Settlement Class Members who validly and timely request exclusion from the Settlement Class will be excluded from the Settlement Class, will not be bound by the Settlement Agreement or the judgment entered in the Action, will not be eligible to make a claim for any benefit under the terms of the Settlement Agreement, will not be entitled to submit an objection to the Settlement, and will not be precluded from prosecuting any timely, individual claim against Assurance IQ based on the conduct complained of in the Action.

## HOW TO OBJECT TO THE SETTLEMENT

### 15. How do I tell the Court that I disagree with the Settlement?

On **September 3, 2024**, at 11:00 AM, the Court will hold a Fairness Hearing to determine if the Settlement is fair, reasonable, and adequate, and to also consider the attorneys who initiated the Action's request for a Fees, Costs, and Expenses Award, and incentive payments to the Plaintiffs.

If you wish to object to the fairness, reasonableness, or adequacy of the Settlement Agreement or the proposed Settlement, you must write to the Court and must include: (a) the case name and number – "*Smith, et. al. v. Assurance IQ LLC*, 2023-CH-09225 (Cook County, Illinois)"; (b) include the full name address and telephone number called by Defendant as well as the unique identification number for the Settlement Class Member assigned by the Claims Administrator; (c) a description of the facts and legal authorities underlying the objection; (d) a statement noting whether the objector intends to appear at the Fairness Hearing; (e) a list of all witnesses that the objector intends to call by live testimony, deposition testimony, or affidavit or declaration testimony; and (f) a list of exhibits that the objector intends to present at the Fairness Hearing.

**To have an objection considered, a Settlement Class Member must file an objection with the Court.**

Clerk of the Court  
Cook County Chancery Division  
50 W Washington St # 80  
Chicago, IL 60602

**Objections must also be mailed to the addresses below and postmarked or received no later than July 31, 2024.**

<b>For Plaintiffs:</b>	<b>For Assurance IQ:</b>
Keith J. Keogh Keogh Law, Ltd. 55 West Monroe St. Ste. 3390 Chicago, Illinois 60603	Mark A. Silver Dentons US LLP 303 Peachtree Street, NE, Suite 5300 Atlanta, GA 30308

The objection must be submitted electronically or be postmarked no later than **July 31, 2024**, at 11:59 pm (Central).

You may, but need not, submit your objection through counsel of your choice. If you do make your objection through an attorney, you will be responsible for your personal attorney's fees and costs.

**SETTLEMENT CLASS MEMBERS WHO DO NOT TIMELY MAKE AN OBJECTION WILL BE DEEMED TO HAVE WAIVED ALL OBJECTIONS AND WILL NOT BE ENTITLED TO SPEAK AT THE FAIRNESS HEARING.**

Settlement Class Members who submit a written objection have the option to appear and request to be heard at the Fairness Hearing, either in person or through personal counsel. You are not required, however, to appear. However, if you, or your attorney, intend to make an appearance at the Fairness Hearing, you must include on your timely and valid objection a statement substantially similar to "Notice of Intention to Appear." Only Settlement Class Members who submit timely objections including Notices of Intention to Appear may speak at the Fairness Hearing. If you make an objection through an attorney, you will be responsible for your attorney's fees and costs.

## 16. What is the difference between excluding myself and objecting to the Settlement?

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

## FAIRNESS HEARING

## 17. What is the Fairness Hearing?

The Court has preliminarily approved the Settlement and will hold a hearing to decide whether to give final approval to the Settlement. The purpose of the Fairness Hearing will be for the Court to determine whether the Settlement should be approved as fair, reasonable, adequate, and in the best interests of the Settlement Class; to consider the Fees, Costs, and Expenses Award to the attorneys who initiated the Action; and to consider the request for incentive awards by to the Plaintiffs.

## 18. When and where is the Fairness Hearing?

On **September 3, 2024**, at 11:00 AM, a hearing will be held on the fairness of the proposed Settlement. At the hearing, the Court will be available to hear any objections and arguments concerning the proposed Settlement's fairness. The hearing will take place before the Honorable **Allen P. Walker**, Cook County Chancery Division, 50 W Washington St # 80, Chicago, IL 60602 on **September 3, 2024**, at 11:00 AM. The hearing may be postponed to a different date or time or location without notice. Please check [www.AssuranceTCPASettlement.com](http://www.AssuranceTCPASettlement.com) for any updates about the Settlement generally or the Fairness Hearing specifically. If the date or time of the Fairness Hearing changes, an update to the Settlement Website will be the only way you will be informed of the change.

## 19. May I speak at the hearing?

At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement. You may attend, but you do not have to. As described above in Section 15, you may speak at the Fairness Hearing only if (a) you have timely submitted an objection, and (b) you have timely and validly provided a Notice of Intent to Appear. If you have requested exclusion from the Settlement, however, you may not speak at the Fairness Hearing.

## ADDITIONAL INFORMATION

## 20. How do I get more information?

To see a copy of the Settlement Agreement, the Court's Preliminary Approval Order, the application for a Fee s, Costs, and Expenses Award, and the operative Complaint filed in the Action, please visit the Settlement Website located at: [www.AssuranceTCPASettlement.com](http://www.AssuranceTCPASettlement.com). Alternatively, you may contact the Settlement Administrator at the email address [info@AssuranceTCPASettlement.com](mailto:info@AssuranceTCPASettlement.com) or the U.S. postal (mailing) address: *Assurance IQ TCPA Settlement*, c/o Kroll Settlement Administration, PO Box 5324, New York, NY 10150 -5324. You may also obtain information by calling (833) 425-7847.

This description of this Action is general and does not cover all of the issues and proceedings that have occurred. In order to see the complete file, you should visit the Settlement website or the Clerk's office at Clerk of the Court, Cook County Chancery Division, 50 W Washington St # 80, Chicago, IL 60602. The Clerk will tell you how to obtain the file for inspection and copying at your own expense.



## 21. Cy Pres

If any money remains in the non-reversionary Settlement Fund after the date that all Settlement checks (i.e., initial Settlement checks, and if applicable, second settlement checks), are voided due to non-deposit (i.e. checks that Settlement Class Members do not cash), this amount will be paid to the *cy pres* recipient as the organization closely aligned with the Settlement Class's interests, subject to approval by the Court. Plaintiffs have proposed that 50% of any *cy pres* goes to the Chicago Bar Foundation, a federally recognized 501(c)(3) organization that supports numerous Illinois legal aid organizations, as the Illinois Equal Justice Act, 735 ILCS 5/2-807, requires 50% of any *cy pres* go to a local organization. Plaintiffs proposed that the remaining 50% will go to The Electronic Privacy Information Center (EPIC), earmarked for work related to the TCPA.

## 22. What if my address or other information has changed or changes after I submit a Claim Form?

It is your responsibility to inform the Claims Administrator of your updated information. You may do so at the address below:

*Assurance IQ TCPA Settlement*  
c/o Kroll Settlement Administration  
PO Box 5324  
New York, NY 10150-5324  
Email: [info@AssuranceTCPASettlement.com](mailto:info@AssuranceTCPASettlement.com)

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**DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR THE LITIGATION TO THE CLERK OF THE COURT OR THE JUDGE.**