

## NOTICE OF CLASS ACTION LAWSUIT AND PROPOSED SETTLEMENT

THE COURT AUTHORIZED THIS NOTICE.  
THIS IS NOT A SOLICITATION FROM A LAWYER.

This is notice of a Proposed Settlement in a class action lawsuit. The Settlement would resolve a lawsuit brought on behalf of individuals and entities who allege that they received telephone calls on or after September 17, 2008, on behalf of Vivint, Inc. (“Vivint”) utilizing an artificial or prerecorded voice, or telephone calls to their mobile telephones placed by an automated telephone dialing system, or received more than one telephone call in a 12-month period to a number registered on the National Do Not Call Registry or Vivint’s internal Do Not Call list, that also related in any way to Vivint products or services or were made by anyone seeking to generate leads related to Vivint (“Covered Calls”).

The Plaintiff Matthew Benzion alleges that certain Telemarketers made numerous calls that violate the federal Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227, promoting the goods and services of Vivint. The Court did not decide in favor of the Plaintiff or Defendant. Both sides have agreed to a Settlement. This avoids the cost, risk, and delay of trial. Under the Settlement, Class Members will have the opportunity to obtain a payment in exchange for giving up certain legal rights. The Class Representative and the attorneys think that the Settlement is best for all Class Members. The case is titled *Benzion v. Vivint, Inc.*, pending in the United States District Court for the Southern District of Florida, case number 12-cv-61826-WJZ.

The total amount of the Settlement Fund is \$6,000,000.00. If the Court approves the Settlement, every Class Member who submits a timely and valid Claim Form will be entitled to an equal payment from the Net Settlement Fund, with a maximum payment of \$500.00 per Class Member, although it is anticipated that the pro rata payouts will be less than this maximum amount.

To accept the Settlement, complete and submit a timely Claim Form no later than **July 28, 2014**. You may submit a Claim Form online through the Settlement website, [HomeAlarmTCPASettlement.com](http://HomeAlarmTCPASettlement.com), or by completing a Claim Form and mailing it back to the Claims Administrator at Vivint TCPA Settlement, c/o A.B. Data, Ltd., PO Box 170300, Milwaukee, WI 53217.

You may “opt out” and exclude yourself from the Settlement. If you opt out, you will not receive any cash payment, and you will not release any claims you may have against the Released Parties. To exclude yourself from the Settlement, you must mail a signed letter to the Claims Administrator postmarked no later than **July 28, 2014**, including your name, address, telephone number at which you received Covered Call(s), whether the number is cellular or a residential landline, the number of Covered Calls, and that you exclude yourself from the Settlement. The request must be mailed to Vivint TCPA Settlement, EXCLUSIONS, c/o A.B. Data, Ltd., PO Box 170500, 3410 West Hopkins St., Milwaukee, WI 53217. Unless you exclude yourself, you will be bound by any final judgment in the Action.

If you want to object to the Settlement, submit your objection in writing to the Clerk of the Court, United States District Court for the Southern District of Florida, Fort Lauderdale Division, 299 East Broward Boulevard #108, Fort Lauderdale, FL 33301, postmarked by **July 28, 2014**. You must also send a copy of your objection to the Claims Administrator at Vivint TCPA Settlement, OBJECTIONS, c/o A.B. Data, Ltd., PO Box 170500, 3410 West Hopkins St., Milwaukee, WI 53217, also postmarked by **July 28, 2014**. In the written objection, you must state your full name, address, telephone number(s) at which you maintain you received Covered Call(s), whether the number is cellular or residential landline, the reason for your objection and whether you intend to appear at the Fairness Hearing on your own behalf or through counsel. Any documents supporting the objection must also be attached to the objection. If you or your attorney intends to appear at the Fairness Hearing, you must file a notice of appearance with the Court no later than 10 calendar days prior to the Fairness Hearing and serve a copy of such notice on counsel for all Parties.

If you do nothing, you will get no money from the Settlement Fund. Unless you exclude yourself from the Settlement, you will not be able to sue or continue a lawsuit against Vivint regarding the legal issues in this case.

The Court has scheduled a Fairness Hearing for **August 25, 2014**, at 10:00 a.m. in Courtroom A of the United States District Court, Southern District of Florida, Fort Lauderdale Division, 299 East Broward Boulevard, Fort Lauderdale, FL 33301 to decide whether to approve (1) the Settlement, (2) Class Counsel's request for fees of up to 33 1/3% of the Settlement Fund, and (3) an award of up to \$20,000.00 for the Class Representative.