

**NOTICE OF CLASS ACTION SETTLEMENT WITH ATTACHED CLAIM FORM**

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

**You may benefit from this notice. Please read it carefully.**

**You must complete and submit the attached claim form to receive a monetary benefit.**

THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OHIO  
EASTERN DIVISION

*ADVANCED DERMATOLOGY*  
on behalf of itself and all others  
similarly situated,

Plaintiff,

v.

Case No: 5:18-cv-00194

*MTI, INC.*

Defendant.

- 1. WHY HAVE YOU RECEIVED THIS NOTICE?** You received this notice because records indicate that you received a facsimile from MTI, Inc. on or after January 25, 2014.
- 2. WHAT IS THIS LAWSUIT ABOUT?** On behalf of itself and a class of similarly situated people, the plaintiff, Advanced Dermatology, alleges that MTI, Inc. sent unsolicited facsimile advertisements in violation of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227.
- 3. WHAT IS A CLASS ACTION?** In a class action, one or more people called Class Representatives (in this case, Advanced Dermatology) sue on behalf of people who have similar claims. All these people are a Class or Class Members. One court resolves the issues for all Class Members, except for those who exclude themselves from the Class. U.S. District Court Judge Pamela A. Barker is presiding over this class action.
- 4. WHAT IS THE PROPOSED SETTLEMENT?** Without admitting fault or liability, MTI, Inc. has agreed to create a settlement fund of \$600,000 (the “Settlement Fund”) and to provide a rebate coupon applicable to future purchases. If the Court approves the settlement, Class Members who submit a valid and timely claim form will be mailed a check for a per capita share of the Settlement Fund after deduction of any attorneys’ fees and costs for Class Counsel awarded by the Court, any award to the Class Representative awarded by the Court, and the costs of settlement administration. Any Class Members who do not submit a valid and timely claim form and do not opt out will instead receive a \$650 rebate coupon that may be used with the purchase of certain specified MTI, Inc. products. In exchange, all class members release MTI, Inc. of the claims in the lawsuit, unless they exclude themselves from the settlement.

**5. WHAT ARE YOUR OPTIONS?**

**a. SUBMIT A CLAIM FORM                      This is necessary to receive a payment**

To receive a payment from the Settlement Fund, you must complete, sign, and return the attached Claim Form or submit a claim form online at [www.advdertmtcpasettlement.com](http://www.advdertmtcpasettlement.com). Read the instructions carefully, fill out the form, include all the information the form asks for, sign it, and mail it postmarked no later than October 11, 2021. If the Court approves of the settlement, you will receive a check for your per capita share of the balance of Settlement Fund. If your claim form is not received by October 11, 2021, you will be deemed to have waived your right to a per capita share of the settlement. Instead, you will receive a rebate coupon and you will still be bound by all orders and judgments entered in connection with the settlement unless you exclude yourself.

**b. EXCLUDE YOURSELF                      You do not receive payment and no rebate coupon, but you can file your own suit (or participate in another lawsuit) against MTI, Inc.**

To exclude yourself and opt out from the settlement, you must complete, sign, and return the attached Opt-out Form, postmarked on or before October 11, 2021. If your request is not postmarked by that date, your right to opt out will be deemed waived, and you will be bound by all orders and judgments entered in connection with the settlement.

**c. OBJECT                                      You can write to the Court about why you do not like the settlement**

If you do not like any part of the settlement, you may file an objection and tell the Court why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter saying that you object with your name, address, telephone number, email address, your signature, and the reasons you object with a copy to each of these three addresses postmarked no later than October 11, 2021:

U.S. District Court for the Northern District Ohio Eastern Division Attn. Judge Barker 801 West Superior Avenue Cleveland, Ohio 44113	Ronald Frederick Frederick & Berler, LLC 767 E 185th St. Cleveland, OH 44119	Eli W. McCann Kirton McConkie 50 E. South Temple, Suite 400 P.O. Box 45120 Salt Lake City, UT 84145-0120
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**Objecting is simply telling the Court that you don't like something about the settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself, you cannot object, because the case no longer affects you.**

**d. GO TO THE HEARING                      You can ask to speak in Court about the fairness of the settlement.**

The Court will hold a hearing to decide whether to approve the settlement. You may attend and you may ask to speak, but you do not have to.

The hearing will be held at 9:00 AM on November 18, 2021, at the United States District Court for the Northern District of Ohio, Carl B. Stokes U.S. Court House, 801 West Superior Avenue, Cleveland, Ohio 44113 in Courtroom 16A. At this hearing the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. Judge Barker will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay to Class Counsel. After the hearing, the Court will decide whether to approve the settlement; however, we do not know how long this decision will take.

**e. DO NOTHING**

**You will receive no money payment, but you will receive a rebate coupon**

If you do nothing, you will get no money from this settlement, but you will receive a rebate coupon. However, unless you exclude yourself, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against MTI, Inc. based on the legal issues released in this case.

**6. WHO REPRESENTS THE CLASS?** The Court asked the law firm of Fredrick & Berler, LLC to represent you and other Class Members. These lawyers are called Class Counsel. You will not be charged for these lawyers; they will petition the Court for fee to be paid from the Settlement Fund. If you want to be represented by your own lawyer, you may hire one at your own expense.

Class Counsel will ask the Court to approve payment of up to \$300,000.00 to them for attorneys' fees and costs incurred, and payment of \$10,900.00 to Advanced Dermatology, for its services as Class Representative. The fees would pay Class Counsel for investigating the facts, litigating the case, and negotiating the settlement. The Court may award less than these amounts. MTI, Inc. has agreed not to unreasonably oppose these fees and expenses. The cost of notice and administration, attorneys' fees, expenses, and costs, and the service awards are deducted from the Settlement Fund.

**7. HOW DO YOU GET MORE INFORMATION?** This notice summarizes the proposed settlement. More details are in a Settlement Agreement. You can get a copy of the Settlement Agreement and/or ask further questions by writing to Ronald Frederick, Frederick & Berler, LLC, 767 E 185th St., Cleveland, OH 44119, or calling (216) 502-1055. You may also visit the settlement website at [www.advdermtcpasettlement.com](http://www.advdermtcpasettlement.com). Please do not contact Defense Counsel or the Court with any questions.