

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN  
*Higgins v. TV Guide Magazine, LLC*, Case No. 2:15-cv-13769-SJM-MKM

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**IF YOU PURCHASED A SUBSCRIPTION TO TV GUIDE MAGAZINE OR  
 TV WEEKLY BETWEEN OCTOBER 26, 2009 AND OCTOBER 26, 2015,  
 YOU MAY BE PART OF A CLASS ACTION SETTLEMENT.**

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*A federal court authorized this notice. You are not being sued. This is not a solicitation from a lawyer.*

- A settlement has been reached in a class action lawsuit against magazine publisher TV Guide Magazine, LLC, who is the Defendant. The class action lawsuit involves whether TV Guide disclosed its customers' subscription information to third parties in violation of Michigan privacy law.
- You are included in the Settlement if you had a Michigan street address and purchased a subscription to *TV Guide Magazine* or *TV Weekly* from TV Guide between October 26, 2009 and October 26, 2015.
- Those included in the Settlement will be eligible to receive a *pro rata* portion of the Settlement Fund, which Class Counsel anticipates to be approximately \$50–100 per Settlement Class Member. TV Guide has also agreed that, for a period of four (4) years following Preliminary Approval, it will not disclose any of its Michigan customers' subscription information to any third-parties without the prior express written consent of the affected subscribers.
- Please read this notice carefully. Your legal rights are affected whether you act, or don't act.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>SUBMIT A CLAIM FORM</b>	This is the only way to receive a payment.
<b>EXCLUDE YOURSELF</b>	You will receive no benefits, but you will retain any rights you currently have to sue the Defendant about the claims in this case.
<b>OBJECT</b>	Write to the Court explaining why you don't like the Settlement.
<b>GO TO THE HEARING</b>	Ask to speak in Court about your opinion of the Settlement.
<b>DO NOTHING</b>	You won't get a share of the Settlement benefits and will give up your rights to sue the Defendant about the claims in this case.

These rights and options—**and the deadlines to exercise them**—are explained in this Notice.

## BASIC INFORMATION

### 1. Why was this Notice issued?

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A Court authorized this notice because you have a right to know about a proposed Settlement of this class action lawsuit and about all of your options, before the Court decides whether to give final approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

The Honorable Stephen J. Murphy, III, of the U.S. District Court for the Eastern District of Michigan (Detroit), is overseeing this case. The case is known as *Higgins v. TV Guide Magazine, LLC*, Case No. 2:15-cv-13769-SJM-MKM. The person who sued is called the Plaintiff. The company that got sued is called the Defendant, which is TV Guide Magazine, LLC in this case.

### 2. What is a class action?

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In a class action, one or more people called class representatives (in this case, Tom Higgins) sue on behalf of a group or a “class” of people who have similar claims. In a class action, the court resolves the issues for all class members, except for those who exclude themselves from the Class.

### 3. What is this lawsuit about?

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This lawsuit claims that Defendant violated Michigan’s Preservation of Personal Privacy Act, M.C.L. § 445.1712 (the “PPPA”) by disclosing information related to its customers’ magazine subscriptions to third parties. The Defendant denies it violated any law and/or committed any wrongdoing. The Court has not determined who is right. Rather, the Parties have agreed to settle the lawsuit to avoid the uncertainties and expenses associated with ongoing litigation.

### 4. Why is there a Settlement?

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The Court has not decided whether the Plaintiff or the Defendant should win this case. Instead, both sides agreed to a Settlement. That way, they avoid the uncertainties and expenses associated with ongoing litigation, and Class Members will get compensation now rather than, if at all, years from now.

## WHO’S INCLUDED IN THE SETTLEMENT?

### 5. How do I know if I am in the Settlement Class?

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The Court decided that everyone who fits this description is a member of the **Settlement Class**:

All Persons with Michigan street addresses who purchased a subscription to *TV Guide Magazine* or *TV Weekly* from TV Guide between October 26, 2009 and October 26, 2015.

Based on Defendant’s records, there are approximately 100,000 potential Class Members.

## THE SETTLEMENT BENEFITS

### 6. What does the Settlement provide?

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**Monetary Relief:** Defendant has created a Settlement Fund totaling \$1,700,000. Settlement Class Member payments, as well as the cost to administer the Settlement, the cost to inform people about the Settlement, attorneys' fees and an award to the Class Representative will also come out of this fund (*see* Question 13).

**Privacy Protections:** In addition to this monetary relief, for a period of four (4) years from September 18, 2018 (the date of Preliminary Approval), the Defendant has agreed not to disclose any Michigan subscriber information to any third-party companies without the prior express written consent of the affected subscribers.

A detailed description of the settlement benefits can be found in the [Settlement Agreement](#).

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

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If you are member of the Settlement Class, you may submit a claim form to receive a portion of the Settlement Fund. The amount of this payment will depend on how many Class Members file valid claims. Each Class Member who files a valid claim will receive a proportionate share of the Settlement Fund, which Class Counsel anticipates will be approximately \$50–100. You can contact Class Counsel at 1-866-354-3015 to inquire as to the number of claims filed.

### 8. When will I get my payment?

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You should receive a check from the Settlement Administrator within 60 days after the Settlement has been finally approved and/or after any appeals process is complete. The hearing to consider the final fairness of the Settlement is scheduled for December 19, 2018. All checks will expire and become void 90 days after they are issued.

## HOW TO GET BENEFITS

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

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If you are a Class Member and you want to get a payment, you must complete and submit a claim form by **February 2, 2019**. Claim forms can be found and submitted online or you may have received a claim form in the mail as a postcard attached to a summary of this notice. To submit a claim form online or to request a paper copy, go to [www.TVGuideSettlement.com](http://www.TVGuideSettlement.com) or call toll free, 1-877-852-8873.

We also encourage you to submit your claim electronically. Not only is it easier and more secure, but it is completely free and takes only minutes!

## REMAINING IN THE SETTLEMENT

### 10. What am I giving up if I stay in the Class?

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If the Settlement becomes final, you will give up your right to sue the Defendant for the claims being resolved by this Settlement. The specific claims you are giving up against the Defendant are described in the Settlement Agreement. You will be “releasing” the Defendant and certain of its affiliates described in Section 1.25 of the Settlement Agreement. Unless you exclude yourself (*see* Question 14), you are “releasing” the claims, regardless of whether you submit a claim or not. The Settlement Agreement is available through the “Court Documents” link on the website.

The Settlement Agreement, in Section 1.24, describes the released claims with specific descriptions, so read it carefully. If you have any questions you can talk to the lawyers listed in Questions 12 & 17 for free or you can, of course, talk to your own lawyer if you have questions about what this means.

### 11. What happens if I do nothing at all?

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If you do nothing, you won’t get any benefits from this Settlement. But, unless you exclude yourself, you won’t be able to start a lawsuit or be part of any other lawsuit against the Defendant for the claims being resolved by this Settlement.

## THE LAWYERS REPRESENTING YOU

### 12. Do I have a lawyer in the case?

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The Court has appointed Eve-Lynn Rapp, Ari J. Scharg, and Schuyler R. Ufkes of Edelson PC to be the attorneys representing the Settlement Class. They are called “Class Counsel.” They believe, after conducting an extensive investigation, that the Settlement Agreement is fair, reasonable, and in the best interests of the Settlement Class. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

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

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The Defendant has agreed to pay Class Counsel attorneys’ fees and costs in an amount to be determined by the Court. The fee petition will seek no more than 35% of the Settlement Fund; Class Counsel may ask for and the Court may award less than this amount. Under the Settlement Agreement, any amount awarded to Class Counsel will be paid out of the Settlement Fund.

Subject to approval by the Court, Defendant has agreed to pay \$5,000 to the Class Representative from the Settlement Fund for his services in helping to bring and settle this case.

## EXCLUDING YOURSELF FROM THE SETTLEMENT

### 14. How do I get out of the Settlement?

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To exclude yourself from the Settlement, you must mail or otherwise deliver a letter (or request for exclusion) stating that you want to be excluded from the *Higgins v. TV Guide Magazine, LLC*, Case No. 2:15-cv-13769-SJM-MKM settlement. Your letter or request for exclusion must also include your name, your address, your signature, the name and number of this case, and a statement that you wish to be excluded. You must mail or deliver your exclusion request postmarked no later than **November 26, 2018** to:

Magazine Subscriber Privacy Settlement  
c/o Settlement Administrator  
PO Box 58129  
Philadelphia, PA 19102-8129

### 15. If I don't exclude myself, can I sue the Defendants for the same thing later?

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No. Unless you exclude yourself, you give up any right to sue the Defendant for the claims being resolved by this Settlement.

### 16. If I exclude myself, can I get anything from this Settlement?

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No. If you exclude yourself, you should not submit a claim form to ask for benefits because you won't receive any.

## OBJECTING TO THE SETTLEMENT

### 17. How do I object to the Settlement?

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If you're a Class Member, you can object to the Settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must file with the Court a letter or brief stating that you object to the Settlement in *Higgins v. TV Guide Magazine, LLC*, Case No. 2:15-cv-13769-SJM-MKM and identify all your reasons for your objections (including citations and supporting evidence) and attach any materials you rely on for your objections. Your letter or brief must also include your name, your address, the basis upon which you claim to be a Class Member, the name and contact information of any and all attorneys representing, advising, or in any way assisting you in connection with your objection, and your signature. You must also mail or deliver a copy of your letter or brief to Class Counsel and Defendant's Counsel listed below.

Class Counsel will file with the Court and post on [www.TVGuideSettlement.com](http://www.TVGuideSettlement.com) its request for attorneys' fees by November 9, 2018.

If you want to appear and speak at the Final Approval Hearing to object to the Settlement, with or

without a lawyer (explained below in the answer to Question Number 21), you must say so in your letter or brief. File the objection with the Court and mail a copy to these three different places postmarked no later than **November 26, 2018**.

<b>Court</b>	<b>Class Counsel</b>	<b>Defendant's Counsel</b>
The Hon Stephen J. Murphy, III Theodore Levin U.S. Courthouse 231 W. Lafayette Blvd. Room 210 Detroit, Michigan 48226	Ari J. Scharg EDELSON PC 350 North LaSalle St. Suite 1400 Chicago, Illinois 60654	Hillard M. Sterling TRAUB LIEBERMAN STRAUS & SHREWSBERRY, LLP 303 W. Madison Street Suite 1200 Chicago, Illinois 60606

18. What's the difference between objecting and excluding myself from the Settlement?

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Objecting simply means telling the Court that you don't like something about the Settlement. You can object only if you stay in the Class. Excluding yourself from the Class is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

### THE COURT'S FINAL APPROVAL HEARING

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

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The Court will hold the Final Approval Hearing at 10:00 A.M. on **December 19, 2018** in Room 228 at the Theodore Levin U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, Michigan. The purpose of the hearing will be for the Court to determine whether to approve the Settlement as fair, reasonable, adequate, and in the best interests of the Class; to consider Class Counsel's request for attorneys' fees and expenses; and to consider the request for an incentive award to the Class Representative. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement.

The hearing may be postponed to a different date or time without notice, so it is a good idea to check [www.TVGuideSettlement.com](http://www.TVGuideSettlement.com) or call 1-877-852-8873. If, however, you timely objected to the Settlement and advised the Court that you intend to appear and speak at the Final Approval Hearing, you will receive notice of any change in the date of such Final Approval Hearing.

20. Do I have to come to the hearing?

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No. Class Counsel will answer any questions the Court may have. But, you are welcome to come at your own expense. If you send an objection or comment, you don't have to come to Court to talk about it. As long as you filed and mailed your written objection on time, the Court will consider it. You may also pay another lawyer to attend, but it's not required.

21. May I speak at the hearing?

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Yes. You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must include in your letter or brief objecting to the Settlement a statement saying that it is your “Notice of Intent to Appear in *Higgins v. TV Guide Magazine, LLC*, Case No. 2:15-cv-13769-SJM-MKM.” It must include your name, address, telephone number and signature as well as the name and address of your lawyer, if one is appearing for you. Your objection and notice of intent to appear must be filed with the Court and postmarked no later than **November 26, 2018**, and be sent to the addresses listed in Question 17.

## GETTING MORE INFORMATION

22. Where do I get more information?

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This Notice summarizes the Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at [www.TVGuideSettlement.com](http://www.TVGuideSettlement.com). You may also write with questions to Magazine Subscriber Privacy Settlement, c/o Settlement Administrator, PO Box 58129, Philadelphia, PA 19102-8129. You can call the Settlement Administrator at 1-877-852-8873 or Class Counsel at 1-866-354-3015, if you have any questions. Before doing so, however, please read this full Notice carefully. You may also find additional information elsewhere on the settlement website.