

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

*Avalos v. AxleHire, Inc.*

**Alameda County Superior Court**

**Case No. 22-cv-020643**

**READ THIS NOTICE CAREFULLY  
YOUR LEGAL RIGHTS MAY BE AFFECTED**

If, while residing or located in California, you placed a call to AxleHire, Inc.'s customer service telephone number (855-249-7447) and/or received a call from AxleHire, Inc.'s customer service department at any time during the period from and including October 27, 2021, through May 10, 2023, you may be entitled to money from a class action settlement. This settlement covers those calls. Please read the rest of this Settlement Class Notice to find out more.

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

<b>Participate in the Settlement</b>	If you wish to receive a settlement payment, read this Settlement Class Notice for information on how to file a claim. If you do not file a Claim Form by February 19, 2024, you will not receive a settlement payment.
<b>Exclude Yourself from the Settlement</b>	If you do not want to participate in the settlement, you must send a letter requesting exclusion postmarked no later than February 19, 2024, or else you will be bound by the settlement.
<b>Object to the Settlement</b>	If you wish to object to the settlement, you must follow the directions in this Settlement Class Notice. The deadline to object is February 19, 2024.
<b>Participate in the Hearing</b>	If you submit a timely objection to the settlement, you may also indicate in the objection whether you wish to appear in court and be heard at the time of the final approval hearing.
<b>Do Nothing</b>	If you do nothing with respect to this Settlement Class Notice, you will not receive any settlement payment and you will be bound by the terms of the settlement, including the release of claims described below.

**THESE RIGHTS AND OPTIONS, INCLUDING THE DEADLINES BY WHICH YOU MUST EXERCISE THEM, ARE EXPLAINED BELOW**

## 1. What is the Case About?

This class action case (“the Action”) alleges that AxleHire, Inc. (“Defendant”) violated California laws that prohibit recording telephone calls without notice to or consent of callers. Defendant has denied the claims and that it violated the applicable law in any way. **The case covers (1) calls made to Defendant’s customer service telephone number (855-249-7447) and (2) calls made by Defendant’s customer service department by, or persons residing or located in California at any time during the period from and including October 27, 2021, through May 10, 2023.**

## 2. What is a Class Action?

In a class action, one or more people called Settlement Class Representatives (in this case, Francisco Avalos) sue on behalf of people who have claims similar to their own.

## 3. Am I a Settlement Class Member?

You are a Settlement Class Member if, while residing or located in California, you placed a call to Defendant’s customer service telephone number (855-249-7447) and/or received a call from Defendant’s customer service department at any time during the period from and including October 27, 2021, through May 10, 2023 (the “Class Period”).

**Defendant has a record of telephone numbers that called its customer service telephone number and the telephone number its customer service department called during the Class Period. If you received notice of this proposed settlement by U.S. mail or email, there are records indicating that you might be a Settlement Class Member entitled to submit a Claim Form. You may be a Settlement Class Member even if you did not receive a mailed or Emailed Notice of this proposed settlement if you made and/or received one or more calls to or from Defendant’s customer service telephone number during the Class Period. If you are not sure whether you qualify, you can contact the Claims Administrator by calling (833) 933-7411 or by submitting a contact form on the Settlement Website, [www.AHCallRecordingSettlement.com](http://www.AHCallRecordingSettlement.com), to ask whether your telephone number or numbers appear on the list of qualifying calls.**

## 4. Why is There a Settlement?

As noted above, Defendant denies that it is liable for the claims alleged in the Action, and the Court has not decided in favor of either side. However, both sides agreed to a settlement to avoid the uncertainty and cost of further litigation and potentially a trial, and to provide benefits to Settlement Class Members promptly. The terms of the settlement are spelled out in the Settlement Agreement and Release, which you may access through the Settlement Website, [www.AHCallRecordingSettlement.com](http://www.AHCallRecordingSettlement.com), by calling (833) 933-7411 or by writing to the Claims Administrator at:

*Avalos v. AxleHire, Inc.*  
*c/o Kroll Settlement Administration LLC*  
*PO Box 225391*  
*New York, NY 10150-5391*

## 5. What Can I Get From The Settlement?

Defendant has agreed to create a settlement fund of \$1,725,000.00. After notice and administration fees and costs, a service award to Settlement Class Representative, and Class Counsel’s attorneys’ fees and costs are deducted, the entire remaining amount (estimated to be \$1,020,000.00) (“Net Settlement Fund”) will be divided among all Settlement Class Members who submit timely and valid Claim Forms based on the number of qualified calls made by and/or to those Settlement Class Members. Based on claims rates in similar cases, Settlement Class Members who submit a timely and valid Claim Form may receive approximately \$100 per qualified call. The actual amount paid out per qualified call will depend on the number of Settlement Class Members who submit timely and valid Claims Forms and the number of calls made by each.

The Claims Administrator can verify the number of qualifying telephone calls made from and/or to each telephone number during the Class Period. If you would like information regarding the number of qualifying telephone calls associated with your claim, you can contact the Claims Administrator by calling (833) 933-7411 or by submitting a contact form on the Settlement Website, [www.AHCallRecordingSettlement.com](http://www.AHCallRecordingSettlement.com).

#### 6. How Do I Dispute the Number of Qualifying Calls Associated with my Phone Number(s)?

If you would like to dispute the number of telephone calls associated with your telephone number or numbers, you should contact the Claims Administrator by telephone (833) 933-7411 or by mail at the address listed above to submit a dispute. You may be required to provide proof of your telephone calls to Defendant's customer service telephone number (855-249-7447) and/or from Defendant's customer service department during the Class Period. All disputes must be submitted by February 19, 2024, which also is the deadline to submit a claim. The Claims Administrator shall make a final and binding resolution of all disputes.

#### 7. What Do I Need to Do To Receive a Settlement Payment?

You must complete a Claim Form and return it to the Claims Administrator on time. You may obtain a hard copy Claim Form from the Settlement Website, [www.AHCallRecordingSettlement.com](http://www.AHCallRecordingSettlement.com), by calling (833) 933-7411, or by writing to the Claims Administrator at Avalos v. AxleHire, Inc. c/o Kroll Settlement Administration LLC PO Box 225391, New York, NY 10150-5391. You also may submit a completed Claim Form online at the Settlement Website, [www.AHCallRecordingSettlement.com](http://www.AHCallRecordingSettlement.com).

To submit a Claim Form online, you MUST provide your Class Member ID, which can be found on the Postcard or Email Notice you may have received. You also may obtain the required Class Member ID by contacting the Claims Administrator by telephone ((833) 933-7411) or by submitting a contact form on the Settlement Website, [www.AHCallRecordingSettlement.com](http://www.AHCallRecordingSettlement.com). A Claim Form will not be considered timely unless it is returned to the Claims Administrator online or sent by mail postmarked no later than February 19, 2024.

To receive a settlement payment of \$600 or more, you must provide your Tax Identification Number ("TIN") to the Claims Administrator. If you do not provide your TIN to the Claims Administrator and otherwise would be entitled to a settlement payment of \$600 or more, you may have an amount deducted from your settlement payment to comply with IRS Regulations. It is recommended that you provide your TIN with your Claim Form. Instructions can be found on the Settlement Website, [www.AHCallRecordingSettlement.com](http://www.AHCallRecordingSettlement.com).

#### 8. What Am I Giving Up to Get Settlement Benefits or Stay in the Settlement Class?

Unless you exclude yourself, as described below, you will remain in the Settlement Class and be bound by the terms of the settlement and all of the Court's orders regardless of whether you submit a Claim Form. This means you cannot sue or be part of any other lawsuit against Defendant or other Released Parties (defined below) about the issues in this case. Staying in the Settlement Class also means you agree to the following release of claims, which describes the legal claims you give up:

**Release by the Settlement Class.** Upon the Settlement Effective Date, the Settlement Class Representative and each Settlement Class Member, and their respective heirs, assigns, successors, agents, attorneys, executors, and representatives, shall be deemed to have, and by operation of this Agreement and the Final Approval Order and Judgment shall have, fully, finally, irrevocably, and forever, released Defendant and its present and former officers, directors, members, managers, shareholders, agents, parents, subsidiaries, affiliates, insurers, operators, partners, joint ventures, franchisees, franchisors, consultants, attorneys, successors or assigns (collectively, the "Released Parties") from any and all liabilities, claims, causes of action, damages (whether actual, compensatory, statutory, punitive or of any other type), penalties, costs, attorneys' fees, losses, or demands, in law or equity, that relate to or arise out of the alleged recording, monitoring, or eavesdropping of (a ) telephone calls made to Defendant's customer service telephone number 855-249-7447 and (b) outbound calls made by Defendant to Settlement Class Members at any time during the period from and including October 27, 2021 through May 10, 2023, inclusive (collectively, the "Released Claims"). The Released Claims include all potential claims reasonably related to or arising out of the same set of facts plead in the Complaint concerning the Released Parties' violations of any law prohibiting or regulating the monitoring, recording, or eavesdropping on telephone calls without the consent of all parties, including but not limited California Penal Code §§ 632, 632.7, and 637.2, during the Class Period. Settlement Class

Members further waive their right to pursue, and agree not to pursue, any monetary, injunctive, or declaratory relief relating to violations of California Penal Code §§ 632, 632.7, and/or 637.2 or any other State or Federal law, statute, regulation, or ordinance imposing liability and/or obligations related to the unauthorized recording of telephone calls against Defendant during the Class Period.

### **9. When Should I Receive My Settlement Payment?**

The Court will hold a hearing on April 9, 2024, to decide whether to give final approval to the settlement. If the settlement receives final approval, payments may be made as soon as May of 2024 but, depending on what happens in the case, payments could be delayed. You can stay informed of the progress of the settlement through the dedicated Settlement Website at [www.AHCallRecordingSettlement.com](http://www.AHCallRecordingSettlement.com). Please be patient.

### **10. Can I Exclude Myself From the Settlement?**

If you want to keep the right to sue Defendant or any of the Released Parties on your own and at your own expense about the issues in this case, then you must take steps to exclude yourself from the settlement. This is also called “opting out” of the Settlement. To exclude yourself from the Settlement, you must send a request for exclusion letter by United States first class mail to the Claims Administrator, containing: (1) the title of the Action; (2) your full name, address, and telephone number; (3) a statement you request to be excluded from the Settlement Class; and (4) the telephone number(s) that you claim to have used in making and/or receiving a call or calls covered by this class action settlement. Be sure to include your name, address, telephone number and signature. If you decide to exclude yourself, your letter requesting exclusion from the settlement must be postmarked no later than February 19, 2024, and mailed to:

AxleHire Call Recording Settlement Exclusions  
c/o Kroll Settlement Administration LLC  
PO Box 225391  
New York, NY 10150-5391

If you request exclusion from the settlement, you will not get any settlement benefits and you cannot object to the terms of the Settlement. You will also not be legally bound by anything that happens in this Action.

### **11. If I Don't Exclude Myself, Can I Sue the Defendant for the Same Thing Later?**

No. Unless you exclude yourself, you give up any right to sue Defendant and any of the Released Parties for the claims this settlement resolves.

### **12. Do I Have a Lawyer in this Case?**

The Court has appointed Eric A. Grover of Keller Grover LLP and Scott A. Miller of Law Offices of Scott A. Miller, APC to represent you and other Settlement Class Members as Settlement Class Counsel. Settlement Class Counsel will be paid from the settlement fund and you will not be charged separately for this. If you want to be represented by your own lawyer, you may hire one at your own expense.

### **13. How Will the Lawyers and the Class Representatives Be Paid?**

Settlement Class Counsel will ask the Court to approve payment of up to \$575,000.00 in attorneys' fees and out-of-pocket costs of no more than \$20,000. The fees would pay Settlement Class Counsel for investigating the facts, litigating the case, negotiating the settlement, and following through to make sure that its terms are carried out. Settlement Class Counsel also will ask the Court to approve a payment of \$15,000.00 to the named plaintiff for his service as Settlement Class Representative. The Court may award less than these amounts.

#### **14. How Do I Tell the Court That I Don't Like the Settlement?**

You can ask the Court to deny approval by submitting an objection. If the Court denies approval, no settlement payments will be sent out to anyone and the lawsuit will continue.

All written objections and supporting papers must include: (1) the name and case number of the lawsuit (*Avalos v. AxleHire*, Alameda County Superior Court Case No. 22-cv-020643); (2) the objector's full name and postal address; (3) a statement as to the basis of the objector's belief he or she is a Settlement Class Member; (4) all grounds for the objection including, if available, the factual and legal bases for the objection known to the objector or his or her counsel and the relief the objector is seeking; (5) the identity, postal address, and telephone number for all counsel who represent the objector, if any; and (6) a statement confirming whether the objector or the objector's counsel intend to appear personally at the final approval hearing.

Objections must be submitted to the Claims Administrator by mailing them to AxleHire Call Recording Settlement Objections, c/o Kroll Settlement Administration LLC, PO Box 225391, New York, NY 10150-5391. Unless otherwise authorized by the Court, objections must be postmarked on or before February 19, 2024, to be considered timely.

Settlement Class Members may appear at the final approval hearing and raise objections without having first submitted a written objection.

#### **15. What's the Difference Between Objecting and Excluding?**

Objecting is telling the Court you do not like something about the settlement. You can object only if you stay in the Settlement Class. If you object, you still must submit a timely Claim Form if you want to receive the benefits of the settlement in the event that your objection is overruled and the settlement is approved. Excluding yourself is telling the Court you do not want to be a part of the Settlement Class. If you exclude yourself, you have no basis to object because the case no longer affects you. You cannot both object to and exclude yourself from the settlement. Any persons who attempt both to object to and exclude themselves from the settlement will be deemed to have excluded themselves and will forfeit the right to object to or participate in the settlement or any of its terms. Similarly, you cannot both opt out and submit a Claim Form. If you submit a timely Claim Form and an opt-out request, the opt-out request shall be deemed void and the Claim Form will be processed under the terms of the settlement.

#### **16. When and Where Will the Court Decide Whether to Approve the Settlement?**

The Court will hold a final approval hearing regarding the settlement at 3:00 p.m. PT on April 9, 2024, at the Alameda County Superior Court, Department 23, 1221 Oak Street, Oakland, California 94612. At that hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing. The Court also will decide how much to pay to Settlement Class Counsel and the Settlement Class Representative. After the hearing, the Court will decide whether to approve the settlement. Settlement Class Counsel do not know how long those decisions will take.

The final approval hearing date or time may be changed without further notice. Any change to the final approval hearing date or time will be posted on the Settlement Website, [www.AHCallRecordingSettlement.com](http://www.AHCallRecordingSettlement.com).

#### **17. Do I Have to Come to the Hearing?**

No. Settlement Class Counsel will answer questions that the Court may have. However, you are welcome to attend at your own expense. If you submit an objection, you do not have to come to Court to talk about it. As long as you submit your written objection on time, the Court will consider it. You also may have your own lawyer attend at your own expense but doing so is not necessary.

You may ask the Court for permission to address any objection you may have to the settlement at the final approval hearing. Settlement Class Members may also appear at the final approval hearing and raise objections without having first submitted a written objection.

## **18. What Happens if I Do Nothing At All?**

If you do nothing, you will remain in the Settlement Class and will be bound by the terms of the settlement and all of the Court's orders including the Release. However, this also means you will *not* receive any settlement benefits and can't sue or be part of any other lawsuit against Defendant or the Released Parties about the issues in this case.

## **19. Are There More Details About the Settlement?**

This Settlement Class Notice summarizes the proposed settlement. For the precise terms and conditions of the settlement, please see the Settlement Agreement and Release. You can get a copy of the Settlement Agreement and Release and other case documents through the Settlement Website, [www.AHCallRecordingSettlement.com](http://www.AHCallRecordingSettlement.com), by calling (833) 933-7411, by emailing [info@AHCallRecordingSettlement.com](mailto:info@AHCallRecordingSettlement.com), or by writing to the Claims Administrator at:

Avalos v. AxleHire, Inc.  
c/o Kroll Settlement Administration LLC  
PO Box 225391  
New York, NY 10150-5391

You also can contact Settlement Class Counsel:

Eric A. Grover, Esq.  
KELLER GROVER LLP  
1965 Market Street  
San Francisco, California 94103  
Telephone: (415) 543-1305  
Facsimile: (415) 543-7861  
[egrover@kellergrover.com](mailto:egrover@kellergrover.com)

The pleadings and other records in this Action may be examined online on the Alameda County Superior Court's website, known as "eCourt Public Portal," at <https://eportal.alameda.courts.ca.gov>.

After arriving at the website, click the "Search" tab at the top of the page, then select the Document Downloads link, enter the case number (22CV020643) and click "Submit." Images of every document filed in the case may be viewed at a minimal charge. You may also view images of every document filed in the case free of charge by using one of the computer terminal kiosks available at each court location that has a facility for civil pleadings.

**PLEASE DO NOT CALL THE COURT, THE COURT CLERK'S OFFICE, DEFENDANT OR DEFENDANT'S COUNSEL WITH ANY QUESTIONS RELATED TO THE SETTLEMENT.**