

United States District Court, Northern District of Ohio

NOTICE OF CLASS ACTION SETTLEMENT REGARDING MIS-SCORED RVT EXAMS ADMINISTERED BY ARDMS DURING THE PERIOD OF SEPTEMBER 6, 2016 TO MARCH 14, 2017

*The Court authorized this notice. This is not a solicitation from a lawyer.*

**IF YOU TOOK ONE OR MORE REGISTERED VASCULAR TECHNOLOGY (“RVT”) EXAM(S) ADMINISTERED BY THE AMERICAN REGISTRY FOR DIAGNOSTIC MEDICAL SONOGRAPHY, INC. (“ARDMS”) DURING THE PERIOD OF SEPTEMBER 6, 2016 to MARCH 14, 2017 AND YOU WERE ADVISED THAT YOU FAILED AT LEAST ONE EXAM, BUT IN ACTUALITY, YOU HAD PASSED AT LEAST ONE OF THESE EXAMS, THIS NOTICE CONTAINS IMPORTANT INFORMATION THAT PERTAINS TO YOU. PLEASE READ IT CAREFULLY. YOU MAY GET A PAYMENT FROM A CLASS ACTION SETTLEMENT, BUT YOU MAY NEED TO SUBMIT A FORM TO DO SO.**

<b>YOUR LEGAL RIGHTS AND OPTIONS WITH THIS SETTLEMENT:</b>	
<b>RECEIVE YOUR SHARE OF THE SETTLEMENT</b>	If you are a member of the Settlement Class, then you will be eligible for a payment. If you are a Member of Subclass 1, you must submit a properly completed Claim Form and provide supporting documentation by <b>March 1, 2018</b> . If you are a Member of Subclass 2, you do not have to do anything, and a check will be mailed to you. Unless you take affirmative steps to exclude yourself from this Settlement, you will be bound by the Release described in Question 12.
<b>EXCLUDE YOURSELF</b>	You have the option to exclude yourself, or “Opt-Out” of this Settlement. If you do so, you will get no payment. This is the only option that allows you to be part of any other lawsuit against Inteleos, Inc. or ARDMS based on the allegations made in this case. The deadline for excluding yourself from the Settlement is <b>February 4, 2018</b> .
<b>OBJECT</b>	Write to the Court about why you don’t like the Settlement. The deadline for submitting a written objection to the Settlement is <b>February 4, 2018</b> .
<b>GO TO THE FINAL APPROVAL HEARING</b>	You are not required to attend or speak at the Final Approval Hearing. If you submit a timely and valid written objection to the Settlement, the Court will consider your objection without any further action on your part. But, if you wish, you may request permission to speak at the Final Approval Hearing by following the directions in Question 22. The Final Approval Hearing is presently scheduled for <b>March 22, 2018</b> .

- Defendant Inteleos, Inc. f/k/a the American Registry for Diagnostic Medical Sonography, Inc. (“ARDMS”) has agreed to pay a total of \$572,641 to settle all claims alleged against it in the class action lawsuit, *Miller, et al. v. Inteleos, Inc.*, Case No. 1:17-cv-00763-DAP, filed in the United States District Court for the Northern District of Ohio (the “Class Action Lawsuit”), any fact and/or circumstance related to any incorrect scoring of any Registered Vascular Technology (“RVT”) exam(s) taken by Plaintiffs, or any fact and/or circumstance which has

been alleged, or which could have been alleged, in the Class Action Lawsuit arising out of the incorrect scoring of the RVT exam(s). The proposed settlement (“the Settlement”) is a compromise of all claims by Plaintiffs including allegations of negligence, breach of contract, consumer protection violations, and unjust enrichment in connection with a scoring error in which a number of people who took the RVT exam during the period of September 6, 2016 to March 14, 2017 were advised that they had failed at least one RVT exam when, in actuality, because of a scoring error, they had passed the exam. Of the \$572,641 Settlement Fund, \$445,141 will be allocated to Subclass 1 and \$127,500 will be allocated to Subclass 2. Subclass 1 Members are those individuals who took an RVT examination(s) administered by ARDMS from September 6, 2016 to March 14, 2017, and who received a “failing score,” when in fact they passed the exam(s), and who did not cash an exam reimbursement check sent to them by ARDMS and who did not request or receive any compensation from ARDMS in connection with the scoring error. Subclass 2 Members are those individuals who took an RVT examination(s) administered by ARDMS from September 6, 2016 to March 14, 2017, and who received a “failing score,” when in fact they passed the exam(s), and who cashed an exam reimbursement check sent to them by ARDMS, and who did not request or receive additional compensation from ARDMS above and beyond the reimbursement check.

- The Settlement avoids the costs and risks from continuing the Class Action Lawsuit, pays money to the individuals who are part of Subclass 1 and Subclass 2, and releases ARDMS from further liability as to them.
- The two sides disagree on how much money could have been recovered if individuals who received incorrect “failing scores” were to succeed at trial.
- **Your legal rights are affected whether you act or don’t act.** Please read this notice carefully.
- Your rights and options – **and the procedures and your deadlines to exercise them** – are explained in more detail below. Please note, however, that this Notice is only a summary of the proposed Settlement. For the complete terms and conditions of the proposed Settlement, you should read the document called the Settlement Agreement, which was filed with the Court and is available from the Settlement Administrator (1-866-652-8233) or the official Settlement website [www.RVTExamSettlement.com](http://www.RVTExamSettlement.com).
- The Court in charge of this case still must decide whether to approve the proposed Settlement. Payments will not be made until the Court approves the Settlement and any appeals are resolved. Please be patient.

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## BASIC INFORMATION

### 1. Why did I get this notice?

You received this notice because ARDMS' records show that you took one or more registered vascular technology ("RVT") exam(s) administered by ARDMS during the period of September 6, 2016 to March 14, 2017 and you were advised that you failed at least one exam, but in actuality, you had passed at least one of these exams and you may not have been fully compensated for losses sustained in connection with the false fail. As such, you are a Class Member and are eligible to receive monetary compensation from the Settlement Fund.

The Court required that this notice be sent to you because you have a right to know about a proposed Settlement of a class action lawsuit, and about all your legal options, before the Court decides whether to approve the Settlement. The Court has preliminarily approved the Settlement. If the Court gives the Settlement its final approval, and after any objections and appeals are resolved, the Settlement Administrator appointed by the Court will make the payments that the Settlement allows. Please check the Settlement Website for updates on the status of the Settlement. This package explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of the settlement approval process is the U.S. District Court for the Northern District of Ohio, Hon. Dan Aaron Polster (the court in which the Class Action Lawsuit is pending). Stephanie Miller and Mary Alyce Dawson, who sued Defendant Inteleos, Inc. f/k/a ARDMS in the Class Action Lawsuit, are called the Plaintiffs.

## **2. What is the lawsuit about?**

Plaintiffs brought the Class Action Lawsuit on behalf of everyone who took an RVT exam(s) administered by ARDMS during the period of September 6, 2016 to March 14, 2017, and who were incorrectly informed by ARDMS that they failed the RVT exam(s), but, because of a scoring error, actually passed the RVT exam(s). As a result, Plaintiffs maintain that they suffered damages.

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

In a class action, one or more people called Class Representatives (in this case, Stephanie Miller and Mary Alyce Dawson) sue on behalf of people who have similar claims. The Class Representatives seek to have a single court resolve the issues for all members of the class, except for those who wish to exclude themselves from the class.

## **4. Why is there a Settlement?**

The Court did not decide in favor of either Plaintiffs or ARDMS. Rather than continue with the court proceedings, both sides agreed to participate in mediation before a highly experienced and respected judge, the Hon. Dan Aaron Polster, and through those efforts, the Parties were able to agree to the Settlement. Before entering into the mediation with Defendants, the lawyers for the Plaintiffs in the Class Action Lawsuit (“Class Counsel”) conducted an extensive investigation of the facts, and after conducting their extensive investigation, Class Counsel analyzed the significant risks associated with the continued litigation of this Class Action Lawsuit, including risks relating to: (a) prevailing on class certification; (b) overcoming ARDMS’ defenses; and (c) calculating class-wide damages. Based on all these considerations and others, Class Counsel and the Class Representatives think the Settlement is best for all Settlement Class Members.

## WHO IS IN THE SETTLEMENT

To see if you will get money from this Settlement, you first must determine if you are a Settlement Class Member.

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

The Settlement Class is comprised of all individuals who took a Registered Vascular Technology (RVT) examination administered by ARDMS from September 6, 2016 to March 14, 2017, who passed the examination but received an incorrect failing score. The Settlement Class is limited to and comprised of two Subclasses – Subclass 1 and Subclass 2. Subclass 1 is comprised of the individuals who took an RVT exam(s) administered by ARDMS from September 6, 2016 to March 14, 2017 and who, because of a process error, received a “failing score” when they had in fact passed the exam(s), and who received an initial check(s) from ARDMS to cover the cost of the exam(s) and in certain instances, to cover the cost to verify their scores or take a practice exam(s), but did not cash the initial check(s) and did not request and did not receive additional compensation from ARDMS. Subclass 2 is comprised of the individuals who took an RVT exam(s) administered by ARDMS from September 6, 2016 to March 14, 2017 and who, because of a process error, received a “failing score” when they had in fact passed the exam(s), and who cashed the initial check(s) that were sent to them by ARDMS but did not request or receive additional compensation above and beyond the reimbursement check.

The Settlement Class does not include those who took an RVT exam(s) administered by ARDMS from September 6, 2016 to March 14, 2017 and who, because of a process error, received a “failing score” when they had in fact passed the exam(s), but did not cash the initial reimbursement check from ARDMS and who asked for and received additional compensation above and beyond the amount in the reimbursement check, including compensation for losses such as exam fees and related expenses, lost wages, lost opportunities, time spent studying and study materials, and consequential damages and/or emotional harm. These individuals are not part of the Settlement Class, and any rights they may have are not affected or released by this Settlement.

If you received an Electronic-Mail Notice or Postcard Notice of this Settlement from the Settlement Administrator, then ARDMS’ records indicate that you took one or more Registered Vascular Technology (RVT) exam(s) administered by ARDMS during the period of September 6, 2016 to March 14, 2017 and you were advised that you failed at least one exam, but in actuality, you had passed at least one of these exams and you may not have been fully compensated for losses sustained in connection with the false fail. Therefore, if you received Electronic-Mail Notice or Postcard Notice of this Settlement, then ARDMS’ records indicate that you are a Settlement Class Member.

### 6. Are there exceptions to being included?

Yes. Even if you fall within the Settlement Class as described in Question 5, you are not a Settlement Class Member if you are: (1) a current and former employee, officer and director of ARDMS and their agents, subsidiaries, parents, successors, predecessors, or any entity in which they or their parents have a controlling interest; (2) Class Counsel or their immediate family

members; (3) the judge to whom this case is assigned or part of the judge's immediate family; (4) any person who executes and files a timely request for exclusion from the Class; (5) any person who has had their claims in this matter finally adjudicated and/or otherwise released; (6) any person who Class Counsel represents who previously agreed to be excluded from the Class Settlement; and (7) the legal representative, successor or assign of any such excluded person.

#### 7. What if I am still not sure if I am included?

If you are still not sure whether you are included, you can ask for free help. You can call the Settlement Administrator at 1-866-652-8233 or visit [www.RVTEXAMSettlement.com](http://www.RVTEXAMSettlement.com) for more information.

### THE SETTLEMENT BENEFITS—WHAT YOU GET

#### 8. What does the settlement provide?

ARDMS has agreed to pay a total of \$572,641 (the "Settlement Amount" or "Settlement Fund") into a settlement fund for the benefit of Settlement Class Members. After deducting from \$445,141 Subclass 1's proportionate share (*i.e.*, approximately 78%) of attorney's fees (up to one-third of the Settlement Amount) and expenses (approximately \$4,000 to date), service awards (up to \$5,000 for each of the two Class Representatives), and class notice and settlement administration costs (estimated at approximately \$30,000), the "Subclass 1 Fund" will be allocated and distributed to Subclass 1 Members. After deducting from \$127,500 Subclass 2's proportionate share (*i.e.*, approximately 22%) of attorney's fees and expenses, service awards, and class notice and settlement administration costs referenced above, the "Subclass 2 Fund" will be allocated and distributed to Subclass 2 Members.

**SUBCLASS 1 MEMBERS MUST SUBMIT A CLAIM FORM TO PARTICIPATE IN THE SETTLEMENT.** The Claim Form is included in this Notice package. An electronic version of the Claim Form that you can fill out and submit online is also included on the Settlement Website.

Subclass 1 Members may only seek damages that they incurred *after* they were incorrectly advised for the first time that they failed an Exam that they had actually passed. Subclass 1 Members *cannot* seek damages for items that occurred *prior to* the first False Fail, although they will be receiving a refund of all of their Exam Registration Fees and fees to verify their RVT Exam result(s) under the Settlement.

If a Subclass 1 Member sustained damages in an amount *less* than the maximum possible recovery set forth for each category of damages (as stated in the Claim Form), they do not have to submit any documents to support their claimed damages for that category. However, if a Subclass 1 Member believes he or she sustained damages *greater* than the maximum possible recovery (as set forth for each category), then they must submit supporting documentation along with the Claim Form to the Settlement Administrator. Missing documentation or insufficient support may affect the amount that a Subclass 1 Member may be able to recover.

**SUBCLASS 2 MEMBERS DO NOT HAVE TO SUBMIT A CLAIM FORM TO PARTICIPATE IN THE SETTLEMENT.** A check will be mailed to Subclass 2 Members to their last known address in ARDMS' records. If you moved after taking the RVT exam, please call the Settlement Administrator at 1-866-652-8233 and provide your new address.

The Settlement authorizes Class Counsel to seek an award of attorney's fees of up to a maximum amount of one-third (33 1/3%) of the Settlement Amount and to request reimbursement of the out-of-pocket litigation expenses they have already paid in connection with the Class Action Lawsuit (approximately \$4,000 to date).

In addition, Class Counsel will ask the Court to approve payment out of the Settlement Fund to the Settlement Administrator for class notice and settlement administration costs (estimated at approximately \$30,000). Furthermore, subject to the Court's approval, Plaintiffs Stephanie Miller and Mary Alyce Dawson will receive a payment from the Settlement Fund of up to \$5,000 each for their efforts in undertaking the litigation, assisting Class Counsel with the prosecution of the Class Action Lawsuit and serving as the Class Representatives.

If approved by the Court, these attorney's fees, expenses, costs (including class notice and settlement administration costs) and service awards will be paid from the Settlement Amount. After payment of the fees, expenses, costs and service awards that are awarded by the Court, the remainder of the Settlement Fund (the "Net Settlement Amount") will be divided among Subclass 1 Members who submit Claim Forms and provide supporting documentation, if necessary, and Subclass 2 Members who do not opt-out of the Settlement. (See Answer to No. 10).

#### **9. How much will my payment be?**

The Net Settlement Amount will be distributed pursuant to a Plan of Allocation to be approved by the Court.

Each Settlement Class Member in Subclass 1 who submits a valid Claim Form will receive a share of the Net Settlement from the Subclass 1 Fund. Without documentation supporting the claimant's damages, the amount of the individual's settlement payment will be subject to maximum possible recovery amounts per category of damages as shown on the Claim Form. A Subclass 1 Member that believes he or she sustained damages *greater* than the maximum possible recovery (as set forth for each category), then the Subclass 1 Member must submit supporting documentation along with their Claim Form to the Settlement Administrator. Missing documentation or insufficient support may affect the amount that a Subclass 1 Member may be able to recover. **Please Note** that these payment amounts may be adjusted up or down depending on the number of Claim Forms received and documentation and substantiation provided, so as to fully and fairly allocate and pay out the entire net Subclass 1 Fund to Class Members who submit Claim Forms. None of the money in the Subclass 1 Fund will revert back to ARDMS.

After deducting the proportionate attorney's fees, expenses, costs (including class notice and settlement administration costs) and service awards set forth in the Answer to No. 8, each Settlement Class Member in Subclass 2 will receive a payment estimated to be approximately \$300. **Please Note** that this payment may be adjusted up or down depending on the number of individuals who remain in Subclass 2, so as to fully and fairly allocate and pay out the entire net

Subclass 2 Fund to Subclass 2 Members. None of the money in the Subclass 2 Fund will revert back to ARDMS.

## HOW YOU GET A PAYMENT—PARTICIPATING IN THE SETTLEMENT

### 10. How can I get a payment?

To qualify for a payment, if you are in Subclass 1, you do not need to do anything other than submit a Claim Form and any necessary documentation supporting your damages or harm suffered, either by mail or online by **March 1, 2018**. If the Court approves the Settlement, you will be sent money by check from the Settlement Administrator to the address specified in your Claim Form.

If you are a member of Subclass 1 and do not submit a Request for Exclusion, but you fail to submit a timely and valid Claim Form, you will not receive any money from the Settlement, but you will still be bound by all of the terms of the Settlement Agreement, including the Final Approval Order and the release of Plaintiffs' Released Claims.

If you are in member of Subclass 2 , you do not need to do anything to qualify for a payment. A check will be mailed to Subclass 2 Members to their last known address in ARDMS' records. If you moved after taking the RVT exam, please call the Settlement Administrator at 1-866-652-8233 and provide your new address.

If you are a member of Subclass 2 and do not submit a Request for Exclusion, you will not receive any money from the Settlement, but you will still be bound by all of the terms of the Settlement Agreement, including the Final Approval Order and the release of Plaintiffs' Released Claims.

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

The Court will hold a hearing on **March 22, 2018** to decide whether to approve the Settlement. If the Court approves the Settlement, there may be one or more appeals. It's always uncertain whether these appeals can be resolved, and resolving them may take time, often more than a year. Once any and all appeals are resolved, the Settlement Administrator can distribute the Net Settlement Amount.

### 12. What am I giving up to get a payment or stay in the Settlement Class?

Unless you exclude yourself, you will stay in the Settlement Class, and all of the Court's orders will apply to you and legally bind you. That means that you cannot sue, continue to sue, or be part of any other lawsuit against Inteleos, Inc. or ARDMS about the scoring error on the RVT exam(s) that you took and which were administered by ARDMS from September 6, 2016 to March 14, 2017. If you stay in the Settlement Class, you will release and forever discharge American Registry for Diagnostic Medical Sonography, Inc., Inteleos, Inc., and ARDMS, and their agents, employees, owners, shareholders, principals, officers, directors, attorneys, heirs, representatives, executors, administrators, assignees, predecessors in interest, parent companies, subsidiaries, affiliates, related companies, and insurers, of and from all claims, causes of action, lawsuits, judgments, and

demands of whatsoever in kind, in law or in equity, known or unknown, foreseen and unforeseen, that arise from or are related in any way to the Class Action Lawsuit, any fact and/or circumstance related to any incorrect scoring of any Registered Vascular Technology (“RVT”) exam(s) taken by Plaintiffs, or any fact and/or circumstance which has been alleged, or which could have been alleged, in the Class Action Lawsuit arising out of the incorrect scoring of any Registered Vascular Technology (“RVT”) exam(s) taken by Plaintiffs, or any fact and/or circumstance which has been alleged, or which could have been alleged, in the Class Action Lawsuit arising out of the incorrect scoring of the RVT exam(s).

## EXCLUDING YOURSELF FROM THE SETTLEMENT

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

To exclude yourself from the Settlement, you must send the Settlement Administrator a letter by mail saying that you want to be excluded from the Settlement. Your request for exclusion must include all of the following:

- (a) Your name and address;
- (b) Your physical signature;
- (c) The name and number of the Class Action Lawsuit (that is, “*Miller, et al. v. Inteleos, Inc.*, Case No. 1:17-cv-00763-DAP”); and
- (d) A statement that you wish to be excluded from the Settlement Class.

You must mail your request for exclusion postmarked no later than **February 4, 2018** to:

Miller, et al. v. Inteleos, Inc.  
Settlement Administrator  
P.O. Box 404041  
Louisville, KY 40233-4041

If you ask to be excluded, you will not get any Settlement payment, you cannot object to the Settlement, and you cannot ask to speak at the Final Approval Hearing. You will not be legally bound by anything that happens in the Class Action Lawsuit. Depending upon the applicable statute of limitations, you may be able to sue (or continue to sue) ARDMS on your own regarding the issues raised in the Class Action Lawsuit.

### 14. If I don’t exclude myself, can I sue ARDMS for the same thing later?

No. Unless you exclude yourself, you give up any right to sue any Inteleos, Inc. or ARDMS for the claims that this Settlement resolves. If you have a pending lawsuit against ARDMS (or any of its related parties as described in answer to Question No. 12 above), speak to your lawyer in that case immediately. You may have to exclude yourself from the Settlement Class to continue your own lawsuit against a Defendant or any of its related parties. Remember, the exclusion deadline is **February 4, 2018**.

### 15. If I exclude myself, can I get money from this Settlement?

No. If you exclude yourself, you will not receive any money from the Settlement. But, you are free to sue, continue to sue, or be part of a different lawsuit against ARDMS.

## THE LAWYERS REPRESENTING YOU

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

The Court has appointed Marc E. Dann and William C. Behrens of the Dann Law Firm. Co., LPA, and Thomas A. Zimmerman, Jr., Sharon A. Harris, and Maebetty Kirby of the Zimmerman Law Offices, P.C. as Class Counsel for the Settlement Class (“Class Counsel”). You will not be separately charged for their services. If you want to be represented by your own lawyer, you may hire one at your own expense.

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

Class Counsel will ask the Court to approve payment of attorney’s fees in an amount not to exceed one-third (33 1/3%) of the Settlement Amount, after payment of up to a maximum amount of \$5,000 each to Plaintiffs Stephanie Miller and Mary Alyce Dawson for their services as the Class Representatives, plus reimbursement of their litigation expenses (approximately \$4,000 to date). The attorneys’ fees would pay Class Counsel for investigating the facts, litigating the case and negotiating the Settlement. The Court may award less than the amounts requested. The amounts paid for attorney’s fees, litigation expenses and the service awards will be paid out of the Settlement Amount and will reduce the amount available for Settlement Class Members. In addition, the costs for providing notice to the Settlement Class Members and the costs to administer the Settlement (estimated at approximately \$30,000) will also reduce the fund available for Settlement Class Members.

## OBJECTING TO THE SETTLEMENT

You can tell the Court that you don’t agree with the Settlement or some part of it.

### 18. How do I tell the Court that I don’t like the Settlement?

If you are a Settlement Class Member, you can object to the Settlement if you don’t like any part of it and tell the Court why you feel the Settlement should not be approved. The Court will consider your views. To object, you must mail or your lawyer must file a document with the Court stating that you object to the Settlement. Your objection must include:

- Case name (“*Miller, et al. v. Inteleos, Inc.*”);
- Case number (Case No. 1:17-cv-00763-DAP);
- Your name and address;
- Your physical signature;
- A statement that you are a Settlement Class Member;
- The date(s) on which you took the RVT exam(s) administered by ARDMS and received a “failing score,” when in actuality you passed the exam(s);

- The reasons that you object to the proposed Settlement, along with any supporting documents; and
- A statement indicating whether you intend to appear at the Fairness Hearing with or without counsel.

In addition to you mailing or your attorney filing your objection with the Court, the objection must also be mailed to each of the following addresses, postmarked no later than **February 4, 2018**:

<b>COURT</b>	<b>CLASS COUNSEL</b>	<b>ARDMS' COUNSEL</b>
Clerk of the Court U.S. District Court for the Northern District of Ohio Carl B. Stokes United States Courthouse 801 West Superior Avenue Cleveland, Ohio 44113	Thomas A. Zimmerman, Jr. Zimmerman Law Offices, P.C. 77 W. Washington St., Suite 1220 Chicago, IL 60602	Matthew D. Berkowitz Carr Maloney P.C. 2020 K Street, NW, Suite 805 Washington, DC 20006

**19. What's the difference between objecting and excluding?**

Objecting is simply telling the Court that you do not like 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 case no longer affects you.

**THE COURT'S FINAL APPROVAL HEARING**

The Court has preliminarily approved the Settlement. The Court will hold a Final Approval Hearing to decide whether to give final approval to the Settlement. Although you don't have to, you may attend and, if you filed a timely, written objection, you can ask to speak at the hearing.

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

The Court will hold the Final Approval Hearing at 11:30 a.m. on **March 22, 2018** at the U.S. District Court for the Northern District of Ohio, Carl B. Stokes United States Courthouse, 801 West Superior Avenue, Cleveland, Ohio 44113. At this hearing, the Court will consider whether the Settlement with ARDMS is fair, reasonable, adequate and in the best interests of the Settlement Class. The Court will also consider whether to approve the proposed Plan of Allocation of the Settlement proceeds to the Settlement Class. The Court will also consider (a) the application by Class Counsel for payment of attorneys' fees and reimbursement of expenses out of the Settlement Fund created through their efforts, and (b) the application for the payment of Service Awards to the Class Representatives.

If there are any timely objections to the Settlement, the Court will consider them. The Court will listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether to approve the Settlement and how much to pay Class Counsel and the Class Representatives. We do not know how long these decisions will take.

The Final Approval Hearing may be continued or adjourned by the Court without further notice to the Settlement Class. Settlement Class Members who may attend the Final Approval Hearing can check the Settlement Website for updates.

### **21. Do I have to come to the hearing?**

No. Class Counsel will answer questions the Court may have. But you are welcome to attend at your own expense. If you send an objection, you don't have to come to the hearing to talk about it. As long as you mailed your written objection on time, the Court will consider it. If you hired your own lawyer, you may have to pay your own lawyer to attend, but it's not necessary that he or she do so.

### **22. Can I speak at the hearing?**

You cannot speak at the hearing if you excluded yourself from the Settlement. If you filed a timely, written objection, you (or your own lawyer) may appear and speak at the Final Approval Hearing but, to do so, a notice of your intention to appear must be filed with the Court.

## **IF YOU DO NOTHING**

### **23. What happens if I do nothing at all?**

If you do nothing, then, if you are eligible and not excluded (as described in Questions 5 and 6 above), you'll automatically be part of the Settlement Class. If you are in Subclass 1 and you submit the Claim Form, and any necessary supporting documentation if you are seeking more than the maximum possible recovery for any category as set forth in the Claim Form, or if you are in Subclass 2, you will be sent money from this Settlement based on the Plan of Allocation if the Settlement is approved by the Court. You will also be bound by the Final Approval Order approving the Settlement and cannot start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendants about the issues in the Class Action Lawsuit.

## **GETTING MORE INFORMATION**

### **24. Are there more details about the Settlement?**

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement. If you wish to review the Settlement Agreement, you may do so by visiting [www.RVTexamSettlement.com](http://www.RVTexamSettlement.com).

### **25. How do I get more information?**

You can call the Settlement Administrator at 1-866-652-8233, write to the Settlement Administrator at P.O. Box 404041, Louisville, KY 40233-4041, or visit the Settlement Website at [www.RVTexamSettlement.com](http://www.RVTexamSettlement.com), where you will find answers to common questions about the Settlement, plus other information to help you determine whether you are member of the

Settlement Class and whether you are eligible for payment. The most important documents in this case can be viewed, free of charge, on the Settlement website. You can also call Class Counsel at (216) 373-0539 for Marc E. Dann, or (312) 440-0020 for Thomas A. Zimmerman, Jr., and you can email them at [notices@dannlaw.com](mailto:notices@dannlaw.com) or [tom@attorneyzim.com](mailto:tom@attorneyzim.com). You may also write to them. Marc E. Dann, The Dann Law Firm Co., LPA, P.O. Box 6031040, Cleveland, Ohio 44103, [www.dannlaw.com](http://www.dannlaw.com), or Thomas A. Zimmerman, Jr., Zimmerman Law Offices, P.C., 77 W. Washington St., Suite 1220, Chicago, IL 60602, [www.attorneyzim.com](http://www.attorneyzim.com).

If you wish to review all of the pleadings and other records in the Class Action Lawsuit, including the Settlement Agreement, they may be examined online on PACER at [www.pacer.gov/findcase.html](http://www.pacer.gov/findcase.html). After arriving at the website, click the 'Search the PACER Case Locator' link, then follow the directions and enter **1:17-cv-00763** as the case number and click 'SEARCH.' Images of every document filed in the case may be viewed at a minimal charge. You may also contact the U.S. District Court for the Northern District of Ohio, Carl B. Stokes United States Courthouse, 801 West Superior Avenue, Cleveland, Ohio 44113, (216) 357-7000, about how you may access documents and pleadings for free.

Date: November 21, 2017.