

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI

If you received a text message from 3 Day Blinds LLC, you could get money as part of a class action settlement.

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

- The settlement resolves a class action lawsuit over whether text messages sent by 3 Day Blinds LLC to cell phones violated the federal Telephone Consumer Protection Act.
- You are included if you received a text message advertisement from 3 Day Blinds LLC from October 27, 2013, through and including July 13, 2018.
- **3 Day Blinds LLC (“3 Day Blinds”) will create a fund of Six Hundred Seventy Five Thousand dollars (\$675,000) to settle a class action. If you received a text message on your cellular phone from 3 Day Blinds, you can submit a claim to obtain an estimated cash payment of \$45. Your payment may be substantially more or less depending on the number of claims submitted.**
- Your legal rights are affected whether you act or don’t act. Read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
SUBMIT A CLAIM FORM	THE ONLY WAY TO GET A PAYMENT; Claim Form due October 9, 2018.
DO NOTHING	Get no payment. Give up rights.
ASK TO BE EXCLUDED FROM THE SETTLEMENT	Get no payment. This is the only option that allows you to ever be part of any other lawsuit against 3 Day Blinds about the legal claims in this case.
OBJECT TO THE SETTLEMENT	Write to the Court about why you don’t like the settlement.
GO TO THE FAIRNESS HEARING	Ask to speak in Court about the settlement.

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

The Court in charge of this case still has to decide whether to approve the settlement. Payments will be made if the Court approves the settlement and after any appeals are resolved. Please be patient.

BASIC INFORMATION

1. Why did I receive a notice?

You may have received a postcard notice in the mail because records indicate that you may have been sent (a) text message advertisement(s) from 3 Day Blinds.

2. What is a class action and who is involved?

In a class action, one or more people called Class Representatives (in this case, Kevin P. Etzkorn) 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. Here, the Court has certified a class action for settlement purposes only.

THE CLAIMS IN THE LAWSUIT AND THE SETTLEMENT

3. What is this lawsuit about?

This lawsuit claims that 3 Day Blinds caused text messages to be sent to consumers between October 27, 2013 and July 13, 2018. The lawsuit claims that 3 Day Blinds violated the Telephone Consumer Protection Act because consumers did not provide prior express written consent to receive these text messages. 3 Day Blinds strongly denies these claims.

4. Why is there a settlement?

The Court has not decided who should win this case. Instead, both sides agreed to a settlement. That way, they avoid the uncertainties and expenses associated with litigation, and Class Members will get compensation now rather than, if at all, years from now. The Class Representative and his attorneys believe that the settlement is best for all Class Members.

WHO IS IN THE SETTLEMENT?

5. Am I part of the settlement?

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

All persons in the United States who, at any time beginning on and including October 27, 2013, to July 13, 2018, received at least one text message advertisement on their cellular phone from, on behalf of, or promoting 3 Day Blinds or its merchandise, and did not provide 3 Day Blinds their consent to receive such messages. Excluded from the Settlement Class are Plaintiff's Counsel, Defendant, officers and directors of Defendant, the immediate family members of such persons, and the members of the Missouri federal judiciary. A "Settlement Class Member" shall be defined as a member of the "Settlement Class" who is the primary user of the cellular phone number that received the text message. Only one individual per cellular phone number shall be eligible to participate as a Settlement Class Member. "Merchandise" is defined to mean any objects, wares, goods, commodities, intangibles, real estate, or services.

6. How do I know if I received one of these text messages?

If you received a notice in the mail, records indicate that you may have been sent a text. Approximately 120,000 people received a text message advertisement during the relevant time period.

7. I'm still not sure if I am included.

If you are still not sure whether you are included, you can get free help by visiting the website www.3dbtcpasettlement.com or calling 1-866-683-9607.

THE SETTLEMENT BENEFITS- WHAT YOU GET

8. How much will my payment be?

Class Members who submit valid Claim Forms before the deadline of October 9, 2018, will each receive a share of the Six Hundred Seventy Five Thousand dollar Settlement Fund. Each Class Member will receive an estimated cash payment of \$45. The amount of your exact payment cannot be calculated at this time because it will depend on the total number of valid claims that are filed and may be increased or decreased depending on that. The maximum you can recover is a cash payment of \$500.

9. When will I get my payment?

The Court will hold a hearing on October 22, 2018, to decide whether to approve the settlement. If the Court approves the settlement, after that, there may be appeals. It's always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. If you file a valid claim, you should be sent a check or electronic payment from the Settlement Administrator within 30 days after the settlement has been finally approved and/or after any appeals have been resolved in favor of the Settlement. All checks will expire and become void 180 days after they are issued.

HOW YOU GET A PAYMENT- SUBMITTING A CLAIM FORM

10. How can I get a payment?

If you want to participate in the Settlement, you must complete and submit a Claim Form postmarked by October 9, 2018. Claim Forms can be found and submitted by mail or on-line at www.3dbtcpasettlement.com. Submitting a claim online is simple, free and takes only minutes!

To request a paper copy of a Claim Form, go to www.3dbtcpasettlement.com or call toll free 1-866-683-9607.

YOUR RIGHTS AND OPTIONS

11. What happens if I do nothing?

If you do nothing, you won't get any payment. But, unless you exclude yourself, you will be barred from initiating a lawsuit or being part of any other lawsuit against 3 Day Blinds for the text message claims being resolved by this settlement.

12. Can I ask to be excluded from the settlement?

If you exclude yourself from the settlement, you can't claim any money or receive any benefits from the settlement. To exclude yourself, you must send a letter stating that you want to be excluded from the settlement in the *Kevin P. Etkorn v. 3 Day Blinds LLC*, Case No. 4:17-CV-02836-JAR (E.D. Mo.). Your letter must be postmarked no later than October 8, 2018, and must include your full name, address, cellular telephone number(s) on which you received a text message from, on behalf of, or promoting 3 Day Blinds or its merchandise, and a telephone number at which you currently can be reached. You may not seek

to exclude yourself as part of a group. The request must clearly state that you wish to be excluded from the settlement. You must mail your exclusion request postmarked no later than October 8, 2018, to:

Etzkorn v 3 Day Blinds LLC
c/o KCC Class Action Services
P.O. Box 404080
Louisville, KY 40233-4080

You can't exclude yourself on the phone or by fax or email.

13. If I exclude myself, can I get money from this settlement?

No. If you exclude yourself, do not send in a Claim Form to ask for any money or settlement benefits. However, you do not release any rights you may have against 3 Day Blinds.

14. If I don't exclude myself, can I sue 3 Day Blinds for the same thing later?

No. Unless you exclude yourself, you give up any right to sue 3 Day Blinds for the text message claims in this lawsuit and resolved by this Settlement. If you have a pending lawsuit that may relate to the claims as part of this class settlement, you should speak to your lawyer in that case immediately. You must exclude yourself from this Class to continue your own lawsuit. Remember, the exclusion deadline is October 8, 2018.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

Yes, the Court has appointed the following attorney to represent you and other Class Members: Neil Smith of The Smith Law Firm, LLC, 231 S. Bemiston Ave., Suite 800, Clayton, MO 63105. This law firm is called "Class Counsel."

16. Should I get my own lawyer?

You don't need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you may choose to hire one at your own expense.

17. How will the lawyers be paid?

Class Counsel will ask the Court to approve payment of \$185,000 in legal fees and \$6,925 in litigation expenses. These amounts would be paid from the settlement fund. The fees would pay Class Counsel for investigating the facts, litigating the case, and negotiating the settlement. Class Counsel also will ask the Court to approve payment of \$7,500 to the Class Representative for his service in representing the Class. The Court may award more or less than these amounts. The cost of notice and administration, attorneys' fees and costs and service award are deducted from the settlement fund.

OBJECTING TO THE SETTLEMENT

18. How do I object to the Settlement?

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 a letter or brief with the Court stating that you object to the Settlement in *Etzkorn v. 3 Day Blinds LLC*, Case No. 4:17-CV-02836-JAR (E.D. Mo.). Your letter or brief must also: (1) identify all of the factual and legal reasons for your objections (including citations and supporting evidence) and attach any materials you are relying on to make your objections; (2) include your name, address, email address, the cell phone number that received the text message, and your current telephone number; and (3) indicate whether you want to appear and speak at the Fairness Hearing, with or without your own lawyer. Your objection and any supporting papers must be filed with the Court and mailed or delivered to Class Counsel and Defendant's Counsel at the following addresses no later than October 8, 2018.

Court	Class Counsel	3 Day Blinds' Counsel
Clerk of the Court United States District Thomas Eagleton Courthouse 111 South 10th Street Suite 3.300 St. Louis, MO 63102	Neil Smith The Smith Law Firm, LLC 231 South Bemiston Ave. Suite 800 St. Louis, MO 63105	Glennon P. Fogarty Matthew D. Knepper Husch Blackwell LLP 190 Carondelet Plaza, #600 Clayton, MO 63105

If you file an objection, the parties will seek additional information from you and may also compel you to sit for a deposition on 14 days notice. If you fail to file and serve your objection as specified above and/or fail to respond to any information request

and/or fail to make yourself available for deposition, you shall be deemed to have waived your objection and will be foreclosed from making any objection to the settlement, whether by appeal or otherwise.

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

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

THE COURT'S FAIRNESS HEARING

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

The Court will hold the Fairness Hearing at 10:00 a.m. on October 22, 2018, in the United States District Court for the Eastern District of Missouri, Courtroom 12N, Thomas F. Eagleton Courthouse, 111 South 10th Street, St. Louis, MO 63102. At this 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 and who have complied with the requirements for submitting objections described above. The Court may also consider how much to pay Class Counsel. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take.

Note that the hearing may be postponed to a different date or time. If you timely objected to the Settlement and told the Court that you intend to appear and speak at the Fairness Hearing, you will receive notice of any change in the date of the Fairness Hearing.

21. Do I have to come to the hearing?

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, you don't have to come to Court to talk about it. As long as your written objection was filed and mailed on time and meets the other criteria described above, the Court will consider it. You may also pay another lawyer to attend, but it's not necessary.

22. May I speak at the hearing?

Yes. You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must include a statement in your letter or brief objecting to the Settlement saying that it is your "Notice of Intent to Appear" in *Etzkorn v. 3 Day Blinds LLC*, Case No. 4:17-CV-02836-JAR (E.D. Mo.). You must also include your name, address, telephone number that received the text message, as well as the name and address of your lawyer, if one will be appearing for you. Your objection and notice of intent to appear must be filed with the Court and mailed to Class Counsel and 3 Day Blinds' Counsel no later than October 8, 2018. You cannot speak at the Fairness Hearing if you exclude yourself from the Settlement.

GETTING MORE INFORMATION

23. How do I get more information?

You can visit www.3dbtcpasettlement.com for Court documents and further details. You may also call the Settlement Administrator toll free at 1-866-683-9607 or contact Class Counsel (see above), if you have any questions. Before doing so, however, please read this full Notice carefully. You may also find additional information elsewhere on the case website.

PLEASE DO NOT DIRECT YOUR QUESTIONS TO THE COURT.