

EXHIBIT A

A.B. DATA, LTD.
Class Action Administration

April 1, 2022

via USPS Priority Mail

**Re: *Baldwin, et al. v. Miracle-Ear, Inc. et al.*, Case No. 0-20-cv-1502 (JRT/HB)
28 U.S.C. § 1715(b) Notification**



Dear Sir or Madam:

Settlement Administrator A.B. Data, Ltd., on behalf of the Defendants Miracle-Ear Inc. and HearingPro, Inc. in the above-referenced action (the “Action”), provides the notice as specified in the Class Action Fairness Act of 2005, 28 U.S.C. § 1715(b).

The Action is pending before the Honorable Chief Judge John R. Tunheim in the United States District Court for the District of Minnesota. On March 25, 2022, counsel for the Plaintiffs filed a Memorandum of Law in Support of Motion for Preliminary Approval of Class Action Settlement (the “Settlement Agreement”). Neither a preliminary approval hearing nor a final approval hearing have yet been scheduled by the Court.

Please find enclosed a CD containing certain documents and information in “.pdf” format as required by the Class Action Fairness Act. These include the following enclosures:

1. The Complaint, filed on July 1, 2020, the First Amended Complaint, filed on March 1, 2021, and the Second Amended Complaint filed on February 11, 2022.
2. The Settlement Agreement, executed on March 25, 2022, which contains the following relevant exhibits:
 - a. The [Proposed] Preliminary Approval Order, Exhibit 1 of the Settlement Agreement;
 - b. The Long-Form Notice, Exhibit 2 of the Settlement Agreement;
 - c. The Email Notice, Exhibit 3 of the Settlement Agreement;
 - d. The Postcard Notice and Claim Form, Exhibit 4 of the Settlement Agreement;
 - e. The Electronic Claim Form, Exhibit 5 of the Settlement Agreement;
 - f. The [Proposed] Final Approval Order, Exhibit 6 of the Settlement Agreement; and
 - g. The [Proposed] Final Judgment, Exhibit 7 of the Settlement Agreement.
3. The Plaintiffs’ Memorandum of Law in Support of Motion for Preliminary Approval of Class Action Settlement, filed on March 25, 2022.

It is not feasible at this time to include a list containing names of Settlement Class Members that reside in each state because the reverse-append process to locate all name-and-address information has not yet been completed. There are a total of approximately 2.4 million Settlement Class Members, most of whom are believed to reside in Missouri, Kansas, or Illinois. Because Settlement Class Members have the option to submit a claim requesting a payment, A.B. Data cannot reasonably estimate at this time the proportionate share of any payments to Settlement Class Members by state.

At this time, there has been no final judgment or notice of dismissal, and there are no written judicial opinions relating to the Settlement Agreement.

The foregoing information is provided based upon what is currently available to date and the status of the proceedings at the time of the submission of this notice.

Sincerely,

A.B. Data, Ltd.
Settlement Administrator on behalf of Defendant

EXHIBIT B

Recipient List for CAFA Notice Mailing

United States Attorney General	Office of the New Hampshire Attorney General
Office of the Alabama Attorney General	Office of the New Jersey Attorney General
Office of the Alaska Attorney General	Office of the New Mexico Attorney General
Office of the Arizona Attorney General	Office of the New York Attorney General
Office of the Arkansas Attorney General	Office of the North Carolina Attorney General
Office of the California Attorney General	Office of the North Dakota Attorney General
Office of the Colorado Attorney General	Office of the Ohio Attorney General
Office of the Connecticut Attorney General	Office of the Oklahoma Attorney General
Office of the Delaware Attorney General	Office of the Oregon Attorney General
Office of the District of Columbia Attorney General	Office of the Pennsylvania Attorney General
Office of the Florida Attorney General	Office of the Rhode Island Attorney General
Office of the Georgia Attorney General	Office of the South Carolina Attorney General
Office of the Hawaii Attorney General	Office of the South Dakota Attorney General
Office of the Idaho Attorney General	Office of the Tennessee Attorney General
Office of the Illinois Attorney General	Office of the Texas Attorney General
Office of the Indiana Attorney General	Office of the Utah Attorney General
Office of the Iowa Attorney General	Office of the Vermont Attorney General
Office of the Kansas Attorney General	Office of the Virginia Attorney General
Office of the Kentucky Attorney General	Office of the Washington Attorney General
Office of the Louisiana Attorney General	Office of the Wisconsin Attorney General
Office of the Maine Attorney General	Office of the Wyoming Attorney General
Office of the Maryland Attorney General	Office of the Kosrae Attorney General
Office of the Massachusetts Attorney General	Office of the Pohnpei Attorney General
Office of the Michigan Attorney General	Office of the American Samoa Attorney General
Office of the Minnesota Attorney General	Office of the Northern Mariana Islands (Acting) Attorney General
Office of the Mississippi Attorney General	Office of the Puerto Rico Attorney General
Office of the Missouri Attorney General	Office of the Guam Attorney General
Office of the Montana Attorney General	Office of the Virgin Islands Attorney General
Office of the Nebraska Attorney General	Office of the West Virginia Attorney General
Office of the Nevada Attorney General	Federal Trade Commission

EXHIBIT C

To: [Settlement Class Member email address]
From: [xxxx]@[xxx].com
Re: LEGAL NOTICE OF SETTLEMENT OF CLASS ACTION

Claimant Identification Number: <<VARIABLE NOTICE ID>>

All persons in the United States that HearingPro called from July 1, 2016, through March 25, 2022, using the Five9 or Ytel dialing system.

A FEDERAL COURT AUTHORIZED THIS NOTICE. THIS IS NOT A SOLICITATION FROM A LAWYER.

Why did I get this notice? A settlement (“Settlement”) has been proposed in a class action lawsuit pending in the U.S. District Court for the District of Minnesota titled “*Baldwin, et al. v. Miracle-Ear, Inc., et al.*, Case No. 20-cv-1502” (“Action”). According to available records, you might be a “Settlement Class Member.” The purpose of this notice is to inform you of the Action and the Settlement so that you may decide what steps to take in relation to it.

What is the Action about? The Action was filed against Miracle-Ear, Inc. (“Miracle-Ear”) and HearingPro, Inc. (“HearingPro”) (collectively, “Defendants”) by individuals alleging that HearingPro made unsolicited telemarketing calls promoting Miracle-Ear goods and services. The Defendants deny wrongdoing and liability, and both sides disagree on how much, if anything, the Settlement Class could have recovered after trial. ***The Court has not decided which side is right. But both sides have agreed to settle the Action and provide certain benefits to Settlement Class Members in order to avoid the costs, risks, and uncertainties of continued litigation.***

Am I a Settlement Class Member? You are a “Settlement Class Member” if you are a person in the United States that HearingPro called from July 1, 2016, to March 25, 2022, using the Five9 or Ytel dialing system.

What relief does the Settlement provide? The Settlement provides \$8,000,000 exclusively to pay (1) claims of eligible Settlement Class Members; (2) a Fees, Costs, and Expenses Award to Settlement Class Counsel; (3) a Service Payment to Plaintiffs; and (4) costs of Settlement administration and notice. If you are a Settlement Class Member, you are eligible to receive a *pro rata* share of the Settlement. It is presently estimated that Settlement Class Members who timely and validly file a claim may receive approximately \$25. This amount may change, as it depends on the number of timely and valid claims submitted by Settlement Class Members. To receive a Settlement award, you must timely complete and submit a valid Claim Form. A Claim Form is available by clicking [HERE](#). The deadline to submit a Claim Form is August 1, 2022. If you elect to complete a Claim Form, your claimant identification number is: <<VARIABLE NOTICE ID>>.

What are my other options? If you don’t want to be legally bound by the Settlement, you must exclude yourself by August 1, 2022, or you won’t be able to sue the Defendants

or others involved with the calls at issue about the legal claims in the Action ever again. If you stay in the Settlement, you may object to it by August 1, 2022. The detailed notice available at www.HearingAidTCPASettlement.com describes the claims you will be releasing if you do not request exclusion and explains how to request exclusion or to object. The Court will hold a hearing on September 6, 2022, at 2:00 p.m. CDT in Minneapolis, MN to consider whether to approve the Settlement and a request by the lawyers representing all Class Members for up to \$2,731,666.67 for a Fees, Costs, and Expenses Award, and for the Plaintiffs' request of a Service Payment of \$5,000 each to Ms. Baldwin and Mr. Struckhoff and \$2,500 each to Messrs. Blatt and Serati for their services as class representatives and their efforts in bringing the Action. You may ask to appear at the hearing, but you don't have to.

More information? For complete information about the Settlement, to view the Settlement Agreement, related court documents, and Claim Forms, and to learn more about how to exercise your various options under the Settlement, visit www.HearingAidTCPASettlement.com or call 1-877-331-0411. You may also write to the Settlement Administrator at the email address info@HearingAidTCPASettlement.com or the postal address *Hearing Aid TCPA Settlement, c/o A.B. Data, Ltd., P.O. Box 173010, Milwaukee, WI 53217.*

EXHIBIT D

POSTCARD NOTICE AND CLAIM FORM

A FEDERAL COURT AUTHORIZED
THIS NOTICE. THIS IS NOT A
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Hearing Aid TCPA Settlement
Settlement Administrator
c/o A.B. Data, Ltd.
P.O. Box 173010
Milwaukee, WI 53217

First-Class
Mail
US Postage
Paid
Permit # __

Postal Service: Please do not mark bar code

Claimant ID #: <<VARIABLE NOTICE ID>>

<<First1>> <<Last1>>
<<CO>>
<<Addr2>>
<<Addr1>>
<<City>>, <<St>> <<Zip>>
<<Country>>

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HEARING AID TCPA SETTLEMENT CLAIM FORM

To be effective as a Claim under the proposed Settlement, this form must be completed, signed, and sent, as outlined above, no later than August 1, 2022. If this form is not postmarked or received by this date, you will remain a member of the Settlement Class but will not receive any payment from the Settlement.

Claimant Identification

Claimant Name (Required): _____ Claimant ID: <<VARIABLE NOTICE ID>>

* Your Claimant Identification Number was on the notice of the Settlement you received. If you do not have your Claimant Identification Number, call or email the Settlement Administrator for assistance at 1-877-331-0411 or info@HearingAidTCPASettlement.com.

Current Contact Information

Street Address (Required): _____

City, State, and ZIP Code (Required): _____

Preferred Phone Number: (____) _____ - _____ Email Address (Required): _____

* Settlement payments will be digitally sent to you via email. Please ensure you provide a current, valid email address. If the email address included with your submission becomes invalid for any reason, it is your responsibility to provide accurate contact information to the Settlement Administrator. When you receive the email notifying you of your payment, you will be provided with a number of digital payment options such as PayPal, Amazon, or a digital debit card to immediately receive your payment. You will also have the option to request a paper check at that time.

Confirmation of Class Membership

Telephone Number(s) at which you received calls related to Miracle-Ear and HearingPro: (____) _____ - _____

- This telephone number belonged to me between July 1, 2016, and March 25, 2022: Yes ___ No ___
- I received (1) at least one call using an artificial voice or prerecorded voice message related to HearingPro and Miracle-Ear between July 1, 2016, and March 25, 2022, or (2) more than one call in a twelve-month period related to HearingPro and Miracle-Ear between July 1, 2016, and March 25, 2022, despite being on the National or a state Do Not Call Registry. Yes ___ No ___

I agree that, by submitting this Claim Form, the information in this Claim Form is true and correct to the best of my knowledge. I am aware that I can obtain a copy of the full notice and Settlement Agreement at **www.HearingAidTCPASettlement.com** or by writing the Settlement Administrator at the email address info@HearingAidTCPASettlement.com or the postal address Hearing Aid TCPA Settlement, c/o A.B. Data, Ltd., P.O. Box 173010, Milwaukee, WI 53217.

Dated: _____ Signature: _____

NO POSTAGE
NECESSARY
IF MAILED IN
THE UNITED
STATES

Hearing Aid TCPA Settlement
Settlement Administrator
c/o A.B. Data, Ltd.
P.O. Box 173010
Milwaukee, WI 53217