

Notice of Pendency of Class Action

Superior Court of California, County of Alameda
Department 22, 1221 Oak Street, Oakland, CA 94612

IF YOU ARE OR WERE A SUBSCRIBER OF VERIZON WIRELESS AND YOU PAID, WERE CHARGED OR WERE SUBJECT TO AN EARLY TERMINATION FEE, YOUR RIGHTS MAY BE AFFECTED

- Customers of Verizon Wireless have sued that company alleging that Verizon Wireless violated their rights under California law and under the laws of other states, as well as federal law.
- The Court has allowed the lawsuits to be a class action on behalf of all subscribers to Verizon Wireless with personal accounts who paid or were charged a flat Early Termination Fee (“ETF”) (generally \$175) from July 23, 1999 to August 10, 2008.
- The Court has not decided whether the plaintiffs’ claims have any merit. However, your legal rights are affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
SUBMIT A CLAIM FORM BY October 14, 2008	Stay in this lawsuit. Submit a claim form. Await the outcome. If the settlement is approved by the Court you may be eligible for a payment of money under the settlement. Be bound by the result. By submitting a claim form you keep the possibility of getting money or benefits that may come from the settlement. But you give up any rights to sue Verizon Wireless separately about the same legal claims in this lawsuit. If you do not file a claim form before October 14, 2008, you give up your right to get money from the settlement if it is approved by the Court.
SUBMIT AN OBJECTION BY October 7, 2008	Object to the Settlement. Stay in the lawsuit, but submit an objection. By objecting to the settlement you give up your right to be excluded from the settlement and your right to file your own action. If you object to the settlement, you may ask a lawyer to represent you at your own cost.
ASK TO BE EXCLUDED BY September 30, 2008	Get out of this lawsuit. Get no benefits from it. Keep rights. If you ask to be excluded and money or benefits are later awarded, you won’t share in those. But you keep your right to sue Verizon Wireless separately about the same legal claims in this lawsuit.

Basic Information

1. What is this notice about?

This notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you and that there is a settlement pending in the case. You have legal rights and options in this action. The lawsuit in California that is certified as a class action is known as *White et al., v. Cellco Partnership d/b/a Verizon Wireless*, Alameda County Superior Court, Case No. RG04-137699 pending in the Superior Court of California, County of Alameda, located in Oakland, California. The settlement will also likely resolve other pending cases that challenge Verizon Wireless’s flat ETF, including *Brown, Zobrist & Cellco Partnership d/b/a Verizon Wireless*, American Arbitration Association, Case Nos. 11 494 01274 05 and 11 494 0032 05, pending before the American Arbitration Association in New York, New York, *Gentry v. Cellco Partnership*, Case NO. CV 05 7888 GAF (VBKx) (C.D. Cal.), pending before the district court of the Central District of California in Los Angeles, California, and *Waudby v. Verizon Wireless, et al.*, No. 07-470 (FLW) (JJH) (D.N.J.), pending before the district court of the District of New Jersey in Trenton, New Jersey.

2. What is this lawsuit about?

The lawsuit claims that Verizon Wireless violated California consumer protection law and similar state and federal laws by imposing flat ETFs. The suit seeks to recover monetary damages and restitution, and declaratory and injunctive relief.

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

In a class action lawsuit, one or more people (in this case Molly White, Christina Nguyen, Patricia Brown and Harold Schroer) have sued on behalf of other people (called “Class Members”) who have similar claims. One court resolves the issues for everyone—except for those people who choose to exclude themselves from the class. The company sued in this case, Verizon Wireless, is called the Defendant.

4. Why are these lawsuits class actions?

The Court decided that these lawsuits and the settlement, if approved, can be a class action because it meets the requirements of California Code of Civil Procedure § 382, and California Civil Code § 1781, which govern class actions in California state courts. More information about why the Court is allowing this lawsuit to be a class action is in the [Court’s Preliminary Approval Order dated July 11, 2008](#).

The Claims In The Lawsuit

5. What are the plaintiffs’ claims in the lawsuit?

In the lawsuit, the Plaintiffs claim that Verizon Wireless’s flat ETF violates various laws. By clicking this link, you can read the Plaintiffs’ [Fourth Consolidated Amended Complaint Against Verizon, filed in *White v. Verizon Wireless*, Case No. RG04, dated July 10, 2008](#).

6. How does Verizon Wireless answer?

Verizon Wireless denies any wrongdoing and denies the Plaintiffs’ allegations. Verizon Wireless contends that the ETF is legal and proper. Verizon Wireless has also asserted cross claims against the plaintiffs for the actual damages it asserts it suffers when customers terminate their contracts early.

7. Has the Court decided who is right?

Although the settlement came about after the trial beginning on June 15, 2008 was underway, the Court has not yet decided whether Verizon Wireless or Plaintiffs are correct. By issuing this Notice, the Court is not suggesting that the Plaintiffs would have won or lost this case. This Notice is to inform you about the settlement and that you must make a decision about it.

8. What are the terms of the settlement ?

The settlement provides that Verizon Wireless will pay \$21 million into a fund that will include money for Class Members to be provided on a pro rata basis, after deducting payment of the costs of administering the settlement, including the costs of this notice, attorneys fees, costs of the litigation and any payments allowed by the Court to the

named plaintiffs, known as the “class representatives.” The settlement does not relieve Class Members of any existing or future obligations to pay ETFs they owe to Verizon Wireless. You can read more about the settlement here: www.VerizonETFsettlement.com

If approved by the Court, payments will be made to Class Members under a “Plan of Allocation” that allows—after payment of the fees and costs described above—payment on a pro rata basis to Class Members who paid an ETF and payment to Class Members that were charged but did not pay an ETF and prove that they suffered economic harm as a result of the ETF. Class Members who can prove that they paid an ETF, or that Verizon Wireless’s records indicate paid an ETF may submit a claim up to \$175 per ETF paid. Class Members who submit a claim in which they represent under penalty of perjury that they paid in ETF may submit a claim of \$25. Class Members who can prove that they were charged an ETF, or that Verizon Wireless’s records indicate were charged an ETF, and who submit a claim in which they represent under penalty of perjury that they suffered concrete economic harm may submit a claim of \$25. The amount paid to Class Members may be larger or smaller than the amount of the claim, depending on how many claims are submitted. You can read more about the Plan of Allocation here: www.VerizonETFsettlement.com

The settlement provides that Verizon Wireless will be ordered by the Court not to impose flat ETFs in its contracts with new subscribers for a minimum of 24 months. The settlement does not require Verizon Wireless to modify its existing contracts. Verizon Wireless has reserved its right to collect unpaid balances from its subscribers, including unpaid ETFs. The settlement will release claims that subscribers may have against Verizon Wireless relating to its ETFs, unless the individual excludes him/her self from the settlement. Specifically, the settlement will release claims pled in all other cases challenging Verizon Wireless’s flat ETF, including the *Brown* arbitration, *Waudby*, and *Gentry*. If, however, Verizon Wireless institutes a lawsuit or an arbitration against an individual to recover any unpaid flat ETF, you can still assert on an individual basis any defenses to such an action.

9. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether to approve the settlement. There is no guarantee that money or benefits ever will be obtained; however, if you want to participate in the settlement you should submit the proof of claim form, available here: www.VerizonETFsettlement.com

Who Is In The Class

You need to decide whether you are affected by this lawsuit.

10. Am I part of this Class?

You are a member of the Class if:

You were a Verizon Wireless customer in the U.S. who has a contract with Verizon Wireless for personal wireless telephone service who was charged or paid a flat ETF from July 23, 1999 to August 10, 2008;

OR

You are or were a Verizon Wireless customer in the U.S. whose contract with Verizon Wireless for personal wireless telephone service includes or included a provision for payment of a flat ETF from July 23, 1999 to August 10, 2008.

Your Rights and Options

You have to decide whether to participate in the settlement and you have to decide this now.

11. What happens if I do nothing at all?

You must submit a claim form (available here: www.VerizonETFsettlement.com) if you want to keep the possibility of getting money from this lawsuit. Keep in mind that if you do nothing or if you submit a claim form you will not be able to sue, or continue to sue, Verizon Wireless—as part of any other lawsuit—under state or federal law about any issues relating to the validity of the flat ETF or the propriety of its assessment or collection.

12. Why would I ask to be excluded?

If you are a member of the Class and you already have your own lawsuit or arbitration against Verizon Wireless for the claims described in paragraph 2 of this notice, and want to continue with it, you need to ask to be excluded from the Class. If you exclude yourself from the Class—which means to remove yourself from the Class, and is sometimes called “opting-out” of the Class—you won’t get any money or benefits from the settlement. However, if you exclude yourself, this lawsuit will not interfere with any rights you have to sue or continue to sue or arbitrate against Verizon Wireless in a separate case. If you elect to exclude yourself because you want to pursue your own claims against Verizon Wireless, you should assert such claims promptly to protect against them being lost due to the passage of time. If you exclude yourself, you will not be legally bound by the Court’s judgments in this class action.

13. How do I ask the Court to exclude me from the Class?

To ask to be excluded, you must send a letter, postmarked by September 30, 2008 to the ETF Settlement Administrator, c/o Gilardi & Co. LLC, P.O. Box 808054, Petaluma CA, 94975-8054. In your letter, be sure to reference your Verizon Wireless telephone numbers if you know them and remember to sign the letter.

14. How do I object to the settlement?

If you are a class member, you can tell the Court that you don’t agree with the settlement or some part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. If you do not file an objection to the settlement and attend the Settlement Fairness Hearing, discussed below, you waive your right to appeal the settlement.

To object, you must send a letter saying that you object to the settlement in *White v. Cellco Partnership d/b/a Verizon Wireless*. Be sure to include your name, address, telephone number, your signature, and the reasons you object to the settlement. Mail the objection to these three different places postmarked no later than **October 7, 2008**:

Court	Class Counsel	Defense Counsel
Alameda County Superior Court, Department 22, 1221 Oak Street, Oakland, CA 94612	Law Offices of Scott A. Bursor 500 Seventh Avenue, 10th Floor New York, NY 10018	Henry Weissmann, Esq. Munger, Tolles & Olson LLP 355 South Grand Avenue, 35th Floor Los Angeles, CA 90071

Objecting is simply telling the Court that you don’t like something about the settlement. You can object only if you stay in the Class. Excluding yourself 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.

You have the right to consult and/or retain an attorney of your choice at your own expense to advise you regarding the settlement and your rights in connection with the settlement and the Settlement Fairness Hearing as described below. You also have the right, either personally or through an attorney retained and paid by you, to seek to intervene in the Actions.

15. When is the Settlement Fairness Hearing?

On October 21, 2008, at 2 p.m., a hearing will be held in Department 17 of the Superior Court of the State of California for the County of Alameda, located at 1221 Oak Street, 4th Floor Oakland, California 94612, to determine whether the Settlement should be approved by the Court as fair, reasonable, and adequate, and whether judgment should be entered thereon (“Settlement Hearing”).

The Court will also consider at the Settlement Hearing the request of Class Counsel for an award of attorneys’ fees and reimbursement of expenses in the amount of \$7,350,000 and incentive awards to each class representative not to exceed \$10,000, which will be deducted from the Common Fund.

Your attendance at the Settlement Hearing is not required. However, you may be heard orally at the Settlement Hearing in opposition to the proposed Settlement or Class Counsels’ application for attorneys’ fees and expenses, **but only** if have timely filed written objections in the manner described above, including a statement that you intend to appear and be heard at the Settlement Hearing. You may also enter an appearance through an attorney, at your own expense. If you do not do so, you will be represented in the Actions by Class Counsel.

Pending final determination of whether the Settlement should be approved, you and your representatives are barred from filing any lawsuit asserting any claims against Verizon Wireless that relate to the settled claims as defined above.

The Lawyers Representing You

16. Do the Class Members have a lawyer in this case?

The Court appointed the law firms of Coughlin Stoia Geller Rudman & Robbins, Bramson, Plutzik, Mahler & Birkhaeuser, LLP, Franklin & Franklin APC and the Law Offices of Scott Bursor to represent the plaintiffs and Class Members. Together the law firms are called "Class Counsel." More information about these law firms, their practices, and their lawyers' experience is available at www.csgr.com and www.bramsonplutzik.com

17. Should I get my own lawyer?

If you choose to remain in the Class, you do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will be responsible for paying that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

18. How will the lawyers be paid?

If the settlement is approved Class Counsel will ask the Court for fees and expenses. You won't have to pay these fees and expenses now. If the Court grants Class Counsel's request, the fees and expenses would be deducted from the \$21 Million common fund paid by Verizon. Class Counsel has agreed not to seek more than 35% of the common fund, or \$7.35 million, as compensation.

Getting More Information

19. Are more details available?

You can view the Fourth Amended Consolidated Complaint For Damages and Injunctive Relief that the Plaintiffs submitted, the Court's Preliminary Approval Order, and other case-related documents here. You may also contact one of the lawyers by sending an email to classcounsel@ETFsettlement.com, calling toll-free to 1-888-309-3847, or by writing to: White v. Cellco d/b/a Verizon Wireless, Claims Administrator, c/o Gilardi & Co. LLC, P.O. Box 808054, Petaluma CA, 94975-8054. Please do not contact the Court. Please also do not contact Verizon Wireless or the lawyers for Verizon Wireless.

DATE: