

UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF FLORIDA

If You Were Sent a Text Message from CITGO Petroleum Corporation, You May Be Entitled to a Payment from a Class Action Settlement.

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

- A Settlement¹ has been reached in a class action lawsuit about whether CITGO Petroleum Corporation, Inc. (“CITGO”) sent text messages to mobile telephone numbers without prior express written consent of the recipients in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”). CITGO denies the allegations in the lawsuit and the Court has not decided who is right.
- The Settlement offers payments to Settlement Class Members who file valid Claims.
- Your legal rights are affected whether you act or do not act. Read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM	If you are a member of the Settlement Class, you must submit a completed Claim Form to receive a payment. If the Court approves the Settlement and it becomes final and effective, and you remain in the Settlement Class, you will receive your payment by check.
EXCLUDE YOURSELF	You may request to be excluded from the Settlement and if you do, you will receive no benefits from the Settlement.
OBJECT	Write to the Court if you do not like the Settlement.
GO TO A HEARING	Ask to speak in court about the fairness of the Settlement.
DO NOTHING	You will not receive a payment if you fail to timely submit a completed Claim Form, and you will give up your right to bring your own lawsuit against CITGO about the Claims in this case.

- 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. If it does, and after any appeals are resolved, benefits will be distributed to those who submit qualifying Claim Forms. Please be patient.

¹ Capitalized terms herein have the same meanings as those defined in the Settlement Agreement, a copy of which may be found online at the Settlement Website below.

QUESTIONS? CALL 1-888-457-6608 OR VISIT
www.citgoTCPAsettlement.com

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION.....	PAGE 3
1. Why is there a Notice?	
2. What is this litigation about?	
3. What is the Telephone Consumer Protection Act?	
4. Why is this a class action?	
5. Why is there a settlement?	
WHO IS PART OF THE SETTLEMENT.....	PAGE 4
6. Who is included in the Settlement?	
7. What if I am not sure whether I am included in the Settlement?	
THE SETTLEMENT BENEFITS.....	PAGE 4
8. What does the Settlement provide?	
9. How do I file a Claim?	
10. When will I receive my payment?	
EXCLUDING YOURSELF FROM THE SETTLEMENT.....	PAGE 5
11. How do I get out of the Settlement?	
12. If I do not exclude myself, can I sue CITGO for the same thing later?	
13. What am I giving up to stay in the Settlement Class?	
14. If I exclude myself, can I still get a payment?	
THE LAWYERS REPRESENTING YOU.....	PAGE 6
15. Do I have a lawyer in the case?	
16. How will the lawyers be paid?	
OBJECTING TO THE SETTLEMENT.....	PAGE 6
17. How do I tell the Court I do not like the Settlement?	
18. What is the difference between objecting and asking to be excluded?	
THE FINAL APPROVAL HEARING.....	PAGE 7
19. When and where will the Court decide whether to approve the Settlement?	
20. Do I have to attend the hearing?	
21. May I speak at the hearing?	
IF YOU DO NOTHING.....	PAGE 8
22. What happens if I do nothing at all?	
GETTING MORE INFORMATION.....	PAGE 8
23. How do I get more information?	

BASIC INFORMATION

1. Why is there a Notice?

A court authorized this Notice because you have a right to know about a proposed Settlement of a class action lawsuit known as *Matthew Gottlieb, on behalf of himself and all others similarly situated, v. CITGO Petroleum Corporation*, Case No. 9:16-CV-81911 and about all of your options before the Court decides whether to give Final Approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

Judge Robin L. Rosenberg of the United States District Court, Southern District of Florida is overseeing this case. The person who sued, Matthew Gottlieb, is called the “Plaintiff.” CITGO Petroleum Corporation, or CITGO, is called the “Defendant.”

2. What is this litigation about?

The lawsuit alleges that CITGO sent text messages to Plaintiff’s wireless telephone number without prior express written consent in violation of the Telephone Consumer Protection Act 47 U.S.C. § 227 (“TCPA”) and seeks actual and statutory damages under the TCPA on behalf of the named Plaintiff and a class of all individuals in the United States.

CITGO denies each and every allegation of wrongdoing, liability, and damages that were or could have been asserted in the litigation and that the claims in the litigation would be appropriate for class treatment if the litigation were to proceed through trial.

The Plaintiff’s Complaint, Settlement Agreement, and other case-related documents are posted on the Settlement Website, www.citgoTCPAsettlement.com. The Settlement resolves the lawsuit. The Court has not decided who is right.

3. What is the Telephone Consumer Protection Act?

The Telephone Consumer Protection Act (commonly referred to as the “TCPA”) is a federal law that restricts telephone solicitations and the use of automated telephone equipment. The Plaintiff here alleged that CITGO sent marketing text messages to individuals without the requisite prior written consent in violation of the TCPA.

4. Why is this a class action?

In a class action, one person called the “Class Representative” (in this case, Plaintiff Matthew Gottlieb) sues on behalf of himself and other people with similar claims.

All of the people who have claims similar to the Plaintiff’s are members of the Settlement Class, except for those who exclude themselves from the class.

5. Why is there a settlement?

The Court has not found in favor of either Plaintiff or CITGO. Instead, both sides have agreed to a settlement. By agreeing to the Settlement, the parties avoid the costs and uncertainty of a trial, and if the Settlement is approved by the Court, Settlement Class Claimants will receive the benefits described in this Notice. CITGO denies all legal claims in this case. Plaintiff and his lawyers think the proposed Settlement is best for everyone who is affected.

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www.citgoTCPAsettlement.com**

WHO IS PART OF THE SETTLEMENT

6. Who is included in the Settlement?

The Settlement includes all persons in the United States who received one or more text messages sent by or on behalf of CITGO in August, October, and November 2016. These people are called the “Settlement Class” or “Settlement Class Members.”

Excluded from the Settlement Class are (A) Defendant, Defendant’s officers, Defendant’s directors, and their immediate family members; (B) Class Counsel; and (C) the judges who have presided over the litigation and their immediate family members.

7. What if I am not sure whether I am included in the Settlement?

If you are not sure whether you are in the Settlement Class or have any other questions about the Settlement, visit the Settlement Website at www.citgoTCPAsettlement.com or call the toll-free number, 1-888-457-6608. You also may send questions to the Settlement Administrator at CITGO TCPA Settlement Administrator, P.O. Box 3967, Portland, OR 97208-3967.

THE SETTLEMENT BENEFITS

8. What does the Settlement provide?

CITGO has agreed to pay \$8,000,000.00 to create a cash Settlement Fund. Additionally, CITGO has agreed to pay the first \$300,000.00 of Settlement Administration and Notice Administration costs. The Settlement Fund will be used to pay all additional Settlement Costs, an attorneys’ fee award, and a Service Award to the Class Representative. The remaining Net Settlement Fund shall be distributed as cash payments to Settlement Class Members who submit valid Claims. The cash payments will be distributed on a pro rata basis to Settlement Class Members depending on the number of valid Claims filed. Each Settlement Class Member may file one Claim and receive one cash payment.

9. How do I file a Claim?

If you qualify for a cash payment, you must complete and submit a valid Claim Form. You can file your Claim Form online at www.citgoTCPAsettlement.com or download a Claim Form from the Settlement Website and email it to claimsubmission@citgoTCPAsettlement.com send it by U.S. Mail to the address below. The deadline to file a Claim online or via email is **11:59 p.m. EST on December 14, 2017**.

If you received a Claim Form in the mail with a postcard summary of this Notice, simply complete, sign, and mail the form by U.S. Mail to the address below. The postage is pre-paid and there is no need for a stamp.

Claim Forms submitted by mail must be postmarked on or before **December 14, 2017** to:

CITGO TCPA Settlement Administrator
P.O. Box 3967
Portland, OR 97208-3967

No matter which method you choose to file your Claim Form, please read the Claim Form carefully and provide all the information required. Only one Claim Form may be submitted per Settlement Class Member.

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www.citgoTCPAsettlement.com**

10. When will I receive my payment?

Payments to Settlement Class Members will be made only after the Court grants Final Approval to the Settlement and after any appeals are resolved (*see* “Final Approval Hearing” below). If there are appeals, resolving them can take time. Please be patient.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want benefits from the Settlement, and you want to keep the right to sue or continue to sue CITGO on your own about the legal issues in this case, then you must take steps to get out of the Settlement. This is called excluding yourself—or it is sometimes referred to as “opting out” of the Settlement Class.

11. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send a timely letter by mail to:

CITGO TCPA Settlement Administrator
P.O. Box 3967
Portland, OR 97208-3967

Your request to be excluded from the Settlement must be personally signed by you under penalty of perjury and contain a statement that indicates your desire to be “excluded from the Settlement Class” and that, absent of excluding yourself or “opting out,” you are “otherwise a member of the Settlement Class.”

Your exclusion request must be postmarked no later than **October 30, 2017**. You cannot ask to be excluded on the phone, by email, or at the Settlement Website.

You may opt out of the Settlement Class only for yourself.

12. If I do not exclude myself, can I sue CITGO for the same thing later?

No. Unless you exclude yourself, you give up the right to sue CITGO for the claims that the Settlement resolves. You must exclude yourself from this Settlement Class in order to pursue your own lawsuit.

13. What am I giving up to stay in the Settlement Class?

Unless you opt out of the Settlement, you cannot sue or be part of any other lawsuit against CITGO about the issues in this case, including any existing litigation, arbitration, or proceeding. Unless you exclude yourself, all of the decisions and judgments by the Court will bind you.

The Settlement Agreement is available at www.citgoTCPAsettlement.com. The Settlement Agreement provides more detail regarding the Releases and describes the Released Claims with specific descriptions in necessary, accurate legal terminology, so read it carefully. You can talk to the law firms representing the Settlement Class listed in Question 15 for free, or you can, at your own expense, talk to your own lawyer if you have any questions about the Released Claims or what they mean.

14. If I exclude myself, can I still get a payment?

No. You will not get a payment from the Settlement Fund if you exclude yourself from the Settlement.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in the case?

The Court has appointed the following lawyers as “Class Counsel” to represent all members of the Settlement Class.

Jeff Ostrow
Avi Kaufman
Scott Edelsberg
**Kopelowitz Ostrow Ferguson
Weiselberg Gilbert**

Andrew Shamis
Shamis & Gentile, P.A.

You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

16. How will the lawyers be paid?

Class Counsel intend to request up to 33.33% of the value of the Settlement for attorneys’ fees plus reimbursement of reasonable, actual out-of-pocket expenses incurred in the litigation. The fees and expenses awarded by the Court will be paid out of the Settlement Fund. The Court will decide the amount of fees and expenses to award.

Class Counsel will also request that a Service Award of \$5,000.00 be paid from the Settlement Fund to the Class Representative for his service as representative on behalf of the whole Settlement Class.

OBJECTING TO THE SETTLEMENT

17. How do I tell the Court if I do not like the Settlement?

If you are a Settlement Class Member (and do not exclude yourself from the Settlement Class), you can object to any part of the Settlement. To object, you must timely submit a letter that includes the following:

- 1) A heading that includes the case name and case number—*Matthew Gottlieb, on behalf of himself and all others similarly situated, v. CITGO Petroleum Corporation, Case No. 9:16-CV-81911*;
- 2) Your name, address, telephone number, the cell phone number at which you received text messages from CITGO in August, October, and/or November 2016, and if represented by counsel, the name, bar number, address, and telephone number of your counsel;
- 3) A signed statement stating, under penalty of perjury, that you received one or more text messages sent by or on behalf of CITGO in August, October, and/or November 2016 and are a member of the Settlement Class;
- 4) A statement of all your objections to the Settlement including your legal and factual basis for each objection;
- 5) A statement of whether you intend to appear at the Final Approval Hearing, either with or without counsel, and if with counsel, the name of your counsel who will attend;

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- 6) The number of times in which your counsel and/or counsel’s law firm have objected to a class action settlement within the five years preceding the date that you file the objection, the caption of each case in which counsel or the firm has made such objection, and a copy of any orders related to or ruling upon counsel’s or the firm’s prior objections that were issued by the trial and appellate courts in each listed case;
- 7) A list of all persons who will be called to testify at the Final Approval Hearing in support of the objection; and
- 8) Any and all agreements that relate to the objection or the process of objecting—whether written or verbal—between you or your counsel and any other person or entity.

If you wish to object, you must file your objection with the Court (using the Court’s electronic filing system or in any manner in which the Court accepts filings) and mail your objection to each of the following three (3) addresses, and your objection must be postmarked by **October 30, 2017**.

Clerk of the Court	Class Counsel	Defendant’s Counsel
United States District Court for the Southern District of Florida 701 Clematis St. Room 202 West Palm Beach, FL 33401	Jeff Ostrow Kopelowitz Ostrow Ferguson Weiselberg Gilbert 1 West Las Olas Blvd. Suite 500 Ft. Lauderdale, FL 33301	Scott Solberg Eimer Stahl LLP 224 South Michigan Ave. Chicago, IL 60604

18. What is the difference between objecting and asking to be excluded?

Objecting is telling the Court that you do not like something about the Settlement. You can object to the Settlement only if you do not exclude yourself. Excluding yourself is telling the Court that you do not want to be part of the Settlement. If you exclude yourself, you have no basis to object to the Settlement because it no longer affects you.

THE FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to approve the Settlement and any requests for fees and expenses (“Final Approval Hearing”).

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

The Court has scheduled a Final Approval Hearing on **November 29, 2017 at 11:00 a.m.** at the Alto Lee Adams, Sr. U.S. Courthouse, 101 South U.S. Highway 1, Courtroom 4008, Ft. Pierce, FL 34950. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.citgoTCPAsettlement.com for updates. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider the requests by Class Counsel for attorneys’ fees and expenses and for a Service Award to the Class Representative. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the Settlement. It is unknown how long these decisions will take.

20. Do I have to attend the hearing?

No. Class Counsel will answer any questions the Court may have. But, you are welcome to attend the hearing at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you submitted your written objection on time to the proper addresses and it complies with

all the other requirements set forth above, the Court will consider it. You may also pay your own lawyer to attend the hearing, but it is not necessary.

21. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, your timely filed objection must include a statement of whether you intend to appear at the Final Approval Hearing (*see* Question 17 above).

You cannot speak at the hearing if you exclude yourself from the Settlement.

IF YOU DO NOTHING

22. What happens if I do nothing at all?

If you are a Settlement Class member and do nothing, meaning you do not file a timely Claim, you will not get benefits from the Settlement. Further, unless you exclude yourself, you will be bound by the judgment entered by the Court.

GETTING MORE INFORMATION

23. How do I get more information?

This Notice summarizes the proposed Settlement. You are urged to review more details in the Settlement Agreement. For a complete, definitive statement of the Settlement terms, refer to the Settlement Agreement at www.citgoTCPAsettlement.com. You also may write with questions to the Settlement Administrator at CITGO TCPA Settlement Administrator, P.O. Box 3967, Portland, OR 97208-3967 or call the toll-free number, 1-888-457-6608.

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