

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**FARIDEH HAGHAYEGHI,**  
v.  
**GUESS?, INC., et al.**

No. 14-cv-00020-JAH-NLS

**NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT**

**TO:** All persons who received a text message from or on behalf of Guess between October 16, 2013 and November 8, 2016, inclusive.

**IF YOU ARE A MEMBER OF THIS CLASS OF PERSONS, YOU SHOULD READ THIS NOTICE CAREFULLY BECAUSE IT WILL AFFECT YOUR LEGAL RIGHTS AND OBLIGATIONS.**

A settlement (“Settlement”) has been proposed in the class action lawsuit referenced above pending in the United States District Court for the Southern District of California, Case No. 14-cv-00020-JAH-NLS (“Action”). If the Court gives final approval to the Settlement, Guess?, Inc. (“Guess”) will provide for each Class Member who properly and timely completes and submits a Claim Form, his or her choice of a payment of \$15 (“Settlement Payment”) or a voucher for \$30 off merchandise purchase from Guess (“Settlement Voucher”).

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>		
<b>SUBMIT A CLAIM FORM</b>	This is the only way to get a Settlement Payment or Settlement Voucher under the Settlement.  Visit the Settlement website located at <a href="http://www.FHGuessSettlement.com">www.FHGuessSettlement.com</a> to obtain and to electronically submit a Claim Form. You can also print and then mail the Claim Form from the website.	Deadline: <b>March 10, 2017</b>
<b>EXCLUDE YOURSELF</b>	If you exclude yourself from the Settlement, you will not receive a Settlement Payment or Voucher under the Settlement. Excluding yourself is the only option that allows you to ever bring or maintain your own lawsuit against Guess regarding the allegations in the Action ever again.	Deadline: <b>March 10, 2017</b>
<b>OBJECT</b>	You may write to the Court about why you object to ( <i>i.e.</i> , don't like) the Settlement and think it shouldn't be approved. Filing an objection does not exclude you from the Settlement.	Deadline: <b>March 10, 2017</b>

## YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

<b>GO TO THE “FAIRNESS HEARING”</b>	<p>The Court will hold a “Fairness Hearing” to consider the Settlement, the request for attorneys’ fees and costs of the lawyers who brought the Action, and the Representative Plaintiff’s request for a service award for bringing the Action.</p> <p>You may, but are not required to, speak at the Fairness Hearing about any objection you filed to the Settlement. If you intend to speak at the Fairness Hearing, you must also include as part of your objection a “Notice of Intention to Appear” to the Court and the parties’ attorneys indicating your intent to do so.</p>	Hearing Date: <b>April 24, 2017 at 2:30 p.m.</b>
<b>DO NOTHING</b>	<p>You will not receive a Settlement Payment or Voucher under the Settlement. You will also give up your right to object to the Settlement and you will be not be able to be part of any other lawsuit about the legal claims in this case.</p>	N/A

- These rights and options—**and the deadlines to exercise them**—are explained in more detail below.
- The Court in charge of this Action has preliminarily approved the Settlement and must decide whether to give final approval to the Settlement. The relief provided to Class Members will be provided only if the Court gives final approval to the Settlement and, if there are any appeals, after the appeals are resolved in favor of the Settlement. ***Please be patient.***

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**BACKGROUND INFORMATION**

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

You received this Notice because a Settlement has been reached in this Action. According to Guess’s available records you might be a member of the Settlement Class and may be eligible for the relief detailed below.

This Notice explains the nature of the Action, the general terms of the proposed Settlement, and your legal rights and obligations. To obtain more information about the Settlement, including information about how you can see a copy of the Settlement Agreement (which

defines certain capitalized terms used in this Notice), see Section 20 below.

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

Plaintiff Farideh Haghayeghi (the “Representative Plaintiff”) filed a lawsuit against Guess on behalf of herself and all others similarly situated. The lawsuit alleges that Guess sent text messages without the appropriate consent to send such messages.

Guess denies each and every one of the allegations of unlawful conduct, the alleged lack of appropriate consent, any wrongdoing, and any liability whatsoever, and no court or other entity has made any judgment or other determination of any liability. Guess further denies that any Class Member is entitled to any relief and, other than for settlement purposes, that this Action is appropriate for certification as a class action. Guess denies any wrongdoing and any liability whatsoever.

**The issuance of this Notice is not an expression of the Court’s opinion on the merits or the lack of merits of the Representative Plaintiff’s claims in the Action.**

For information about how to learn about what has happened in the Action to date, please see Section 20 below.

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

In a class action lawsuit, one or more people called “Representative Plaintiff(s)” (in this Action, Farideh Haghayeghi) sue on behalf of other people who have similar claims. For purposes of this proposed Settlement, one court will resolve the issues for all Class Members. The company sued in this case, Guess, is called the Defendant.

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

The Representative Plaintiff has made claims against Guess. Guess denies that it has done anything wrong or illegal and admits no liability. The Court has **not** decided that the Representative Plaintiff or Guess should win this Action. Instead, both sides agreed to a Settlement. That way, they avoid the cost of a trial, and the Class Members will receive relief now rather than years from now, if at all.

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

The Court has decided that everyone who fits this description is a Class Member for purposes of the proposed Settlement: All persons who received a text message from or on behalf of Guess between October 16, 2013 and November 8, 2016, inclusive. Excluded from the Class are Guess’s Counsel, Guess’s officers and directors, and the judge presiding over the Action.

## **6. *I’m still not sure if I am included.***

If you are still not sure whether you are included, you can contact the Claims Administrator for free help about whether you are a Class Member. The email address of the Claims

Administrator is FHGuessSettlement@AdministratorClassAction.com, the U.S. postal (mailing) address is Haghayeghi v. Guess?, Inc. Settlement, 1801 Market Street, Suite 660, Philadelphia, PA 19103, and the toll-free telephone number is 1-855-274-6889.

## THE PROPOSED SETTLEMENT

### 7. *What relief does the Settlement provide to the Class Members?*

Guess has agreed to provide the Class the option to receive either (a) a Settlement Payment of a one-time cash payment of fifteen dollars (\$15) or (b) a Settlement Voucher to receive \$30 off a merchandise purchase (no minimum purchase required). The Settlement Voucher contains terms and conditions. These are set forth in Section 2.1 of the Settlement Agreement.

## HOW TO REQUEST A SETTLEMENT PAYMENT OR VOUCHER – SUBMITTING A CLAIM FORM

### 8. *How can I get a Settlement Payment or Voucher?*

To qualify for a Settlement Payment or Settlement Voucher, you must send in a Claim Form by the deadline. A Claim Form is available by clicking [HERE](#) or on the Internet at the website [www.FHGuessSettlement.com](http://www.FHGuessSettlement.com). The Claim Form may be submitted electronically or by postal mail. Read the instructions carefully, fill out the form, and postmark it by **March 10, 2017** or submit it online on or before 11:59 p.m. (Pacific) on **March 10, 2017**.

### 9. *When will I get a Settlement Payment or Voucher?*

As described in Sections 17 and 18 below, the Court will hold a hearing on **April 24, 2017** at 2:30 p.m. PST, 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. You can check on the progress of the case on the website dedicated to the Settlement at [www.FHGuessSettlement.com](http://www.FHGuessSettlement.com). *Please be patient.*

## THE LAWYERS IN THIS CASE AND THE REPRESENTATIVE PLAINTIFF

### 10. *Do I have a lawyer in this case?*

The Court has ordered that the law firms of Strategic Legal Practices, APC, Mazie Slater Katz & Freeman, LLC, and Rosner, Barry & Babbitt, LLP (“Class Counsel”) will represent the interests of all Class Members. You will not be separately charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

**11. *How will the lawyers be paid?***

Guess has agreed to pay Class Counsel's attorneys' fees and costs up to \$495,000, subject to approval by the Court. You will not be required to pay any attorneys' fees or costs for Class Counsel's attorneys' fees and costs.

**12. *Will the Representative Plaintiff receive any compensation for her efforts in bringing this Action?***

The Representative Plaintiff will request a service award (also known as an "incentive award") of up to \$5,000 for her services as class representative and her efforts in bringing the Action. The Court will make the final decision as to the amount to be paid to the Representative Plaintiff.

**DISMISSAL OF ACTION AND RELEASE OF ALL CLAIMS**

**13. *What am I giving up to obtain relief under the Settlement?***

If the Court approves the proposed Settlement, unless you exclude yourself from the Settlement, you will be releasing your claims against Guess. This generally means that you will not be able to file a lawsuit, continue prosecuting a lawsuit, or be part of any other lawsuit against Guess regarding the allegations in the Action. The Settlement Agreement, available on the Internet at the website [www.FHGuessSettlement.com](http://www.FHGuessSettlement.com) contains the full terms of the release.

**HOW TO EXCLUDE YOURSELF FROM THE SETTLEMENT**

**14. *How do I exclude myself from the Settlement?***

You may exclude yourself from the Class and the Settlement. If you want to be excluded, you must send a letter or postcard stating: **(a)** the name and case number of the Action "*Haghayeghi v. Guess?, Inc. et al.*, Case 14-cv-00020"; **(b)** your full name, address, and telephone number (email address optional); and **(c)** a statement that you do not wish to participate in the Settlement, postmarked no later than **March 10, 2017** to the Claims Administrator at:

*Haghayeghi v. Guess?, Inc. Settlement*  
Attn: Exclusions  
1801 Market Street, Suite 660  
Philadelphia, PA 19103

If you timely request exclusion from the Class, you will be excluded from the Class, you will not be bound by the judgment entered in the Action, and you will not be precluded from prosecuting any timely, individual claim against Guess based on the conduct complained of in the Action.

## HOW TO OBJECT TO THE SETTLEMENT

### 15. *How do I tell the Court that I do not like the Settlement?*

At the date, time, and location stated in Section 18 below, the Court will hold a Fairness Hearing to determine if the Settlement is fair, reasonable, and adequate, and to also consider Class Counsel's request for an award of attorneys' fees and costs, and a service award to the Representative Plaintiff.

If you wish to object to the fairness, reasonableness, or adequacy of the Settlement Agreement or the proposed Settlement, you must submit a written objection to the Claims Administrator at the address set forth below no later than (*i.e.*, postmarked by) **March 10, 2017**.

*Haghayeghi v. Guess?, Inc. Settlement*  
Attn: Objections  
1801 Market Street, Suite 660  
Philadelphia, PA 19103

The written objection must state: **(a)** the name and case number of the Action "*Haghayeghi v. Guess?, Inc. et al.*, Case 14-cv-00020"; **(b)** the full name, address, and telephone number of the person objecting (email address optional); **(c)** the words "Notice of Objection" or "Formal Objection"; **(d)** in clear and concise terms, the objection and legal and factual arguments supporting the objection; and **(e)** facts showing that the person objecting is a Class Member. The written objection must be signed and dated, and must include the following language immediately above the signature and date: "I declare under penalty of perjury under the laws of the United States of America that the foregoing statements regarding class membership are true and correct to the best of my knowledge."

You may, but need not, submit your objection through counsel of your choice. If you do make your objection through an attorney, you will be responsible for your personal attorney's fees and costs.

**IF YOU DO NOT TIMELY MAKE YOUR OBJECTION, YOU WILL BE DEEMED TO HAVE WAIVED ALL OBJECTIONS AND WILL NOT BE ENTITLED TO SPEAK AT THE FAIRNESS HEARING.**

If you submit a written objection, you may appear at the Fairness Hearing, either in person or through personal counsel hired at your expense, to object to the Settlement Agreement. You are not required, however, to appear. If you, or your attorney, intend to make an appearance at the Fairness Hearing, you must include on your timely and valid written objection a statement substantially similar to "Notice of Intention to Appear".

If you intend to appear at the Fairness Hearing through counsel, you must also identify the attorney(s) representing you who will appear at the Fairness Hearing and include the attorney(s) name, address, phone number, e-mail address, and the state bar(s) to which counsel is admitted. Also, if you intend to request the Court to allow you to call witnesses at the Fairness Hearing, such request must be made in your written objection, which must also contain a list of any such witnesses and a summary of each witness's expected

testimony.

**16. *What is the difference between excluding myself and objecting to the Settlement?***

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

**FAIRNESS HEARING**

**17. *What is the Fairness Hearing?***

The Court has preliminarily approved the Settlement and will hold a hearing to decide whether to give final approval to the Settlement. The purpose of the Fairness Hearing will be for the Court to determine whether the Settlement should be approved as fair, reasonable, adequate, and in the best interests of the Settlement Class; to consider the award of attorneys' fees and expenses to Class Counsel; and to consider the request for a service award to the Representative Plaintiff.

**18. *When and where is the Fairness Hearing?***

On **April 24, 2017** at 2:30 p.m. PST, a hearing will be held on the fairness of the proposed Settlement. At the hearing, the Court will be available to hear any objections and arguments concerning the proposed Settlement's fairness. The hearing will take place before the Honorable John A. Houston in Courtroom 13B (13th Floor - Carter/Keep) of the U.S. District Court for the District of Southern District of California, located at 333 West Broadway, San Diego, CA 92101. The hearing may be postponed to a different date or time or location without notice. Please check [www.FHGuessSettlement.com](http://www.FHGuessSettlement.com) for any updates about the Settlement generally or the Fairness Hearing specifically. If the date or time of the Fairness Hearing changes, an update to the Settlement website will be the only way you will be informed of the change.

**19. *May I speak at the hearing?***

At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement.

You may attend, but you do not have to. As described above in Section 15, you may speak at the Fairness Hearing only if (a) you have timely served and filed an objection, and (b) you have timely and validly provided a Notice of Intent to Appear.

If you have requested exclusion from the Settlement, however, you may not speak at the Fairness Hearing.



## ADDITIONAL INFORMATION

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

To see a copy of the Settlement Agreement, the Court's Preliminary Approval Order, Class Counsel's application for attorneys' fees and costs, and the operative complaint filed in the Action, please visit the Settlement website located at: [www.FHGuessSettlement.com](http://www.FHGuessSettlement.com). Alternatively, you may contact the Claims Administrator at the email address: [FHGuessSettlement@AdministratorClassAction.com](mailto:FHGuessSettlement@AdministratorClassAction.com), the U.S. postal address (mailing): Haghayeghi v. Guess?, Inc. Settlement, 1801 Market Street, Suite 660, Philadelphia, PA 19103, or the toll-free telephone number: 1-855-274-6889.

This description of this Action is general and does not cover all of the issues and proceedings that have occurred. In order to see the complete file you should visit [www.pacer.gov](http://www.pacer.gov) or the Clerk's office at 333 W Broadway #420, San Diego, CA 92101 (619-557-5600). The Clerk will tell you how to obtain the file for inspection and copying at your own expense.

### **21. *What if my address or other information has changed or changes after I submit a Claim Form?***

It is your responsibility to inform the Claims Administrator of your updated information. You may do so at the address below:

*Haghayeghi v. Guess?, Inc. Settlement*  
1801 Market Street, Suite 660  
Philadelphia, PA 19103

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**DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR THE LITIGATION TO THE CLERK OF THE COURT OR THE JUDGE.**

Dated: December 19, 2016

By: Order of the Southern District of California  
HONORABLE JOHN A. HOUSTON  
UNITED STATES DISTRICT COURT JUDGE