

**UNITED STATES DISTRICT COURT
THE CENTRAL DISTRICT OF CALIFORNIA**

If You Were Sent a Text Message from Hot Topic, Inc.

You May Be Entitled to a Cash 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 Settlement Agreement, also referred to as the “Settlement,”¹ has been reached in a class action lawsuit about whether Hot Topic, Inc. (“Hot Topic”) sent or caused to be sent advertisement or telemarketing text messages to mobile telephone numbers without first obtaining express written consent of the recipients in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”). Hot Topic denies the allegations in the lawsuit and the Court has not decided who is right.
- The Settlement offers cash 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 cash 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 Settlement Administrator 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 Hot Topic 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 appeals (if any) 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 1-866-442-7823 or go to www.HotTopicTextMessageSettlement.com
The deadline to submit your Claim is December 13, 2019.**

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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 *Diana Soukhaphonh, on behalf of herself and all others similarly situated, v. Hot Topic, Inc.*, Case No. CV 16-05124-DMG (AGRx) (C.D.Cal.) 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 Dolly M. Gee of the United States District Court, Central District of California is overseeing this case. The person who sued, Diana Soukhaphonh, is called the “Plaintiff.” Hot Topic, Inc. is called the “Defendant.”

2. What is this litigation about?

The lawsuit alleges that Hot Topic sent, or caused to be sent, advertisement or telemarketing text messages to Plaintiff’s wireless telephone number without obtaining her prior express written consent in violation of the Telephone Consumer Protection Act 47 U.S.C. § 227 (“TCPA”) and seeks statutory damages under the TCPA on behalf of the Plaintiff and a class of all individuals in the United States who received similar messages.

Hot Topic 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, the Settlement Agreement, and other case-related documents are posted on the Settlement Website, www.HotTopicTextMessageSettlement.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 with the use of automated telephone equipment. In this case, the Plaintiff alleges that Hot Topic sent or caused to be 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 Diana Soukhaphonh) sues on behalf of herself and other people with similar claims.

All of the people who satisfy the class definition provided below 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 Defendant. 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 Members will receive the benefits described in this Notice. Hot Topic denies all legal claims in this case. Plaintiff and her lawyers think the proposed Settlement is best for everyone who is affected.

**Questions? Call 1-866-442-7823 or go to www.HotTopicTextMessageSettlement.com
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WHO IS PART OF THE SETTLEMENT

6. Who is included in the Settlement?

The Settlement includes all persons who received one or more text messages sent by or on behalf of Defendant Hot Topic to a cellular phone between August 1, 2012 and July 26, 2019 (the date that the proposed Settlement was preliminarily approved by the Court). These people are called the “Settlement Class” or “Settlement Class Members.”

Excluded from the Settlement Class are (A) any Judge or Magistrate presiding over this Action and members of their families; (B) the Defendant, Defendant’s subsidiaries, parent companies, successors, predecessors, and any entity in which the Defendant or its parent has a controlling interest and its current or former officers, directors, agents, attorneys, and employees; and (C) persons who properly execute and file a valid and timely request for exclusion from the class and their legal representatives, successors or assigns.

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.HotTopicTextMessageSettlement.com or call the toll-free number, 1-866-442-7823. You also may send questions to the Settlement Administrator:

Hot Topic Text Message
Settlement Administrator
P.O. Box 43496
Providence, RI 02940-3496

THE SETTLEMENT BENEFITS

8. What does the Settlement provide?

Hot Topic has agreed to pay **\$2,985,000** to create a cash Settlement Fund. \$1,500,000 of the Settlement Fund cannot be returned to Hot Topic for any reason. An amount up to \$2,985,000 may be applied towards the Settlement, depending on the number of persons who timely submit valid Claim Forms. The Settlement Fund will be used to pay an attorneys’ fee award of up to 28% of the Settlement Fund, litigation costs of not more than \$100,000, notice and administration costs of the Settlement, and a Service Award to the Class Representative. The remainder of the Settlement Fund will 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 for each mobile telephone number texted.

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.HotTopicTextMessageSettlement.com or download a Claim Form from the Settlement Website and send it by U.S. Mail to the address below. The deadline to file a Claim online or via mail is **11:59 p.m. PT on December 13, 2019**. Claims submitted via mail must be postmarked by that date.

Hot Topic Text Message
Settlement Administrator
P.O. Box 43496
Providence, RI 02940-3496

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 for each mobile telephone number texted.

**Questions? Call 1-866-442-7823 or go to www.HotTopicTextMessageSettlement.com
The deadline to submit your Claim is December 13, 2019.**

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 Hot Topic 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:

Hot Topic Text Message
Settlement Administrator
P.O. Box 43496
Providence, RI 02940-3496

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 excluding yourself or “opting out,” you are “otherwise a member of the Settlement Class.”

Your exclusion request must be postmarked by **December 13, 2019**. 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 Hot Topic for the same thing later?

No. Unless you exclude yourself, you give up the right to sue Hot Topic 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 Hot Topic 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.HotTopicTextMessageSettlement.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 this case?

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

David P. Milian, Esq. and Ruben Conitzer, Esq. of the firm
CAREY RODRIGUEZ MILIAN GONYA, LLP

and

Robert Ahdoot, Esq. of the firm
AHDOOT & WOLFSON PC

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 twenty-eight percent of the value of the Settlement Fund for attorneys’ fees plus reimbursement of reasonable, actual out-of-pocket expenses incurred in the litigation, of no more than \$100,000. The fees and expenses awarded by the Court will be paid out of the Settlement Fund. The Motion for these fees and expenses will be posted on the Settlement Website when they are filed with the Court. The Court will decide the amount of fees and expenses to award.

Class Counsel will also request that a Service Award of \$15,000 be paid from the Settlement Fund to the Class Representative for her service as representative on behalf of the whole Settlement Class.

OBJECTING TO THE SETTLEMENT

17. How do I tell the Court that 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. Any Class Member who intends to object to this Agreement must present, on a timely basis, the objection in writing, which must be personally signed by the objecting Settlement Class Member, and must include:

- (1) the objecting Settlement Class Member’s name, email address, and mailing address;
- (2) an explanation of the basis upon which the objecting Settlement Class Member claims to be a Settlement Class Member, including the cellular telephone number to which the Settlement Class Member subscribed and to which one or more text messages were received from Hot Topic;
- (3) all grounds for the objection, including all citations to legal authority and evidence supporting the objection;
- (4) the name and contact information of any and all attorneys representing, advising, or in any way assisting the objector in connection with the preparation or submission of the objection or who may profit from the pursuit of the objection;
- (5) the number of times in which the objector has objected to a class action settlement within the five years preceding the date that the objector files the objection, the caption of each case in which the objector has made such an objection, and a copy of any orders related to or ruling on the objector’s prior such objections that were issued by the trial and appellate courts in each listed case;

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The deadline to submit your Claim is December 13, 2019.**

- (6) a copy of any orders related to or ruling on the objector’s counsel’s or the objector’s counsel’s law firm’s prior objections made by individuals or organizations represented by them that were issued by the trial and appellate courts in each listed case in which the objector’s counsel and/or the objector’s counsel’s law firm have objected to a class action settlement within the preceding 5 years;
- (7) a statement indicating whether the objector intends to appear at the Final Approval Hearing (either personally or through counsel who files an appearance with the Court in accordance with the Local Rules), and;
- (8) a statement disclosing whether you or any counsel representing you have objected to any class action settlement where you or your counsel asked for or received any payment in exchange for dismissal of the objection, or any related appeal, without any modification to the Settlement, and include a statement identifying each such case by full case caption and amount of payment received.

Any Settlement Class Member who fails to timely object to the Settlement in the manner described in this Notice and consistent with this Section shall be deemed to have waived any such objection, may not object to any terms or approval of the Settlement at the Final Approval Hearing, and shall be foreclosed from seeking any review of the terms of this Agreement by appeal or other means.

If you wish to object, you must submit your objection to the following address, and your objection must be postmarked by **December 13, 2019**:

Settlement Administrator
Hot Topic Text Message Settlement Administrator P.O. Box 43496 Providence, RI 02940-3496

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

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

The Court will hold a hearing to decide whether to approve the Settlement and any requests for fees and expenses (“Final Approval Hearing”). The Court has scheduled a Final Approval Hearing on **February 7, 2020 at 10:00 a.m.** at the First Street Courthouse Building at 350 W. 1st Street in Los Angeles, CA 90012 in Courtroom 8C. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.HotTopicTextMessageSettlement.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. At or after the hearing, the Court will decide whether to approve the Settlement. It is unknown how long these decisions will take.

**Questions? Call 1-866-442-7823 or go to www.HotTopicTextMessageSettlement.com
The deadline to submit your Claim is December 13, 2019.**

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 address 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 submitted 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.HotTopicTextMessageSettlement.com. You may also contact the Settlement Administrator by email at info@HotTopicTextMessageSettlement.com, or by calling the toll-free number, 1-866-442-7823, or by writing to:

Hot Topic Text Message
Settlement Administrator
P.O. Box 43496
Providence, RI 02940-3496

**Questions? Call 1-866-442-7823 or go to www.HotTopicTextMessageSettlement.com
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