

# **EXHIBIT 2**

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**IN THE CASE OF**

**JAYSON SWIGART, INDIVIDUALLY AND ON BEHALF  
OF ALL OTHERS SIMILARLY SITUATED,**

**v.**

**PARCEL PENDING, INC.,**

**18-cv-2238 BEN (WVG)**

**KAZEROUNI LAW GROUP, APC  
1303 EAST GRAND AVENUE, SUITE 101  
ARROYO GRANDE, CA 93420  
(805) 335-8455**

**NOTICE OF PENDING CLASS ACTION SETTLEMENT AND NOTICE OF PROPOSED SETTLEMENT**

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

If you received a telephone call from Parcel Pending, Inc. from February 1, 2018 to October 3, 2018 your rights could be affected by a class action settlement. **Please read this notice carefully. Your legal rights could be affected depending on whether or not you act in response to this notice.** This is not a solicitation from a lawyer.

This notice relates to a class action settlement preliminarily approved by the Court in the United States District Court, Southern District of California, in a civil action entitled *Jayson Swigart, Individually and on Behalf of All Others Similarly Situated, v. Parcel Pending, Inc.*, Case No. 18-cv-2238 BEN (WVG) (the "Action"). This lawsuit challenges Parcel Pending's recording of outbound telephonic communications to consumers without notice to said consumers. Parcel Pending, disputes the claims and believes that their business practices, and the information provided about them, are clear and understandable to customers and comply with all applicable laws.

**WHY IS THERE A SETTLEMENT?** No court has decided in favor of either side in any of the lawsuits. Swigart and Swigart's lawyers believe that the claims they have made against Parcel Pending have merit, but that the proposed settlement is fair and in the best interest of the class because it provides appropriate recovery for class members now, while avoiding the risk, expense, uncertainty, and delay of continuing to pursue the lawsuit. In reaching this conclusion, Swigart and Swigart's lawyers considered the possibility that Swigart and many of the class members might be required to bring their claims individually, and the possibility that the lawsuits might ultimately result in no recovery whatsoever. Parcel Pending does not believe that the claims against them have merit. Parcel Pending is settling because it believes that it is in the best interests of both Parcel Pending and Parcel Pending's customers to enter into the proposed settlement.

**WHO IS IN THE SETTLEMENT CLASS?** In the preliminary approval of the settlement, the Court has decided that everyone who fits the following description is a class member for purposes of the proposed settlement, defined as follows:

All Parcel Pending Registered Users who received one or fewer disclosures of Parcel Pending's recorded call policy between February 1, 2018 to October 3, 2018 prior to receiving an outbound customer service call.

**WHAT DOES THE SETTLEMENT PROVIDE?** Parcel Pending has established a \$400,000.00 Settlement Fund. \$300,000 of this Settlement Fund will be utilized to provide compensation to the Class Members who submit a claim; an incentive award to Swigart, payment of attorneys' fees and litigation costs to Class Counsel, and the costs of notice and claims administration.

**PRO RATA DISTRIBUTION:** Each Class Member who submits a claim will receive an equal distribution of the settlement funds following deduction of an incentive award, class counsels' fees and litigation costs, and the costs of notice and claims administration. If all class members opt in and the Court awards the entire requested incentive award, attorneys' fees, and, litigation costs, Class Counsel anticipates this amount to be \$114.03 per class member; however, the actual amount will vary.

**INCENTIVE AWARD:** The Court will award a maximum of \$2,500 to Swigart as a result of Swigart's service to the class.

**ATTORNEYS' FEES; AND, LITIGATION COSTS:** Class Counsel also seeks to recover a maximum of 25% of the Settlement Fund for Class Counsel's Attorneys' Fees; and, Costs. This amount shall not exceed \$100,000.00 and will be contingent upon Court approval.

**ADDITIONAL INFORMATION AND DOCUMENTS RELATED TO THE SETTLEMENT ARE  
AVAILABLE AT WWW.KAZLG.COM**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		
<p>The purpose of the notice is to inform you of the proposed settlement agreement and, if you are a class member (as defined above), of your options. Each option has consequences, which you should consider carefully before making your decision. Your options as a class member are summarized below:</p>		
<b>DO NOTHING</b>	You will receive no payment under the settlement and will give up your rights to assert any claims against Parcel Pending, Inc. related to the recording of outbound customer service calls.	
<b>SUBMIT A CLAIM</b>	The only way to get a payment under the settlement. You may submit a claim by mailing it to Parcel Pending Settlement Administrator, Job #, 5410 W. Roosevelt Road, Suite 222, Chicago, IL 60644.	Deadline: <b>X</b>
<b>OBJECT</b>	If you are a class member and believe the Settlement is unfair or inadequate, you may object to the Settlement. You cannot object to the Settlement if you chose to exclude yourself from the Settlement.	Deadline: <b>X</b>
<b>EXCLUDE YOURSELF</b>	If you ask to be excluded and money or benefits are later awarded or obtained, you will not be able to share in that money or those benefits. But, you will retain the right to sue Parcel Pending on your own about the same legal claims in this lawsuit.	Deadline: <b>X</b>
<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 by the lawyers who brought the lawsuits, and Swigart's request for incentive awards for bringing the Litigation.</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 submit a "Notice of Intention to Appear" to the Court and the parties' attorneys, indicating your intent to do so. Be sure to include your name, address, telephone number, signature, and the reasons you object to the settlement. Mail the notice to the Court, and send a copy by fax, U.S. mail, or email to Class Counsel and Defense Counsel at the addresses listed below.</p>	Hearing Date: <b>X</b>

**CLAIM FORM**

*Jayson Swigart, Individually and on Behalf of All Others Similarly Situated v. Parcel Pending, Inc.*

If you wish to file a claim to receive monetary compensation as described in the Settlement Agreement, you must submit this Claim Form to the Settlement Administrator, First Class, Inc. The Claim Form must be completed, signed, and postmarked by **DATE** for it to be considered timely. A complete definition of the class qualifications and class terms is provided in the Settlement Agreement, which is available at [www.SwigartCIPASettlement.com](http://www.SwigartCIPASettlement.com). There is a limit of one Claim Form per CLAIMANT.

Claim Forms must be submitted to:

First Class, Inc. – Parcel Pending Settlement  
**Job #**  
5410 W Roosevelt Road, Suite 222  
Chicago, IL 60644-1490

Name (Printed): \_\_\_\_\_

Signature \_\_\_\_\_

Address: \_\_\_\_\_

Current Contact Telephone: \_\_\_\_\_

Dated: \_\_\_\_\_