

Gerstenhaber v. Galleria Fitness Club
c/o Settlement Administrator
PO Box 58158
Philadelphia, PA 9102-8158

FIRST-CLASS MAIL
U.S. POSTAGE PAID
PHILADELPHIA, PA
PERMIT NO. XXX

If you received a text message call from or on behalf of Galleria Fitness Club, LLC (d/b/a Powerhouse Gym Fort Lauderdale), between June 16, 2017 and March 12, 2019, you may be entitled to a payment from a class action settlement.

<<Barcode>>

<<First Name>> <<Last Name>>

<<Address>>

<<Address 2>>

<<City>>, <<ST>> <<Zip>>

[BARCODE AREA]

If you received a text message call from or on behalf of Galleria Fitness Club, LLC (d/b/a Powerhouse Gym Fort Lauderdale), between June 16, 2017 and March 12, 2019, you may be entitled to a payment from a class action settlement.

A proposed class action settlement has been reached in Gerstenhaber v. Galleria Fitness Club, LLC, Case No. 18-cv-62108 (S.D. Fla.). Plaintiff alleged that Galleria Fitness Club, LLC, d/b/a Powerhouse Gym Fort Lauderdale (“Galleria Fitness”); together, with the individual defendant, “Defendants”) violated the federal Telephone Consumer Protection Act (“TCPA”) sent text messages to wireless telephone numbers in violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227. Defendants deny the allegations in the lawsuit. The Court has not decided in favor of any party. The parties have agreed to settle to avoid the uncertainties and costs of litigation and trial.

Who Is Included in the Settlement? You received this postcard because Defendants’ records show that you may be a Settlement Class Member. The Settlement includes all persons residing in the United States who received a text message call from Defendants from June 16, 2017 through March 12, 2019.

What Are the Settlement Terms? Defendants have agreed to make \$600,000.00 available to fund a settlement, which will be used to pay individuals who submit valid Claims, attorneys’ fees, and a Service Award and to the Class Representative. The cash payments, which are up to \$30.00 per text message call received, less Notice and Administration costs, Attorney’s Fees of up to \$140,000, and Incentive Award of \$5,000, from the Settlement Fund will be distributed to Settlement Class Members who submit a valid Claim. The motion for these fees will be posted to the website after they are filed.

How Can I Get a Payment? To get a payment, you must submit

a Claim Form by the deadline stated below. You may download a Claim Form at the Settlement Website, or request a Claim Form by calling 1-833-253-8060. To be valid, a Claim Form must be completed fully and accurately, signed under penalty of perjury, and submitted by U.S. mail postmarked by June 5, 2019, or through the Settlement Website on or before June 5, 2019.

What Are My Options? You may exclude yourself from the Settlement. If you do, you will not receive a payment, but you will keep your right to sue regarding these claims. You must exclude yourself by May 20, 2019. You also have the right to stay in the Settlement and object to any part that you do not agree with. You must send your objection to the Court by May 20, 2019. For more information on how to exclude yourself or object, visit www.GymTCPASettlement.com or call 1-833-253-8060. If you do nothing, you will remain in the Settlement. You will be bound by the decision of the Court and will give up your rights to sue about these claims, but you will receive nothing.

The Court will hold a final hearing on June 12, 2019 at 9:00 a.m. in the Wilkie D. Ferguson, Jr. United States Courthouse, 400 North Miami Avenue, Room 12-2, Miami, Florida, 33128 to determine whether to approve the Settlement and any fees or awards. You may appear at this hearing, but you don’t have to.

This is only a summary. For more information, including the detailed notice that explains the terms of the settlement, frequently asked questions, select court documents, and how to file a claim, please visit www.GymTCPASettlement.com or call 1-833-253-8060.