

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT
Fiorentino v. FloSports, Inc., Case No. 1:22-cv-11502-AK
(United States District Court for the District of Massachusetts)

**Our Records Indicate You May Be Entitled to a Payment from a Class Action Settlement
Because You Subscribed or Signed Up for Access to FloSports.**

Click [HERE](#) To File A Claim for a Cash Payment

Claims Must be Submitted no later than December 22, 2023.

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

This Notice is to inform you that a settlement has been reached in a class action lawsuit claiming that Defendant, FloSports Inc. (“FloSports”), disclosed its subscribers’ personally identifiable information to Facebook via the Facebook Tracking Pixel, without its subscribers’ consent, in violation of the Video Privacy Protection Act (the “VPPA”). Personally identifiable information includes information which identifies a person as having requested or obtained specific video materials or services from a video tape service provider. FloSports denies that it violated any law but has agreed to the settlement to avoid the uncertainties and expenses associated with continuing the case.

Am I a Settlement Class Member? Records indicate you may be a Settlement Class Member. Settlement Class Members are all individuals residing in the United States who, from September 13, 2020, to and through August 23, 2023: (1) is or was a Facebook user; (2) subscribed or otherwise signed up for access to FloSports’ services; and (3) requested or obtained any prerecorded (including on-demand replay) videos available on any FloSports website.

What Can I Get? If approved by the Court, FloSports will create a Settlement Fund of **\$2,625,000** for the benefit of the Settlement Class. The Settlement Fund will be distributed to Settlement Class Members who file a timely and complete claim on a *pro rata* basis (meaning equal share), after deducting any Court-approved attorneys’ fees and expenses, Service Award for the Class Representative, and costs of settlement administration (including payment of any associated taxes).

The Settlement also requires FloSports to suspend operation of the Facebook Tracking Pixel on any pages on its website that both include video content and have a URL that identifies the video content viewed, unless and until the VPPA were to be: (a) amended to expressly permit (and not prohibit) the Released Claims, (b) repealed, or (c) invalidated by a judicial decision on the use of website pixel technology by the United States Supreme Court or the First Circuit Court of Appeals, or until FloSports obtains VPPA-compliant consent for the disclosure to Facebook of the video content viewed.

How Do I Get a Payment? You must submit a timely and complete Claim Form **no later than December 22, 2023**. You can file a claim by clicking [here](#). Your payment will come by check unless you elect to receive payment electronically by PayPal or Venmo.

What Are My Other Options? You may exclude yourself from the Settlement Class by sending a letter to the Settlement Administrator no later than **November 21, 2023**. If you exclude yourself, you cannot get a settlement payment, but you will keep any rights you may have to sue FloSports regarding the issues in the lawsuit. You may object to the proposed settlement, and you and/or

your lawyer have the right to appear before the Court. Your written objection must be filed no later than **November 21, 2023**. Specific instructions about how to exclude yourself from, or object to, the Settlement are available here. If you file a claim or do nothing, and the Court approves the Settlement, you will be bound by all of the Court's orders and judgments. In addition, your claims against FloSports relating to issues in this case will be released.

Who Represents Me? The Court has appointed lawyers Hank Bates, Carney Bates & Pulliam PLLC, 519 W. 7th Street, Little Rock, AR 72201; and Rachel J. Geman Lieff Cabraser Heimann & Bernstein LLP, 250 Hudson Street, 8th Floor, New York, NY 10013, to represent the Settlement Class. These lawyers are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

When Will the Court Consider the Proposed Settlement? The Court will hold the Final Approval Hearing at 2:30 p.m. on January 5, 2024, in Courtroom 8 at the John Joseph Moakley U.S. Courthouse, 1 Courthouse Way, Boston, MA 02210. The purpose of the hearing will be for the Court to determine whether to approve the Settlement as fair, reasonable, adequate, and in the best interests of the Settlement Class; to consider the Class Counsel's request for attorneys' fees and expenses; and to consider the request for a Service Award to the Class Representative. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement.

How Do I Get More Information? For more information, including the full Notice, Claim Form, and Settlement Agreement, go here, contact the Settlement Administrator at 1-877-619-4778, write to FloSports VPPA Settlement Administrator, P.O. Box 2138, Portland, OR 97208-2138, or call Class Counsel at 1-888-551-9944 or 1-800-541-7358.