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| <p>CHARLES BRATTON, on behalf of himself<br/>and all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>MAVIS TIRE SUPPLY, LLC d/b/a “MAVIS<br/>DISCOUNT TIRE”,</p> <p style="text-align: center;">Defendant.</p> | <p>SUPERIOR COURT OF NEW JERSEY<br/>BURLINGTON COUNTY<br/>LAW DIVISION</p> <p>DOCKET NO. BUR-L-1085-21</p> <p><b>NOTICE OF PENDENCY OF CLASS<br/>ACTION PROPOSED SETTLEMENT<br/>AND HEARING DATE FOR COURT<br/>APPROVAL</b></p> |
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This notice informs you of a proposed settlement (“Settlement”) of a class action claim against Mavis Tire Supply, LLC d/b/a/ “Mavis Discount Tire” (referred to herein as “Mavis” and “Defendant”). Defendant has agreed, under the terms of the Settlement, to provide you with an opportunity to submit a valid and timely Claim Form through which you may be eligible to receive compensation as further discussed below.

| SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT: |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Submit a Claim Form<br/>Deadline: June 4, 2023</b></p> | <p>If you are an eligible Settlement Class Member who purchased tire replacement services at a Mavis Discount store in New Jersey between <b>May 24, 2015 and February 24, 2023</b> to whom Mavis Discount Tire presented online Reservation Details before work began and were charged either a TPMS Service Kit Fee or a tire recycling fee, you shall be entitled to submit a Claim for a cash payment up to \$20 or for a Settlement Purchase Certificate to use to purchase goods or services from Mavis in the amount of \$40.</p> <p>If you are an eligible Settlement Class Member and you want to receive payment or a voucher you need to complete and submit a Claim Form in a timely manner. The Claim Form is necessary to ensure that only eligible Settlement Class Members receive a benefit. A Claim Form is available at the Settlement Web site at <b><u><a href="http://www.NJTPMSSettlement.com">www.NJTPMSSettlement.com</a></u></b> or by calling the Claims Administrator toll free at <b>(844) 464-0060</b> or by writing the Claims Administrator at NJTPMS Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103.</p> |
| <p><b>Do Nothing</b></p>                                     | <p>By doing nothing, you forfeit the opportunity to receive any compensation and you give up any rights to sue Defendant, and</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

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|                                                      |                                                                                                                                                                                           |
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|                                                      | certain parties related to them, separately about the claims that have been or could have been asserted in this lawsuit.                                                                  |
| <b>Ask to be Excluded<br/>Deadline: May 26, 2023</b> | By asking to be excluded, you will not share in this Settlement. This is the only option that allows you to keep any rights to sue Defendant about the same legal claims in this lawsuit. |
| <b>Object<br/>Deadline: May 26, 2023</b>             | You may write to the Court about why you do not like the Settlement.                                                                                                                      |
| <b>Go To A Hearing</b>                               | You may ask to speak in Court about the fairness of the Settlement.                                                                                                                       |

Your rights and options – and the deadlines to exercise them – are explained in detail below.

The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after appeals are resolved. Please be patient.

## WHAT THIS NOTICE CONTAINS

### **BASIC INFORMATION.....PAGE 3**

1. Why did I receive notice of this lawsuit?
2. Why is this lawsuit a class action and who is involved?
3. Why is there a settlement?

### **WHO IS COVERED BY THE SETTLEMENT .....PAGE 4**

4. Am I a Settlement Class Member?

### **THE SETTLEMENT BENEFITS-WHAT YOU GET .....PAGE 4**

5. What does the Settlement provide?
6. What can I get from the Settlement?

### **HOW YOU SUBMIT A CLAIM .....PAGE 5**

7. How can I make a claim?
8. When would I get my payment?
9. What am I giving up to get a payment or stay in the Settlement Class?

### **EXCLUDING YOURSELF FROM THE SETTLEMENT .....PAGE 6**

10. How do I get out of the Settlement?
11. If I do not exclude myself, can I sue Defendants for the same thing later?

### **THE LAWYERS REPRESENTING YOU .....PAGE 6**

12. Do I have a lawyer in the case?

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|                                           |                                                                         |        |
|-------------------------------------------|-------------------------------------------------------------------------|--------|
| 13.                                       | How will the lawyers be paid?                                           |        |
| <b>OBJECTING TO THE SETTLEMENT</b> .....  |                                                                         | PAGE 7 |
| 14.                                       | How do I tell the Court that I do not like the Settlement?              |        |
| 15.                                       | What is the difference between objecting and excluding?                 |        |
| <b>THE COURT’S FAIRNESS HEARING</b> ..... |                                                                         | PAGE 8 |
| 16.                                       | When and where will the Court decide whether to approve the Settlement? |        |
| 17.                                       | Do I have to come to the hearing?                                       |        |
| 18.                                       | May I speak at the hearing?                                             |        |
| <b>IF YOU DO NOTHING</b> .....            |                                                                         | PAGE 9 |
| 19.                                       | What happens if I do nothing at all?                                    |        |
| <b>GETTING MORE INFORMATION</b> .....     |                                                                         | PAGE 9 |
| 20.                                       | Are there more details available?                                       |        |

## BASIC INFORMATION

### 1. Why did I receive notice of this lawsuit?

This lawsuit involves allegations that Defendant violated the law by charging customers in New Jersey who received an online Reservation Details and purchased a new tire, for a TPMS Service Kit and/or tire recycling.

The records of Defendant indicate that you, between **May 24, 2015, and February 24, 2023**, received an online Reservation Details for tire replacement services at a Mavis store in New jersey and paid for such tire replacement services, as well as for a TPMS Service Kit and/or tire recycling.

You previously received an email notice because you have a right to know about the proposed Settlement of this class action lawsuit, and about your options, before the Court decides whether to approve the Settlement. If the Court approves it and after objections and appeals are resolved, an administrator appointed by the Court will make the payments that the Settlement allows.

This package explains the lawsuit, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of the case is the Superior Court of New Jersey, Burlington, and the case is pending in front of the Honorable James J. Ferrelli J.S.C. The lawsuit is known as *Charles Bratton v. Mavis Tire Supply d/b/a “Mavis Discount Tire”*, Docket No. BUR-L-1085-21. The person who sued is called the Plaintiff, and the party sued is called the Defendant.

### 2. Why is this lawsuit a class action and who is involved?

In a class action lawsuit, one or more people called “Class Representatives” or “Lead Plaintiffs” sue on behalf of other people who have similar claims. The people together are a “Class” or “Class

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Members” (in this case the Settlement Class). The person who sued—and all of the Settlement Class Members like them—is called the Plaintiff. The individual, and/or company they sued (in this case Mavis) is called the Defendant. One Court resolves the issues for everyone in the Settlement Class—except for those people who choose to exclude themselves from the Settlement Class. Judge Ferrelli is in charge of this case and certified the lawsuit as a class action for settlement purposes only.

### **3. Why is there a settlement?**

The Court did not issue a final ruling in favor of Plaintiff or Defendant. Instead, Lead Plaintiff and Defendant agreed to enter into the Settlement after an extensive exchange of information and vigorous arms-length negotiations. That way, they avoid litigation costs, and the people affected will get compensation. The Lead Plaintiff, and counsel for the Lead Plaintiff (“Lead Counsel”) and the Settlement Class Members, think the Settlement is best for the Settlement Class Members.

## **WHO IS COVERED BY THE SETTLEMENT?**

### **4. Am I a Settlement Class Member?**

Your receipt of the email notice indicates that you have been identified as a potential Settlement Class Member because, according to Defendant’s records, you purchased tire replacement services at a Mavis Discount Tire store in New Jersey between **May 24, 2015, and February 24, 2023** and you were presented an online Reservation Details before work began and were charged for a TPMS Service Kit and/or tire recycling.

## **THE SETTLEMENT BENEFITS - WHAT YOU GET**

### **5. What does the Settlement provide?**

If approved by the Court, the Settlement will result in dismissal of this case and final resolution of all claims raised against Defendant. Such dismissal will release Defendant from liability for the claims in this lawsuit. The terms of the Settlement are described in full in a document known as the Settlement Agreement (“Settlement Agreement”). The Settlement Agreement is available for your inspection at the website [www.NJTPMSSettlement.com](http://www.NJTPMSSettlement.com) or by contacting the Administrator at [Info@NJTPMSSettlement.com](mailto:Info@NJTPMSSettlement.com). The capitalized terms used in this notice have the same meaning as the terms set forth in the Settlement Agreement.

### **6. What can I get from the Settlement?**

Under the Settlement, Defendant is making a Settlement Fund of \$650,000.00 broken down into two parts: a Cash Fund in the amount of \$486,165.42 and a Settlement Purchase Certificate Fund in the amount of \$163,834.58 to compensate the claims of eligible Settlement Class Members and certain other fees and expenses. The Settlement Fund will be applied first to pay any compensation and costs to Lead Counsel, and Administrator fees and costs, as described in the Settlement Agreement. After those payments, the Settlement Fund will be applied to valid and timely claims submitted by Settlement Class Members. It is anticipated that the Settlement Fund will enable each eligible

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Settlement Class Member to submit a claim for, at the Class Member's election, either a cash payment in the amount of \$5 per tire purchased during the Class Period (where a TMPS Service Kit and/or tire recycling were also purchased), capped at \$20, to reimburse Class Members for any TPMS and/or tire recycling charges paid, or, alternatively Class Members may elect to receive one \$40 Purchase Certificate.

In the event that the Settlement Fund, net of the payments described herein, is not sufficient to enable a payment of up to \$20 cash or a \$40 Purchase Certificate for each claim, the per-claim payment will be decreased in proportion to the total number of claims made and paid out on a pro-rata basis. If you are an eligible Settlement Class Member and wish to receive a cash payment or a Purchase Certificate, you must timely submit a Claim Form to the Claims Administrator as described below.

## **HOW YOU SUBMIT A CLAIM**

### **7. How can I make a claim?**

If you are an eligible Settlement Class Member and you wish to receive either a cash payment or a Settlement Purchase Certificate, you need to complete and submit a Claim Form in a timely manner. This form is necessary to ensure that only eligible Settlement Class Members receive a benefit. The Claim Form is available at the Settlement Web site at [www.NJTPMSSettlement.com](http://www.NJTPMSSettlement.com) or by calling the Claims Administrator toll free at (844) 464-0060 or by writing the Claims Administrator at NJTPMS Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103.

The fully completed, signed Claim Form must be submitted via online, email or U.S. Mail to the Claims Administrator at NJTPMS Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103, or submitted online to the Settlement Administrator. The deadline for submission of the Claim Form is **June 4, 2023**. Accordingly, to be valid, Claims Form must be time stamped, postmarked or delivered no later than **June 4, 2023**. You may attend the court hearing described below if you wish, but your attendance or non-attendance will not affect your eligibility to submit the Claim Form. You do not need to appear in court, and you do not need to hire an attorney in this case.

### **8. When would I get my payment?**

The Court will hold a hearing on **June 15, 2023**, to decide whether to approve the Settlement. If Judge Ferrelli approves the Settlement, and after that, no appeal is taken, then you will be receiving your payment promptly. If an appeal is taken, then resolving it may take some time, perhaps up to, or more than, a year. Please be patient.

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## **9. What am I giving up to get a payment or stay in the Settlement Class?**

Unless you exclude yourself, you are staying in the Settlement Class, and that means that you cannot sue, continue to sue, or be part of any other lawsuit against Defendant regarding the legal issues in this case. It also means that all of the Court's orders will apply to you and legally bind you. In addition, as a result, as further detailed in the Settlement Agreement, Settlement Class Members who have not timely requested exclusion from this Settlement Class shall be deemed to Release all claims consistent with the Release in the Settlement Agreement. In the Settlement Agreement and Release, Defendant and its direct or indirect parent, wholly or majority-owned subsidiaries, affiliated and related entities, predecessors, successors and assigns, partners, privities, and any of their present and former directors, officers, employees, shareholders, agents, representatives, attorneys, accountants, insurers, and all persons acting by, through, under or in concert with them, or any of them ("Mavis Releasees") are fully released from any and all claims or causes of action, whether known or unknown, that were, or could have been, asserted by the named Plaintiff or any member of the Settlement Class, their respective spouses, former spouses, successors, heirs, executors and administrators ("Releasers") against the Mavis Releasees arising out of Defendant's actions alleged in the lawsuit or any acts, omissions or other conduct by Defendant.

## **EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you do not want a payment from the Settlement, but you want to keep the right to sue or continue to sue Defendant, on your own, about the legal issues in this case, then you must exclude yourself from the settlement. This is sometimes referred to as opting out of the Settlement Class.

## **10. How do I get out of the Settlement?**

To exclude yourself from the Settlement, you must send a letter by mail saying that you want to be excluded from the Settlement. Be sure to include the name of the case and case number, your name, address, telephone number, and your signature. You must mail your exclusion request letter postmarked by **May 26, 2023**, to NJTPMS Settlement Administrator, Attn: Exclusion Request, P.O. Box 58220, Philadelphia, PA 19102

You cannot exclude yourself on the phone or by e-mail. If you ask to be excluded, you will not get any settlement payment, and you cannot object to the Settlement. If you exclude yourself, you will not be legally bound by anything that happens in this lawsuit.

## **11. If I do not exclude myself, can I sue Defendants for the same thing later?**

No. Unless you exclude yourself, you give up the right to sue Defendant for the claims that the Settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You must exclude yourself from this Settlement Class to continue your own lawsuit. Remember, the exclusion deadline is **May 26, 2023**. Any exclusion request postmarked after that date will not be valid, and the sender will be a Settlement Class Member and bound by the Settlement and Release.

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## THE LAWYERS REPRESENTING YOU

### 12. Do I have a lawyer in this case?

The Court decided that the law firm of DeNittis Osefchen Prince, P.C. of Marlton, New Jersey is qualified to represent you and all Settlement Class Members. The law firm is called “Lead Counsel.” It is experienced in handling similar cases. More information can be obtained about this law firm, their practices, and their lawyers’ experience by contacting the following Lead Counsel:

Stephen P. DeNittis, Esq.  
Joseph A. Osefchen, Esq.  
Shane T. Prince, Esq.  
DENITTIS OSEFCHEN PRINCE, P.C.  
5 Greentree Centre, Suite 410, Marlton, NJ 08053  
(856) 797-9951  
Email: [sdenittis@denittislaw.com](mailto:sdenittis@denittislaw.com)  
Website: [www.denittislaw.com](http://www.denittislaw.com)

### 13. How will the lawyers be paid?

Lead Counsel has pursued this lawsuit on a contingent basis and has paid all costs of the lawsuit. These attorneys have not yet been paid or recovered any of their costs associated with the lawsuit. As part of the Settlement, Lead Counsel will request a payment of 33.33% (\$216,645.00) of the Settlement Fund for their reasonable attorneys’ fees, and costs in the amount of \$5,685.84. Lead Counsel’s petition for fees and costs will be filed with the Court no later than June 1, 2023, and may be reviewed by any interested party. The Court will make a determination of reasonable fees and costs at the Fairness Hearing based on Lead Counsel’s Application and responses thereto, if any. Any money paid to Lead Counsel will be paid out of the Settlement Fund.

## OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the Settlement or some part of it.

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

So long as you have not excluded yourself from the Settlement, you can object to the Settlement if you do not like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must (a) have served on the following counsel, such that they are received by such counsel on or before **May 26, 2023**, a written notice of objection that must contain:

(1) the name and case number of the Action; (2) your full name, address, and telephone number; (3) the words “Notice of Objection” or “Formal Objection”; (4) in clear and concise terms, the legal and factual arguments supporting the objection; (5) facts supporting your status as a Class Member (*e.g.*, either any unique identifier included by the Claims Administrator in your notice, or the date and

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location of his/her relevant purchases); (6) your signature and the date; and (7) the following language immediately above the Class Member's signature and date: "I declare under penalty of perjury under the laws of the State of New Jersey that the foregoing statements regarding class membership are true and correct to the best of my knowledge.":

Stephen P. DeNittis, Esq.  
Joseph A. Osefchen, Esq.  
Shane T. Prince, Esq.  
DENITTIS OSEFCHEN PRINCE, P.C.  
5 Greentree Centre, Suite 410  
Marlton, NJ 08053  
(856) 797-9951

**Counsel for Plaintiffs**

and

Russell Yankwitt, Esq.  
Benjamin Allee, Esq.  
Michael Reed, Esq.  
YANKWITT, LLP  
140 Grand Street, Suite 705  
White Plains, New York 10601  
(914) 686-1500

**Counsel for Defendant**

and (b) filed said objections, papers and briefs, and proof of service on the above-listed counsel, and with the Superior Court of New Jersey, Burlington County, 49 Rancocas Road, Mt. Holly, New Jersey 08060, on or before the same date. Any Settlement Class Member who does not make his, her or its objection in the manner provided shall be deemed to have waived such objection (including any right of appeal) and shall forever be foreclosed from making any such objection, including any objection to the fairness or adequacy of the proposed Settlement as incorporated in the Settlement Agreement, unless otherwise ordered by the Court.

**15. What is the difference between objecting and excluding?**

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

**THE COURT'S FAIRNESS HEARING**

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

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The Court will hold a Fairness Hearing on **June 15, 2023, at 9:00 a.m., at the Superior Court of New Jersey, Burlington County, 49 Rancocas Road, Mt. Holly, New Jersey 08060**. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. Judge Ferrelli will listen to people who have asked to speak at the hearing, so long as they have followed the procedures set forth in Section 14. At or after the hearing, the Court will also decide whether to approve the Settlement and how much to pay Lead Counsel. We do not know how long these decisions will take.

#### **17. Do I have to come to the hearing?**

No. Lead Counsel will answer any questions Judge Ferrelli may have. But, you are welcome to come at your own expense. If you send a valid and timely objection, you may come in person to the Court for the Fairness Hearing, retain your own attorney to appear for you at the Fairness Hearing, or not come at all, and the Court will consider your objection.

#### **18. May I speak at the hearing?**

You may ask the Court for permission to speak at the Fairness Hearing if you have filed a valid and timely objection. To do so, you must send a letter saying that it is your “Notice of Intention to Appear in *Charles Bratton, on behalf of himself and all others similarly situated v. Mavis Tire Supply d/b/a/ “Mavis Discount Tire”*, Docket No. BUR-L-1085-21 Superior Court of New Jersey.” Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be postmarked no later than **May 26, 2023**, and be sent to NJTPMS Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103 and to the Court at the Superior Court of New Jersey, Burlington County, 49 Rancocas Road, Mt. Holly, New Jersey 08060. You cannot speak at the hearing if you excluded yourself from the Settlement Class.

### **IF YOU DO NOTHING**

#### **19. What happens if I do nothing at all?**

If you do nothing, you forfeit the opportunity to receive any monetary compensation and you give up any rights to sue Defendant separately about the claims that have been or could have been asserted in this lawsuit.

### **GETTING MORE INFORMATION**

#### **20. Are there more details available?**

The Pleadings, the Settlement Agreement, and other papers filed in this lawsuit are available for your inspection in the Superior Court of New Jersey, Burlington County, 49 Rancocas Road, Mt. Holly, New Jersey 08060.

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Additional information may be obtained at the Settlement Web site at [www.NJTPMSSettlement.com](http://www.NJTPMSSettlement.com). You may also contact the Claims Administrator toll free at (844) 464-0060 or in writing at NJTPMS Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103. Additionally, you may contact Lead Counsel, whose contact information is listed above.

**PLEASE DO NOT TELEPHONE THE COURT OR THE CLERK OF THE COURT.**

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