

**Orlando Ramirez v. The Lycatel Group d/b/a Lycatel LLC**  
**Civil Action No. 07-5533(PS)**  
**Consumers of Lycatel Calling Cards**  
**May Claim Settlement Benefits**

**This Class Action Settlement May Affect Your Rights**

*A Court authorized this notice. This is not a solicitation from a lawyer.*

- The settlement will provide up to \$2.25 million of Refund Personal Identification Numbers (“Refund PINs”) that consumers can use to make free domestic phone calls and free calls to certain international locations.
- This settlement resolves a lawsuit over whether The Lycatel Group d/b/a Lycatel LLC (“Lycatel”) adequately informed consumers about the applicable rates and charges for its prepaid calling cards. The two sides disagree on whether Lycatel did anything wrong.
- If you purchased an eligible Lycatel Calling Card in the United States, including certain calling cards that do not have the Lycatel name on them, that was sold, serviced, or distributed by Lycatel at any time before December 8, 2009, you are a Class Member and are eligible to make a claim and obtain a Refund PIN(s). Please check the list of eligible cards carefully. A copy of the list may be obtained at [www.lycatel.com](http://www.lycatel.com), [www.freedweiss.com](http://www.freedweiss.com). or by calling the toll free number (866) 657-4002.
- All claims must be made during a six-month claims submission period which may begin as early as July 16, 2010. If the case is appealed, the claims submission period may be delayed. Because the date by which a claim may be submitted is to be determined based upon the Courts orders, you may call (866) 657-4002 or visit [www.lycatel.com](http://www.lycatel.com) to find out when the Claim Submission Period has begun. Read this notice carefully because your legal rights will be affected whether you act or don’t act.

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:**

**Request a Refund PIN by calling toll free (866) 657-4002, or any Lycatel Calling Card access number or customer service number, or by accessing a link on [www.lycatel.com](http://www.lycatel.com) or [www.freedweiss.com](http://www.freedweiss.com).** This is a way to get direct settlement benefits, *i.e.*, Refund PINs that can be used to make free domestic phone calls.

**Your options**

<b>Option 1 – Submit a Claim</b>	Follow the procedures in paragraphs 9, 10 and 11 to obtain eligible Refund PINs, if qualified.
<b>Option 2 -- Object</b>	If you object to the settlement you must write to the Court and to counsel for both Plaintiff and Lycatel as set forth in paragraph 17 of this Notice. As set forth in paragraphs 18, 19 and 20 below, you may attend the hearing. You have a right to object to the settlement only if you purchased a Lycatel Calling Card on or

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	before December 8, 2009
<b>Option 3 -- Opt Out</b>	You have a right to exclude yourself or “opt out” of the settlement only if you purchased a Lycatel Calling Card on or before December 8, 2009. As set forth in Paragraph 15, you must write to the Court and counsel for both Plaintiffs and Lycatel if you do not want to be included in the settlement.
<b>Option 4 -- Do Nothing</b>	Give up your potential claim to any refund PINs.

These rights and options **and the deadlines by which to exercise them** are explained in this Notice.

The Court that is supervising this case has granted preliminary approval of the settlement on December 8, 2009, but still has to decide whether to grant final approval. The final approval hearing on June 16, 2010. If and after the Court grants final approval of the settlement and any appeals are resolved, Refund PINS will be distributed.

## **WHAT THIS NOTICE CONTAINS**

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## **EXCLUDING YOURSELF FROM THE SETTLEMENT**

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## **IF YOU DO NOTHING**

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### **1. Why was this Notice issued?**

The Court issued this notice because you have a right to know about a proposed settlement of a class action lawsuit that the Court has preliminarily approved. You also are entitled to know how you may make a claim for certain benefits of the settlement and about all of your options. If the Court grants final approval and any appeals are resolved, valuable benefits will be distributed to those who call Lycatel's interactive voice response ("IVR") system or who access designated websites and make a claim within six months from the date upon which all appeals, if any, from the Court's Final Order and Judgment shall be finally concluded, or the date upon which the time to seek any appellate remedy from the Final Order and Judgment has expired (this date will be referred to as "the Settlement Effective Date").

### **2. What is this lawsuit about?**

The person who filed the class action is called the "Plaintiff," and Lycatel is the "Defendant." A lawsuit filed in federal court in New Jersey alleged that Lycatel failed to sufficiently inform consumers sufficiently about the applicable rates and charges for its prepaid calling cards, and thereby violated various state consumer protection acts and other laws. This lawsuit was filed with the Court under the caption, *Orlando Ramirez v. The Lycatel Group d/b/a Lycatel LLC*, Civil Action No. 07-5533(PS)(the "Lawsuit"). Plaintiff asserts legal claims on behalf of himself and all members of the "Settlement Class," defined below. The claims include alleged violations of the New Jersey Consumer Fraud Act, other state consumer fraud acts, common law fraud, and breach of contract. Plaintiff seeks compensatory damages, treble damages, punitive damages, and attorneys' fees and costs. Lycatel denies these claims and allegations, as well as any wrongdoing in its sale, distribution or marketing of its pre-paid calling cards. In settling this action, Lycatel agreed to provide Refund PINs worth up to \$2,250,000 to eligible customers of Lycatel Calling Cards. Lycatel also has agreed to make up to \$250,000 in charitable contributions. More information can be found at [www.lycatel.com](http://www.lycatel.com),

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www.freedweiss.com, by writing to Plaintiffs' counsel, Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein or Freed & Weiss LLC, or by calling the toll free number (866) 657-4002. A copy of the settlement agreement is available at www.lycatel.com, [www.freedweiss.com](http://www.freedweiss.com), by writing to Plaintiffs' counsel, Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein or Freed & Weiss LLC, or by calling the toll free number (866) 657-4002, and is also on file with the Court.

### **3. Why is this a class action?**

In a class action, one or more person(s) called "Class Representatives" sue on behalf of those with similar claims. All of these people together are called a "Class," and individually, are called "Class Members." The Court appointed Plaintiff as a Class Representative for purposes of this settlement. One court resolves all of the factual and legal issues for all of the Class Members, except for those who specifically and previously ask to be excluded from the Class. The "Settlement Class Members" are all people who purchased an eligible Lycatel Calling Card before December 8, 2009, and who did not properly or timely exercise their rights to opt out of the settlement.

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

The Court did not decide in favor of either Plaintiffs or Lycatel. Instead, both sides agreed to a settlement. That way, they avoid the uncertainty and cost of a trial and those included in the Settlement Class and others will get an opportunity to receive Refund PINs. The Class Representatives and the attorneys appointed by the Court to represent the Class believe that the settlement is in the best interests of all Settlement Class Members.

## **WHO IS IN THE SETTLEMENT?**

### **5. How do I know if I am part of the settlement?**

Anyone who purchased a Lycatel calling card on or before December 8, 2009 is part of the Class.

### **6. What Lycatel Calling Cards are included?**

Any Lycatel calling card, that you purchased in the United States before December 8, 2009 including, but not limited to, retail, prepaid calling cards, that were sold, serviced, distributed or in any way placed in the stream of commerce by Lycatel and all of Lycatel's predecessors and successors-in-interest, including all of its respective past and present parents, subsidiaries, joint venturers, partnerships, related companies, affiliates, controlled entities, assignees, distributors, retailers, customers (except Settlement Class members), unincorporated entities, divisions, groups, present or former directors, officers, members, agents, employees, representatives, administrators, insurers, indemnitees, and attorneys, and each of them. Many of the included Lycatel Calling Cards do not have the Lycatel name on them, so please check the list of eligible cards carefully. The list of eligible Calling Cards is available at www.lycatel.com, www.freedweiss.com or by calling toll free (866) 657-4002. Calling cards included are: Africa

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Call, Africa Direct, Africatel, Africatone, Afrique, All Afria, All Asica, Apolla, Asia Call, Asia Tone, Asiatel, Benji, Best Moments, Bingo, Blue Water, Brazil Direct, Call Me, Caribbean Tel, Cobra, Columbia Direct, Digital Africa, Digital Asia, Digital Direct, Digital Europa, Digital India, Digital Lanka, Digital Middle East, Digital Pakistan, Doctor, Ecuador Direct, Envy Africa, Espacio, Eurocity, Eurotel, Eurotone, Fast Connect, Follow Me, Gnamam, Gold Minutes, Goldcoin, Guarantee, Guarantee Call, Habari Africa Free, Habari Africa Toll Free, Habariafrica, Holalatina, Holalatio, Home Call, Hope, Hotel, Hotel Ahrab, India Direct, La Connection, Latino Direct, Latino Tone, Latinotel, Leo, Libra, Luche Libre, Lyca Africa, Lyca Asia, Lyca Europe, Lyca Latino, Lyca Smile, Maghrab Tel, Maghrebtel, Maruti, Mega Africa, Mega Asia, Mega Latino, Mega Maghreb, Miss U., Mr. Phone, Mr. Phone Card, Mr. USA, My Choice, My USA, New Star, Nigeria Direct, Pakistan Direct, Pearl, Philipines Direct, Platinum, Poland, Poland Direct, Premium, Punitup, Puzzle, Pyramid, Rapido, Sailor, Shan Telecard, SL 600, Smile, Solo, Spice, Star, Success, Super Africa, Super Card, Tajmahal, Talk Talk Africa, Thunder, Tierra Latina, Timbuktu Afrika, Total Card, Truth, Turkey.Com, Uni Talk, USA Platinum, Win Africa, World Tone, Zunzun.

**7. Are there exceptions to being included in the settlement?**

Lycatel and its officers, directors, employees, and attorneys are not included in the Settlement Class. Federal judges and their families are also excluded.

**8. What if I am not sure whether I am included in the settlement?**

If you are not sure whether you are included in the Settlement Class, you may call the toll-free number (866) 657-4002 and ask for assistance.

**THE SETTLEMENT BENEFITS:  
WHAT YOU GET AND HOW YOU GET IT**

**9. What does the settlement provide?**

In consideration for the dismissal of the Lawsuit with prejudice under the terms of this Agreement, Lycatel shall, no later than thirty (30) days after the Settlement Effective Date, provide:

(a) Up to one million Refund PINs in a value not to exceed a total of \$2,250,000 for Settlement Class Members (the "PIN Fund"), who purchased one or more Lycatel Calling Cards before the date of entry of the Order of Preliminary Approval;

(b) Lycatel will pay each eligible claim by providing Claimant with a PIN with a value equal to one-half of the value of Claimant's original card(s). Refund PINS will be billed at the rate, for domestic calls, at \$0.10 per minute and international calls at no more than \$0.30 per minute. Refund PIN can only be used for international calls to certain destinations;

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(c) A Claimant shall not receive a Refund Pin Number for more than twenty-five (25) eligible Lycatel Calling Cards;

(d) In the event that Claims exceed the amount of the PIN Fund, then all eligible Claimants shall be provided Refund PINs on a *pro rata* basis;

(e) If qualified, the Refund PIN Number will be activated for use at a later date after the claims submission period has been completed;

(f) Refund PINs shall be valid for a period of six (6) months from the date of issuance;

(g) A claimant may only receive one Refund PIN per calling card purchased.

The settlement also provides for Lycatel to make up to \$450,000 in value of refund PINs to charity organizations.

**10. How can I get a Refund PIN?**

<p><b>If you have your Lycatel PIN(s)</b></p>	<ul style="list-style-type: none"> <li>• Call a toll-free number, call any Lycatel Calling Card access number or customer service number, or access a link on Lycatel’s website.</li> <li>• Enter a PIN from an eligible Calling Card that was purchased before December 8, 2009.</li> <li>• Provide your name and address, telephone number, birth date, and the name of the calling card associated with the PIN.</li> <li>• Subject to review by an arbitrator, Lycatel will determine if you are eligible for a refund based on confirmation of an eligible PIN and remaining funds in the pool.</li> </ul>
<p><b>If you don’t have your Lycatel PIN(s)</b></p>	<ul style="list-style-type: none"> <li>• Mail a sworn, written statement to “Lycatel, LLC Settlement c/o The Garden City Group, P.O. Box 9409, Dublin, Ohio 43017-4509” with the following information: the type of Lycatel Calling Card purchased; the location at which it was purchased; the month and year in which it was purchased; and at least one phone number that you called when you used the card. You must also provide a valid address to which Lycatel will mail the Refund PIN.</li> <li>• The sworn statement must contain the following statement: “UNDER PENALTY OF PERJURY, I HEREBY AFFIRM AND CERTIFY THAT THE INFORMATION PROVIDED ON THIS FORM IS</li> </ul>

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	<p>TRUE AND ACCURATE. THE INFORMATION PROVIDED ON THIS FORM IS SUBJECT TO AUDIT AND REVIEW, AND WILLFULLY FALSE STATEMENTS WILL BE REPORTED TO THE COURT.”</p> <ul style="list-style-type: none"> <li>• Subject to review by an arbitrator, Lycatel will determine if you are eligible for a refund based on confirmation of an eligible PIN and remaining funds in the pool.</li> </ul>
<b>For all claimants</b>	<p>If you are eligible, Lycatel will provide you with a Refund PIN. All claims must be made during the six-month claims submission period. If the case is appealed, the start of the claims submission period may be delayed. Because the date by which a claim may be submitted is to be determined based upon the Courts orders, you may call (800) - or visit <a href="http://www.lycatel.com">www.lycatel.com</a> to find out when the Claim Submission Period has begun.</p>

**11. How and when can I use the Refund PINs?**

You can use your Refund PIN the same way you used your Lycatel Calling Card. You must dial the new access number you receive and use the Refund PIN the same way you used the PIN on the back of your original card. You may begin to use your Refund PINs as of the activation date for your Refund PIN. We do not know how long it will take to activate any Refund PIN, but estimate six (6) months from July 16, 2010. Thus, you may call (866) 657-4002 or visit [www.lycatel.com](http://www.lycatel.com) or [www.freedweiss.com](http://www.freedweiss.com) to find out the status of the final approval of the settlement, and the activation date. Refund PINs are valid for a period of 6 months from the activation date.

**12. What claims against Lycatel am I releasing?**

If you are a Class Member, when the settlement becomes final — even if you don’t claim a Refund PIN -- you will be releasing Lycatel from any liability for all claims associated with this case, and you will be bound by the release included in the settlement agreement. Copies of the settlement agreement containing the release are available at [www.lycatel.com](http://www.lycatel.com), [www.freedweiss.com](http://www.freedweiss.com), or by calling (866) 657-4002. The release is on pages 23-25 of the Settlement Agreement.

**THE LAWYERS REPRESENTING PLAINTIFFS**

**13. Do I have a lawyer in this case?**

Yes. The law firms of Carella, Byrne, Bath, Gilfillan, Cecchi, Stewart & Olstein and Freed & Weiss LLC, and other class counsel represent you and the other Settlement Class Members. The Court has appointed Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein and Freed & Weiss LLC as Class Counsel for the Lawsuit. If you want to be represented by your

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own lawyer, you may hire one at your own expense.

**14. How will the lawyers be paid?**

Plaintiffs' counsel will ask the Court for attorneys' fees and expenses for no more than \$750,000. The Court may award less than that amount, and Lycatel will separately pay the fees and expenses that the Court awards. These amounts will not come out of the funds for benefits to Settlement Class Members and others. No Class Member will pay anything. Lycatel has agreed not to oppose Plaintiffs' counsel's request for these fees and expenses. Lycatel also will separately pay the costs to provide notice to the Settlement Class and to administer the settlement.

**EXCLUDING YOURSELF FROM THE SETTLEMENT**

**15. What do I do if I do not want to be Included in the settlement?**

You have a right to exclude yourself or "opt out" of the settlement. To opt out, you must personally sign and mail a request for exclusion to counsel for Plaintiffs and Lycatel, at the following addresses:

**LEAD COUNSEL FOR THE CLASS:**

Lindsey H. Taylor, Esq.  
Carella, Byrne, Bath, Gilfillan, Cecchi, Stewart & Olstein  
5 Becker Farm Road  
Roseland, New Jersey 07068

Paul M. Weiss  
Freed & Weiss LLC  
111 West Washington Street, Suite 1331  
Chicago, Illinois 60602

**COUNSEL FOR DEFENDANT:**

James Crawford Orr, Esq.  
Wilson, Elser, Moskowitz, Edelman & Dicker LLP  
33 Washington Street, 18<sup>th</sup> Floor  
Newark, New Jersey 07102

You must personally sign the exclusion request and clearly express your desire to be excluded from the Settlement Class, and if available, include a list of all available PINs of Lycatel Calling Cards that you purchased, state the date(s) or approximate date(s) of your purchase(s) of Lycatel Calling Card(s) and the state(s) of purchase(s), and the approximate number of cards purchased. If you do not have a list of PINs of Lycatel Calling Cards that you purchased, you must submit a sworn statement setting forth the type or brand of

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Lycatel Calling Card(s) purchased; the location at which it was purchased; the month and year in which it was purchased; and at least one phone number that were called by the Claimant when he or she used each card. The sworn statement must contain the following statement: “UNDER PENALTY OF PERJURY, I HEREBY AFFIRM AND CERTIFY THAT THE INFORMATION PROVIDED ON THIS FORM IS TRUE AND ACCURATE. THE INFORMATION PROVIDED ON THIS FORM IS SUBJECT TO AUDIT AND REVIEW, AND WILLFULLY FALSE STATEMENTS WILL BE REPORTED TO THE COURT.”

Your request must also include your name, address, and telephone number; and, if you are represented by your own separate counsel, that attorney’s name, address and telephone number. **Your exclusion request must be mailed to counsel for Plaintiff and Lycatel and must be postmarked no later than May 7, 2010 or it may not be accepted. If you do not specifically request to be excluded by following these directions, you will automatically be a member of the Settlement Class.** Class Members who opt out of the class will not be eligible for a Refund PIN or to object to the terms of the settlement.

#### **16. What happens If I don’t opt out before May 7, 2010**

If the proposed settlement is approved and you are a Settlement Class Member who does not properly and timely exclude yourself from the class, all claims that you may have now or in the fixture against Lycatel will be **WAIVED AND RELEASED**, and **you will be prohibited from bringing any such claims in the future on your own behalf, as provided in the settlement agreement.**

### **OBJECTING TO THE SETTLEMENT**

#### **17. How do I tell the Court that I like or don’t like the settlement?**

If you are a Settlement Class Member, you can express approval of or objection to the settlement. You also can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter to the Court saying that you object to the terms of the settlement in *Ramirez v. Lycatel*. You must include your name, address, and telephone number, your signature, the reasons you object to the settlement; and if you are represented by your own separate counsel, you must also provide that attorney’s name, address and telephone number. Your objection must also include a list of all available PINs of Lycatel calling cards that you purchased, the date(s) or approximate date(s) of your purchase(s) of Lycatel Calling Card(s), the state(s) of purchase(s), the approximate number of cards purchased. If you do not have a list of PINs of Lycatel Calling Cards you purchased, you must submit a sworn statement setting forth the type or brand of Lycatel Calling Card(s) purchased; the location at which it was purchased; the month and year in which it was purchased; and at least one phone number that were called by the Claimant when he or she used each card, and must enclose copies of any materials that you plan to submit to the Court. The objection also must clearly state in detail the ground(s) for your objection. The sworn statement must contain the following statement: “UNDER PENALTY OF PERJURY, I HEREBY AFFIRM AND CERTIFY THAT THE INFORMATION PROVIDED ON THIS FORM IS TRUE AND ACCURATE. THE

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In order to object, you must file the objection with the Clerk of the Court at CLERK OF THE COURT, District Court for the District of New Jersey, Martin Luther King Federal Building & U.S. Courthouse, 50 Walnut Street, Room 4015, Newark, New Jersey 07102, no later than May 7, 2010 and deliver the objection to both Plaintiffs and Lycatel’s counsel, whose addresses are listed in the paragraph 15 above.

**18. When and where will the Court decide whether to approve the settlement?**

The Court will hold a Fairness Hearing at 10:00 p.m. on June 16, 2010 in Judge Patty Shwartz’ courtroom, Courtroom 10 on the fourth floor of the United States Post Office and Courthouse Building, Newark, New Jersey. At this hearing, the Court will consider whether the settlement is fair, reasonable and adequate. If there are objections, the Court will consider them. The Court also may decide how much to pay Plaintiffs’ counsel. After the hearing, the Court will decide whether to grant final approval of the settlement. We do not know how long these decisions will take.

**19. Do I have to come to the Hearing?**

No. Plaintiffs’ counsel will answer any questions that Judge Shwartz may have. However, you are welcome to come at your own expense. You also may pay your own lawyer to attend the Fairness Hearing on your behalf. If you send an objection, you don’t have to come to Court to discuss it. As long as your written objection is received before the deadline, and you have followed the directions contained in paragraph 17 above, the Court will consider everything that you have to say.

**20. May I speak at the Hearing?**

That will be up to Judge Shwartz. You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your “Notice of Intention to Appear in *Ramirez v. Lycatel*”. You must include your name, address, and telephone number, as well as the name, address and telephone number of any attorney who will appear at the Fairness Hearing on your behalf. Your request must also list all available PINs of Lycatel Calling Cards that you purchased, the date(s) or approximate date(s) of your purchase(s), the state(s) or purchase(s), and the approximate total number of cards purchased. If you do not have a list of the PINs of the Lycatel Calling Cards you purchased, you must submit a sworn statement setting forth the type or brand of Lycatel Calling Card(s) purchased; the location at which it was purchased; the month and year in which it was purchased; and at least one phone number that were called by the Claimant when he or she used each card. You must also include your signature and the specific reasons why you wish to speak at the Fairness Hearing, as well as any ground(s) for your objection. . The sworn statement must contain the following statement: “UNDER PENALTY OF PERJURY, I HEREBY AFFIRM AND CERTIFY THAT THE INFORMATION PROVIDED ON THIS FORM IS TRUE AND ACCURATE. THE

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INFORMATION PROVIDED ON THIS FORM IS SUBJECT TO AUDIT AND REVIEW, AND WILLFULLY FALSE STATEMENTS WILL BE REPORTED TO THE COURT.”

Your Notice of Intention to Appear must be filed with the Clerk of the Court at the address listed in the paragraph 17 above no later than May 7, 2010 and must be received by both Plaintiffs’ counsel and Lycatel’s counsel at the addresses listed in paragraph 15 above no later than May 7, 2010.

**IF YOU DO NOTHING**

**21. What happens if I do nothing at all?**

If you do nothing, you will get no award (Refund PINs) from this settlement and any and all claims you have will be released.

**22. How do I get more information?**

If you think you may be a Class Member or may have purchased an eligible Lycatel Calling Card and would like more information about the Lawsuit or the terms of the proposed settlement, you may review the pleadings, records and other papers on file in the Lawsuit, including the Court’s Order regarding the Preliminary Approval of Class Settlement and the proposed settlement agreement, which may be inspected on weekdays, during normal business hours, at the Clerk’s Office, Martin Luther King Federal Building and U.S. Courthouse, 50 Walnut Street, Room 2037, Newark, New Jersey. The Preliminary Approval Order and settlement agreement will also be available at [www.freedweiss.com](http://www.freedweiss.com). For information on any matters contained in this Notice, you may contact (866) 657-4002, or you may write to or e-mail Plaintiffs’ counsel, Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein and/or Freed & Weiss LLC at [Info@freedweiss.com](mailto:Info@freedweiss.com).

**PLEASE DO NOT CONTACT THE COURT DIRECTLY WITH QUESTIONS ABOUT THE SETTLEMENT.**

Dated: March 1, 2010.

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