

From: Administrator@tedvppasettlement.com
To: ClassMember@domain.com
Re: Legal Notice of Class Action Settlement

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT
Sutton v. TED Foundation Inc., Case No. 1:23-cv-09219-DEH
(United States District Court, Southern District of New York)

Our Records Indicate You Have a TED Account and May Be Entitled to a Payment From a Class Action Settlement.

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 TED Foundation Inc. (“TED” or “Defendant”), allegedly disclosed users’ personally identifiable information to third-party service providers, without users’ informed, written consent, in violation of the Video Privacy Protection Act (“VPPA”), 18 U.S.C. § 2710. The VPPA defines PII to include information which identifies a person as having requested or obtained specific video materials or services from a video tape service provider. Defendant denies that it engaged in any wrongful conduct or violated any law. Specifically, Defendant alleges that it never discloses account holders’ names or email addresses together with their video views, and that all data stored with the third parties is encrypted and encoded prior to transmission, thus preventing it from being legible to the ordinary person as required under the VPPA. Defendant also argues that it employs the third-party software only for internal uses that are permitted under the VPPA’s exception for transmissions that occur in the ordinary course of business. The Court has not decided who is right. The parties have agreed to settle the lawsuit to avoid the uncertainties and expenses associated with continuing the case.

Am I a Class Member? Our records indicate you may be a Class Member. Class Members include all persons in the United States who, during the Class Period, were TED account holders and watched a pre-recorded video on the website TED.com or on TED’s iOS and Android mobile applications. The Class Period is October 19, 2021, through [insert date of preliminary approval of the Settlement].

What Can I Get? Each Settlement Class Member will automatically receive two free months of TED Membership (the “TED Membership Benefit,” estimated to have at least a \$10.00 value), subject to their agreement to activate the TED Membership Benefit. However, each Settlement Class Member may instead file a Claim Form that will, if approved by the Settlement Administrator, entitle him or her the option to select in lieu of the TED Membership Benefit either:

- (i) a cash payment for \$5.00, subject to a *pro rata* reduction as explained below; or
- (ii) a donation option, whereby a Settlement Class Member agrees that their cash payment from the Settlement will be remitted as a donation to TED Foundation Inc.*

For those Settlement Class Members who select the cash payment option, if approved by the Court, Defendant will make available up to \$350,000.00 under the Settlement to pay all valid claims submitted by the Settlement Class. In no event shall the amount Defendant pays in cash to said Settlement Class Members exceed \$350,000.00.

How Do I Get a Payment? If you want to get a cash payment or donate your cash payment to TED, you must submit a timely and complete Claim Form **no later than [claims deadline]**. You can file a claim by clicking [\[here\]](#). Your cash 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 Class by sending a letter to the settlement administrator no later than **[exclusion deadline]**. If you exclude yourself, you cannot receive the TED Membership Benefit, cash payment, or donation option, but you keep any rights you may have to sue Defendant over the legal issues in the lawsuit. In the circumstance that you do not exclude yourself, you and/or your lawyer also have the right to appear before the Court and/or object to the proposed settlement. Your written objection must be filed no later than **[objection deadline]**. Specific instructions about how to object to or exclude yourself from the Settlement are available at www.tedvppasettlement.com. 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 relating to Defendant's alleged disclosure, use, interception, or transfer of information to third parties will be released.

Who Represents Me? The Court has appointed the law firm of Bursor & Fisher, P.A., to represent the Class. These attorneys 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 _____ m. on [date] in **Courtroom 905 at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007**. At that hearing, the Court will: hear any objections concerning the fairness of the settlement; determine the fairness of the settlement; decide whether to approve Class Counsel's request for attorneys' fees and costs; and decide whether to award the Class Representatives \$2,500 each for their service in helping to bring and settle this case. Defendant has agreed to pay Class Counsel reasonable attorneys' fees in an amount to be determined by the Court.

How Do I Get More Information? For more information, including the full Notice, Claim Form and Settlement Agreement go to www.tedvppasettlement.com, contact the settlement administrator at 1-[]-[]-[] or TED Settlement Administrator, [\[address\]](#), or contact Class Counsel at info@bursor.com.

* TED Foundation Inc. is a registered 501(c)(3) private foundation. Settlement Class Members who select the donation option are encouraged to consult their tax advisor to determine the deductibility of their donation.