

United States District Court for the Western District of Washington

Notice of Proposed Class Action Settlement

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

BACKGROUND & INTRODUCTION

- A settlement has been proposed to end a class action lawsuit against Block, Inc. (d/b/a, Cash App) (“Block” or “Defendant”), known as ***Bottoms v. Block, Inc., No. 2:23-cv-01969-MJP (W.D. Wash.)*** (the “Lawsuit”). The Lawsuit alleges that Block violated Washington law by substantially assisting its users to transmit unsolicited commercial text messages to their contacts residing in Washington through Cash App’s Invite Friends referral program.
- Defendant denies any wrongdoing. Defendant claims it has abided by all state and federal laws, and that the Lawsuit is not well grounded in law or fact. As part of the proposed settlement, Defendant does not admit to any wrongdoing, maintains its compliance with the law, and continues to deny the allegations against it.
- The parties in the Lawsuit have agreed to resolve the Lawsuit on a class action basis. As described further below, if the Settlement is approved by the Court, Block will pay \$12.5 million to fully and finally resolve the claims of the “Settlement Class,” defined as “All persons who received a Cash App referral program text message, and who were Washington residents at the time of the receipt of such text message, between and including November 14, 2019 and [DATE], 2025. Persons who clearly and affirmatively consented in advance to receive Cash App referral program text messages are excluded from the class.”
- The Court has scheduled a final approval hearing for [DATE], 2025. If the Settlement is approved and becomes final, you will be issued a payment if (i) you are a member of the Settlement Class; and (ii) you file a valid claim form before [DATE], 2025. Even if you do not file a Claim Form, your rights will be affected if you are a member of the Settlement Class and you do not exclude yourself from the Settlement. Read below, visit [www.\[INSERT\].com](http://www.[INSERT].com), or call [INSERT] for more information.

YOUR LEGAL RIGHTS AND OPTIONS

<i>File a Claim by [DATE] to receive payment</i>	<p>If you are a member of the Settlement Class, you have a right to complete a Claim Form to share in the settlement proceeds paid by Block to settle the Lawsuit, estimated to be between \$88 and \$147 per Settlement Class Member that files a timely and valid Claim Form. A Claim Form can be obtained from the settlement website at www.[INSERT].com. A Claim Form can be submitted (a) electronically on the website, or (b) by mail.</p> <p>If your Claim Form is approved and the Settlement is approved by the Court and becomes final, you give up your right to bring your own lawsuit about the issues in this Lawsuit.</p>
<i>Do Nothing</i>	<p>If you do nothing and the Settlement becomes final, you will not be issued a Settlement payment. If you are a member of the Settlement Class and the Settlement is approved by the Court and becomes final, you give up your right to bring your own lawsuit about the issues in this Lawsuit.</p>
<i>Exclude Yourself by [DATE]</i>	<p>If you exclude yourself from the Settlement (also called “opting out”), you give up your right to receive a Settlement payment, but you retain any rights you may have to bring your own lawsuit about the issues in this Lawsuit.</p>
<i>Object or Comment by [DATE]</i>	<p>If you are a member of the Settlement Class and do not exclude yourself from the Settlement, you may object to or comment about the Settlement and/or Class Counsel’s request for attorneys’ fees, expenses, and service award to the Class Representative.</p>

THESE RIGHTS AND OPTIONS ARE EXPLAINED IN THIS NOTICE

What this Notice Contains

[INSERT TOC]

BASIC INFORMATION ABOUT THE LAWSUIT**1. What is this Notice?**

This Notice explains that the parties in the Lawsuit known as *Bottoms v. Block, Inc.*, No. 2:23-cv-01969-MJP (W.D. Wash.) (the “Lawsuit”) have agreed to resolve the Lawsuit on a class action basis and that the Court has preliminarily approved the Settlement. If you are a member of the Settlement Class, you have legal rights and options that you may exercise, as explained in this Notice.

2. What is the lawsuit about?

This lawsuit is about whether Block violated Washington state laws, including Washington’s Commercial Electronic Mail Act (“CEMA”) and the Washington Consumer Protection Act (“CPA”), by substantially assisting its users to transmit unsolicited commercial text messages to Washington residents through Cash App’s “Invite Friends” referral program. Specifically, Kimberly Bottoms (the “Class Representative”) alleges that Block incentivized its users to send pre-filled text messages to their contacts without first obtaining the recipients’ clear and affirmative consent to receive commercial text messages. Under CEMA, a recipient is entitled to receive \$500 for each text message sent in violation of the law or actual damages, which Plaintiff contends is subject to trebling under the CPA. The court also may award injunctive relief and reasonable attorneys’ fees and costs.

Defendant denies any wrongdoing and believes it has fully complied with the law. Defendant has asserted defenses it believes would be successful at trial. In agreeing to settle, Defendant maintains that it complied with the law and does not admit any wrongdoing. The settlement is not an admission of wrongdoing.

The Lawsuit is proceeding in the United States District for the Western District of Washington before the Honorable Judge Marsha J. Pechman.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called “Class Representatives” (in this case, Kimberly Bottoms), sue on behalf of themselves and other people who have similar claims. These people together are called a “Class” or “Class Members.” The Class Representative and all the Class Members are called Plaintiffs. The company that the Plaintiffs sue, Block, is called the Defendant. One court resolves the issues for all Class Members—except for those who choose to exclude themselves.

4. What has happened in the lawsuit?

On November 21, 2023, Class Representative Bottoms commenced an action on behalf of a proposed class by filing a [Complaint](#) in Washington State Court (Superior Court for King County) against Block alleging that it violated CEMA and the CPA (Case No. 23-2-22406-0 SEA). On December 21, 2023, Block removed this case to federal court in the Western District of Washington. On January 25, 2024, Defendant moved to dismiss the Lawsuit, claiming that the Complaint failed, as a matter of law, to state a viable claim for relief. On May 2, 2024, the Court denied Block’s motion. The parties have since engaged in discovery regarding the Class Representative’s claims and Block’s defenses. On October 23, 2024, Block filed a motion for summary judgment on Plaintiff’s individual claims, which was fully briefed but not decided by the Court.

The Court has not decided whether Block did anything wrong. The Court also has not made any determination that this Lawsuit should proceed as a class action, as opposed to individual claims brought by the Class Representative. This Notice should not be interpreted as an expression of the Court’s opinion on the merits of the Lawsuit.

5. What is the current status of the lawsuit?

The Class Representative and Block have now agreed to a Settlement to resolve the Lawsuit, as described below. Deadlines unrelated to the Settlement of the Lawsuit are currently stayed while the parties notify the Settlement Class of the proposed Settlement and seek final approval of the Settlement from the Court.

DETERMINING IF YOU ARE A MEMBER OF THE SETTLEMENT CLASS**6. How do I know if I am a Settlement Class Member?**

You are a member of the Settlement Class if you (1) received a Cash App referral program text message between November 14, 2019 and [date], 2025, (2) were a Washington resident at the time you received the text message, and (3) you did not clearly and affirmatively consent in advance to receive the Cash App referral program text message.

An example of an Invite Friends text message is: “Hey! I’ve been using Cash App to send money and spend using the Cash Card. Try it using my code and you’ll get \$5. FVRJ1PH <https://cash.app/app/FVRJ1PH>.” Referral texts do not tell you that someone has requested money from you or sent money to you using Cash App.

If you received a notice of this Settlement via email or mail, records indicate that you may have received a Cash App “Invite Friends” referral text message inviting you to sign up for Cash App. People who did not receive email or mail Notice may still be part of the Settlement Class if they meet the requirements described above.

7. Are there exceptions to being included in the Settlement Class?

The Settlement Class does not include Defendant, any entity that has a controlling interest in Defendant, and Defendant’s current or former directors, officers, counsel, and their immediate families. The Settlement Class also does not include any persons who validly request exclusion from it.

8. Are you still not sure if you’re included?

If you are still not sure whether you are included in the Settlement Class, you can get free help at www.XXXX.com, or by calling or writing to the lawyers appointed by the Court to represent the Settlement Class in this case (“Class Counsel”) at the phone numbers or addresses listed in response to question XX.

THE PROPOSED SETTLEMENT**9. What are the terms of the proposed Settlement?**

The complete terms of the proposed Settlement are set forth in the Settlement Agreement, which is available at www.INSERT.com. This Notice provides only a summary of the terms of the Settlement.

10. What are the benefits of the proposed Settlement?

If the Settlement is approved and becomes final, Block will pay twelve and a half million dollars (\$12,500,000.00) into a settlement fund. This money will be used to: (1) make settlement payments to eligible Settlement Class Members estimated to be between \$88 and \$147, (2) pay the costs of distributing notice and settlement payments to Settlement Class Members and other costs of administering the Settlement; and (3) pay court-awarded attorneys’ fees and litigation expenses of Class Counsel and any service award granted to the Class Representative. You must decide whether to stay in the Class or opt out of it.

If you are a Settlement Class Member, *you need to complete and submit a Claim Form by [DATE] to receive a settlement payment.* [Claim Forms](#) are available on the settlement website, www.INSERT.com.

11. What claims will be released by the proposed Settlement?

If you are a Settlement Class Member and do not exclude yourself from the Settlement, and the Settlement is approved and becomes final, the Settlement will be legally binding on you. In exchange for the opportunity to obtain settlement benefits, you will release any and all claims and rights, whether known or unknown, that arise out of or relate in any way to text messaging regarding the Invite Friends program to any telephone number,

that have been, or could have been, brought in the Lawsuit, as well as any claims arising out of the same nucleus of operative facts as any of the claims asserted in the Lawsuit.

12. How much will the Settlement payment be and how will the payments be sent?

If the Settlement is approved and becomes final, Settlement Class Members who complete and submit a timely and valid Claim Form and do not exclude themselves from the Settlement Class, will be issued a Settlement payment. It is estimated that Settlement payments will be between \$88 and \$147 per Settlement Class Member, although the actual amount could be higher or lower depending on how many valid Claim Forms are received.

The settlement payments will be equally distributed to all Settlement Class Members who submit timely and valid Claim Forms, after the deduction of settlement costs, attorneys' fees and expenses awarded by the Court, and any service award granted to the Class Representative.

If you are a Settlement Class Member, you need to complete and submit a Claim Form by [DATE] to receive a settlement payment. Claim Forms are available on the settlement website, [www.\[INSERT\].com](http://www.[INSERT].com). The Claim Form allows Settlement Class Members to elect the method by which to receive payments including paper checks, Venmo, PayPal, etc.

For any Settlement payments that are uncashed or deemed undeliverable by the Settlement Administrator, the funds will be distributed by one or both of the following means: (1) a pro rata second distribution to those Settlement Class Members who cashed/received their initial Settlement payments (if there are sufficient residual funds to justify the administrative costs of such distribution); and/or (2) distribution to the Legal Foundation of Washington.

YOUR OPTIONS AS A SETTLEMENT CLASS MEMBER

13. What are my options now as a Settlement Class Member?

You must decide whether to stay in the Class or exclude yourself from the Settlement.

14. What happens if I choose to stay in the Settlement Class?

If you choose to stay in the Settlement Class, you have the option to (1) do nothing; or (2) complete and submit a [Claim Form](#) by [Date], 2025, in order to share in the payment of the settlement proceeds. Under either option, by choosing to stay in the Settlement Class, if the Settlement becomes final, you give up any rights to sue the Defendant separately about the same issues in this Lawsuit. See Question 11.

By staying in the Settlement Class, you may object to or comment on the settlement and/or to Class Counsel's request for attorneys' fees, litigation expenses, and service award. You do not need to object or comment in order to receive a settlement payment.

15. How do I obtain and submit a Claim Form?

In order to share in the payment of the Settlement proceeds, you must (1) be a Settlement Class Member; and (2) complete and submit a valid Claim Form by [DATE], 2025. You can obtain a Claim Form on the settlement website, [www.\[INSERT\].com](http://www.[INSERT].com).

The Claim Form requires Settlement Class Members to provide their claims code, if they have one, and to identify the phone number at which they received the Cash App "Invite Friends" referral text message. Settlement Class Members must also provide their contact information and attest that they: (1) received one or more Invite Friends text messages from a Block customer on the provided cellular telephone number, (2) owns or is the regular user of such phone number, (3) was a Washington resident at the time they received each Invite Friends text message(s); and (4) did not clearly and affirmatively consent in advance to receive the Invite

Friends text message(s). The Claim Form allows Settlement Class Members to elect the method by which to receive payments including paper checks, Venmo, PayPal, etc.

If the phone number provided cannot be verified, the Settlement Administrator may contact you and ask you to provide a different phone number. The Settlement Administrator will communicate with you via the email address you provide on the Claim Form.

Once completed, the Claim Form can be submitted electronically on the settlement website or printed and mailed to the following address:

[Notice Administrator]

[Street Address]

[City, State, Zip Code]

Mailed Claim Forms must be postmarked by [DATE], 2025. Each Settlement Class Member is entitled to submit only one Claim Form, regardless of the number of Cash App referral text messages they received. If you submit a Claim Form through the settlement website, please do not submit a duplicate Claim Form by mail, and vice versa. Duplicate claim forms will be rejected.

16. Where do I find my claims code?

If you received an email notice of the settlement, then your eight (8) digit claims code is located at the top of the email. If you received a postcard notice of the settlement in the mail, then your eight (8) digit claims code is located on the front of the postcard above your name and address.

17. How do I object or comment?

If you are a Settlement Class Member, and have not excluded yourself from the Settlement, you can comment on or object to the Settlement, Class Counsel's request for attorneys' fees and litigation expenses, and/or the request for service award for the Class Representative. To object or comment, you must send a written objection/comment including the following:

- (i) your full name, address, and current telephone number;
- (ii) an explanation of the basis for your contention that you are a Settlement Class Member, including the cellular telephone numbers on which you received a Cash App referral text message;
- (iii) if you are represented by counsel, the name and telephone number of counsel, whether counsel intends to submit a request for fees, and all factual and legal support for that request;
- (iv) all objections and the basis for any such objections stated with specificity, including a statement as to whether the objection applies only to you, to a specific subset of the class, or to the entire class;
- (v) a statement of whether you intend to appear at the Final Approval Hearing, either with or without counsel;
- (vi) the identity of any witnesses you may call to testify at the Final Approval Hearing;
- (vii) a listing of all exhibits you intend to introduce into evidence at the Final Approval Hearing, as well as true and correct copies of such exhibits; and
- (viii) your signature (your attorney's signature is not sufficient).

Your comment or objection must be sent to the Settlement Administrator by email or mail, postmarked no later than [Date], 2025. The Settlement Administrator can be contacted at [email address] or :

[Notice Administrator]

[Street Address]

[City, State, Zip Code]

18. What happens if I exclude myself from the Settlement Class?

You may exclude yourself from the Settlement Class by following the steps described in response to Question 19. If you exclude yourself from the Settlement, or “opt out”, you give up the right to receive any benefits from the Settlement and you cannot comment or object to the Settlement. However, you will keep any rights you may have to sue Block regarding the issues in this Lawsuit.

19. How do I exclude myself from the Settlement Class?

If you do not want to remain a member of the Class, you must mail or email a written “Request for Exclusion” to the Settlement Administrator that is postmarked no later than [Date], 2025. Your written request must include:

- Your name, address, and telephone number;
- A statement confirming that you want to exclude yourself from the Settlement Class;
- The case name and number (*Bottoms v. Block, Inc.*, No. 2:23-cv-01969-MJP (W.D. Wash.)); and
- Your signature and the date.

Your Request to Opt Out must be emailed to [email address] or mailed to the following address:

[Notice Administrator]
[Street Address]
[City, State, Zip Code]

20. What happens if I do nothing?

If you are in the Settlement Class and you do nothing, you will stay in the Settlement Class. If the Settlement is approved and becomes final, you will not be issued a Settlement payment and you will not be able to sue Block about the issues in this Lawsuit. You will also be legally bound by all orders that the Court issues and judgments the Court makes as to the Settlement Class.

THE LAWYERS REPRESENTING YOU

21. As a Class Member, do I have a lawyer representing my interests in this Class Action?

Yes. The Court has appointed the following attorneys and law firms to represent the Settlement Class Members. Together, these lawyers are called “Class Counsel”:

TERRELL MARSHALL LAW GROUP PLLC Beth E. Terrell Jennifer Rust Murray Eden B. Nordby 936 North 34th Street, Suite 300 Seattle, Washington 98103 Telephone: (206) 518- 6228	BERGER MONTAGUE PC Sophia M. Rios 8241 La Mesa Blvd., Suite A La Mesa, CA 91942 Telephone: (619) 489- 0300	BERGER MONTAGUE PC E. Michelle Drake 1229 Tyler Street NE, Suite 205 Minneapolis, Minnesota 55413 Telephone: (612) 594- 5999	BERGER MONTAGUE PC Colleen Fewer 505 Montgomery St. Suite 625 San Francisco, CA 94111 Telephone: (415)3762097
---	---	--	--

22. How will the lawyers be compensated, and will the Class Representative receive compensation?

Class Counsel will file a motion on or before [date], 2025 asking the Court to award them attorneys’ fees up to one-fourth of the \$12.5 million settlement fund (\$3,125,000) and for reimbursement of reasonable litigation expenses and costs currently estimated to be \$41,133.36. The attorneys’ fees and expenses awarded by the Court will be the only payment to Class Counsel for their efforts in achieving the Settlement and for their risk in undertaking this representation on a wholly contingent basis during the nearly two years this case was litigated.

Class Counsel will also ask the Court for a Class Representative Award of \$10,000 for Plaintiff Kimberly Bottoms in recognition of her service to the Class. The Court will determine the amount of attorneys' fees, expenses, and service award to award. Class Counsel's motion for attorneys' fees, expenses, and service award will be available at [www.\[INSERT\].com](http://www.[INSERT].com) when it is filed, at least thirty (30) days before the deadline to object, file a claim, or opt out.

23. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working for you. However, you are welcome to hire your own lawyer at your own expense. If you hire a lawyer to speak for you or to appear in Court, your lawyer must file a Notice of Appearance with the Court.

THE COURT'S FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing at [TIME] on [DATE], 2025, in the United States District Court for the Western District of Washington, Courtroom XX, 700 Stewart Street, Seattle, WA 98101. The hearing may be moved to a different date or time, or the Court may order that the hearing be held telephonically or by videoconference, without additional notice. Please check [www.\[INSERT\].com](http://www.[INSERT].com) for updates or changes.

At the Final Approval Hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider Class Counsel's application for attorneys' fees, expenses, and service awards. If there are objections, the Court will consider them. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

25. Do I have to come to the hearing?

No, you do not have to attend or participate in the Final Approval Hearing to receive a Settlement payment. Class Counsel will answer questions the Court may have. But you are welcome to come at your own expense. If you submit an objection, you do not have to come to the Court to talk about it. So long as you submitted your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

27. May I speak at the hearing?

If you are a Settlement Class Member and have not opted out of the Settlement, you may ask the Court for permission to speak at the Final Approval Hearing. You cannot speak at the hearing if you exclude yourself from the Settlement Class.

28. Where can I get more information?

This Notice contains a summary of relevant court papers. Complete copies of public pleadings, Court rulings and other filings are available for review and copying at www.pacer.uscourts.gov. Information is also available at [www.XXXX.com], or by contacting the Settlement Administrator at [INSERT], or Class Counsel at (206) 518-6228.

Please do not contact the Court or Judge Pechman. They cannot answer any questions or discuss the Action.

DATED: [DATE], 2025

BY ORDER OF THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON