

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

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

- A Settlement¹ has been reached in a class action lawsuit about whether NexGen Air Conditioning and Heating, LLC (“Defendant”) sent prerecorded voice messages in violation of the Telephone Consumer Protection Act (“TCPA”) and/or Florida Telephone Solicitation Act (“FTSA”). Defendant denies the allegations and any wrongdoing. The Court has not decided who is right.
- The Settlement offers payments to Settlement Class Members who file valid Claims.
- Your legal rights are affected whether you act or do not act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM	If you are a member of the Settlement Class, you must submit a valid, properly completed Claim Form to receive a payment. If, after you submit your valid Claim Form, the Court approves the Settlement and it becomes final and effective, and you do not exclude yourself from the Settlement Class, you will receive your payment by check and be bound by the terms of the Settlement.
EXCLUDE YOURSELF	You may request to be excluded from the Settlement and, if you do, you will receive no benefits from the Settlement or be bound by the releases in the Settlement.
OBJECT	Write to the Court if you do not like the Settlement.
GO TO A HEARING	Ask to speak in court about the fairness of the Settlement.
DO NOTHING	You will not receive a payment if you fail to timely submit a completed Claim Form, and you will give up your right to bring your own lawsuit against Defendant about the claims in this case and be bound by the terms and releases of the Settlement.

- Your rights and options—**and the deadlines to exercise them**—are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the Settlement. If it does, and after any appeals are resolved, payments will be distributed to Settlement Class Members who submit qualifying Claim Forms. Please be patient.

¹ Capitalized terms herein have the same meanings as those defined in the Settlement, a copy of which may be found online at the Settlement Website.

**QUESTIONS? CALL 1-833-630-5413 OR VISIT
www.tcpasettlementng.com**

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BASIC INFORMATION

1. Why is there a notice?

A court authorized this notice because you have a right to know about a proposed Settlement of a class action lawsuit known as *Carter v. NexGen Air Conditioning and Heating, LLC* (in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County), and about all of your options before the Court decides whether to grant Final Approval to the Settlement. This notice explains the lawsuit, the Settlement, and your legal rights.

Hon. Vivianne Del Rio, a Judge of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida is overseeing this case. The person who sued, Michelle Mack Carter, is called the “Plaintiff.” The company she sued, NexGen Air Conditioning and Heating, LLC, is called the “Defendant.”

2. What is this litigation about?

The lawsuit alleges that Defendant sent prerecorded voice messages to Plaintiff’s telephone number in violation of the Telephone Consumer Protection Act and Florida Telephone Solicitation Act, and seeks actual and statutory damages under the TCPA/FTSA on behalf of herself and a class of all individuals in the United States.

Defendant denies each and every allegation of wrongdoing, liability, and damages that were or could have been asserted in the lawsuit and that the claims in the lawsuit would be appropriate for class treatment if the lawsuit were to proceed through trial.

Plaintiff’s complaint, the Settlement, and other case-related documents are posted on the Settlement Website, www.tcpasettlementng.com. The Settlement resolves the lawsuit. The Court has not decided who is right and neither party has admitted liability.

3. What is the TCPA and the FTSA?

The Telephone Consumer Protection Act (commonly referred to as the “TCPA”) is a federal law that restricts the use of marketing related prerecorded voice message calls without prior express consent. The Florida Telephone Solicitation Act (“FTSA”) is a Florida law that restricts the use of marketing related prerecorded voice message calls without prior express written consent.

4. Why is this a class action?

In a class action, one person called the “Class Representative” (in this case, Plaintiff) sues on behalf of themselves and on behalf of other people with similar claims.

All of the people who have claims similar to the Plaintiff are Settlement Class Members, except for those who exclude themselves from the class, among others.

5. Why is there a Settlement?

The Court has not found in favor of either Plaintiff or Defendant. Instead, both sides have agreed to a Settlement without admitting wrongdoing or liability. By agreeing to the Settlement, the Parties avoid the costs and uncertainty of a trial, and if the Settlement is approved by the Court, Settlement Class Claimants will receive the benefits described in this notice. Defendant denies all legal claims in this case. Plaintiff and her lawyers think the proposed Settlement is best for everyone who is affected.

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WHO IS PART OF THE SETTLEMENT?

6. Who is included in the Settlement?

The Settlement includes all persons who received two or more prerecorded voice messages on their telephone from Defendant. Specifically, the Settlement Class is defined as:

Settlement Class: All persons in the United States who, within four years prior to the filing of this action, had a call initiated using the Drop Cowboy platform to such person's phone number using a prerecorded or artificial voice to encourage the purchase or rental of, or investment in, Defendant's property, goods, or services, and whose number is on the class list.

The Settlement Class excludes the following: (1) the trial judge presiding over this case; (2) Defendant, as well as any parent, subsidiary, affiliate, or control person of Defendant, and the officers, directors, agents, servants, or employees of Defendant; (3) any of the Released Parties; (4) the immediate family of any such person(s); and (5) any Settlement Class Member who has timely opted out of this proceeding.

7. What if I am not sure whether I am included in the Settlement?

If you are not sure whether you are in the Settlement Class or have any other questions about the Settlement, visit the Settlement Website at www.tcpasettlementng.com or call the toll-free number, (833) 630-5413. You also may send questions to the Settlement Administrator at Carter v. NexGen Air Conditioning and Heating LLC, c/o Kroll Settlement Administration, P.O. Box 5324, New York, NY 10150-5324.

THE SETTLEMENT BENEFITS

8. What does the Settlement provide?

To fully settle and release claims of the Settlement Class Members, Defendant has agreed to make a settlement fund of up to \$3,803,835.00 ("Gross Settlement Fund") available, which will be used to pay Settlement Class Members who submit valid Claims, Notice and Administrative Costs, Attorneys' Fees and Expenses to Class Counsel, and a Service Award to the Class Representative. The Notice and Administrative Costs, the Attorneys' Fees and Expenses, and the Service Award will be paid by Defendant out of the Gross Settlement Fund (the remainder being the "Net Settlement Fund"). If the Settlement is finally approved by the Court, Settlement Class Claimants who submit valid Claims will receive approximately \$21.00 subject to a *pro rata* reduction if the total monetary amount of valid Claims exceeds the Net Settlement Fund. The Court will decide the amount of the Attorneys' Fees and Expenses and the Service Award.

9. How do I file a Claim?

To get a payment, you must submit a claim form by the deadline stated below. To be valid, a claim form must be completed fully and accurately, signed, and submitted timely. You may submit a claim form by U.S. mail or file a claim form online through the Settlement Website at www.tcpasettlementng.com. If you send in a claim form by U.S. mail, it must be postmarked by February 10, 2026. Claim forms submitted online must be submitted by 11:59 p.m. EST on February 10, 2026. You may only submit one claim form. Please read the Claim Form carefully and provide all the information required.

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10. When will I receive my check?

Payments in the form of a check to Settlement Class Members will be made only after the Court grants Final Approval to the Settlement and after any appeals are resolved (*see* “Final Approval Hearing” below). If there are appeals, resolving them can take time. Please be patient.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want benefits from the Settlement, and 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 take steps to get out of the Settlement. This is called excluding yourself—or it is sometimes referred to as “opting out” of the Settlement Class.

11. How do I exclude myself from the Settlement?

To exclude yourself from the Settlement, you must send a timely letter by mail to:

Carter v. NexGen Air Conditioning and Heating LLC

c/o Kroll Settlement Administration

PO Box 5324

New York, NY 10150-5324

Your request to be excluded from the Settlement must include: (a) the Action name; (b) your name, address, and telephone number; (c) each telephone number at which you received a prerecorded voice call from Defendant, a prerecorded voice call advertising Defendant, or a prerecorded voice call made on Defendant’s behalf; (d) a personal signature by you; and (e) a statement reflecting your desire to be excluded from the Settlement Class such as “I hereby request that I be excluded from the proposed Settlement Class.”

Your exclusion request must be postmarked no later than **January 2, 2026**. You cannot ask to be excluded on the phone, by email, or at the Settlement Website.

You may only exclude yourself from the Settlement Class.

12. If I do not exclude myself, can I sue Defendant 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. You must exclude yourself from this Settlement Class in order to pursue your own lawsuit.

13. What am I giving up by staying in the Settlement Class?

Unless you exclude yourself from the Settlement, you cannot sue or be part of any other lawsuit against Defendant or the Released Parties about the issues in this case, including any existing litigation, arbitration, or proceeding. Unless you exclude yourself, all of the decisions and judgments by the Court will bind you.

The Settlement is available at www.tcpasettlementng.com. The Settlement provides more detail regarding the releases and describes the Released Claims with specific descriptions in necessary, accurate legal terminology, so read it carefully. You can talk to the law firms representing the Settlement Class listed in Question 15 at no charge to you, or you can, at your own expense, talk to your own lawyer if you have any questions about the Released Claims or what they mean.

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14. If I exclude myself, can I still get a payment?

No. You will not get a payment from the Net Settlement Fund if you exclude yourself from the Settlement.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in the case?

The Court has appointed the following lawyers as “Class Counsel” to represent all members of the Settlement Class.

Ignacio Hiraldo, Esq.
IJH LAW
1200 Brickell Ave Ste 1950
Miami, Florida 33131-3298

Michael Eisenband, Esq.
Eisenband Law, P.A.
515 E Las Olas Blvd. Suite 120
Fort Lauderdale, Florida 33301

Manuel S. Hiraldo, Esq.
Hiraldo P.A.
401 E. Las Olas Boulevard, Suite 1400
Fort Lauderdale, Florida 33301

You will not be charged for these lawyers. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

16. How will the lawyers be paid?

Class Counsel intend to request up to 33% of the Gross Settlement Fund for attorneys’ fees and out-of-pocket expenses incurred in the litigation. Any Attorneys’ Fees and Expenses awarded by the Court will be paid out of the Gross Settlement Fund. The Court will decide the amount of fees and expenses to award. Class Counsel will also request a Service Award of up to \$7,500 for Plaintiff for her service as Class Representative on behalf of the whole Settlement Class. Any Service Award will be paid out of the Gross Settlement Fund.

OBJECTING TO THE SETTLEMENT

17. How do I tell the Court if I do not like the Settlement?

If you are a Settlement Class Member (and do not exclude yourself from the Settlement Class), you can object to any part of the Settlement. To object, you must timely submit a letter that includes the following:

1. A heading that includes the case name and case number—*Carter v. NexGen Air Conditioning And Heating, LLC* – Case Number – 2025-018415-CA-01;
2. Your name, address, telephone number, the cell phone number at which you received prerecorded voice messages from Defendant;
3. If you are represented by counsel, the name, bar number, address, and telephone number of your counsel;
4. A signed statement stating that you received one or more prerecorded voice message from Defendant and are a member of the Settlement Class;
5. A statement of all your objections to the Settlement including your legal and factual basis for each objection;
6. The number of times in which you, your counsel, and/or your counsel's law firm have objected to a class action settlement within the five years preceding the date that you file the objection, the caption of each case in which you, your counsel or your counsel's firm has made such objection, and a copy of any orders related to or ruling upon your, your counsel's, or your counsel's firm's prior objections that were issued by the trial and appellate courts in each listed case;
7. Any and all agreements that relate to the objection or the process of objecting—whether written or verbal—between you or your counsel and any other person or entity;
8. A statement of whether you intend to appear at the Final Approval Hearing, either with or without counsel, and if with counsel, the name of your counsel who will attend;
9. A list of all persons who will be called to testify at the Final Approval Hearing in support of the objection; and
10. The objection must be signed by you and not your counsel.

If you wish to object, you must file your objection with the Court (using the Court's electronic filing system or in any manner in which the Court accepts filings) and mail your objection to each of the following three (3) addresses, and your objection must be postmarked by **January 2, 2026**.

Clerk of the Court	Class Counsel	Counsel for Defendant
Eleventh Judicial Circuit Miami-Dade County 73 West Flagler Street, Miami, Florida 33130	Manuel Hiraldo, Esq. Hiraldo, PA 401 East Las Olas Boulevard Suite 1400, Fort Lauderdale, FL 33301	Ari N. Rothman, Esq. Venable LLP 600 Massachusetts Ave. NW Washington, DC 20001

18. What is the difference between objecting and asking to be excluded?

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

THE FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to approve the Settlement and any requests for Attorneys' Fees and Expenses and any Service Award ("Final Approval Hearing").

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

The Court has scheduled a Final Approval Hearing on **January 26, 2026, at 10:30 a.m.** The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.tcpasettlementng.com for updates. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider the requests by Class Counsel for Attorneys' Fees and Expenses and for a Service Award to the Class Representative. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the Settlement. It is unknown how long these decisions will take.

20. Do I have to attend the hearing?

No. Class Counsel will attend the hearing and answer any questions the Court may have. But you are welcome to attend the hearing at your own expense. If you send an objection, you do not have to come to Court to talk about it unless the judge orders you to do so. As long as you submitted your written objection on time to the proper addresses and it complies with all the other requirements set forth above, the Court will consider it. You may also pay your own lawyer to attend the hearing, but it is not necessary.

21. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, your timely filed objection must include a statement of whether you intend to appear at the Final Approval Hearing (*see* Question 17 above).

You cannot speak at the hearing if you exclude yourself from the Settlement.

IF YOU DO NOTHING

22. What happens if I do nothing at all?

If you are a Settlement Class Member and do nothing, meaning you do not file a timely Claim, you will not get benefits from the Settlement. Further, unless you exclude yourself, you will be bound by the judgment entered by the Court.

GETTING MORE INFORMATION

23. How do I get more information?

This notice summarizes the proposed Settlement. You are urged to review more details in the Settlement. For a complete, definitive statement of the Settlement terms, refer to the Settlement at www.tcpasettlementng.com. You also may write with questions to the Settlement Administrator at Carter v. NexGen Air Conditioning and Heating LLC, c/o Kroll Settlement Administration, P.O. Box 5324, New York, NY 10150-5324 or call the toll-free number, (833) 630-5413.

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