United States District Court
Eastern District of Missouri

Damrau et al. v. Colibri Group, LLC
Case No. 4:24-CV-01441-JMD

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

A PROPOSED SETTLEMENT OF A CLASS ACTION LAWSUIT AGAINST COLIBRI GROUP, LLC MAY AFFECT YOUR RIGHTS AND ENTITLE YOU TO A CASH PAYMENT.

A court has authorized this notice. This is not a solicitation from a lawyer.
You are not being sued.
Please read this Notice carefully and completely.

- A Settlement has been reached with Colibri Group, LLC ("Colibri Group" or "Defendant") in a class action lawsuit. In the lawsuit, the Plaintiff (or Class Representative) alleges that Defendant violated a federal law called the Video Privacy Protection Act (18 U.S.C. § 2710, *et seq.*) (the "VPPA") by using third-party digital tracking technologies, commonly called "tracking pixels," on the websites operated by its affiliated companies—elitelearning.com, homeceuconnection.com, colibrirealestate.com, mckissock.com, and fhea.com (the "Colibri Websites" or "CG Websites")—to disclose information about its customers and the prerecorded video content they purchased or subscribed to, to third parties such as Meta Platforms, Inc. ("Meta") and TikTok, Inc. ("TikTok").

- The lawsuit is called *Damrau et al. v. Colibri Group, LLC*, Case No. 4:24-CV-01441-JMD. It is pending in the United States District Court for the Eastern District of Missouri (the "Litigation").

- Defendant denies that it did anything wrong, and the Court has not decided who is right.

- The parties have agreed to settle the lawsuit (the "Settlement") to avoid the costs and risks, disruptions, and uncertainties of continuing the Litigation.

- If you received a notice of this Settlement by e-mail or postcard, Defendant's records indicate that you are a Class Member and are eligible to receive a cash payment under the Settlement—**but only if you submit a valid Claim Form online by March 12, 2027**.

- Your rights are affected whether you act or don't act. ***Please read this Notice carefully and completely.***

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT		DEADLINE
SUBMIT A CLAIM	The only way to receive a payment from this Settlement is by submitting a valid and timely Claim Form. Claim Forms must be submitted online at www.CGVPPAClassActionSettlement.com no later than 11:59 p.m. Central Time on the Claims Deadline. Submitting a Claim Form takes only a few minutes, and no proof of purchase is required.	**March 12, 2027 (11:59 p.m. Central Time)**
OPT OUT OF THE SETTLEMENT	You can choose to opt out of the Settlement and receive no payment. This option allows you to sue, continue to sue, or be part of another lawsuit against Defendant or the other Released Parties (*see* Question 8) about the legal claims resolved by this Settlement. You can hire your own lawyer at your own expense.	**January 11, 2027**
OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING	If you do not opt out of the Settlement, you may object to any part of it (including the requested attorneys' fees and Service Award) by submitting a written objection explaining why you don't like the Settlement (see Question 16). You may also ask the Court for permission to speak about your objection at the Final Approval Hearing. If you object, you may still submit a Claim Form and receive a payment if the Court approves the Settlement.	**January 11, 2027**
DO NOTHING	Unless you opt out of the Settlement, you are automatically part of the Settlement. If you do nothing, you will not receive a payment from this Settlement, and you will give up the right to sue, continue to sue, or be part of another lawsuit against Defendant or the other Released Parties about the legal claims resolved by this Settlement.	No Deadline

- These 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.

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION 3

WHO IS IN THE SETTLEMENT 4
THE SETTLEMENT BENEFITS 4
SUBMITTING A CLAIM FORM FOR SETTLEMENT BENEFITS 5
THE LAWYERS REPRESENTING YOU 5
EXCLUDING YOURSELF FROM THE SETTLEMENT 6
COMMENTING ON OR OBJECTING TO THE SETTLEMENT 6
THE COURT'S FINAL APPROVAL HEARING 7
IF I DO NOTHING 8
GETTING MORE INFORMATION 8

Basic Information

1. Why was this Notice issued?

The United States District Court for the Eastern District of Missouri authorized this Notice. You have a right to know about the proposed Settlement of this class action lawsuit, and about all of your options, before the Court decides whether to grant final approval of the Settlement. This Notice explains the lawsuit, your legal rights, what benefits are available, who can receive them, and how to get them.

The lawsuit is called *Damrau et al. v. Colibri Group, LLC*, Case No. 4:24-CV-01441-JMD. It is pending in the United States District Court for the Eastern District of Missouri, before the Honorable Joshua M. Divine. The person who filed this lawsuit is called the "Plaintiff" (or "Class Representative") and the company she sued, Colibri Group, LLC, is called the "Defendant."

2. What is this lawsuit about?

This lawsuit alleges that Defendant used third-party digital tracking technologies, commonly called "tracking pixels," on the CG Websites (elitelearning.com, homeceuconnection.com, colibrirealestate.com, mckissock.com, and fhea.com, which are operated by Defendant's affiliated companies, the "Colibri Entities" or "CG Entities") in a way that violated a federal privacy law called the Video Privacy Protection Act (or "VPPA"). Specifically, the Plaintiff alleges that the tracking pixels on the CG Websites disclosed information identifying customers, together with information about the prerecorded video content those customers purchased or subscribed to, to third parties such as Meta and TikTok, without the customers' consent. Defendant denies that it did anything wrong and denies that it violated the VPPA or any other law.

3. What is a class action?

In a class action, one or more individuals sue on behalf of other people with similar claims. The individuals suing are called the "Plaintiffs" or "Class Representatives." Together, the people included in the class action are called a "Class" or "Class Members." One court resolves the lawsuit for all Class Members, except for those who exclude themselves from (or "opt out" of) the Class. In this Settlement, the Class Representative is Tracey Damrau. Everyone who fits the description of the Class in Question 5 below is a Class Member.

4. Why is there a Settlement?

The Court has not decided whether the Plaintiff or the Defendant is right. Both sides have agreed to a Settlement to avoid the costs and risks of continued litigation and a trial, and to allow the Class Members to receive benefits from the Settlement. The Plaintiff and her attorneys (called Class Counsel) think the Settlement is best for all Class Members.

Who is in the Settlement?

5. Who is included in the Settlement?

The Court has preliminarily approved the following Settlement Class (referred to in this Notice as the "Class"): "All persons who made purchases of or subscribed to products or services of the Colibri Entities containing prerecorded video material from any of the Colibri Websites ("CG Websites") between October 25, 2022 and June 4, 2026."

The "CG Entities" are Colibri Healthcare, LLC, Rocky Mountain Publishing, LLC, Colibri Real Estate, LLC, Fitzgerald Health Education Associates, LLC, and McKissock, LLC. The CG Websites are elitelearning.com, homeceuconnection.com, colibrirealestate.com, mckissock.com, and fhea.com, and all of their subdomains.

There are 547,514 people in the Class, all of whom are identified by name on a Settlement Class List generated from the records of Defendant or the CG Entities. If you appear on the Settlement Class List, you are a Class Member; if you do not appear on the Settlement Class List, you are not a Class Member. If you received a notice of this Settlement by e-mail or postcard, the Settlement Class List indicates that you are a Class Member.

6. Are there exceptions to being included?

Yes. Excluded from the Class are: (1) the Released Parties (Defendant, the CG Entities, and their related companies, as described in Question 8) and their employees, officers, directors, agents, and representatives, and their immediate family members; (2) Class Counsel; and (3) the Judge presiding over this case, the Judge's immediate family members, and Court staff.

If you are not sure whether you are a Class Member, you can ask for free help any time by contacting the Settlement Administrator at:

- Email: info@CGVPPAClassActionSettlement.com
- Call toll free, 24/7: (833) 360-6825
- By mail:

Colibri Group VPPA Settlement
c/o Settlement Administrator
P.O. Box 25226
Santa Ana, CA 92799-9958

You may also view the Settlement Agreement and other documents and information about the lawsuit and the Settlement at www.CGVPPAClassActionSettlement.com.

The Settlement Benefits

7. What does the Settlement provide?

Defendant has agreed to establish a Settlement Fund of $4,313,869.00, which is the total amount Defendant will pay under the Settlement. The Court may approve certain deductions from the Settlement Fund, such as the costs of notice and settlement administration (which the Settlement Administrator has agreed will not exceed $70,000.00), attorneys' fees and litigation costs for Class Counsel (Class Counsel intend to request one-third of the Settlement Fund, or $1,437,956.33), and a Service Award for the Plaintiff (Plaintiff intends to request $5,000.00). The money remaining after these deductions, called the Net Settlement Fund, will be used to pay Cash Awards to Class Members who submit valid and timely Claim Forms.

Cash Award. Every Class Member who submits a valid and timely Claim Form (an "Approved Claimant") will receive one Cash Award. Each Approved Claimant will receive an equal share of the Net Settlement Fund: the Net Settlement Fund will be divided by the total number of Approved Claimants, and each Approved Claimant will be paid that amount. Each Class Member may submit only one Claim Form and may receive only one Cash Award, no matter how many purchases or subscriptions the Class Member made from the Defendant or CG Entities or how many of the CG Websites the Class Member used.

Because each Cash Award will be an equal share of the Net Settlement Fund, the amount of your Cash Award will depend on how many Class Members submit valid Claim Forms. Class Counsel estimates that, after the maximum deductions described above, approximately $2,800,000 will be available to pay Cash Awards, and that each Approved Claimant will receive a Cash Award of between approximately $51 (if 10% of Settlement Class Members submit Valid Claims) to $102 (if 5% of Settlement Class Members submit Valid Claims). This is only an estimate. The actual amount of your Cash Award may be higher or lower, depending on the number of Valid Claims submitted, the amounts the Court actually awards for attorneys' fees, litigation costs, and the Service Award, and the actual costs of settlement administration.

To receive a Cash Award, you must submit a Claim Form online at www.CGVPPAClassActionSettlement.com no later than 11:59 p.m. Central Time on March 12, 2027, (*see* Questions 9 and 10).

You do not have to provide any proof of purchase or other documentation with your Claim Form. The Settlement Administrator will confirm that you are a Class Member using the Settlement Class List.

How Cash Awards will be paid. Cash Awards will be paid by paper check by default, mailed to the address you provide on your Claim Form. When you submit your Claim Form on the Settlement Website, you may instead elect to receive your Cash Award through one of the electronic payment methods offered by the Settlement Administrator. If you move after submitting your Claim Form, you can update the address to which your check should be sent using the electronic form on the Settlement Website. Checks will be void if they are not cashed within 180 days after they are issued, so please cash your check promptly.

What happens to money that is not claimed or cashed. If money remains in the Net Settlement Fund because checks were not cashed before they expired or could not be delivered, that money will be distributed in a second round of payments to the Approved Claimants who cashed their checks or received electronic payments, as long as each of them would receive at least $10.00 in that second distribution after accounting for the costs of making it. If not, the remaining money will be donated, subject to Court approval, to the Electronic Privacy Information Center, a 501(c)(3) non-profit research and advocacy center focused on protecting digital privacy rights. If the Settlement is approved and becomes final, no part of the Settlement Fund will be returned to Defendant.

If you have questions about these benefits, you can ask for free help any time by contacting the Settlement Administrator at:

- Email: info@CGVPPAClassActionSettlement.com
- Call toll free, 24/7: (833) 360-6825
- By mail:

Colibri Group VPPA Settlement
c/o Settlement Administrator
P.O. Box 25226
Santa Ana, CA 92799-9958

8. What claims am I releasing if I stay in the Class?

If you stay in the Class (that is, if you do not exclude yourself), you will be bound by the Settlement and the Court's Final Approval Order and Judgment, and you will release—that is, give up—all claims of any kind, whether actual or potential, filed or unfiled, and known or unknown, that arise out of or relate to any Released Party's collection, sharing, or disclosure of (or any other action by any Released Party enabling or assisting in the collection, sharing, or disclosure of) information identifying, revealing, reflecting, or disclosing your activity (such as purchases, clicks, and page views) on any of the CG Websites, including personally identifiable information that was, is, or could be protected under the VPPA or any other statute, regulation, or common-law rule, to any third party, including Meta and TikTok, through the date the Settlement Agreement was signed (the "Released Claims"). This means you will not be able to sue, continue to sue, or be part of any other lawsuit against the Released Parties about the Released Claims. The Settlement Agreement is available at www.CGVPPAClassActionSettlement.com.

The "Released Parties" are Defendant, the CG Entities, and each of their respective present and former, direct and ultimate parents, successors, assigns, wholly-owned subsidiaries, brands (including the CG Websites), heirs, executors, estates, administrators, predecessors, holding companies, investors, divisions, associates, employers, employees, agents, representatives, consultants, directors, managing directors, officers, partners, principals, shareholders, members, attorneys, vendors, fiduciaries, insurers, reinsurers, and other related persons and entities. The "Releases" section of the Settlement Agreement (Section VIII), and the definitions of "Released Claims" and "Released Parties" in Section II of the Settlement Agreement, describe in detail the legal claims that you give up if you remain in the Class.

Submitting a Claim Form for a Settlement Payment

9. How do I submit a claim for a Settlement benefit?

You must submit your Claim Form online at www.CGVPPAClassActionSettlement.com. Submitting a Claim Form is quick and easy: you will be asked to provide your full name, your e-mail address, and the mailing address where you currently live and where your Cash Award should be sent, and you may elect to receive your Cash Award electronically instead of by check. The e-mail or postcard notice you received includes a Login ID and PIN that you can use to access your Claim Form. Claim Forms must be submitted on the Settlement Website; they cannot be submitted by mail or e-mail. If you need help submitting your Claim Form, you may contact the Settlement Administrator at:

Colibri Group VPPA Settlement
c/o Settlement Administrator
P.O. Box 25226

Santa Ana, CA 92799-9958

You may also contact the Settlement Administrator for help by telephone, toll free, at (833) 360-6825, or by e-mail at info@CGVPPAClassActionSettlement.com.

If your Claim Form is incomplete, or if the Settlement Administrator cannot match it to a person on the Settlement Class List, the Settlement Administrator will notify you by e-mail and/or telephone within 14 days after receiving your Claim Form and give you an opportunity to fix the problem by the Claims Deadline or within 7 days after the Settlement Administrator's notice, whichever is later. If you do not fix the problem in time, your claim will be denied.

10. Are there any important Settlement payment deadlines?

Yes. Your Claim Form must be submitted online no later than 11:59 p.m. Central Time on March 12, 2027. Claim Forms submitted after that time will be denied. If you want to receive your Cash Award electronically rather than by check, you must make that election on the Settlement Website by the same deadline.

11. When will the Settlement benefits be issued?

The Court will hold a Final Approval Hearing on February 11, 2027, (***see* Question 18**). If the Court approves the Settlement, there may be appeals. We do not know if appeals will be filed, or how long it will take to resolve them if they are filed.

Cash Awards will be paid within 30 days after the Settlement becomes final (the "Effective Date"). The Effective Date will occur only after the Court grants final approval of the Settlement, the time for any appeal has expired, and any appeals that are filed have been resolved in a way that leaves the Court's approval intact. Please be patient.

The Lawyers Representing You

12. Do I have a lawyer in the case?

Yes. The Court has appointed the law firm Hedin LLP to represent you and the other Class Members ("Class Counsel"). Class Counsel may be reached by e-mail at fhedin@hedinllp.com or tsomes@hedinllp.com or by postal mail at Hedin LLP, 1395 Brickell Ave., Suite 610, Miami, FL 33131.

13. Should I get my own lawyer?

You do not have to pay any money to Class Counsel out of pocket. Class Counsel will be paid for their services from the Settlement Fund if the Settlement is approved. If you want your own lawyer, you may hire one at your own expense.

14. How will Class Counsel be paid?

Class Counsel will ask the Court to approve an award of attorneys' fees of one-third of the Settlement Fund ($1,437,956.33), which amount includes all of the litigation costs and expenses Class Counsel incurred in prosecuting the lawsuit. The Court may approve this request or award less than the amount requested. Class Counsel's application for attorneys' fees will be filed with the Court at least 20 days before the Opt-Out and Objection Date, and will be posted on the Settlement Website at www.CGVPPAClassActionSettlement.com. Any amount awarded by the Court will be paid from the Settlement Fund.

The Plaintiff will also ask the Court, in an application filed at least 20 days before the Opt-Out and Objection Date, to approve a Service Award of $5,000.00 in recognition of her service as Class Representative and the time and effort she invested in the lawsuit. The Court may approve this request or award less than the amount requested. Any Service Award approved by the Court will also be paid from the Settlement Fund. The Court may award less than the amounts requested for attorneys' fees and the Service Award. The Settlement is not conditioned on the Court's approval of those requests, and the Settlement will remain effective even if the Court awards less than the amounts requested.

Excluding Yourself from the Settlement

15. How do I opt out of the Settlement?

If you do not want to be part of the Settlement, you must formally exclude yourself from the Class. This is called a Request for Exclusion and is sometimes also called "opting out." If you opt out, you will not receive a Cash Award from the Settlement, but you will keep any rights you may have to sue Defendant or the other Released Parties on your own about the legal issues in this case.

If you exclude yourself, you are telling the Court that you do not want to be part of the Settlement. You will not be eligible to receive a Cash Award if you exclude yourself, and you cannot object to the Settlement.

The deadline to exclude yourself from the Settlement is **January 11, 2027**.

To be valid, your Request for Exclusion must be in writing and must include the following information:

(1) the name of the Litigation: *Damrau et al. v. Colibri Group, LLC*, Case No. 4:24-CV-01441-JMD, pending in the United States District Court for the Eastern District of Missouri;

(2) your full name, your mailing address, and the e-mail address you used to purchase or subscribe to products or services from the CG Entities on the CG Websites between October 25, 2022 and June 4, 2026;

(3) your personal signature; and

(4) a clear statement that you wish to be excluded from the Litigation, the Settlement, and the Settlement Agreement, such as the words "Request for Exclusion."

You may only exclude yourself—not any other person. So-called "mass" or "class" requests for exclusion, submitted on behalf of more than one person, will not be valid. For more information about how to exclude yourself, see Section IX of the Settlement Agreement, which is available on the Settlement Website.

You must mail your Request for Exclusion via first-class U.S. mail to the Settlement Administrator at:

Colibri Group VPPA Settlement
c/o Settlement Administrator
P.O. Box 25226
Santa Ana, CA 92799-9958

To be valid, your Request for Exclusion must be postmarked no later than **January 11, 2027**. A Request for Exclusion that does not include all of the required information, that is sent to any other address, or that is postmarked after that date will not be valid, and you will remain a Class Member bound by the Settlement. If you change your mind after submitting a Request for Exclusion, you may withdraw it by notifying the Settlement Administrator in writing no later than the Opt-Out and Objection Date.

Commenting on or Objecting to the Settlement

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

If you are a Class Member and do not like part or all of the Settlement (including Class Counsel's request for attorneys' fees or the Plaintiff's request for a Service Award), you can object to it. Objecting means telling the Court your reasons why you think the Court should not approve the Settlement or any part of it. The Court will consider your views.

You cannot object if you have excluded yourself from the Settlement (***see* Question 15**).

Any objection must be in writing and must contain the following:

(1) a caption or title that identifies it as "Objection to Class Settlement in *Damrau et al. v. Colibri Group, LLC*, No. 4:24-CV-01441-JMD (E.D. Mo.)";

(2) your full name, mailing address, and telephone number;

(3) if you have hired your own lawyer in connection with your objection, the lawyer's full name, mailing address, and telephone number; and

(4) the factual basis and legal grounds for your objection, including any documents sufficient to establish the basis for your belief that you are a Class Member.

If you wish to present witnesses or evidence at the Final Approval Hearing in support of your objection, you must identify all such witnesses in your objection and attach true and correct copies of all supporting evidence to it. Any witnesses or evidence not disclosed in this way will be waived, except to the extent the Court permits otherwise for good cause or upon a showing of substantial compliance.

For your objection to be valid, it must meet each of these requirements and must be either (a) filed with the Court on the docket of the Litigation no later than **January 11, 2027**, or (b) mailed to *both* the Settlement Administrator *and* the Clerk of the Court, at the addresses provided below, postmarked no later than **January 11, 2027**. You may object either on your own or through an attorney hired at your own expense.

If you or your lawyer want to appear at the Final Approval Hearing, you must also file with the Court, no later than **January 11, 2027**, a notice of intention to appear, either in person or through an attorney, that lists the name, address, and telephone number of the person and/or attorney who will appear.

Clerk of the Court	Settlement Administrator
Clerk of the Court Thomas F. Eagleton U.S. Courthouse 111 South 10th Street, Suite 3.300 St. Louis, MO 63102	Colibri Group VPPA Settlement c/o Settlement Administrator P.O. Box 25226 Santa Ana, CA 92799-9958

If you do not submit a timely and valid written objection in the manner described above, you will waive any objection to the Settlement, will not be able to object at the Final Approval Hearing or on appeal, and will be bound by the Settlement and the Court's orders and judgment. By filing an objection, you and your lawyer submit to the jurisdiction of the Court for all purposes, including but not limited to subpoenas and discovery.

17. What is the difference between objecting and excluding?

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 from the Settlement. Excluding yourself from the Settlement is

opting out and stating to the Court that you do not want to be part of the Settlement. If you opt out of the Settlement, you cannot object to it because the Settlement no longer affects you.

The Court's Final Approval Hearing

18. When is the Court's Final Approval Hearing?

The Court will hold a Final Approval Hearing on **February 11, 2027, at 8:30 A.M., Central Time**, in the Thomas F. Eagleton U.S. Courthouse, 111 South 10th Street, St. Louis, MO 63102, before the Honorable Joshua M. Divine, United States District Judge for the Eastern District of Missouri.

At the Final Approval Hearing, the Court will decide whether the Settlement is fair, reasonable, and adequate and should be approved. The Court will also decide whether to approve Class Counsel's request for attorneys' fees and the Plaintiff's request for a Service Award and will consider any objections to the Settlement.

If you are a Class Member who has submitted a timely and valid objection and a notice of intention to appear, you or your lawyer may speak at the hearing at your own cost (***see* Question 16**).

The date, time, and location of this hearing may change without further notice to the Class, and the Court may decide to hold the hearing by video or telephone conference. Please check www.CGVPPAClassActionSettlement.com for any updates.

19. Do I have to come to the Final Approval Hearing?

No. Class Counsel will answer any questions the Court may have. You may attend at your own expense if you wish, but you do not have to.

If you file an objection, you do not have to come to the Final Approval Hearing to talk about it; the Court will consider your objection as long as it was filed or postmarked on time and complies with the requirements described in Question 16. If you want to appear at the hearing, in person or through your own lawyer, you must file a notice of intention to appear as described in Question 16. You may also pay your own lawyer to attend, but you do not have to.

If I Do Nothing

20. What happens if I do nothing at all?

If you do nothing, you will not receive a Cash Award from this Settlement. To receive a Cash Award, you must submit a Claim Form online by 11:59 p.m. Central Time on March 12, 2027, (*see* Question 9).

Unless you exclude yourself from the Class, you will remain a Class Member, you will be bound by the Court's orders and judgment in the Litigation, and you will give up the rights described in **Question 8**.

Getting More Information

21. How do I get more information?

This Notice is a summary of the proposed Settlement. The full Settlement Agreement and other related documents are available at the Settlement Website, www.CGVPPAClassActionSettlement.com.

If you have additional questions, you can ask for free help any time by contacting the Settlement Administrator at:

- Email: info@CGVPPAClassActionSettlement.com
- Call toll free, 24/7: (833) 360-6825
- By mail:

Colibri Group VPPA Settlement
c/o Settlement Administrator
P.O. Box 25226
Santa Ana, CA 92799-9958

You may also write to or e-mail Class Counsel at the addresses provided in **Question 12** above.

You can obtain copies of publicly filed documents by visiting the office of the Clerk of the Court, Thomas F. Eagleton U.S. Courthouse, 111 South 10th Street, Suite 3.300, St. Louis, MO 63102.

PLEASE DO NOT CONTACT THE COURT OR THE CLERK OF COURT REGARDING THIS SETTLEMENT, EXCEPT IF YOU ARE SUBMITTING AN OBJECTION TO THE SETTLEMENT OR A NOTICE OF INTENTION TO APPEAR