

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Norman Zwicky, et al.,
Plaintiffs,

Case No. CV-20-02322-PHX-DJH

v.

Diamond Resorts Management
Incorporated, et al.,
Defendants.

**DECLARATION OF RYAN BAHRY
REGARDING SETTLEMENT ADMINISTRATION**

I, RYAN BAHRY, declare and state as follows:

1. I am a Director at JND Legal Administration (“JND”). JND is a legal administration service provider with its headquarters located in Seattle, Washington. JND has extensive experience with all aspects of legal administration and has administered settlements in hundreds of class action cases.

2. JND is serving as the Settlement Administrator¹ in the above-captioned litigation (“Action”), for the purposes of administering the Settlement Agreement and Release (“Settlement Agreement”), preliminarily approved by the Court in its Order granting Plaintiffs’ Unopposed Renewed Motion for Preliminary Approval of Settlement, Approval of Notice, dated September 5, 2023 (“Order”).

¹ Capitalized terms used and not otherwise defined herein shall have the meanings given such terms in the Settlement Agreement and Release (“Settlement Agreement”).

1 3. This Declaration is based on my personal knowledge and information provided to
2 me by experienced JND employees and, if called on to do so, I could and would testify
3 competently thereto.

4 **CAFA NOTICE**

5 4. In compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715,
6 JND compiled a CD-ROM with the following documents:

- 7 a. Class Action Complaint, filed August 21, 2020;
- 8 b. First Amended Class Action Complaint, filed November 9, 2020;
- 9 c. Second Amended Class Action Complaint, filed January 29, 2021;
- 10 d. Third Amended Class Action Complaint, filed August 13, 2021;
- 11 e. Order (granting Plaintiffs’ Unopposed Motion for Preliminary
12 Certification of Class for Settlement Purposes Only), entered November
13 15, 2022;
- 14 f. Unopposed Renewed Motion for Preliminary Approval of Settlement,
15 Approval of Notice, filed February 15, 2023;
- 16 g. Settlement Agreement and Release, re-filed February 15, 2023;
- 17 h. [Proposed] Postcard Notice, re-filed February 15, 2023;
- 18 i. [Proposed] Email Notice, re-filed February 15, 2023;
- 19 j. [Proposed] Long Form Notice, re-filed February 15, 2023;
- 20 k. [Proposed] Order (approving Unopposed Renewed Motion for
21 Preliminary Approval of Settlement, Approval of Notice), filed February
22 15, 2023; and
- 23 l. Proportionate Share of Class Members by State.

1 5. The CD-ROM was mailed on February 24, 2023, to the appropriate Federal and
2 State officials identified in the attachment with an accompanying cover letter, a copy of which is
3 attached hereto as **Exhibit A**.

4 **CLASS MEMBER DATA**

5 6. On September 29, 2023, JND received the final updated spreadsheet from
6 Defendants containing the names, mailing addresses, e-mail addresses (where available), and the
7 total amount paid in assessments per each year during the Class Period for 26,775 potential
8 Settlement Class Members.

9 7. Prior to sending notices, JND analyzed the raw data for potential duplicates and
10 updated the Settlement Class Member contact information using data from the National Change of
11 Address (“NCOA”) database.² The Settlement Class Member data (comprised of 26,775 unique
12 records) was promptly loaded into a secure database established for this Action.

13 **E-MAIL NOTICE**

14 8. Pursuant to the terms of the Settlement Agreement, on October 5, 2023, JND e-
15 mailed the customized, Court-approved e-mail notice (“E-mail Notice”) to each of the 26,837 valid
16 e-mail addresses associated with Settlement Class Member records (representing 22,842 unique
17 Settlement Class Members with facially valid e-mail addresses; invalid e-mail addresses were not
18 included in the E-mail Notice campaign). A representative sample of the E-mail Notice is attached
19 hereto as **Exhibit B**.

21 ² The NCOA database is the official United States Postal Service (“USPS”) technology product
22 which makes changes of address information available to mailers to help reduce undeliverable
23 mail pieces before mail enters the mail stream. This product is an effective tool to update address
24 changes when a person has completed a change of address form with the USPS. The address
information is maintained on the database for 48 months.

1 9. Of the 26,837 E-mail Notices sent, a total of 23,113 E-mail Notices were delivered
2 successfully (representing 19,750 unique Settlement Class Members). A total of 3,724 attempted
3 E-mail Notices were unsuccessful (representing 3,092 unique Settlement Class Members).

4 **MAILED NOTICE**

5 10. Pursuant to the terms of the Settlement Agreement, on October 5, 2023, JND mailed
6 the Court-approved postcard notice (“Postcard Notice”) via USPS first-class mail to 3,933
7 Settlement Class Members without a valid e-mail address (JND subsequently mailed a Postcard
8 Notice to the 3,092 unique Class Members whose E-Mail Notices were unsuccessful following the
9 E-mail Notice campaign). A representative sample of the Postcard Notice is attached hereto as
10 **Exhibit C**.

11 11. As of the date of this Declaration, JND tracked 1,679 Postcard Notices that were
12 returned to JND as undeliverable. Of these 1,679 undeliverable Postcard Notices, nine (9) were
13 re-mailed to forwarding addresses provided by the USPS. JND conducted advanced address
14 research through TransUnion for the remaining undeliverable Postcard Notices and received
15 updated address information for an additional 579 Class Members. JND promptly re-mailed
16 Postcard Notices to these 579 Class Members (of which 160 were returned to JND as undeliverable
17 and one (1) was re-mailed to a forwarding address provided by the USPS).

18 12. Pursuant to the terms of the Settlement Agreement, JND did not re-mail any further
19 Postcard Notices after December 11, 2023.

20 13. As of the date of this Declaration, 25,615 Class Members were e-mailed or
21 mailed a notice that was not returned as undeliverable, representing 95.7% of total Settlement
22 Class Members.

1 **SETTLEMENT WEBSITE**

2 14. On October 5, 2023, JND established a Settlement Website
3 (www.ZwickyAssessmentSettlement.com), which hosts copies of important case documents,
4 answers to frequently asked questions, and contact information for the Administrator.

5 15. As of the date of this Declaration, the Settlement Website has tracked 1,311 unique
6 users with 2,218 page views. JND will continue to update and maintain the Settlement Website
7 throughout the administration process.

8 **TOLL-FREE INFORMATION LINE**

9 16. On October 5, 2023, JND established a case-specific toll-free number (1-877-871-
10 0328) for Settlement Class Members to call to obtain information regarding the Settlement.
11 Callers have the option to listen to the Interactive Voice Response (“IVR”) system, or to speak
12 with a live agent. The toll-free number is accessible 24 hours a day, seven days a week.

13 17. As of the date of this Declaration, the toll-free number has received 58 incoming
14 calls. JND will continue to maintain the toll-free number throughout the settlement
15 administration process.

16 **REQUESTS FOR EXCLUSION**

17 18. The Notices informed recipients that any Class Member who wished to exclude
18 themselves from the proposed Settlement (“opt-out”) must do so by mailing an exclusion letter to
19 the Settlement Administrator, postmarked on or before December 26, 2023.

20 19. As of the date of this Declaration, JND has received three (3) timely exclusion
21 requests from Class Members B. Kempcke (Blair, NE), R. Miller (Springfield, OH), and A.
22 Shanahan (Riverside, CA).

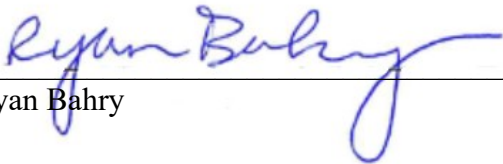
OBJECTIONS

20. The Notices informed recipients that any Class Member who wished to object to the proposed Settlement could do so by filing a written objection with the Court, postmarked on or before December 26, 2023.

21. As of the date of this Declaration, JND has not received, and is not aware of, any objections.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed December 18, 2023 in Seattle, Washington.



Ryan Bahry

EXHIBIT A



February 24, 2023

United States Attorney General
and the Appropriate State Officials
Identified on Attachment A

RE: CAFA Notice of Proposed Class Action Settlement

Dear Sir or Madam:

This Notice is being provided to you in accordance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715 on behalf of Diamond Resorts International, Inc., *et al.*, the defendant in the below-referenced class action (“the Action”). The Unopposed Renewed Motion for Preliminary Approval of Settlement, Approval of Notice was filed with the Court on February 15, 2023. As of the date of this Notice, the Court has not scheduled an approval hearing.

Case Name:	<i>Norman Zwicky, et al. v. Diamond Resorts International, Inc., et al.</i>
Case Number:	2:20-CV-02322-PHX-DJH
Jurisdiction:	United States District Court, District of Arizona
Date Settlement filed with Court:	February 15, 2023

Copies of all materials filed in the above-named Action are electronically available on the Court’s Pacer website found at <https://pcl.uscourts.gov>. Additionally, in compliance with 28 U.S.C. § 1715 (b), the enclosed CD-ROM contains the following documents filed in the Action:

01 - Complaint.pdf

Class Action Complaint filed on August 21, 2020.

02 - First Amended Complaint.pdf

First Amended Class Action Complaint filed on November 9, 2020.

03 - Second Amended Complaint.pdf

Second Amended Class Action Complaint filed on January 29, 2021.

04 - Third Amended Class Action Complaint.pdf

Third Amended Class Action Complaint filed on August 13, 2021.

05 - Order Certifying the Class.pdf

Order (granting Plaintiffs’ Unopposed Motion for Preliminary Certification of Class for Settlement Purposes Only) entered on November 15, 2022.

06 - Renewed Motion for Preliminary Approval.pdf

Unopposed Renewed Motion for Preliminary Approval of Settlement, Approval of Notice filed on February 15, 2023.

07 - Settlement Agreement.pdf

Settlement Agreement and Release re-filed on February 15, 2023.

08 - Postcard Notice.pdf

[Proposed] Postcard Notice re-filed on February 15, 2023.

09 - Email Notice.pdf

[Proposed] Email Notice re-filed on February 15, 2023.

10 - Long Form Notice.pdf

[Proposed] Long Form Notice re-filed on February 15, 2023.

11 - Preliminary Approval Order.pdf

[Proposed] Order (approving Unopposed Renewed Motion for Preliminary Approval of Settlement, Approval of Notice) filed on February 15, 2023.

Pursuant to 28 U.S.C. § 1715 (b)(7), the CD also contains the following additional document containing a breakdown detailing the proportionate share of class members who reside in each state. It is not feasible at this time to provide a list of the names of class members who reside in each state due to confidentiality concerns.

12 - Proportionate Share of Class Members by State.pdf

There are no other settlements or agreements made between Counsel for the parties related to the class defined in the proposed settlement, and as of the date of this Notice, no Final Judgment or notice of dismissal has been entered in this case.

If you have any questions regarding the details of the case and settlement, please contact Defense Counsel's representatives at:

Julie Singer Brady
Brandon Crossland
Baker & Hostetler, LLP
200 South Orange Avenue
Orlando, Florida 32801
Phone: (407) 649-4000

For questions regarding this notice, please contact us at:

JND Class Action Administration
1100 2nd Ave, Suite 300
Seattle, WA 98101
Phone: 800-207-7160

Regards,

JND Legal Administration

Enclosures

CAFA Notice - Attachment A - Service List

Treg R. Taylor
Office of the Attorney General
1031 W 4th Ave
Ste 200
Anchorage, AK 99501

Steve Marshall
Attorney General's Office
501 Washington Ave
Montgomery, AL 36104

Tim Griffin
Office of the Attorney General
323 Center St
Ste 200
Little Rock, AR 72201

Kris Mayes
Office of the Attorney General
2005 N Central Ave
Phoenix, AZ 85004

CAFA Coordinator
Office of the Attorney General
Consumer Protection Section
455 Golden Gate Ave., Ste 11000
San Francisco, CA 94102

Phil Weiser
Office of the Attorney General
Ralph L. Carr Judicial Building
1300 Broadway, 10th Fl
Denver, CO 80203

William Tong
Office of the Attorney General
165 Capitol Ave
Hartford, CT 06106

Kathy Jennings
Delaware Department of Justice
Carvel State Office Building
820 N French Street
Wilmington, DE 19801

Ashley Moody
Office of the Attorney General
State of Florida
PL-01 The Capitol
Tallahassee, FL 32399

Chris Carr
Office of the Attorney General
40 Capitol Sq SW
Atlanta, GA 30334

Anne E. Lopez
Department of the Attorney General
425 Queen Street
Honolulu, HI 96813

Brenna Bird
Office of the Attorney General
Hoover State Office Building
1305 E. Walnut Street Rm 109
Des Moines, IA 50319

Raúl R. Labrador
Office of the Attorney General
700 W. Jefferson St, Suite 210
Boise, ID 83720

Kwame Raoul
Office of the Attorney General
James R. Thompson Center
100 W. Randolph St
Chicago, IL 60601

CAFA Notice - Attachment A - Service List

Todd Rokita
Office of the Attorney General
Indiana Government Center South
302 W Washington St 5th Fl
Indianapolis, IN 46204

Kris W. Kobach
Office of the Attorney General
120 SW 10th Ave
2nd Fl
Topeka, KS 66612

Daniel Cameron
Office of the Attorney General
Capitol Building
700 Capitol Ave Ste 118
Frankfort, KY 40601

Jeff Landry
Office of the Attorney General
1885 N. Third St
Baton Rouge, LA 70802

CAFA Coordinator
General Counsel's Office
Office of Attorney General
One Ashburton Pl, 20th Floor
Boston, MA 02108

Anthony G. Brown
Office of the Attorney General
200 St. Paul Pl
Baltimore, MD 21202

Aaron Frey
Office of the Attorney General
6 State House Station
Augusta, ME 04333

Dana Nessel
Department of Attorney General
G. Mennen Williams Building, 7th Fl
525 W Ottawa St
Lansing, MI 48933

Keith Ellison
Office of the Attorney General
445 Minnesota St
Suite 1400
St. Paul, MN 55101

Andrew Bailey
Attorney General's Office
Supreme Court Building
207 W High St
Jefferson City, MO 65101

Lynn Fitch
Office of the Attorney General
Walter Sillers Building
550 High St Ste 1200
Jackson, MS 39201

Austin Knudsen
Office of the Attorney General
Justice Building, Third Fl
215 N. Sanders
Helena, MT 59601

Josh Stein
Attorney General's Office
114 W Edenton St
Raleigh, NC 27603

Drew H. Wrigley
Office of the Attorney General
State Capitol, 600 E Boulevard Ave
Dept. 125
Bismarck, ND 58505

CAFA Notice - Attachment A - Service List

Mike Hilgers
Attorney General's Office
2115 State Capitol
Lincoln, NE 68509

John Formella
Office of the Attorney General
NH Department of Justice
33 Capitol St.
Concord, NH 03301

Matthew J. Platkin
Office of the Attorney General
Richard J. Hughes Justice Complex
25 Market St 8th Fl, West Wing
Trenton, NJ 08611

Raúl Torrez
Office of the Attorney General
Villagra Building
408 Galisteo Street
Santa Fe, NM 87501

Aaron Ford
Office of the Attorney General
Old Supreme Court Building
100 N Carson St
Carson City, NV 89701

CAFA Coordinator
Office of the Attorney General
28 Liberty St
15th Fl
New York, NY 10005

Dave Yost
Attorney General's Office
State Office Tower
30 E Broad St 14th Fl
Columbus, OH 43215

Gentner Drummond
Office of the Attorney General
313 NE 21st St
Oklahoma City, OK 73105

Ellen F. Rosenblum
Oregon Department of Justice
Justice Building
1162 Court St NE
Salem, OR 97301

Michelle Henry
PA Office of the Attorney General
Strawberry Square 16th Fl
Harrisburg, PA 17120

Peter F. Neronha
Office of the Attorney General
150 S Main St
Providence, RI 02903

Alan Wilson
Office of the Attorney General
Rembert C. Dennis Bldg
1000 Assembly St Rm 519
Columbia, SC 29201

Marty Jackley
Office of the Attorney General
1302 E Highway 14
Ste 1
Pierre, SD 57501

Jonathan Skrmetti
Office of the Attorney General
500 Dr Martin L King Jr Blvd
Nashville, TN 37219

CAFA Notice - Attachment A - Service List

Ken Paxton
Office of the Attorney General
300 W. 15th St
Austin, TX 78701

Sean D. Reyes
Office of the Attorney General
Utah State Capitol Complex
350 North State St Ste 230
Salt Lake City, UT 84114

Jason S. Miyares
Office of the Attorney General
202 N. Ninth St.
Richmond, VA 23219

Charity R. Clark
Attorney General's Office
109 State St.
Montpelier, VT 05609

Bob Ferguson
Office of the Attorney General
1125 Washington St SE
Olympia, WA 98501

Josh Kaul
Attorney General's Office
P.O. Box 7857
Madison, WI 53707

Patrick Morrissey
Office of The Attorney General
State Capitol, 1900 Kanawha Blvd E
Building 1 Rm E-26
Charleston, WV 25305

Bridget Hill
Office of the Attorney General
109 State Capitol
200 W 24th St
Cheyenne, WY 82002

Brian Schwalb
Office of the Attorney General
400 6th St NW
Washington, DC 20001

Merrick Garland
Office of the U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530

Fainu'ulelei Falefatu Ala'ilima-Utu
Department of Legal Affairs
Exec Ofc Bldg, 3rd Fl
P.O. Box 7
Utulei, AS 96799

Leevin Taitano Camacho
Office of the Attorney General
Administration Division
590 S Marine Corps Dr, Suite 901
Tamuning, GU 96913

Edward Manibusan
Office of the Attorney General
Administration Building
P.O. Box 10007
Saipan, MP 96950

Domingo Emanuelli Hernández
Dpto. de Justicia de Puerto Rico
Calle Teniente César González 677
Esq. Ave. Jesús T. Piñero
San Juan, PR 00918

CAFA Notice - Attachment A - Service List

Carol Thomas-Jacobs
Office of the Attorney General
3438 Kronprindsens Gade
GERS Building 2nd Fl
St. Thomas, VI 00802

Joses R. Gallen
Department of Justice
P.O. Box PS-105
Palikir
Pohnpei State, FM 96941

Richard Hickson, Attorney General
C/O Marshall Islands Embassy
2433 Massachusetts Ave NW
Washington, DC 20008

Ernestine K. Rengiil
Office of the Attorney General
P.O. Box 1365
Koror, PW 96940

EXHIBIT B

To: [Class Member Email Address]

From: Jennifer@ZwickyAssessmentSettlement.com

Subject: Notice of Premiere Vacation Collection Owners Association Settlement

Unique ID: XXXXXX

Dear [NAME],

If you owned Points in the Premiere Vacation Collection Owners Association, Inc. between 2011 and 2022, you may benefit from a class action settlement

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

Why did I receive this Notice?

You received this Notice because you have the right to know about your rights and options in a proposed settlement that has been reached in a class action lawsuit entitled *Zwicky et al. v. Diamond Resorts International, Inc. et al.*, Case No. 2:20-CV-02322-PHX-DJH, in the United States District Court, District of Arizona (the “Settlement”).

What is the lawsuit about?

Plaintiffs Norman Zwicky, George Abarca, Vikki Osborn, and Elizabeth Stryks-Shaw allege that defendants misrepresented how much they would have to pay in annual fees (also called “Assessments”) for timeshare interests they purchased.

Defendants denied all allegations and asserted numerous defenses. Some of the defendants’ defenses were resolved by the Court, resulting in the dismissal of certain defendants. The remaining defendants are Diamond Resorts International, Inc. (“DRI”), Diamond Resorts Management, Inc. (“DRM”), Troy Magdos and Kathy Wheeler (collectively “the Defendants”).

The Court has not decided who is right or wrong. Instead, Plaintiffs and Defendants agreed to a Settlement to avoid the cost, risk, and delay of litigation, and the uncertainty of trial. Defendants continue to maintain they did nothing wrong.

Who is affected?

If you are a current or former member of the Premiere Vacation Collection Owners Association, Inc. (the “Association”) who was assessed Assessments for any Calendar year(s) from 2011 through and including 2022 (the “Class Period”), you are a Class Member. Records indicate that you may be a Class Member.

What does the Settlement provide?

Subject to Court approval, the Settlement provides for the establishment of a Settlement Fund of **\$13,000,000.00** to pay Settlement Class Member Payments, Settlement Administration Costs, any attorneys’ fees and litigation expenses awarded by the Court (25% of the Settlement Amount, a total of \$3,250,000.00), Service Awards ordered by the Court (\$10,000 to Plaintiff Zwicky and \$1,500 each to the remaining three Plaintiffs), and any *cy pres* payment due under the Settlement. The amount of payment to Class Members who **do not exclude** themselves will depend on the number of Points owned in the Association during the Class Period and how many Class Members elect to be excluded from the Class. You do not need to submit anything to receive a Settlement Class Member Payment. To make sure that you receive your cash benefits at your

current address, log into your Diamond Resorts account at <https://loginso.diamondresorts.com> and verify your contact information.

Defendants have also agreed to adopt certain standards governing future dealings with the Association and its Members. These non-monetary benefits will benefit all current members of the Association, even those members who chose to exclude themselves from the Settlement.

What do I give up in the Settlement?

If the Court approves the Settlement, and you **do not exclude** yourself from the Settlement (“opt-out”), you will release all persons from all claims relating in any way to improper or excessive assessments and fees charged to you by the Association, Defendants, or any related persons or companies.

What are my rights and options?

As a Class Member, you have a choice to do nothing, exclude yourself, or object to the Settlement.

1. **Do Nothing:** If you do nothing, you will receive a cash payment and non-cash benefits. However, you will also be bound by the terms of the Settlement and Final Judgment.
2. **Exclude Yourself:** If you exclude yourself from the Class, you will **not** receive a cash benefit; although, if you are still a member of the Association, you will receive the non-monetary benefits raised above, but you will be able to sue Defendants, the Association and certain other individuals or entities through your own attorney for the claims that this Settlement resolves.
3. **Object to the Settlement:** If you stay in the Class, you may tell the Court what you don’t like about the Settlement.

Go to www.ZwickyAssessmentSettlement.com for details on how to exclude yourself or object to the Settlement. All exclusions and objections must be postmarked by **December 26, 2023**.

The Final Approval Hearing

The Court will hold a hearing on **February 8, 2024 at 10:00 a.m. MST** at the United States District Court for the District of Arizona, Sandra Day O’Connor U.S. Courthouse, 401 West Washington Street, Courtroom 605, Phoenix, AZ 85003, to determine whether the proposed Settlement is fair, reasonable, and adequate and in the best interests of the Class, and to determine the appropriate amount of compensation for Class Counsel and Service Awards to the Class Representatives (if any). The Court will also consider any objections to the Settlement. The Court has named the law firm of Phelps & Moore, PLC, and counsel Edward L. Barry to represent the Class as Class Counsel. You may attend the hearing if you wish, but are not required to do so. If you chose to hire your own lawyer to represent you at the hearing, he or she must file an appearance in this case by December 26, 2023.

Questions?

This Notice is only a summary. For more information, visit www.ZwickyAssessmentSettlement.com or contact Class Counsel at:

Phelps & Moore, PLC
6424 East Greenway Parkway, Suite 100
Scottsdale, Arizona 85254
(480) 534-1400
driclass@phelpsandmoore.com

Edward L. Barry
2120 Company Street, Third Floor
Christiansted, Virgin Islands 00820
(340) 719-0601
class.matters.2022@gmail.com

PLEASE DO NOT CONTACT THE COURT.

To unsubscribe from this list, please click on the following link: [Unsubscribe](#)

EXHIBIT C

Legal Notice

**If you owned Points in the
Premiere Vacation Collection
Owners Association, Inc.
between 2011 and 2022,
you may benefit from a
class action settlement**

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

You are not being sued.

You received this Notice because you have the right to know about your rights and options in a proposed settlement that has been reached in a class action lawsuit entitled *Zwicky et al. v. Diamond Resorts International, Inc. et al.*, Case No. 2:20-CV-02322-PHX-DJH, in the United States District Court, District of Arizona (the "Settlement").

Zwicky Assessment Settlement
c/o JND Legal Administration
P.O. Box 91345
Seattle, WA 98111



Unique ID: XXXXXX

Postal Service: Please do not mark barcode

NAME
ADDRESS 1
ADDRESS 2
CITY, STATE, ZIP
COUNTRY

What is this about? Plaintiffs Norman Zwicky, George Abarca, Vikki Osborn, and Elizabeth Stryks-Shaw allege that defendants misrepresented how much they would have to pay in annual fees (also called "Assessments") for timeshare interests they purchased. Defendants denied all allegations and asserted numerous defenses. Some of the defendants' defenses were resolved by the Court, resulting in the dismissal of certain defendants. The remaining defendants are Diamond Resorts International, Inc. ("DRI"), Diamond Resorts Management, Inc. ("DRM"), Troy Magdos and Kathy Wheeler (collectively "the Defendants"). The Court has not decided who is right or wrong. Instead, Plaintiffs and Defendants agreed to a Settlement to avoid the cost, risk, and delay of litigation, and the uncertainty of trial. Defendants continue to maintain they did nothing wrong.

Who is affected? If you are a current or former member of the Premiere Vacation Collection Owners Association, Inc. (the "Association") who was assessed Assessments for any Calendar year(s) from 2011 through and including 2022 (the "Class Period"), you are a Class Member. Records indicate that you may be a Class Member.

What does the Settlement provide? Subject to Court approval, the Settlement provides for the establishment of a Settlement Fund of \$13,000,000.00 to pay Settlement Class Member Payments, Settlement Administration Costs, any attorneys' fees and litigation expenses awarded by the Court (25% of the Settlement Amount, a total of \$3,250,000.00), Service Awards ordered by the Court (\$10,000 to Plaintiff Zwicky and \$1,500 each to the remaining three Plaintiffs), and any *cy pres* payment due under the Settlement. The amount of payment to Class Members who **do not exclude** themselves will depend on the number of Points owned in the Association during the Class Period and how many Class Members elect to be excluded from the Class. You do not need to submit anything to receive a Settlement Class Member Payment. To make sure that you receive your cash benefits at your current address, log into your Diamond Resorts account at loginso.diamondresorts.com and verify your contact information.

Defendants have also agreed to adopt certain standards governing future dealings with the Association and its Members. These non-monetary benefits will benefit all current members of the Association, even those members who chose to exclude themselves from the Settlement.

Your rights and options. As a Class Member, you may do nothing, exclude yourself or object to the Settlement.

Do Nothing. If you do nothing, you will receive a cash payment and non-cash benefits. However, you will also be bound by the terms of the Settlement and Final Judgment. If the Court approves the Settlement, and you **do not exclude** yourself from the Settlement, you will release all persons from all claims relating in any way to improper or excessive assessments and fees charged to you by the Association, Defendants, or any related persons or companies.

Exclude Yourself. If you exclude yourself from the Class, you will not receive a cash benefit; although, if you are still a member of the Association, you will receive the non-monetary benefits raised above, but you will be able to sue Defendants, the Association and certain other individuals or entities through your own attorney for the claims that this Settlement resolves.

Object. If you stay in the Class, you may tell the Court what you don't like about the Settlement.

Go to www.ZwickyAssessmentSettlement.com for details on how to exclude yourself or object to the Settlement. All exclusions and objections must be postmarked by **December 26, 2023**.

The Final Approval Hearing. The Court will hold a hearing on **February 8, 2024 at 10:00 a.m. MST** at the United States District Court for the District of Arizona, Sandra Day O'Connor U.S. Courthouse, 401 West Washington Street, Courtroom 605, Phoenix, AZ 85003, to determine whether the proposed Settlement is fair, reasonable, and adequate and in the best interests of the Class, and to determine the appropriate amount of compensation for Class Counsel and Service Awards to the Class Representatives (if any). The Court will also consider any objections to the Settlement. The Court has named the law firm of Phelps & Moore, PLC, and counsel Edward L. Barry to represent the Class as Class Counsel. You may attend the hearing if you wish, but are not required to do so. If you chose to hire your own lawyer to represent you at the hearing, he or she must file an appearance in this case by December 26, 2023.

Questions? For more information, visit www.ZwickyAssessmentSettlement.com or contact Class Counsel at:

Phelps & Moore, PLC
6424 East Greenway Parkway, Suite 100
Scottsdale, Arizona 85254
(480) 534-1400
driclass@phelpsandmoore.com

Edward L. Barry
2120 Company Street, Third Floor
Christiansted, Virgin Islands 00820
(340) 719-0601
class.matters.2022@gmail.com

Please do not contact the Court.

Carefully separate this Address Change Form at the perforation

Name: _____

Current Address: _____



Zwicky Assessment Settlement
c/o JND Legal Administration
P.O. Box 91345
Seattle, WA 98111