

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

COLIN LATEANO, individually and on  
behalf of others similarly situated,

Plaintiff,

v.

CHICAGO CUBS BASEBALL CLUB,  
LLC,

Defendant.

Case No. 1:23-cv-02757

Honorable Joan B. Gottschall

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**DEFENDANT CHICAGO CUBS BASEBALL CLUB, LLC'S NOTICE OF  
COMPLIANCE WITH THE CLASS ACTION FAIRNESS ACT**

Defendant Chicago Cubs Baseball Club, LLC hereby gives notice that it has complied with the requirements of the Class Action Fairness Act ("CAFA") contained in 28 U.S.C. § 1715(b) by serving, via certified mail postmarked December 21, 2023, the Attorney General of the United States and the Attorneys General of each of the States and United States jurisdictions where members of the Settlement Class are believed to reside with the notice and documents required under CAFA as set forth in 28 U.S.C. § 1715(b)(1)–(8). *See* Declaration of Alan E. Littmann attached hereto.

Dated: December 29, 2023

Respectfully submitted,

By: /s/ Alan E. Littmann

Alan E. Littmann (IL 6283389)

Sarah Kinter (IL 6332919)

GOLDMAN ISMAIL TOMASELLI

BRENNAN & BAUM LLP

200 South Wacker Drive

22nd Floor

Chicago, IL 60606

(312) 681-6000

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*Counsel for Defendant  
Chicago Cubs Baseball Club, LLC*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
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v.

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LLC,

Defendant.

Case No. 1:23-cv-02757

Honorable Joan B. Gottschall

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**DECLARATION OF ALAN E. LITTMANN**

I, Alan E. Littmann, state that I have personal knowledge of the facts set forth herein, that I am competent to testify and if called to testify would state as follows:

1. I am a Partner at the law firm of Goldman Ismail Tomaselli Brennan & Baum LLP. I represent Defendant Chicago Cubs Baseball Club, LLC in this matter.

2. On December 21, 2023, I caused notice of the proposed settlement in this case to be sent to the Attorney General of the United States and the attorneys general of the states and United States jurisdictions in which class members reside or may reside. I caused these notices to be sent pursuant to Paragraph 3.1.4 of the Agreement of Settlement and in accordance with the Class Action Fairness Act of 2005, 28 U.S.C. § 1715(b). Working at my direction, Tiffany Steele and Sam Stopher, employees of Goldman Ismail Tomaselli Brennan & Baum LLP, sent the CAFA notices to the attorneys general via U.S.P.S. Certified Priority Mail. A list of the recipients of the CAFA notices, including the tracking numbers for each notice sent, is attached hereto as Exhibit A.

3. Attached as Exhibit B is a true and correct copy of the letter I caused to be sent to the United States Attorney General. The attachments to the letter in Exhibit B have been excluded due to volume, but can be provided to the Court upon request.

4. Attached as Exhibit C is a true and correct copy of the letter I caused to be sent to the Attorney General of Alabama; identical letters were sent to the attorneys general of the other states and United States jurisdictions listed in Exhibit A. The attachments to the letter in Exhibit C have been excluded due to volume, but can be provided to the Court upon request.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 29, 2023, in Chicago, Illinois.

/s/ Alan E. Littmann

Alan E. Littmann

# ***EXHIBIT A***

**LIST OF RECIPIENTS**

<b>JURISDICTION</b>	<b>ADDRESS</b>	<b>TRACKING NUMBER</b>
Alabama	Mr. Steve Marshall 501 Washington Avenue Montgomery AL 36104	70201810000133097044
Alaska	Attorney General Treg Taylor 1031 West 4th Avenue, Suite 200 Anchorage AK 99501	70201810000133097037
Arizona	Ms. Kris Mayes 2005 N Central Avenue Phoenix AZ 85004	70201810000133097051
Arkansas	Mr. Tim Griffin 323 Center Street Suite 200 Little Rock AR 72201	70201810000133097136
California	CAFA Coordinator Office of the Attorney General Consumer Protection Section 455 Golden Gate Ave., Suite 11000 San Francisco CA 94102	9589071052700121225716
Colorado	Mr. Phil Weiser Office of the Attorney General Colorado Department of Law Ralph L. Carr Judicial Building 1300 Broadway, 10th Floor Denver CO 80203	70210950000053168168
Connecticut	Mr. William Tong Office of the Attorney General 165 Capitol Avenue Hartford CT 06106  And VIA E-Mail to: AG.CAFA@CT.GOV	70210950000053168175
Delaware	Ms. Kathy Jennings Delaware Department of Justice Carvel State Building 820 N. French St. Wilmington DE 19801	70210950000053168182
Florida	The Honorable Ashley Moody Office of the Attorney General The Capitol PL-01 Tallahassee FL 32399	70210950000053168199

<b>JURISDICTION</b>	<b>ADDRESS</b>	<b>TRACKING NUMBER</b>
Georgia	Mr. Chris Carr 47 Trinity Avenue SW Atlanta GA 30334	70210950000053168205
Hawaii	Ms. Anne E. Lopez Department of the Attorney General 425 Queen Street Honolulu HI 96813	70210950000053168212
Idaho	Mr. Raúl Labrador Office of the Attorney General State of Idaho 700 W. Jefferson Street, 2nd Floor, Suite 210 P.O. Box 83720 Boise ID 83720	70210950000053168229
Illinois	Mr. Kwame Raoul Office of the Attorney General 115 S. LaSalle St Chicago IL 60603	70201810000133098607
Indiana	Mr. Todd Rokita Office of the Indiana Attorney General Indiana Government Center South 302 W. Washington St., 5th Floor Indianapolis IN 46204	70201810000133098614
Iowa	Ms. Brenna Bird Office of the Attorney General of Iowa Hoover State Office Building 1305 E. Walnut Street Des Moines IA 50319	70201810000133098621
Kansas	Kansas Attorney General Kris W. Kobach ATTN: CAFA Coordinator 120 SW 10th Ave., 2nd Floor Topeka KS 66612	70201810000133098638
Kentucky	Attorney General Daniel Cameron Capitol Building 700 Capital Avenue, Suite 118 Frankfort KY 40601	70201810000133098645
Louisiana	Mr. Jeff Landry P.O. Box 94005 Baton Rouge LA 70804	70201810000133098652
Maine	Mr. Aaron Frey 6 State House Station Augusta ME 04333	70201810000133098669

<b>JURISDICTION</b>	<b>ADDRESS</b>	<b>TRACKING NUMBER</b>
Maryland	Mr. Anthony Brown 200 St. Paul Place Consumer Protection 16th Floor Baltimore MD 21202	70201810000133098676
Massachusetts	Office of Massachusetts Attorney General Andrea Joy Campbell ATTN: CAFA Coordinator/General Counsel's Office One Ashburton Place 20th Floor Boston MA 02108	70210950000053054478
Michigan	Ms. Dana Nessel G. Mennen Williams Building 525 W. Ottawa Street P.O. Box 30212 Lansing MI 48909	70210950000053054485
Minnesota	Office of Minnesota Attorney General Keith Ellison 445 Minnesota Street, Suite 1400 St. Paul MN 55101	70210950000053054492
Mississippi	Ms. Lynn Fitch P.O. Box 220 Jackson MS 39205	70210950000053054508
Missouri	Mr. Andrew Bailey Missouri Attorney General's Office ATTN: CAFA Coordinator P.O. Box 899 Jefferson City MO 65102	70220410000326589740
Montana	Mr. Austin Knudsen Office of the Attorney General Justice Building, Third Floor 215 North Sanders P.O. Box 201401 Helena MT 59620	70210950000053163545
Nebraska	Mr. Mike Hilgers Nebraska Attorney General's Office 2115 State Capitol PO Box 98920 Lincoln NE 68509	70220410000326589481
Nevada	Mr. Aaron Ford Office of the Attorney General 100 North Carson Street Carson City NV 89701	70201810000133089827



<b>JURISDICTION</b>	<b>ADDRESS</b>	<b>TRACKING NUMBER</b>
New Hampshire	Mr. John Formella NH Department of Justice 1 Granite Place South Concord NH 03301	70201810000133089759
New Jersey	Mr. Matthew Platkin Office of The Attorney General 25 Market Street, P.O. Box 080 3rd Floor West Wing Trenton NJ 08625	70201810000133089766
New Mexico	Mr. Raúl Torrez 201 3rd St. NW Suite 300 Albuquerque NM 87102	9589071052700121522761
New York	CAFA Coordinator Office of the New York State Attorney General 28 Liberty Street, 15th Floor New York NY 10005  And VIA E-Mail to: CAFA.Notices@ag.ny.gov	70220410000326589962
North Carolina	Mr. Josh Stein Department of Justice 9001 Mail Service Center Raleigh NC 27699	70201810000133098751
North Dakota	Mr. Drew Wrigley Office of Attorney General Consumer Protection Division 1720 Burlington Drive, Suite C Bismarck ND 58504	70201810000133098744
Ohio	Mr. Dave Yost 30 E. Broad St. 14th Floor Columbus OH 43215	70201810000133098737
Oklahoma	Mr. Gentner Drummond Oklahoma Office of the Oklahoma Attorney General 313 NE 21st Street Oklahoma City OK 73105	70201810000133098720
Oregon	The Honorable Ellen Rosenblum Oregon Department of Justice 1162 Court St. NE Salem OR 97301	70201810000133098713

<b>JURISDICTION</b>	<b>ADDRESS</b>	<b>TRACKING NUMBER</b>
Pennsylvania	Ms. Michelle Henry PA Office of Attorney General / Press Office 16th Floor, Strawberry Square Harrisburg PA 17120  And VIA E-Mail to: jabel@attorneygeneral.gov; jlamay@attorneygeneral.gov	70201810000133098706
Rhode Island	Mr. Peter Neronha RI Office of the Attorney General 150 South Main Street Providence RI 02903	70201810000133098690
South Carolina	The Honorable Alan Wilson P.O. Box 11549 Columbia SC 29211	70201810000133098683
South Dakota	Mr. Marty Jackley Office of the Attorney General 1302 E Hwy 14 Suite 3 Pierre SD 57501	70201810000133089803
Tennessee	Mr. Jonathan Skrmetti Office of the Attorney General and Reporter P.O. Box 20207 Nashville TN 37202	70201810000133089797
Texas	Mr. Ken Paxton Office of the Attorney General P.O. Box 12548 Austin TX 78711	70182290000058030960
Utah	Mr. Sean Reyes Office of the Attorney General P.O. Box 142320 Salt Lake City UT 84114	70182290000058030953
Vermont	Ms. Charity Clark 109 State St. Montpelier VT 05609	70182290000058030939
Virginia	Mr. Jason Miyares Office of the Attorney General 202 North Ninth Street Richmond VA 23219	70182290000058030922
Washington	Mr. Bob Ferguson 1125 Washington St. SE P.O. Box 40100 Olympia WA 98504	70182290000058030915

<b>JURISDICTION</b>	<b>ADDRESS</b>	<b>TRACKING NUMBER</b>
West Virginia	Mr. Patrick Morrissey State Capitol Complex, Bldg. 1, Rm E-26 1900 Kanawha Blvd. E Charleston WV 25305	70182290000058030885
Wisconsin	Mr. Josh Kaul Wisconsin Department of Justice P.O. Box 7857 Madison WI 53707	70182290000058030878
Wyoming	Ms. Bridget Hill 109 State Capitol 200 W. 24th Street Cheyenne WY 82002	70182290000058030861
Washington, D.C.	Mr. Brian Schwalb 400 6th Street NW Washington, D.C. 20001	70182290000058030854
Puerto Rico	Mr. Domingo Emanuelli Hernández PO Box 9020192 San Juan PR 00902	70182290000058030847
United States Attorney General	The Honorable Merrick Garland Attorney General of the United States United States Department of Justice 950 Pennsylvania Avenue Washington, D.C. 20530-0001	70182290000058030830

# ***EXHIBIT B***



Alan Littmann  
312.881.5969  
alittmann@goldmanismail.com

December 20, 2023

**VIA CERTIFIED MAIL**

The Honorable Merrick Garland  
Attorney General of the United States  
United States Department of Justice  
950 Pennsylvania Avenue  
Washington, D.C. 20530-0001

Re: Notice of Proposed Settlement pursuant to 28 U.S.C. § 1715  
*Lateano v. Chicago Cubs Baseball Club, LLC*, Case No. 1:23-cv-02757 (N.D. Ill.)

Dear Judge Garland,

I am writing on behalf of my client Chicago Cubs Baseball Club, LLC (“Chicago Cubs Baseball” or “Defendant”), to advise your office of a proposed class action settlement in the above-referenced case. Under the Class Action Fairness Act of 2005 (“CAFA”), each defendant participating in a proposed class action settlement is required to serve a notice on the Attorney General of the United States and the appropriate state official of each state in which a settlement class member resides. See 28 U.S.C. § 1715(b). I am providing this notice to you in compliance with 28 U.S.C. § 1715.

**BACKGROUND**

Plaintiff filed the above-captioned putative class action on May 2, 2023, alleging that Chicago Cubs Baseball violated the Telephone Consumer Protection Act, 47 U.S.C. § 227(c), and implementing regulations at 47 C.F.R. § 64.1200(d), by sending Plaintiff marketing text messages after Plaintiff had attempted to unsubscribe. Plaintiff sought to represent a class of similarly situated individuals who also received allegedly unwanted texts from Chicago Cubs Baseball after opting out. The alleged class was limited to individuals who received allegedly unwanted text messages during the four years prior to the filing of Plaintiff’s Complaint.

Chicago Cubs Baseball answered the Complaint on June 23, asserting numerous affirmative defenses—among them that Plaintiff’s claims are subject to a binding arbitration provision to which Plaintiff agreed when he first subscribed to receive marketing text messages from Chicago Cubs Baseball. After exchanging arbitration-related discovery on September 26, the parties participated in a private mediation with the Honorable Judge Rakowski (Ret.) of JAMS on October 12, 2023. The Parties reached a settlement in principle at the mediation.

On December 14, Plaintiff filed a Motion for Preliminary Approval of the class settlement, attaching as an exhibit to the Motion the parties’ negotiated Class Settlement Agreement (the “Settlement Agreement”).

December 20, 2023  
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### COMPLIANCE WITH 28 U.S.C. § 1715

Subsection 1715(b) lists eight items that must be provided in connection with any proposed class action settlement. Each of these items is addressed below.

#### *1. Complaint and Related Materials (28 U.S.C. § 1715(b)(1))*

Enclosed as Attachment A is a copy of Plaintiff's complaint, filed May 2, 2023.

#### *2. Notice of Any Scheduled Judicial Hearing (28 U.S.C. § 1715(b)(2))*

On December 14, Plaintiff filed a Motion for Preliminary Approval of Proposed Class Action Settlement. A copy of that motion is enclosed as Attachment B. An executed copy of the Settlement Agreement was attached to Plaintiff's Motion for Preliminary Approval. The Court has not yet scheduled a preliminary approval hearing.

#### *3. Proposed Notification to Class Members (28 U.S.C. § 1715(b)(3))*

As set forth in Paragraph 4 below, the proposed notice to be provided to the class members is included as Exhibits 1 and 2 to the Settlement Agreement, which is attached to Plaintiff's Motion for Preliminary Approval (Attachment B) as Appendix A. This notice will be sent to either:

- (i) the mailing address associated with each class member within Defendant's internal records;
- (ii) where Defendant's internal records do not have a mailing address, a mailing address obtained by the Settlement Administrator using a reverse search of the class member's mobile number; or
- (iii) where a mailing address cannot be obtained, to the email address associated with the class member within Defendant's internal records.

#### *4. Proposed Class Action Settlement (28 U.S.C. § 1715(b)(4))*

A copy of the executed Settlement Agreement between the parties is attached to Plaintiff's Motion for Preliminary Approval (Attachment B) as Appendix A. The Settlement Agreement includes the following exhibits:

- Exhibit 1 – Postcard Notice
- Exhibit 2 – Email/Website Notice
- Exhibit 3 – Proposed Preliminary Approval Order
- Exhibit 4 – Proposed Final Approval Order

#### *5. Any Settlement or Other Agreement Contemporaneously Made Between Class Counsel and Defendant's Counsel (28 U.S.C. § 1715(b)(5))*

There are no other settlements or other agreements that were contemporaneously made between class counsel and counsel for Defendant.

#### *6. Final Judgment (28 U.S.C. § 1715(b)(6))*

There has been no final judgment or notice of dismissal. Accordingly, no such document is presently available. A copy of the parties' proposed Final Judgment is attached to the Settlement Agreement as Exhibit 4.

#### *7. Names of the Class Members who Reside in Each State and the Estimated Proportionate Share of the Claims of Such Members to the Entire Settlement (28 U.S.C. § 1715(b)(7))*

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The names of the class members who reside in each state have been provided to that State's appropriate State official, as required by 28 U.S.C. § 1715(b)(7)(A). Copies of these state-specific lists are available upon request. Attachment C is a chart showing the estimated percentage of the settlement recovery going to the class members in each state.

*8. Judicial Opinions Related to the Settlement (28 U.S.C. § 1715(b)(8))*

There are no judicial opinions related to settlement at this time.

**TIMELINESS OF THIS NOTICE**

Section 1715 provides two deadlines for service of the CAFA notice, and Chicago Cubs Baseball has complied with both of these deadlines. First, Section 1715(b) provides that a defendant must serve this notice "not later than 10 days after a proposed settlement of a class action is filed in court." Chicago Cubs Baseball has complied with this deadline because the settlement was filed in court on December 14, 2023, and this notice is being served by certified mail on or before December 26, 2023.

Second, Section 1715(d) provides that "[a]n order giving final approval of a proposed settlement may not be issued earlier than 90 days after" service of the notice on the appropriate state official. This notice complies with that deadline as well, because the parties intend to request that the Court set a final approval hearing on or after March 25, 2024.

Should you have any questions regarding this matter, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in cursive script that reads "Alan E. Littmann".

Alan Littmann

Encls.

# ***EXHIBIT C***





Alan Littmann  
312.881.5969  
alittmann@goldmanismail.com

December 20, 2023

**VIA CERTIFIED MAIL**

Mr. Steve Marshall  
501 Washington Avenue  
Montgomery AL 36104

Re: Notice of Proposed Settlement pursuant to 28 U.S.C. § 1715  
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On December 14, Plaintiff filed a Motion for Preliminary Approval of the class settlement, attaching as an exhibit to the Motion the parties’ negotiated Class Settlement Agreement (the “Settlement Agreement”).

**COMPLIANCE WITH 28 U.S.C. § 1715**

Chicago 200 South Wacker, 22nd Floor, Chicago, IL 60606  
Dallas 7557 Rambler Road, Suite 1450, Dallas, TX 75231  
Santa Monica 100 Wilshire Boulevard, Suite 1760, Santa Monica, CA 90401

goldmanismail.com

December 20, 2023

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*5. Any Settlement or Other Agreement Contemporaneously Made Between Class Counsel and Defendant's Counsel (28 U.S.C. § 1715(b)(5))*

There are no other settlements or other agreements that were contemporaneously made between class counsel and counsel for Defendant.

*6. Final Judgment (28 U.S.C. § 1715(b)(6))*

There has been no final judgment or notice of dismissal. Accordingly, no such document is presently available. A copy of the parties' proposed Final Judgment is attached to the Settlement Agreement as Exhibit 4.

*7. Names of the Class Members who Reside in Each State and the Estimated Proportionate Share of the Claims of Such Members to the Entire Settlement (28 U.S.C. § 1715(b)(7))*

A list of the class members who reside in your state, as well as the estimated proportionate share of the claims of such members to the entire settlement, is attached as Attachment C. Due to incomplete internal

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records, there are a number of class members for whom the state of residence is unknown. A list of those class members, some of whom may reside in your state, is attached as Attachment D.

*8. Judicial Opinions Related to the Settlement (28 U.S.C. § 1715(b)(8))*

There are no judicial opinions related to settlement at this time.

**TIMELINESS OF THIS NOTICE**

Section 1715 provides two deadlines for service of the CAFA notice, and Chicago Cubs Baseball has complied with both of these deadlines. First, Section 1715(b) provides that a defendant must serve this notice “not later than 10 days after a proposed settlement of a class action is filed in court.” Chicago Cubs Baseball has complied with this deadline because the settlement was filed in court on December 14, 2023, and this notice is being served by certified mail on or before December 26, 2023.

Second, Section 1715(d) provides that “[a]n order giving final approval of a proposed settlement may not be issued earlier than 90 days after” service of the notice on the appropriate state official. This notice complies with that deadline as well, because the parties intend to request that the Court set a final approval hearing on or after March 25, 2024.

Should you have any questions regarding this matter, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in black ink that reads "Alan E. Littmann". The signature is written in a cursive, flowing style.

Alan Littmann

Encls.