

**FIRST AMENDMENT TO  
AGREEMENT FOR CLASS ACTION NOTICE  
AND ADMINISTRATION SERVICES**

WHEREAS, CITY OF OCALA, FLORIDA (“Client”) represented by GrayRobinson, P.A., 301 East Pine Street, Suite 1400, Orlando, FL 32801 (“Counsel”), and THE NOTICE COMPANY, INC., with offices at 94 Station Street, Suite 1, Hingham, MA 02043 (“Administrator”) entered into an Agreement as of March 14, 2022 (the “Agreement”); and

WHEREAS, Administrator has provided services and Client has paid for such services as described in Attachment A to the Agreement; and

WHEREAS, Client desires the Administrator to provide additional services.

NOW THEREFORE, for sufficient consideration the parties hereby amend the Agreement as follows:

1. The parties agree that all services required to be provided as described in Attachment A to the Agreement have been fully provided by Administrator and paid in full by Client. Neither party shall have any further obligations with respect to the services described in Attachment A.

2. Attachment B hereto sets forth a new set of Required Services.

3. Attachment A is hereby removed from the Agreement and Attachment B hereto is added to and made a part of the Agreement. All references to “Attachment A” in the Agreement are hereby amended to refer to “Attachment B”.

4. Except as provided herein, all other terms and conditions of the Agreement shall remain in full force and effect.


**IN WITNESS WHEREOF**, the parties have executed this First Amendment Agreement as of June \_\_\_\_, 2022. 06 / 13 / 2022

THE NOTICE COMPANY, INC.


CITY OF OCALA, FLORIDA

By   
Joseph M. Fisher, President

By   
Print Name: Ire Bethea, Sr.  
Title: City Council President

ATTEST:  
  
Angel B. Jacobs - City Clerk

Approved as to form and legality:

  
Robert W. Batsel, Jr.  
City Attorney

## Attachment B

CASE: *DISCOUNT SLEEP OF OCALA, LLC et al, v. CITY OF OCALA, FLORIDA*, Case No. 2014 CA 000426,  
Circuit Court of the Fifth Judicial Circuit, Marion County, FL

CLIENT: CITY OF OCALA, FLORIDA

WORK DESIGNATION: **REQUIRED SERVICES**

### **General Responsibility:**

Administrator will assist in providing notice and distributing payments to eligible Class Members as described below:

#### TASK 1: Process Returned Envelopes from Notice Mailing

- a. Review envelopes returned by the Postal Service from prior mailings for Client
- b. Update Database to reflect mailed items returned as undeliverable
- c. Update Database to show new addresses provided by Postal Service

#### TASK 2: Website

- a. Create website for case at *OcalaFireFee.com*
- b. Post notice of fund distribution, with instructions describing how to make a claim, in English and Spanish
- c. Design and post Claim Form, in English and Spanish, as ordered by the Court
- d. Prepare and post FAQ in English and Spanish
- e. Establish link with City of Ocala website

#### TASK 3: Dedicated Email

- a. Setup dedicated email address to receive claim forms that have been signed and scanned.
- b. Setup dedicated email address to receive inquiries
- c. Respond to inquiries or forward to counsel as appropriate

#### TASK 4: Toll-Free Phone Line

- a. Setup toll-free phone line
- b. Prepare recorded script providing information on refund process (English only)
- c. No live operators; callers may leave a voicemail message
- d. Respond to messages or forward to counsel as appropriate

#### TASK 5: Check Mailing: First Distribution

- a. Receive database showing tax collected from each Class Member
- b. Receive database listing exclusions from the Class (opt outs)
- c. Segregate database to remove exclusions and to remove undeliverable addresses based on prior mailing of notice
- d. Perform additional NCOA update on addresses and remove newly-discovered undeliverable addresses

- e. Calculate funds needed for check distribution
- f. Set up segregated account to receive funds
- g. Print Checks showing 180-day void date
- h. Prepare and print notice to be included with checks as required by Court order
- i. Print mailing envelopes with message printed in bold as required by Court order
- j. Mail checks at first-class postage rate, forwarding service requested

**TASK 6: Process Checks Returned as Undeliverable from First Distribution**

- a. Receive at P.O. Box envelopes returned by Postal Service
- b. Remail checks where Postal Service has provided new address information
- c. Update database showing undeliverable checks

**TASK 7: Administer Claims Process**

- a. Claim Forms to be available on website
- b. Claim Forms to be sent (via mail or email) as requested by Class Members
- c. Receive Claim Forms from Class Members via regular mail or email
- d. Verify claim data with the City (via counsel)
- e. Obtain funds from the City (via counsel)
- f. Issue checks to approved Class Members within 60 days of receipt of claim

**TASK 8: Check Mailing: Second Distribution**

- a. Reconcile existing bank account
- b. Close existing bank account and set up new bank account for second distribution
- c. Determine fund amount remaining with the City
- d. Prepare database listing Class Members who cashed their checks
- e. Calculate second distribution on *a pro rata* basis subject to a cap of 100% refund to each Class Member between First and Second distributions
- f. Perform additional NCOA update on addresses
- g. Calculate funds needed for check distribution
- h. Close original bank account and set up new bank account to receive funds
- i. Print checks showing 180-day void date
- j. Print notice to be included with checks as required by Court order
- k. Print mailing envelopes with message printed in bold as required by Court order
- l. Mail checks at first-class postage rate, forwarding service requested

**TASK 9: Bank account monitoring and reconciliation**

- a. All checks to be issued with positive-pay protection from bank
- b. Regular account monitoring
- c. Prepare database listing of Class Members who cashed their checks
- d. Monthly reports of "Class Refund Payment Information" per Court order
- e. Reconcile bank account
- f. Close existing bank account
- g. Return remaining funds to the City

**COMMUNICATIONS:**

Administrator may rely on instructions received from Client's Counsel, GrayRobinson, P.A., including emails received from Jason.Zimmerman@gray-robinson.com and Savannah.Clifton@gray-robinson.com.

## FEES TO BE PAID TO ADMINISTRATOR

- Task 1: \$1.85 per item/envelope. Estimated item count is approximately 19,700; estimated cost is \$36,445. Actual cost will be based on final envelope count.
- Task 2: \$5,500 Website  
\$1,200 Spanish translations  
\$150/month for server costs
- Task 3: No setup costs  
Server costs included in Task 2  
\$5 per email response
- Task 4: \$750 Establish toll-free phone line; prepare and record message  
\$65/month line charge  
\$3.25/minute (includes phone charges and transcription costs)
- Task 5: \$3,800 Database work and NCOA updates  
\$1,500 Bank account setup and initiation of services  
Assumption: 69,000 checks to mail for First Distribution  
    \$ 8,800 Order checks (high security; include extra 10,000 checks for claims process)  
    \$28,900 Print checks, notices and envelopes; sort to reduce postage  
    \$30,000 to \$35,000 Estimated postage  
Cost will be set after database work is complete  
Sorting program should result in significant postage savings
- Tasks 6 & 7: \$2,500/month Receipt of claim forms and returned mail, database updates, communications with Counsel (monthly cost only during First Distribution and Claims Process; reduced to \$1,500/month for Second Distribution)  
\$6.50/item mailed (includes printing and postage)  
\$2.75/item emailed  
\$7.50/Claim Form received for processing
- Task 8: \$2,500 Final reconciliation of first bank account; close account  
\$3,800 Database work, NCOA updates, *pro rata* calculations  
\$1,500 Bank account new setup and initiation of services  
Assumption: 60,000 checks to mail for Second Distribution  
    \$ 6,700 Order checks (high security)  
    \$24,500 Print checks, notices and envelopes; sort to reduce postage  
    \$26,000 to \$30,000 Estimated postage  
Cost will be set after database work is complete
- Task 9: \$2,800/month Quality control; monitor bank account; fraud review  
\$2,500 Final reconciliation of second bank account; close account
- Billing: Monthly invoices; payments due within 15 days of invoice  
Printing and postage costs for First and Second Distributions to be paid in advance
- Note: Administrator shall have no obligation to proceed with work if the fees as specified above are not received when due.

### OPTIONAL ITEM (to be added only if requested by Client)

\$2,500 Preparation of Declaration to be submitted to the Court

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<b>AUDIT TRAIL DATE FORMAT</b>	MM / DD / YYYY
<b>STATUS</b>	● Signed

## Document History

 SENT	<b>06 / 10 / 2022</b> 17:51:08 UTC-4	Sent for signature to Robert Batsel, Jr. (rbatsel@lawyersocala.com), Ire Bethea, Sr. (ibethea@ocalafl.org) and Angel B. Jacobs (ajacobs@ocalafl.org) from drobinson@ocalafl.org IP: 216.255.240.104
 VIEWED	<b>06 / 13 / 2022</b> 07:24:31 UTC-4	Viewed by Robert Batsel, Jr. (rbatsel@lawyersocala.com) IP: 216.255.247.55
 SIGNED	<b>06 / 13 / 2022</b> 07:27:49 UTC-4	Signed by Robert Batsel, Jr. (rbatsel@lawyersocala.com) IP: 216.255.247.55
 VIEWED	<b>06 / 13 / 2022</b> 09:21:41 UTC-4	Viewed by Ire Bethea, Sr. (ibethea@ocalafl.org) IP: 24.250.133.62
 SIGNED	<b>06 / 13 / 2022</b> 09:22:51 UTC-4	Signed by Ire Bethea, Sr. (ibethea@ocalafl.org) IP: 24.250.133.62

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**06 / 13 / 2022**  
09:24:15 UTC-4Viewed by Angel B. Jacobs (ajacobs@ocalaf.org)  
IP: 216.255.240.104**06 / 13 / 2022**  
09:24:24 UTC-4Signed by Angel B. Jacobs (ajacobs@ocalaf.org)  
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09:24:24 UTC-4

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