

DIRECT MAIL NOTICE

Records indicate that you received text messages from Build-A-Bear Workshop, Inc. between September 24, 2017 and March 28, 2023 after requesting not to receive them.

You may benefit from a proposed class-action settlement.

READ THIS NOTICE CAREFULLY.

YOUR LEGAL RIGHTS ARE AFFECTED WHETHER YOU ACT OR DO NOT ACT.

PLEASE CHECK THE SETTLEMENT WEBSITE AT WWW.TCPATEXTSETTLEMENT.COM TO REVIEW DOCUMENTS AND RECEIVE UPDATES AND FURTHER DETAILS.

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

- The United States District Court for the Eastern District of Missouri (the “**Court**”) preliminarily approved a class-action settlement in the matter of *Ruby v. Build-A-Bear Workshop, Inc.*, Case No. 4:21-CV-01152-JAR regarding certain text messages sent by Defendant Build-A-Bear Workshop, Inc. (“**BABW**”). This Direct Mail Notice summarizes the lawsuit and the class-action settlement (the “**Settlement**”).
- Plaintiff alleged that BABW sent text message solicitations to customers after they had revoked consent to receive them, in alleged violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* and certain regulations promulgated thereunder, including 47 C.F.R. §§ 64.1200(c)(2) and 64.1200(d) (collectively, the “**TCPA**”). BABW has denied these allegations and all claims of wrongdoing, and has asserted certain defenses, including that BABW established and implemented, with due care, reasonable practices and procedures designed to effectively prevent telephone solicitations in violation of the TCPA. However, given the risks, uncertainties, burden, and expense of continued litigation, the parties agreed to pursue settlement of this matter, which resulted in the Settlement that has been preliminarily approved by the Court.
- For settlement purposes only, the Court preliminarily certified the following class (the “**Settlement Class**”): All natural persons residing in the United States who received two or more text messages from, or on behalf of, BABW within a 12-month period between September 24, 2017 and March 28, 2023 (the “**Class Period**”) for the purpose of encouraging the purchase of property, goods, or services, after revoking consent to receive such text messages from BABW, including by texting “Stop” or “Quit,” in whole or in part, in response to a prior text message from, or on behalf of, BABW.
- You are a member of the Settlement Class (a “**Settlement Class Member**”) if you meet the requirements above and you are not: (i) an employee of BABW; (ii) the Court; or (iii) any member of the Court’s staff or immediate family.
- Based upon Defendant’s records, you are a Settlement Class Member. As such, unless you request to be excluded by **July 7, 2023**, you are entitled to receive a monetary settlement distribution calculated at a dollar amount per text message described in the definition of the Settlement Class that you received, as reflected in BABW’s records, up to a maximum of \$500.00 per text message, and you will be bound by the Settlement. You may also enter an appearance in this matter through an attorney if so desired.
- The chart below summarizes your options as a Settlement Class Member:

<i>ACTION</i>		<i>DUE DATE</i>
Do Nothing	If you do nothing and if the Court finally approves the Settlement, you will receive a monetary settlement distribution, you will be bound by the Settlement, and you will have released your claims against BABW arising out of or relating to the text message solicitations described in the definition of the Settlement Class.	Not Applicable
Exclude Yourself	You may request to be excluded from the Settlement Class by timely submitting a request in writing to the Settlement Administrator by fax at 1-888-326-6411 , email at TCPATextSettlement@atticusadmin.com , U.S. Mail at Ruby v. Build-A-Bear, c/o Atticus Administration, PO Box 64053, Saint Paul, MN 55164 , or electronically via the Settlement Website at <u>www.TCPATextSettlement.com</u> , no later than July 7, 2023 . If you do this, you will not receive a monetary settlement distribution, and you may not object to the Settlement. You will, however, keep your right to sue regarding the claims asserted in the class action.	JULY 7, 2023
Object	You may object to the Settlement by submitting a valid and timely objection to the Court and counsel for the Parties in compliance with the terms and conditions of the Settlement Agreement and Release, no later than July 7, 2023 . You may object to the Settlement only if you do not also exclude yourself.	JULY 7, 2023

For more detailed information regarding this matter and the Settlement you may: (i) visit the Settlement Website at **www.TCPATextSettlement.com**, where you can read additional information about the Settlement and access relevant settlement documents, including the Settlement Agreement and Release; (ii) contact the toll-free settlement hotline at **1-800-913-5458**; (iii) contact counsel for the Settlement Class by phone at (314) 863-5700 or (612) 252-3570 or by email at butsch@butschroberts.com, roberst@butschroberts.com, samoriarity@wantathome.com, or sjwanta@wantathome.com; or (iv) access filings in this matter in the Court docket, which can be accessed through the Court's Public Access to Court Electronic Records (PACER) system at <https://www.moed.uscourts.gov/>, or by visiting the office of the Clerk of the Court for the United States District Court for the Eastern District of Missouri, 111 South 10th Street, St. Louis, Missouri 63102, between 9:00 a.m. and 4:30 p.m., Monday through Friday, excluding Court holidays. **Please do not contact Defendant, the Court, or the Court Clerk's Office about the Settlement.**