

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI**

SPENCER HECKATHORN, individually, )  
and on behalf of all others similarly situated,) )

Plaintiff, )

v. )

FARMERS INSURANCE EXCHANGE, )  
*et al.*, )

Defendants. )

Case No.: 26SL-CC03879

Division 17

**If you received two or more telemarketing calls or text messages from insurance agents Nickolas Ward, Nate Esparza, Kyle Ryan Gray, Dustin Huffman, Jason Hall, Brian Shirey and/or LeNard Rhone or their agencies marketing Farmers<sup>®</sup> insurance you may be a member of a Settlement Class**

***A Missouri court authorized this Notice. You are not being sued. This is not a solicitation from a lawyer.***

- The Settlement resolves a class action lawsuit over whether calls and text messages from insurance agents Nickolas Ward, Nate Esparza, Kyle Ryan Gray, Dustin Huffman, Jason Hall, Brian Shirey and/or LeNard Rhone or their agencies marketing Farmers<sup>®</sup> insurance violated the federal Telephone Consumer Protection Act, 47 U.S.C. § 227, by calling or texting phone numbers registered on the National Do-Not-Call Registry.
- You are included if you received calls or text messages from insurance agents Nickolas Ward, Nate Esparza, Kyle Ryan Gray, Dustin Huffman, Jason Hall, Brian Shirey and/or LeNard Rhone or their agencies marketing Farmers<sup>®</sup> insurance from April 19, 2020, through June 15, 2026 and your cellular phone number appeared on a list produced in the litigation.
- Farmers Insurance Exchange, Farmers Insurance Company, Inc. and Fire Insurance Exchange (collectively “Farmers”) will make available up to One Million Two Hundred and Fifty Thousand dollars (\$1,250,000) to settle this class action (“Settlement Fund”). If you received more than one telemarketing call or text message from agents Nickolas Ward, Nate Esparza, Kyle Ryan Gray, Dustin Huffman, Jason Hall, Brian Shirey and/or LeNard Rhone marketing Farmers<sup>®</sup> insurance products or services, you can submit a claim to obtain a pro rata share of the Settlement Fund, up to \$160, after payment of administrative expenses, attorney’s fees and costs, and any service award to the named plaintiff. Your payment may be less depending on the number of claims submitted.
- Your legal rights are affected whether you act or don’t act. Read this Notice carefully.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:</b>	
SUBMIT A CLAIM FORM CLAIM FORM POSTMARKED BY SEPTEMBER 14, 2026	<b>THE ONLY WAY TO GET A PAYMENT; claim form due September 14, 2026.</b>

Questions? Call 1-800-261-9045 Toll Free, or Visit [www.HeckathornTCPASettlement.com](http://www.HeckathornTCPASettlement.com)

DO NOTHING	Get no payment. Give up rights.
ASK TO BE EXCLUDED FROM THE SETTLEMENT BY SUBMITTING A WRITTEN REQUEST FOR EXCLUSION BY AUGUST 27, 2026	Get no payment. This is the only option that allows you to ever be part of any other lawsuit against Farmers about the legal claims in this case.
OBJECT TO THE SETTLEMENT BY FILING A WRITTEN OBJECTION WITH THE COURT BY AUGUST 27, 2026	Write to the Court about why you don't like the Settlement.
REQUEST TO SPEAK AT THE FINAL APPROVAL HEARING BY INCLUDING A WRITTEN REQUEST IN THE OBJECTION FILED WITH THE COURT BY AUGUST 27, 2026	Ask to speak in Court about the Settlement.

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. Payments will be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.

## BASIC INFORMATION

### 1. Why did I receive a notice?

You may have received a notice in the mail because records indicate that you may have received calls or text messages from insurance agents Nickolas Ward, Nate Esparza, Kyle Ryan Gray, Dustin Huffman, Jason Hall, Brian Shirey and/or LeNard Rhone or their agencies marketing Farmers® insurance and your phone number appeared on a list produced in the case.

### 2. What is a class action and who brought the case?

In a class action, one or more people called Class Representatives (in this case, Spencer Heckathorn) sue on behalf of people who have similar claims. All of these people are a Class or Class Members. One court resolves the issues for all Class Members, except for those who exclude themselves from the Settlement. Here, the Court has certified a class action for settlement purposes only.

## THE CLAIMS IN THE LAWSUIT AND THE SETTLEMENT

### 3. What is this lawsuit about?

This lawsuit claims that insurance agents Nickolas Ward, Nate Esparza, Kyle Ryan Gray, Dustin Huffman, Jason Hall, Brian Shirey and/or LeNard Rhone, made calls and sent text messages marketing Farmers® insurance products and services to consumers whose phone numbers were registered on the National Do-Not-Call Registry. The lawsuit claims that these telemarketing calls and text messages violated the Telephone Consumer Protection Act. Farmers denies these claims.

### 4. Why is there a settlement?

No Court has decided who should win this case. Instead, both sides agreed to a settlement. That way, they avoid the uncertainties and expenses associated with litigation, and Class Members will get compensation now rather than, if at all, years from now. The Class Representative and his attorneys believe that the Settlement is best for all Class Members.

## WHO IS IN THE SETTLEMENT?

Questions? Call 1-800-261-9045 Toll Free, or Visit [www.HeckathornTCPAsettlement.com](http://www.HeckathornTCPAsettlement.com)

## **5. Am I part of the Settlement?**

The Court has found that everyone who fits this description is a member of the Settlement Class:

From April 19, 2020 to the date of preliminary approval, all persons: (1) who received two or more text messages or phone calls from Nickolas Ward, Nate Esparza, Kyle Ryan Gray, Dustin Huffman, Jason Hall, Brian Shirey, LeNard Rhone or their agencies during a 12-month period in connection with the marketing of Farmers' products or services; (2) whose number was registered on the Do Not Call Registry for more than 30 days at the time the calls were received; and (3) whose number is registered to an individual and not a business. ("Settlement Class")

Excluded from the Settlement Class are Plaintiff's counsel, Farmers, as well as the officers, and directors, and employees of Farmers and the immediate family members of such persons, and the members of the Missouri judiciary.

Only those members of the Settlement Class who submit valid and timely Claim Forms certifying that they did not visit any website to request an insurance quote from Farmers or its agents prior to receipt of the calls or text messages and that they were not Farmers customer at the time they received the calls or text messages or within 18 months before receiving the calls or text messages will be eligible to receive a payment under the Settlement, in the event that the Court approves the Settlement at or after the Final Approval Hearing.

## **6. How do I know if I received one of these text messages?**

If you received a notice in the mail or e-mail, records produced in the litigation indicate that you may have received two or more marketing calls or text messages. Approximately 12,545 people may have received calls and text messages from insurance agents Nickolas Ward, Nate Esparza, Kyle Ryan Gray, Dustin Huffman, Jason Hall, Brian Shirey, LeNard Rhone, or their agencies marketing Farmers<sup>®</sup> insurance between April 19, 2020, and June 15, 2026.

## **7. I'm still not sure if I am included.**

If you are still not sure whether you are included, you can get free help by visiting the website [www.HeckathornTCPAsettlement.com](http://www.HeckathornTCPAsettlement.com), e-mailing HeckathornTCPAsettlement@atticusadmin.com or calling 1-800-261-9045.

# **THE SETTLEMENT BENEFITS- WHAT YOU GET**

## **8. How much will my payment be?**

Class Members who submit valid Claim Forms certifying that they did not visit any websites to request insurance quotes from Farmers<sup>®</sup> insurance or its agents before the receipt of the calls or text message and that they were not a Farmers customer at the time of receiving the calls and text message(s) or within 18 months of receiving the calls or text message(s) before the deadline of **September 14, 2026** will each receive a pro rata share of the Settlement Fund up to \$160, after payment of administrative expenses, attorney's fees and costs, and any service award to the named plaintiff. The amount of your exact payment if you submit a valid and timely Claim Form cannot be calculated at this time because it will depend on the total number of valid claims that are submitted.

## **9. When will I get my payment?**

The Court will hold a hearing on September 23, 2026 to decide whether to approve the Settlement. If the Court approves the Settlement, there may be appeals afterwards. It is always uncertain how long an appeal can take to resolve, and some appeals can last more than a year. If you submitted a valid and timely Claim Form, you should receive a check from the Settlement Administrator within 60 days after the Settlement has been finally approved and/or after any appeals have been resolved in favor of the Settlement. All checks will expire and become void 180 days after they are issued.

## HOW YOU GET A PAYMENT- SUBMITTING A CLAIM FORM

### 10. How can I get a payment?

If you want to participate in the Settlement, you must complete and submit a Claim Form by **September 14, 2026**. Claim Forms can be found on-line at [www.HeckathornTCPAsettlement.com](http://www.HeckathornTCPAsettlement.com). Claim Forms can be submitted three ways. First, you can submit it online by uploading a signed Claim Form. Submitting a Claim Form this way is simple, free and takes only minutes! Second, you may submit your claim by signing and returning via mail the Claim Form contained in the postcard notice you received. The form should be mailed to: Heckathorn TCPA Settlement, c/o Atticus Administration, PO Box 64053, St Paul, MN 55164. Third, you can email a signed Claim Form to the Settlement Administrator at: [HeckathornTCPAsettlement@atticusadmin.com](mailto:HeckathornTCPAsettlement@atticusadmin.com).

To obtain a copy of a Claim Form, go to [www.HeckathornTCPAsettlement.com](http://www.HeckathornTCPAsettlement.com), or email [HeckathornTCPAsettlement@atticusadmin.com](mailto:HeckathornTCPAsettlement@atticusadmin.com), or call toll free, 1-800-261-9045.

## YOUR RIGHTS AND OPTIONS

### 11. What happens if I do nothing?

If you do nothing, you won't get any payment, and you will be barred from initiating a lawsuit or being part of any other lawsuit against Farmers and insurance agents Nickolas Ward, Nate Esparza, Kyle Ryan Gray, Dustin Huffman, Jason Hall, Brian Shirey and/or LeNard Rhone for the claims being resolved by this Settlement.

### 12. Can I ask to be excluded from the Settlement?

If you exclude yourself from the Settlement, you cannot claim any money or receive any benefits from the Settlement. To exclude yourself, you must send a letter stating that you want to be excluded from the Settlement in the *Spencer Heckathorn v. Fire Insurance Exchange*, Case No. 26SL-CC03879 (Circuit Court of St. Louis County, Missouri). Your exclusion letter must also include your full name, address, telephone number(s) on which you received a call or text from Nickolas Ward, Nate Esparza, Kyle Ryan Gray, Dustin Huffman, Jason Hall, Brian Shirey, LeNard Rhone, or their agencies marketing Farmers<sup>®</sup> insurance during the Class Period, and a telephone number at which you can be reached. Further, the letter must clearly state that you wish to be excluded from the Settlement. You must mail your exclusion request no later than **August 27, 2026** to the Settlement Administrator at Heckathorn TCPA Settlement, c/o Atticus Administration, PO Box 64053, Saint Paul, MN 55164 or via e-mail to the Settlement Administrator at [HeckathornTCPAsettlement@atticusadmin.com](mailto:HeckathornTCPAsettlement@atticusadmin.com).

### 13. If I exclude myself, can I get money from this Settlement?

No. If you exclude yourself, you will not receive any money or settlement benefits. However, you do not release any rights you may have against Farmers, Nickolas Ward, Nate Esparza, Kyle Ryan Gray, Dustin Huffman, Jason Hall, Brian Shirey and/or LeNard Rhone relating to the calls and text messages in this case.

### 14. If I do not exclude myself, may I bring my own lawsuit over the text messages?

No. Unless you exclude yourself, you give up any right to sue Farmers, Nickolas Ward, Nate Esparza, Kyle Ryan Gray, Dustin Huffman, Jason Hall, Brian Shirey and/or LeNard Rhone for the claims in this lawsuit and resolved by this Settlement. If you have a pending lawsuit that may relate to the claims as part of this Settlement, you should speak to your lawyer in that case immediately. You must exclude yourself from this Class to continue your own lawsuit. Remember, the exclusion deadline is **August 27, 2026**.

## THE LAWYERS REPRESENTING YOU

### 15. Do I have a lawyer in this case?

Yes, the Court has appointed the following attorneys to represent you and other Class Members: Christopher E. Roberts and David T. Butsch of Butsch Roberts & Associates LLC, Jacob Ginsburg of Kimmel & Silverman, P.C. and Colton Richardson of Richardson Richardson Boudreaux. These attorneys are called "Class Counsel."

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**16. Should I get my own lawyer?**

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you may choose to hire one at your own expense.

**17. How will the lawyers be paid?**

Spencer Heckathorn will ask the Court to approve payment of up to \$396,666.67 for attorneys' fees and expenses. The fees would pay Class Counsel for investigating the facts, litigating the case, and negotiating the Settlement. Spencer Heckathorn also will ask the Court to approve payment of \$11,000 for his service in representing the Class. The Court may award less than these amounts. The cost of notice and administration, attorneys' fees and expenses and service award are deducted from the Settlement Fund.

**OBJECTING TO THE SETTLEMENT**

**18. How do I object to the Settlement?**

If you are a Class Member, you can object to the Settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must file a letter or brief with the Court stating that you object to the Settlement in *Spencer Heckathorn v. Fire Insurance Exchange.*, Case No. 26SL-CC03879 (Circuit Court of St. Louis County, MO) Your letter or brief must also include: (1) your name, address, telephone number, and email address and, if represented by counsel, of your counsel; (2) proof of receipt of calls or text messages from insurance agents Nickolas Ward, Nate Esparza, Kyle Ryan Gray, Dustin Huffman, Jason Hall, Brian Shirey, LeNard Rhone, or their agencies marketing Farmers® insurance during the Class Period; (3) proof that you were the subscriber or primary user of the phone number that received calls and text message from insurance agents Nickolas Ward, Nate Esparza, Kyle Ryan Gray, Dustin Huffman, Jason Hall, Brian Shirey and/or LeNard Rhone marketing Farmers® insurance during the Class Period; (4) the reasons for your objection; and (5) a statement whether you intend to appear at the Final Approval Hearing, either with or without counsel. Your objection and any supporting papers must be submitted to the Settlement Administrator physically or electronically and/or sent physically and/or electronically to the Clerk of Court, Class Counsel and Defendant's Counsel at the following addresses no later than **August 27, 2026**.

<b>Court</b>	<b>Class Counsel</b>	<b>Farmers' Counsel</b>
Clerk of the Court St. Louis County Circuit Court 105 S. Central Avenue Clayton, MO 63105	Christopher E. Roberts, Esq. Butsch Roberts & Associates LLC 7777 Bonhomme Avenue, Suite 1300 Clayton, MO 63105	Brian Hays, Esq. Troutman Pepper Locke 111 South Wacker Drive Chicago, IL 60606

If you file an objection, the parties will seek additional information from you and may also compel you to sit for a deposition on 10 days' notice. If you fail to file and serve your objection as specified above, fail to respond to any information request, and/or fail to make yourself available for deposition, you may be deemed to have waived your objection and will be foreclosed from making any objection to the Settlement, whether by appeal or otherwise.

**19. What's the difference between objecting and excluding myself?**

Objecting is simply telling the Court that you do not like something about the Settlement. You can object to the Settlement only if you stay in the Class (i.e. don't exclude yourself from the Settlement). Excluding yourself is telling the Court that you do not want to be part of the Settlement. If you exclude yourself from the Settlement, you have no basis to object because the Settlement no longer affects you.

## THE COURT'S FAIRNESS HEARING

### 20. When and where will the Court decide whether to approve the Settlement?

The Court will hold the Final Approval Hearing at **10:30 a.m. on September 23, 2026** in the Circuit Court of St. Louis County, MO Division 17, 105 S. Central Avenue, Clayton, MO 63105. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing and who have complied with the requirements for submitting objections described above. The Court may also consider how much to pay Class Counsel and the amount of the incentive award to award to Spencer Heckathorn. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

Note that the hearing may be postponed to a different date or time. If you timely objected to the Settlement and told the Court that you intend to appear and speak at the Final Approval Hearing, you will receive notice of any change in the date of the Final Approval Hearing.

### 21. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. You are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as your written objection was submitted on time and meets the other criteria described above, the Court will consider it. You may also pay another lawyer to attend, but it is not necessary.

## GETTING MORE INFORMATION

### 22. How do I get more information?

You can visit [www.HeckathornTCPAsettlement.com](http://www.HeckathornTCPAsettlement.com) for Court documents and further details. You may also call the Settlement Administrator toll free at 1-800-261-9045 or contact the Settlement Administrator via e-mail at [HeckathornTCPAsettlement@atticusadmin.com](mailto:HeckathornTCPAsettlement@atticusadmin.com) or contact Class Counsel (see above), if you have any questions. Before doing so, however, please read this full Notice carefully. You may also find additional information elsewhere on the case website. **PLEASE DO NOT DIRECT YOUR QUESTIONS TO THE COURT.**