

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

Mullen v. GLV, Inc. d/b/a Sports Performance Volleyball Club, Rick Butler, and Cheryl Butler
Case No. 1:18-cv-01465

IF YOU PAID MONEY TO GLV, INC. D/B/A SPORTS PERFORMANCE VOLLEYBALL CLUB FOR YOUTH VOLLEYBALL INSTRUCTION THROUGH THE SPORTS PERFORMANCE VOLLEYBALL PROGRAM IN ILLINOIS FROM FEBRUARY 27, 2013 AND JANUARY 10, 2018, A CLASS ACTION LAWSUIT MAY AFFECT YOUR RIGHTS.

NOTICE OF CLASS ACTION

A Federal Court authorized this Notice. You are not being sued. This is not a solicitation from a lawyer.

- A lawsuit has been filed against GLV, Inc. d/b/a Sports Performance Volleyball Club, Rick Butler, and Cheryl Butler (“Defendants”). The case claims that Defendants violated the law by failing to disclose and concealing sexual abuse of teenage girls by Coach Rick Butler in the 1980s. Defendants strongly deny those allegations and that they violated any law. The lawsuit is called *Mullen v. GLV, Inc., et al.*, No. 1:18-cv-01465, and is in the U.S. District Court for the Northern District of Illinois.
- The Court decided this lawsuit should be a class action on behalf of any individual who paid money to Defendants for youth volleyball instruction through the Sports Performance program provided by or through GLV, Inc. in the State of Illinois between February 27, 2013 and January 10, 2018.
- The Court has not decided whether Defendants did anything wrong. There is no money available now, and no guarantee that there will be any money in the future. If you are a Class Member, your legal rights are affected and you have a choice to make now.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

DO NOTHING	Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you will be bound by all orders and rulings of the Court and/or jury. You will automatically keep the possibility of getting money or benefits that may come from a trial or settlement. But, you give up any rights to separately sue Defendants about the matters involved in this lawsuit.
ASK TO BE EXCLUDED	Get out of this lawsuit. Get no benefits from it. Keep rights. If you ask to be excluded and money benefits are later awarded, you won’t share in those. But, you keep any rights to separately sue Defendants about the same matters in this lawsuit.

- Your rights and options are explained in this Notice. To ask to be excluded, you must act before April 19, 2019. To remain a part of the lawsuit as a Class Member, you do not need to do anything now.
- Plaintiff’s lawyers must prove the claims against Defendants unless this case is dismissed, resolved through legal motions, or settled before trial. If money or benefits are obtained from Defendants, you will be notified about how to potentially receive a share.

BASIC INFORMATION

1. Why was this Notice issued?

The Court authorized this Notice to explain that the Court has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise in this case, as described below. Judge Matthew F. Kennelly of the United States District Court for the Northern District of Illinois is overseeing this class action. The lawsuit is known as *Mullen v. GLV, Inc. d/b/a Sports Performance Volleyball Club, Rick Butler, and Cheryl Butler*, No. 1:18-cv-01465 (U.S. District Court, Northern District of Illinois).

2. What is this lawsuit about?

The case claims that Defendants violated the law by failing to disclose and concealing sexual abuse of teenage girls by Coach Rick Butler in the 1980s. Defendants strongly deny those allegations and deny that they violated any law.

3. What is a class action and who is involved?

In a class action, a person called the “Class Representative” (in this case, Laura Mullen) sues on behalf of a group of people who may have similar claims. The people together are a “Class” or “Class Members.” The individual who sues is called the Plaintiff. The company or persons she sues (in this case, GLV, Inc., Rick Butler, and Cheryl Butler) are called the Defendants. In a class action, the Court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the Court found that:

- Thousands of individuals paid Defendants for youth volleyball instruction through the Sports Performance program between February 27, 2013 and January 10, 2018;
- There are common legal and factual questions because most of the claims will require Plaintiff to prove that the sexual abuse allegations against Rick Butler are true, and will require Plaintiff to prove that Defendants deceived Class Members about the abuse;
- Laura Mullen’s claims are typical of the claims of the rest of the Class;
- Ms. Mullen and the lawyers from Edelson PC representing the Class will fairly and adequately represent the interests of the Class;
- The common legal questions and facts outweigh questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

More information about why the Court is allowing this lawsuit to be a class action is in the Court’s Order granting Class Certification, which is available in the “Court Documents” section of the Website.

THE CLAIMS IN THE LAWSUIT

5. What does the lawsuit complain about?

This lawsuit claims that Defendants violated the law by failing to disclose and concealing sexual abuse of teenage girls by Coach Rick Butler in the 1980s.

The lawsuit claims that this and other conduct was a fraud, violated the Illinois Consumer Fraud Act, the Illinois Physical Fitness Services Act, and that the Butlers were unjustly enriched because of it. You can read a copy of the Plaintiff’s Complaint in the “Court Documents” section of the Website.

6. How do Defendants answer?

Defendants strongly deny Plaintiff’s allegations and deny that they violated any law. You can read Defendants’ Answer and Affirmative Defenses to Plaintiff’s Complaint in the “Court Documents” section of the Website.

7. Has the Court decided who is right?

No. The Court has not decided whether the Plaintiff or Defendants are right. By giving the case class action status and issuing this Notice, the Court is not suggesting who will win or lose in this case. Unless the case settles, Plaintiff must prove her claims at trial or through legal motions to recover money.

8. What is the Plaintiff asking for?

The Plaintiff is asking the Court to award each Class Member monetary and punitive damages in an amount to be determined at trial, and to enter an order prohibiting Defendants from continuing to engage in the alleged fraudulent conduct. Plaintiff is also asking the Court to void any contracts between the Class and Defendants as a result of those contracts violating the Physical Fitness Services Act. Defendants deny that Plaintiff and the Class Members are entitled to any damages or other relief.

9. Is there any money available now?

No money or benefits are available now because the Court has not decided whether Defendants did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified about how to receive a share.

WHO IS IN THE CLASS?

You need to determine whether you are affected by this lawsuit.

10. Am I a part of the Class?

The Court certified a Class, defined as “all individuals who paid money to the defendants for youth volleyball instruction through the Sports Performance program provided by or through GLV Inc. in the State of Illinois between February 27, 2013 and January 10, 2018.” If you fit this definition, you are a Class Member.

YOUR RIGHTS AND OPTIONS

You have a choice about whether to remain in this lawsuit or ask to be excluded, and **you have to decide this now.**

11. What happens if I do nothing at all?

By doing nothing, you are staying in the lawsuit. If you stay in the lawsuit, you will be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action. If the Plaintiff obtains money or benefits, either as a result of any trial or settlement, you will be notified about how to receive a share. Keep in mind that if you do nothing and remain a Class Member, regardless of whether the Plaintiff wins or loses the legal motions or trial, you will not be able to separately sue, or continue to separately sue Defendants—as part of any other lawsuit—about the same issues in this lawsuit.

12. Why would I ask to be excluded?

If you do not want to be a part of this lawsuit, or if you want to pursue your own lawsuit against Defendants for the same conduct at issue in this case, you may wish to exclude yourself from this lawsuit. If you exclude yourself—which is sometimes called “opting out” of the Class—you won’t get any money or benefits from this lawsuit if any are awarded or obtained as a result of the trial, legal motions, or from any settlement (if this case is settled). However, you may be able to separately start your own lawsuit against, or continue to separately sue Defendants for the same conduct at issue in this case. If you exclude yourself, you will not be legally bound by the Court’s judgments in this class action.

If you start your own lawsuit against Defendants after you exclude yourself, you’ll have to hire and pay your own lawyer for that lawsuit, and you’ll have to prove your claims. If you exclude yourself so you can start or continue your own lawsuit against Defendants, you should talk to your lawyer soon, because your claims may be subject to a statute of limitations or other deadline.

13. How do I ask the Court to exclude me from the Class?

To exclude yourself from the Class, you must mail or otherwise deliver a letter (or request for exclusion) stating that you want to be excluded from *Mullen v. GLV, Inc., et al.*, No. 1:18-cv-01465 (U.S. District Court, Northern District of Illinois). Your letter or request for exclusion must include your name, address, email address, and your signature. No “mass” or “class” opt outs will be permitted. You must mail or deliver your exclusion request postmarked no later than **April 19, 2019**, to:

Sports Performance Class Action Administrator
P.O. Box 404000
Louisville, KY 40233-4000

If, at a later date, the parties agree to a settlement, you will have an additional opportunity to exclude yourself from the lawsuit.

THE LAWYERS REPRESENTING YOU

14. Who represents me in this case?

The Court has appointed a Jay Edelson, Eve-Lynn J. Rapp, Christopher L. Dore, Alfred K. Murray II, and Sydney M. Janzen from the law firm of Edelson PC to represent the Class. They are called “Class Counsel” and are experienced in handling class action cases. More information about these lawyers, Edelson PC, and their experience is available at www.edelson.com.

The Court also appointed Laura Mullen as the “Class Representative.” Ms. Mullen had two daughters that participated in Defendants’ Sports Performance program.

15. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. If you want to hire your own lawyer, you certainly can, but you will have to pay that lawyer yourself. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

16. How will the lawyers be paid?

Class Counsel is bringing this case on behalf of Plaintiff and the Class on a pro bono basis. The lawyers will not seek attorneys’ fees if they are ultimately successful in the litigation, or if they are awarded fees by the Court, they will donate the fees to charity.

THE TRIAL

17. How and when will the Court decide who is right?

Class Counsel will have to prove the Plaintiff's claims at a trial unless the case is not decided through legal motions or settled. Any trial will be heard at the Everett McKinley Dirksen United States Courthouse, Room #2103, 219 S. Dearborn St., Chicago, Illinois 60605. A trial date is not yet scheduled, but when it is it will be posted on the website. During the trial, a jury or the Judge will hear all of the evidence to help them reach a decision about whether the Plaintiff or Defendants are right about the claims in the lawsuit. There is no guarantee that the Plaintiff will win or that she will get any money for the Class.

18. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for the Plaintiff and Defendants' counsel will present Defendants' defenses. You or your own lawyer are welcome to come at your own expense.

19. Will I get money after the trial?

If the Plaintiff obtains money or benefits as a result of the trial or a settlement, you will be notified about how to receive a share. Currently, we do not know if any benefits will be available or how long this process will take.

GETTING MORE INFORMATION

20. Where do I get more information?

The website www.SportsPerformanceLawsuit.com contains several Court Documents, including Plaintiff's Complaint, Defendants' Answer and Affirmative Defenses, and relevant Court decisions. It will be updated with the most current information about the lawsuit as it becomes available. You may also write with questions to Sports Performance Class Action Administrator, P.O. Box 404000, Louisville, KY 40233-4000, or call them at (866) 477-2107. You can also call Class Counsel at (312) 589-6370, if you have any questions. Before doing so, however, please read this full Notice carefully.

By Order of the Court Dated: February 19, 2019