

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

In re: ) Case No.: 16-47428  
)  
DIRECTORY DISTRIBUTING ASSOCIATES, ) Chapter 11 Proceeding  
INC., )  
) SUMMARY OF FIRST AMENDED PLAN OF  
Debtor. ) LIQUIDATION

You are receiving this Summary because some records show that you delivered telephone books published by the Publishers<sup>1</sup> (a) for Directory Distributing Associates, Inc. (“DDA”) between June 25, 2009 and December 31, 2015 and, for some people, (b) for Product Development Corporation (“PDC”) or another company besides DDA between May 10, 2013 and the date this notice was mailed to you.

DDA and the Publishers were sued in two separate lawsuits (“FLSA Lawsuits”) alleging they violated the law by not paying minimum wage and/or overtime to certain carriers. Those allegations were denied. DDA stopped operating and then filed for bankruptcy in the Bankruptcy Court for the Eastern District of Missouri (the “Bankruptcy Court”) in 2016. DDA’s bankruptcy filing stopped the FLSA Lawsuits.

The FLSA Lawsuits involves very complicated legal issues and it is unclear what the outcome would be at any trial in the FLSA Lawsuits. No one can predict if any carrier would receive any amount or if DDA and the Publishers would win after any trial in the FLSA Lawsuits.

Because of these complications and after lengthy negotiations, an agreement has been reached that may result in you receiving some money. The agreement is contained in the First Amended Plan of Liquidation (April 1, 2020) (the “Plan”) filed in the Bankruptcy Court.

Under the Plan, DDA, DDA’s shareholders and the Publishers will contribute up to a total of \$10,000,000 to fund payments to carriers such as you, as well as to pay the lawyers for the carriers, other creditors of DDA, DDA’s final expenses, and the costs of the Plan. After all other creditors and expenses are paid, including \$4,000,000 to the carriers’ lawyers, DDA expects the amount available to all carriers will be approximately \$ [REDACTED], which will be divided among approximately 46,675 eligible carriers, some of whom delivered Publishers’ books only for DDA and some of whom delivered Publishers books for DDA and for Product Development Corporation (“PDC”) or another non-DDA company. All payments will be subject to state and federal withholdings.

Each carrier who delivered Publishers’ books for DDA will be eligible to receive approximately \$ [REDACTED] for each workweek (Sunday through Saturday) for which they allegedly did not receive minimum wage and/or overtime (“Compensable Workweek”). If records show that a carrier who worked for DDA in the covered time period did not have any Compensable Workweeks, then that person will be paid \$40.00. The number of Compensable Workweeks and the approximate amount you will receive for DDA deliveries is listed on the green pages included in this mailing. Any carrier can dispute the number of Compensable Workweeks on the green pages or whether s/he had any Compensable Workweeks using the procedures below.

In addition, each carrier who delivered Publishers’ books for PDC or another non-DDA company will be eligible to receive approximately \$60 for each Compensable Workweek. If records show that a carrier who worked for PDC or another non-DDA company in the covered time period did not have any Compensable Workweeks, then that person will be paid \$40.00.

**If the Bankruptcy Court approves the Plan, you will not be able to sue DDA, certain individuals who were named in one of the FLSA Lawsuits, or the Publishers, for any additional damages for telephone book**

<sup>1</sup> Publishers means AT&T Services, Inc., and its affiliated non-publishing entities, AT&T Corp. and AT&T Inc.; any entity that formerly did business as AT&T Advertising & Publishing, AT&T Advertising Solutions, or Pacific Bell Directory; AT&T Advertising Solutions; YP Shared Services LLC; YP Advertising & Publishing LLC; YP LLC; YP Holdings LLC; Dex Media Inc.;Thryv Holdings, Inc., Thryv, Inc.; and any lawful successors.

**deliveries for Publishers' books during the period from [REDACTED] to July 8, 2020. This prohibition on filing suit applies and will be true whether or not you file a claim.**

#### WHAT YOU MUST DO TO RECEIVE PAYMENT

To be eligible to receive payment, you **must** file a claim with Epiq Corporate Restructuring, LLC ("Epiq") the authorized notice agent in the case, and Epiq must **receive** that claim on or before July 8, 2020. There will be **no** extensions of this deadline. If your claim is received after July 8, 2020, you will not be entitled to receive any payment.

The green pages included in this mailing explain how to file a claim and submit it by mail or on line. If you disagree with the number of DDA Compensable Workweeks listed on the green pages included in this mailing, you can say so on your claim form and you can submit documents with your claim proving that you worked more DDA Compensable Workweeks.

To qualify for an additional payment for deliveries on behalf of PDC or another non-DDA company, you must certify under oath on the green form that you delivered books for PDC or another non-DDA company, identify the company/ies, and state the number of weeks you delivered books for each company.

When you sign the green form, you will be certifying that the statements in that form are true and correct. All claim forms will be reviewed. Certain parties are entitled to object to statements that are or appear incorrect and, if that happens, you will be required to present proof of your statements.

#### VOTING ON THE PLAN AND COURT HEARING

In addition, you can vote to accept or reject the Plan. Voting is separate from filing your claim: **you are not required to vote on the Plan to receive your payment.** A ballot for voting, together with instructions, is enclosed in this mailing on the blue pages. The Bankruptcy Court must receive your ballot with your vote on or before July 8, 2020 to be counted. **There will be no extensions of this deadline.** The Bankruptcy Court will consider the results of the voting to decide whether to approve the Plan. If the Court does not approve the Plan, then you will not receive the payments described in this statement.

#### **YOU MUST FILE A CLAIM TO RECEIVE A PAYMENT, WHETHER OR NOT YOU VOTE ON THE PLAN.**

The Bankruptcy Court will hold a hearing to consider the Plan on July 20, 2020 in St. Louis, Missouri. **You do not have to attend this hearing to receive payment, although you may need to attend a later hearing if there is an objection to your claim.** The notice of hearing included in this packet contains additional information about the July 20, 2020 hearing if you want to participate.

#### QUESTIONS

This is only a summary of the Plan. If you want to view the entire Plan, you can view it for free at <http://dm.epiq11.com/directory> or [www.ddadeliveryworkersgroup.com](http://www.ddadeliveryworkersgroup.com). If you have any questions you may call [REDACTED] for a recorded message or you may send an email to [REDACTED]. Any calls to the undersigned counsel will be referred to [REDACTED] for response.

Dated: May \_\_, 2020

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