

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

R. RUDNICK & CO.,)	
)	
Plaintiff,)	
)	08 C 1856
v.)	
)	Judge Gottschall
GF PROTECTION INC.,)	
d/b/a GUARDIAN FALL PROTECTION,)	Magistrate Judge Brown
and JOHN DOES 1-10,)	
)	
Defendants.)	

NOTICE OF PENDENCY OF CLASS ACTION AND PROPOSED SETTLEMENT

TO: All persons and entities (as determined by GF Protection Inc. d/b/a Guardian Fall Protection’s current electronic database of potential facsimile recipients) with facsimile telephone numbers, who on or after February 28, 2003, received a facsimile from GF Protection Inc. d/b/a Guardian Fall Protection, promoting the commercial availability of its goods or services who did not consent to the sending of such facsimile(s) and did not have an existing business relationship with GF Protection Inc. d/b/a Guardian Fall Protection.

***PLEASE READ THIS NOTICE CAREFULLY.
THIS IS NOT A NOTICE OF A LAWSUIT AGAINST YOU.***

***IF YOU WISH TO RECEIVE A PORTION OF THE CLASS SETTLEMENT PROCEEDS
DESCRIBED BELOW, YOU MUST COMPLETE AND RETURN THE SUMMARY
NOTICE/CLAIM FORM BY OCTOBER 15, 2009.***

1. WHY DID YOU GET THIS NOTICE?

You received the Summary Notice/Claim Form because you have been determined to be a member of the Settlement Class. The purpose of this Notice is to advise you of a proposed Settlement, and of a hearing to consider that Settlement to be held on **NOVEMBER 18, 2009 at 9:30 a.m.** before Judge Gottschall, Room 2325 of the United States District Court for the Northern District of Illinois, Eastern Division, 219 S. Dearborn Street, Chicago, Illinois 60604 (“Fairness Hearing”).

2. WHAT IS THIS LAWSUIT ABOUT?

Plaintiff, R. Rudnick & Co., filed this action in the Circuit Court of Cook County, Illinois. Defendant removed this case to the United States District Court for the Northern District of Illinois, Eastern Division, where it is pending. On behalf of a putative class, Plaintiff alleged that the Defendant violated the Telephone Consumer Protection Act, 47 U.S.C. §227 (“TCPA”), the Illinois Consumer Fraud Act, 815 ILCS 505/2 (“ICFA”) and conversion by sending unsolicited facsimile advertisements. Defendant denies these allegations but has agreed to settle to avoid the costs and uncertainties of litigation. Counsel for Plaintiff has conducted an extensive investigation into the relevant facts and law underlying Plaintiff’s claims, and has concluded that the outcome of the lawsuit is uncertain and that a Settlement is in the best interests of Plaintiff and the Settlement Class.

Defendant denies that it acted unlawfully, denies liability to Plaintiff and the Settlement Class, and denies that class certification is required or appropriate if there was not a Settlement.

This Notice should not be understood as an expression of any opinion by the Court as to merits of any of the claims asserted by Plaintiff or any of the defenses asserted by Defendant.

3. THE SETTLEMENT BENEFITS - WHAT YOU GET

A Settlement Fund of \$265,000 will be established. After deducting attorney’s fees and costs (up to 30% of the Settlement Fund), a payment to the Plaintiff and class representative of \$3,000, the net fund remaining will be distributed by check to class members who submit valid claim forms.

The Parties have determined that the Settlement Class may consist of approximately 7,000 persons and entities. Some of these persons and entities may have received multiple facsimiles from Defendant. Approximately 51,000 facsimiles were sent by Defendant. Defendant estimates, but is unable to state with any certainty, that a portion of the Class Members received one or more of the faxes at issue. Your share of the Settlement depends on the number of Class Members who submit a timely and valid claim form. The value of each claim is worth up to \$500 per class member.

4. WHAT AM I GIVING UP AS PART OF THE SETTLEMENT?

If the Settlement becomes final, you will be releasing GF Protection Inc. d/b/a Guardian Fall Protection, officers, directors and employees of any claims relating in any way to their sending of unsolicited advertisements by fax. This release is more fully explained in paragraph 7 of the Settlement Agreement. The Settlement Agreement is available at the Clerk’s Office, United States District Court for the Northern District of Illinois, Eastern Division, 219 S. Dearborn Street, Chicago, Illinois 60604 during regular business hours. The Settlement Agreement specifically describes the release claims in necessarily legal terminology. You may speak with Class Counsel or your own lawyer if you have questions about the release.

5. HOW DO I GET A PAYMENT?

To receive a payment from the Settlement Fund, you must complete and return the attached Claim Form by facsimile to (312) 419-0379 or by U.S. Mail to the address for Plaintiff's Counsel listed below in paragraph 7. The deadline for Claim Forms is **OCTOBER 15, 2009**; Claim forms **MUST BE** faxed or postmarked by **OCTOBER 15, 2009**.

6. WHEN WOULD I GET MY PAYMENT?

Payments will be mailed to class members after the Court grants "final approval" of the Settlement and any appeals are resolved. The deadline for Claim Forms is **OCTOBER 15, 2009**; Claim forms **MUST BE** faxed or postmarked by **OCTOBER 15, 2009**. The Court is scheduled to consider final approval at a hearing on **NOVEMBER 18, 2009 at 9:30 a.m.**

7. EXCLUDING YOURSELF FROM THE SETTLEMENT

You will be a member of the Settlement Class unless you exclude yourself from the Settlement Class. You need not take any action to remain in the Settlement Class, but you need to complete the Summary Notice/Claim Form to receive a payment from the Settlement Fund.

If you want to keep the right to sue GF Protection Inc., over the legal issues in this case, then you must take steps to get out of the Settlement. This is called asking to be excluded from - or sometimes called "opting out" of - the class. If you opt out of the Settlement, you will not receive any payment from the Settlement Fund, you cannot object to the Settlement and you will not be bound by anything that happens in this lawsuit. You must exclude yourself from *this* class to start or continue your own lawsuit against GF Protection Inc.

To opt out, you must complete and mail or fax a notice of intention to opt-out ("Opt-Out"), which contains the following: (a) your full legal name or business name if the facsimile number was one owned or controlled by a business, address, and telephone number; (b) the telephone number for the facsimile machine on which you were sent the Fax; (c) your signature or that of the class member's representative (such as a business' officer or manager); and (d) a statement that expressly states an intent of the class member not to participate in the Settlement and to waive all rights to the benefits of the Settlement. In addition, for your Opt-Out to be valid, it must be faxed to (312) 419-0379 by **OCTOBER 15, 2009** or mailed to the following address postmarked no later than **OCTOBER 15, 2009**:

**EDELMAN, COMBS, LATTURNER & GOODWIN, LLC (21030)
120 S. LaSalle Street, 18th Floor
Chicago, IL 60603
(312) 419-0379 (FAX)**

8. WHO ARE COUNSEL FOR PLAINTIFF AND CLASS COUNSEL?

The Court has appointed the following attorneys to represent you and other members of the Settlement Class in this lawsuit:

Daniel A. Edelman (21030)
Heather Kolbus
Edelman, Combs, Lattuner & Goodwin, LLC
120 S. LaSalle Street, 18th Floor
Chicago, IL 60603
(312) 739-4200
(312) 419-0379 (FAX)
www.edcombs.com

These attorneys represent your interests in this lawsuit. You may contact them with any questions that you have about the lawsuit or the Settlement. You may also hire your own attorney at your own cost to advise you in this matter.

Class Counsel will ask the court for attorney's fees and costs of an amount not to exceed 30% of the Settlement Fund or \$79,500. Class Counsel will also ask for an additional payment of \$3,000 for R. Rudnick & Co., the Class Representative, who helped the lawyers on behalf of the whole class.

9. OBJECTING TO THE SETTLEMENT

You can tell the Court that you don't agree with the Settlement or some part of it. You must give reasons why you think the Court should not approve the Settlement. The Court will consider your views if you properly submitted an objection on time.

Objecting is simply telling the Court that you don't like something about the Settlement. You can object **ONLY** if you stay in the class. Excluding yourself is telling the Court that you don't want to be part of the class. If you exclude yourself, you have no basis to object because the case no longer affects you.

If you wish to object to the Settlement or to any awards to Plaintiff or class counsel, then you must mail or fax a written objection to the Settlement ("Objection") to class counsel and counsel for Defendant at the addresses set forth below sent by fax or postmarked no later than **OCTOBER 15, 2009**, and contemporaneously file the objection with the Clerk's Office, United States District Court for the Northern District of Illinois, Eastern Division, 219 S. Dearborn Street, Chicago, Illinois 60604:

Class Counsel

Daniel A. Edelman
Heather Kolbus
Edelman, Combs, Lattuner & Goodwin, LLC
120 S. LaSalle Street, 18th Floor
Chicago, Illinois 60603
(312) 419-0379 (FAX)

Defendant's Counsel

Alan I. Becker
Stephanie W. Tipton
Litchfield Cavo, LLP
303 W. Madison Street, Suite 300
Chicago, Illinois 60606
(312) 781-6630 (FAX)

Each objection must (a) set forth the objector's full legal name or business name, if the objector is an entity, address and telephone number; (b) set forth the telephone number for the facsimile machine on which the class member was sent the fax; (c) state the Objection to the Settlement; (d) set forth a statement of the legal and factual basis for the Objection; and (e) provide copies of any documents in support of the Objection. If you do not submit a timely Objection in accordance with the requirements set forth above, you will not be treated as having filed a valid Objection to the Settlement.

If you do file an objection and wish it to be considered, you may also appear at the hearing before Judge Gottschall on **NOVEMBER 18, 2009 at 9:30 a.m.** YOU ARE NOT REQUIRED TO ATTEND THIS HEARING. Please note that it is not sufficient to simply state that you object. You must state reasons why the Settlement should not be approved.

10. THE COURT'S FAIRNESS HEARING

The Court will hold a hearing on the Settlement in the United States District Court for the Northern District of Illinois, Eastern Division, 219 S. Dearborn Street, Chicago, Illinois 60604, Courtroom 2325 on **NOVEMBER 18, 2009 at 9:30 a.m.** to determine, among other things, (i) whether it will be approved as fair, adequate and reasonable; (ii) what amount, if any, to award class counsel for attorney's fees and costs in the Action; and (iii) what amount, if any, to award Plaintiff for its services as class representative. YOU ARE NOT REQUIRED TO ATTEND THIS HEARING. The hearing may be continued by the Court without further notice to class members.

If the Court does not approve the Settlement, the class action will proceed, and you may or may not get the money that this case may provide in the future.

11. WHERE CAN I OBTAIN ADDITIONAL INFORMATION ABOUT THE LAWSUIT AND/OR THE SETTLEMENT?

The description of the lawsuit and Settlement that is contained in this Notice is only general in nature. All papers filed in this case, including the full Settlement Agreement, are available for you to inspect and copy (at your expense) at the Clerk's Office, United States District Court for the Northern District of Illinois, Eastern Division, 219 S. Dearborn Street, Chicago, Illinois 60604, during regular business hours. You must bring the name of the case and

case number with you, since the Clerk will need to know this information in order to obtain the court file for you to inspect. If you or your attorney need additional information, you should write or call class counsel at the addresses and telephone numbers listed above in paragraph 9 during regular business hours. Please include the case name and number, your name and your current return address on any letters, not just the envelopes. Please do not contact the Defendant's attorneys; they are not in a position to give you any advice about this Settlement.

PLEASE DO NOT CONTACT THE COURT OR DEFENDANT'S COUNSEL FOR INFORMATION.

Dated: July 23, 2009

BY ORDER OF THE UNITED STATES
DISTRICT COURT FOR THE NORTHERN
DISTRICT OF ILLINOIS, EASTERN DIVISION
