

***RICHARD WADE ARCHITECTS, P.C., et al. v. SURFACE WAREHOUSE, LP  
d/b/a U.S. SURFACE WAREHOUSE, 11 CH 09627 (Cir. Ct. Cook Cty., Ill.)***

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

**IF YOU RECEIVED UNSOLICITED FAXES FROM SURFACE WAREHOUSE, LP, PLEASE READ THIS NOTICE CAREFULLY. IF YOU WISH TO BE PAID BENEFITS UNDER THIS SETTLEMENT, YOU HAVE TO SUBMIT A CLAIM FORM BY MARCH 30, 2012.**

**To All Members of the Following Class:**

All persons and entities with Illinois fax numbers who, on or after September 12, 2007, through and including April 3, 2011, were sent faxes by Surface Warehouse, LP d/b/a U.S. Surface Warehouse promoting its goods or services for sale and who were not provided with an "opt out" notice as described in 47 U.S.C. § 227.

**I. WHY IS THIS NOTICE BEING SENT?**

This notice is being sent to let people know that they may be eligible to receive money under a proposed settlement of a class action lawsuit. The lawsuit is pending in the Circuit Court of Cook County in Chicago. The hearing to approve the settlement will be held on **MAY 8, 2012 at 10:00 a.m.** before Judge Hyman, Courtroom 2405 of the Circuit Court of Cook County, Illinois, Richard J. Daley Center, 50 W. Washington St., Chicago, IL 60602.

**II. WHAT IS THE LAWSUIT ABOUT?**

Plaintiffs Richard Wade Architects, P.C. and The Haley Architectural Group, Inc. claimed that they received an unsolicited facsimile advertisement from Surface Warehouse, LP and that Surface Warehouse, LP's sending of this fax violated federal and state laws, including the federal Telephone Consumer Protection Act. Richard Wade Architects, P.C. sought to represent a class of persons to whom Surface Warehouse, LP sent unsolicited advertising facsimiles. Surface Warehouse, LP denies these allegations but has agreed to settle to avoid the costs and uncertainties of litigation. Surface Warehouse, LP will vigorously defend the lawsuit if the proposed settlement is not approved.

**III. WHAT IS THE PROPOSED SETTLEMENT?**

The parties to the lawsuit have agreed to settle after extensive litigation and negotiations. Under the proposed settlement, Surface Warehouse, LP, has agreed to pay \$55,500 into a Settlement Fund. The Settlement Fund will pay the fees of plaintiff's attorneys (no more than \$16,650), plus costs of notice and administration (up to \$4,200), and an award to the

plaintiff, Richard Wade Architects, P.C. (\$3,000, in addition to its recovery as a class member), plus an award to a back-up plaintiff, The Haley Architectural Group, Inc. (\$500, in addition to its recovery as a class member). After these amounts are deducted, each Class Member who submits a valid claim will receive a pro rata share of the remaining money. If you are a Class Member and you submit a valid claim, your share of the settlement fund depends on how many Class Members submit valid claims. According to defendant's records, there are 1,507 unique Illinois fax numbers that were sent at least one of defendant's faxes. Therefore, if 10% of the Class Members submit a valid claim, you may expect to recover approximately \$207. If 20% of the Class Members submit a valid claim, you may expect to recover approximately \$103.

**IV. HOW DO I GET PAID?**

If you already submitted a claim form, you do not need to do anything else. If you have NOT submitted a claim form and you are part of the class described above, complete and submit the claim form to EDELMAN, COMBS, LATTURNER & GOODWIN, LLC (25405), 120 S. LaSalle St., 18<sup>th</sup> Floor, Chicago, IL 60603, or [class-settlement@edcombs.com](mailto:class-settlement@edcombs.com) (EMAIL) or (866) 920-1051 (FAX). Claim forms must be faxed, emailed or postmarked by **MARCH 30, 2012**. If payment to Class Members exceeds \$600, you will be asked to submit a W-9 form in order to receive your payment.

**V. WHAT AM I GIVING UP?**

If the settlement becomes final, you will be releasing Surface Warehouse, LP from any claims relating in any way to its sending of unsolicited advertisements by fax. This release is more fully explained in paragraphs 12, 13 and 18 of the Settlement Agreement. The Settlement Agreement is available at the Clerk's Office, Circuit Court of Cook County, Illinois, Richard J. Daley Center, 50 W. Washington St., Chicago, IL 60602 during regular business hours, and on [www.edcombs.com](http://www.edcombs.com). You will need to reference case number 11 CH 09627.

**VI. EXCLUDING YOURSELF FROM THE SETTLEMENT.**

If you want to keep the right to sue Surface Warehouse, LP over the transmission of unsolicited advertising faxes, then you have to "opt out" of the

settlement. To do that, you have to send a letter saying that you want to be excluded from the Richard Wade Architects, P.C., et al. v. Surface Warehouse, LP class action settlement. Be sure to include your name, address and telephone number, the number for the facsimile machine on which you were sent the fax advertisements, and your signature by **MARCH 30, 2012**. Send the letter to **Class Counsel and Defendant's Counsel by fax or at the mail or email addresses provided in paragraphs VIII and VII respectively**. If you opt out, 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.

#### **VII. OBJECTING TO THE SETTLEMENT.**

Either on your own or through an attorney you hire, you can tell the Court that you don't agree with the settlement or some part of it. You must explain why you think the Court should not approve the settlement. To object, you must send a letter saying that you object to the settlement in Richard Wade Architects, P.C., et al. v. Surface Warehouse, LP, 11 CH 09627. Be sure to include your name, address and telephone number, the telephone number for the facsimile machine on which you were sent the fax advertisements, a statement of your objection, an explanation of the reasons you object to the settlement, a statement whether you intend to appear at the Final Approval Hearing and documentation, if any, to support your objection by **MARCH 30, 2012**. The Court will consider your views if you properly submit 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. If you exclude yourself, you have no basis to object because the case no longer affects you. Any objections or appearances must be filed with the Court and reference 11 CH 09627 and sent to **Defendant's Counsel and Class Counsel by fax or at the mail or email addresses provided in paragraphs IV and VIII respectively**. **Defendant's Counsel** is Lisa M. Lilly, Lisa M. Lilly, LLC, 20 S. Clark St., Suite 410, Chicago, IL 60603, (312) 853-0821 (FAX), [lml@lisamlillylaw.com](mailto:lml@lisamlillylaw.com).

#### **VIII. WHO REPRESENTS THE CLASS?**

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

**EDELMAN, COMBS, LATTURNER & GOODWIN, LLC (25405)**  
120 S. LaSalle St., 18<sup>th</sup> Floor  
Chicago, IL 60603  
(312) 739-4200 (866) 920-1051 (FAX)  
[www.edcombs.com](http://www.edcombs.com) [class-settlement@edcombs.com](mailto:class-settlement@edcombs.com)

This firm represents your interests in this lawsuit. You may contact them with any questions about the lawsuit or the settlement. You may also hire your own attorney at your own cost.

#### **IX. CAN I GET MORE INFORMATION?**

This notice is intended only as a summary of the lawsuit and proposed settlement. It is not a complete statement of the lawsuit or the proposed settlement. You may inspect the pleadings and other papers (including the proposed Settlement Agreement) that have been filed in 11 CH 09627, at the office of the Clerk of the Court, Circuit Court of Cook County, Illinois, Richard M. Daley Center, 50 W. Washington St., Chicago, IL 60602. You may also review the Settlement Agreement by visiting [www.edcombs.com](http://www.edcombs.com). If you have questions about this notice or the proposed settlement, you may contact Settlement Class Counsel at the address and phone number listed above. **DO NOT CONTACT THE COURT OR DEFENDANT FOR INFORMATION.**