

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

ABLE HOME HEALTH, LLC)	
)	
Plaintiff,)	
)	
v.)	06 CH 14270
)	
MICRO DISTRIBUTING II, LTD.,)	
MICRO DISTRIBUTING MANAGEMENT,)	
L.C., and JOHN DOES 1-10,)	
)	
Defendants.)	

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

TO: *All persons or entities with Illinois facsimile numbers who on or after July 18, 2001, were sent facsimiles of material advertising the commercial availability of any services by or on behalf of Micro Distributing and with respect to whom Micro Distributing cannot provide evidence of prior express permission for the sending of such faxes or evidence of a prior established business relationship with the recipients.*

**PLEASE READ THIS NOTICE CAREFULLY. THIS IS NOT A NOTICE OF A LAWSUIT AGAINST YOU.
IT IS A NOTICE OF A SETTLEMENT BEING SENT TO YOU BY COURT ORDER.
YOU MAY BENEFIT FROM READING THIS NOTICE.**

**IF YOU DO NOT WISH TO RECEIVE A PORTION OF THE CLASS SETTLEMENT
PROCEEDS, YOU MUST EXCLUDE YOURSELF BY MARCH 10, 2008.**

WHAT THIS LAWSUIT IS ABOUT: Plaintiff filed this action in the Circuit Court of Cook County, Illinois. On behalf of a putative class, plaintiff alleged that the defendant violated the Telephone Consumer Protection Act, 47 U.S.C. §227 (“TCPA”), and state law by sending unsolicited facsimile advertisements. Defendants deny plaintiff’s allegations, and have raised defenses to plaintiff’s claims, including that the TCPA is unconstitutional.

Judge Rochford granted preliminary approval of the settlement, subject to a fairness hearing which will take place on April 8, 2008 at 10:30 a.m., in Room 2308 of the Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, Illinois, 60602.

The Court ordered that you be sent this notice because you are a member of the class as defined above. This notice explains the lawsuit and the terms of the settlement and informs you of your legal rights and obligations.

IN ORDER TO OBTAIN MONETARY BENEFITS OF THIS SETTLEMENT, YOU DO NOT NEED TO TAKE ANY ACTION. IF YOU WISH TO EXCLUDE YOURSELF FROM THE SETTLEMENT, YOU MUST GIVE NOTICE BY MARCH 10, 2008.

NO ADMISSION OF LIABILITY: By settling this lawsuit, Defendants are not admitting that they did anything wrong. Defendants expressly deny that they did anything wrong.

THE PROPOSED SETTLEMENT: Plaintiff and defendants have agreed to the settlement described below. **IF YOU WISH TO RECEIVE A PORTION OF THE SETTLEMENT PROCEEDS, YOU DO NOT HAVE TO DO ANYTHING.** If you do not wish to be bound by the settlement, you must opt-out. If you do not exclude yourself from the settlement and the settlement is finally approved, you will be sent a check for your portion of the settlement.

Recovery to Class Members. Defendants agree to pay into a Settlement Fund the total sum of \$61,500 (the "Settlement Fund"). Prior to distribution of the Settlement Fund to the class, incentive awards totaling of \$1,700.00 will be paid to the named plaintiff, and an additional client of plaintiff's counsel, plus attorney's fees and costs to Class Counsel in the amount discussed below, will also be paid from the Settlement Fund. After deduction of the items described above, each class member who does not opt-out **will receive a pro-rata share of the funds remaining in the Settlement Fund in the amount of \$157.92 per unsolicited advertising facsimile received** after the aforementioned deductions. In the event funds remain in the Settlement Fund after payment of all valid claims, the remainder shall be donated to a charitable organization.

Attorney's Fees. Plaintiff's counsel will request approval of the Court for attorneys' fees of \$14,950.00 (approximately 24%). Defendants will not oppose or cause to be opposed an application by plaintiff's counsel for attorneys' fees of \$14,950.00. Plaintiff's counsel will not request additional fees from defendants or the class.

Release. Unless you exclude yourself from the settlement, you will be part of the class. By staying in the class, all of the Court's orders will apply to you and you give the Defendants a "release." A release means you cannot sue or ever be part of any other lawsuit against Micro Distributing II, Ltd. and Micro Distributing Management, L.C., and all of its affiliates, related to the claims or issues in this lawsuit.

CLASS COUNSEL'S OPINION OF THE VALUE OF THE SETTLEMENT: In an individual action, a prevailing plaintiff may be able to recover \$500 in statutory damages under the TCPA (\$1,500 if a willful violation is shown). Of course if an individual does not prevail, he will receive no payment. There have also been questions raised as to the constitutionality of the TCPA and concerning whether certain states recognize private causes of action under the TCPA.

Each of the approximately 284 class members is eligible to receive a pro rata share estimated at \$157.92 per unsolicited facsimile received, of the Settlement Fund of \$61,500 less attorney's fees, incentive payments to the plaintiff and costs approved by the Court. The maximum amount of an individual claim under the TCPA is \$500, unless a court finds that a Defendant willfully or knowingly committed the violation, in which case the court may, in its discretion, increase the amount of the award to not more than \$1,500. If litigated through to trial, this action would be expensive, would raise numerous complex issues, would likely be the subject of various appeals and would leave many uncertainties. For these reasons, Class Counsel believes that the settlement is fair and reasonable and that the class members should accept this settlement.

CORRECT NAME: If any of the persons to whom this notice is sent have changed their name, you should send a letter to Class Counsel explaining who you are and why the claim belongs to you and include any supporting documentation.

FAIRNESS HEARING: A hearing will be held on the fairness of the proposed settlement. At the hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed settlement. At the hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed settlement, including the amount of the award to plaintiff's counsel of costs and attorney's fees. The hearing will take place on **April 8, 2008 10:30a.m., before Judge Rochford in Room 2308 of the Richard J. Daley Center, 50 W. Washington, Chicago, Illinois, 60602.** **YOU ARE NOT OBLIGATED TO ATTEND THIS HEARING.**

YOUR OPTIONS

1. **If you wish to receive a portion of the settlement proceeds, you do not have to do anything.** You will be represented by the attorneys for plaintiff without additional charge. Or, if you prefer, you may enter your own appearance or ask the Court to allow you to participate in the settlement through your own attorney. If you wish to participate on your own or through your own attorney, an appearance must be filed with the Court by **March 10, 2008**. If you participate through your own attorney, it will be at your expense. Any party who does not exclude his or herself from the settlement, as described below, will be bound by the settlement agreement and release of claims against the defendants, as approved by the Court.

2. **You have the right to exclude yourself from both the class action and the settlement** by filing or mailing a written request for exclusion with the Clerk of the Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, Illinois, 60602 or to the attorneys listed below. **The request for exclusion must be received by the Clerk of the Court or the attorneys listed below on or before March 10, 2008,** and must list your name, address, and the name and number of this case. You must also serve copies of the request for exclusion on each of the attorneys for the plaintiff and for the defendants, at the following addresses by the same date.

Daniel A. Edelman Heather Kolbus	(17229) Soderstrom, Maloney & Priess, LLP 233 South Wacker Drive 22 nd Floor Chicago, IL 60606	Pete V. Albanis Tressler, Soderstrom, Maloney & Priess, LLP 233 South Wacker Drive 22 nd Floor Chicago, IL 60606
Edelman, Combs, Lattuner & Goodwin, LLC 120 S. LaSalle Street, 18 th Floor Chicago, IL 60603 (312) 739-4200 (Attorneys for Plaintiff)		(Attorney for Defendants)

3. **If you object to the settlement, and wish to submit an objection rather than simply exclude yourself from the class action,** you must submit your objection in writing to the Clerk of the Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, Illinois, 60602. **The objection must be received by the Clerk of the Court on or before March 10, 2008,** and must refer to the name and number of the case. You must also serve copies of your objection on each of the attorneys for the plaintiff and for the defendants listed above by the same date. Any objection must include your name and address, the name and number of this case, and a statement of the reasons why you believe that the Court should find that the proposed settlement is not in the best interests of the class. Please note that it is not sufficient to simply state that you object. You must state reasons why the settlement should not be approved.

IMPORTANT: THE COURT REQUIRES THAT ANY REQUESTS FOR EXCLUSION OR OBJECTIONS BE RECEIVED BY THE CLERK OR THE ATTORNEYS LISTED ABOVE BY MARCH 10, 2008. IF YOU MAIL A REQUEST FOR EXCLUSION OR OBJECTION, YOU BEAR THE RISK OF THE REQUEST FOR EXCLUSION OR OBJECTION NOT BEING RECEIVED BY THE CLERK AND THE ATTORNEYS BY THE DEADLINE.

If you choose to exclude yourself from the class action and settlement you will not receive payment under this agreement and will not be bound by the release.

If the settlement is not approved, the case will proceed as if no settlement had been attempted. There can be no assurance that if the settlement is not approved, the class will recover more than is provided in the settlement, or indeed, anything.

This description of the case is general and does not cover all of the issues and proceedings thus far. In order to see the complete file, including a copy of the settlement agreement, you should visit the office of the Clerk

of the Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, Illinois, 60602. The Clerk will make the files relating to this lawsuit available to you for inspection and copying at your own expense.

INQUIRIES: Any questions you or your attorney has concerning this notice **should be directed to Edelman, Combs, Lattuner & Goodwin, LLC** at the address listed above. 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 Court Clerk or the defendants' attorneys; they are not in a position to give you any advice about this settlement.