

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

IF YOU RECEIVED AN UNSOLICITED ADVERTISING FAX FROM THE STONEYARD, LLC (“Stoneyard”),

PLEASE READ THIS NOTICE CAREFULLY.

IF YOU WISH TO BE PAID SETTLEMENT BENEFITS, YOU MUST SUBMIT A CLAIM FORM BY DECEMBER 20, 2010.

To All Members of the Following Class:

All persons and entities with facsimile numbers, who, on or after April 26, 2005 through and including May 16, 2010, received an unsolicited facsimile transmission from or on behalf of Stoneyard promoting the commercial availability of its goods or services.

I. WHY IS THIS NOTICE BEING SENT?

This notice is being sent to let people know that they may be eligible to receive up to \$500 under a proposed settlement of a class action lawsuit if they submit a claim form by **DECEMBER 20, 2010.** The lawsuit is pending in the Circuit Court of Cook County, Illinois, Chancery Division. The hearing to approve the settlement will be held on **JANUARY 28, 2011 at 10:00 a.m.** before Judge Quinn, Courtroom 2308 of the Richard J. Daley Center, 50 W. Washington St., Chicago, IL 60602.

II. WHAT IS THE LAWSUIT ABOUT?

Plaintiff Richard Wade Architects, Inc. (“RWA”) sued Stoneyard alleging that it received an unsolicited facsimile advertisement from Stoneyard and that the sending of this fax violated federal law, including the federal Telephone Consumer Protection Act, and state law, including the Illinois Consumer Fraud Act and common law conversion. RWA sought to represent a class of persons to whom Stoneyard sent unsolicited advertising facsimiles. Stoneyard denies these allegations but has agreed to settle to avoid the costs and uncertainties of litigation. Stoneyard 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 negotiations. Under the proposed settlement, Stoneyard has agreed to pay a Settlement Fund in the amount of \$60,000. The Settlement Fund will pay an award to the plaintiff (\$1,500, in addition to its recovery as a class member) and attorney’s fees (in the amount of \$18,000 or 30% of the Settlement Fund), plus reasonable costs of notice and administration. After these amounts are deducted, each Class Member who submits a valid claim by **DECEMBER 20, 2010** will receive an equal share of the remaining funds, regardless of the number of faxes sent to the Class Member, up to a maximum of \$500. However, if any Class Member has more than one fax number on the Class List, then you may be eligible to recover more than one share of the Settlement Fund. Your share of the settlement fund depends on how many Class Members submit claim forms. There are approximately 5,000 Class Members.

IV. HOW DO I GET A PAYMENT?

If you are part of the class described above, complete and submit the claim form to Class Counsel, **EDELMAN, COMBS, LATTURNER & GOODWIN, LLC (24380), 120 S. LaSalle St., 18th Floor, Chicago, IL 60603, or 866-834-3504 (FAX).** Claim forms must be faxed or postmarked by **DECEMBER 20, 2010.**

V. WHAT AM I GIVING UP?

If the settlement becomes final, you will be releasing Stoneyard of any claims relating in any way to its sending of unsolicited advertising facsimiles. This release is more fully explained in paragraph 7 of the Settlement Agreement. The Settlement Agreement is available at the Clerk’s Office, Richard J. Daley Center, 50 W. Washington St., Chicago, IL 60602 during regular business hours. You will need to reference case number 10 CH 17983.

VI. 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 submit a Claim Form by **DECEMBER 20, 2010** to be eligible to receive a payment.

If you want to keep the right to sue Stoneyard 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. To exclude yourself from the settlement, you must send a letter saying that you want to be excluded from the Richard Wade Architects, Inc. v. The Stoneyard, LLC, 10 CH 17983, class action settlement. Be sure to include your name, address and the number for the facsimile machine on which you were sent the fax advertisement, and your signature by **DECEMBER 20, 2010.** Send the letter to **Class Counsel at the address provided in paragraph VIII.** 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 the Richard Wade Architects, Inc. v. The Stoneyard, LLC, 10 CH 17983. Be sure to include your name, address and 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 and documentation, if any, to support your objection by **DECEMBER 20, 2010.** 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 10 CH 17983 and sent to **Class Counsel at the address provided in paragraph VIII and Defendant’s Counsel at the following address: David Almeida, MICHAEL BEST & FRIEDRICH, LLP, Two Prudential Plaza, 180 N. Stetson St., Suite 2000, Chicago, IL 60601.**

VIII. WHO REPRESENTS THE CLASS?

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

EDELMAN, COMBS, LATTURNER & GOODWIN, LLC (24380)
120 S. LaSalle St., 18th Floor
Chicago, IL 60603
(312) 917-4504 866-834-3504 (FAX)
www.edcombs.com

This firm represents 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.

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 10 CH 17983, at the office of the Clerk of the Court, Richard J. Daley Center, 50 W. Washington St., Chicago, IL 60602. 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.**