

**A NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT  
IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION**

STEPHEN L. KERSCHNER,	)	
and BURTON T. WITT,	)	
	)	
Plaintiffs,	)	03 CH 15384
	)	
v.	)	
	)	
DOUGLAS LIPHARDT, doing business as	)	
ROBERT G. MICHAELS & ASSOCIATES,	)	
	)	
Defendant.	)	

***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 CLAIM FORM BY FEBRUARY 12, 2007.***

**WHAT THIS LAWSUIT IS ABOUT:**

Stephen L. Kerschner and Burton T. Witt filed this lawsuit against Douglas Liphardt d/b/a Robert G. Michaels & Associates (“RGMA”) alleging that RGMA sent them an unsolicited fax advertisement in violation of the Telephone Consumer Protection Act (“TCPA”). In filing this lawsuit, plaintiffs filed it as a *class action lawsuit*, on behalf of *themselves* and *all others who received the same faxes as well*. You were sent this notice because it is believed that you received the advertisement fax as well.

Edelman, Combs, Latturmer & Goodwin LLC are Stephen L. Kerschner and Burton T. Witt’s attorneys and are the *CLASS COUNSEL*. This lawsuit has settled out of court and RGMA denies any wrongdoing, including any violation of the TCPA, Illinois law, and/or any cause of action against it as alleged in or related to this lawsuit. Judge McGann has preliminarily approved the settlement that was reached between the parties.

**THE PROPOSED SETTLEMENT:**

The Parties have agreed that the Defendant will pay \$275,000.00 into a Settlement Fund. From this fund, \$10,000.00 will be used to effectuate notice to the class; Stephen L. Kerschner and Burton T. Witt will ask for \$2,500.00 each for being the class representatives; Class Counsel will ask for 25% of the fund for its fees and expenses and the remaining amount will be paid to class members (up to \$500.00 a piece), such as yourself, who return a claim form **by February 12, 2007**.

**YOUR OPTIONS:**

1. *SUBMIT A CLAIM FORM*: If you submit a complete claim form **by February 12, 2007** to our office (address listed below), you will then be entitled to a portion of the settlement, up to \$500.00. In submitting a claim form, you will be releasing your right to file a lawsuit against RGMA for the sending of unsolicited fax advertisements, but will be eligible for monetary compensation (up to \$500.00).

The amount that each class member receives depends on the number of claims. If the number of class members does not exceed the amount remaining in the settlement fund, each member will receive \$500.00, and any remaining money will be donated to charity. If the number of claims exceeds the amount remaining in the settlement fund, each class member will receive an equal portion of the fund. If you submit a claim form, you are *not required* to do anything else such as attend the fairness hearing or appear in court. If the settlement and your claim are approved, you will receive a check in the months following the fairness hearing. The claim form must be post marked **by February 12, 2007**.

2. *EXCLUDE YOURSELF*: If you do not wish to participate, you can do so by sending a request to Julie Clark at EDELMAN, COMBS, LATTURNER & GOODWIN LLC, 120 S. LaSalle St. 18th Floor, Chicago, IL 60603. If you exclude yourself, you will not be eligible to receive any portion of the settlement. Please include case name and court number (at the top of this notice) on the letters and they must be received **by February 12, 2007**.

3. **OBJECT:** If you wish to object to this settlement you must submit your objection to Julie Clark at EDELMAN, COMBS, LATTURNER & GOODWIN LLC, 120 S. LaSalle St. 18th Floor, Chicago, IL 60603 **by February 12, 2007** again, including case name and court number. If you do object to the settlement, you must state why you object to settlement.

4. **DO NOTHING:** If you do nothing, you will still remain a class member in this case, releasing your right to file a lawsuit against RGMA, and you will *not* receive any portion of the settlement.

**FAIRNESS HEARING**

On **April 23, 2007, at 11:00 a.m.**, Judge McGann will hold a fairness hearing in room 1703 of the Richard J. Daley Center, 50 W. Washington, Chicago, IL 60602 to hear any objections from class members and to review the settlement proceedings. *You do not have to attend this hearing.*

**OPINION OF THE SETTLEMENT:** Edelman, Combs, Latturner & Goodwin LLC is the Class Counsel in this case. It represents the named plaintiff, Stephen L. Kerschner and Burton T. Witt, and all the class members. Edelman, Combs, Latturner & Goodwin LLC believes this to be fair settlement in that it enables class members to recover up to \$500.00 for receiving an unsolicited fax advertisement, without the expense and complexity of each member filing their own lawsuit.

**QUESTIONS:** If you have any questions regarding the settlement, your rights, or any other questions, please contact Class Counsel, Edelman, Combs, Latturner & Goodwin LLC, at the address below, as it has been appointed by the court to represent you. Please do not contact the Court or the defendant's counsel.

*IF YOU WOULD LIKE TO PARTICIPATE IN THIS SETTLEMENT AND BE ELIGIBLE FOR A MONETARY REWARD, COMPLETE THE ATTACHED FORM AND MAIL IT TO THE ADDRESS BELOW BY **FEBRUARY 12, 2007.***

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**PROOF OF CLAIM**

**KERSCHNER and WITT v. DOUGLAS LIPHARDT, d/b/a/ ROBERT G. MICHAELS & ASSOC., No. 03 CH 15064 (Circuit Court of Cook County, Illinois)**

**IMPORTANT: THIS CLAIM FORM MUST BE POSTMARKED OR RECEIVED ON OR BEFORE FEBRUARY 12, 2007, AND MAILED TO THE FOLLOWING ADDRESS:**

EDELMAN, COMBS, LATTURNER & GOODWIN, LLC  
Claim Form case 10376  
120 S. LaSalle, Suite 1800  
Chicago, Illinois 60603

Please print the following information:

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY/STATE: \_\_\_\_\_  
ZIP CODE: \_\_\_\_\_

I certify that I received a facsimile ad from RGMA during the Class Period

\_\_\_\_\_

(YOUR SIGNATURE)