

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

**IF YOU RECEIVED AN UNSOLICITED ADVERTISING FAX FROM OXYGEN QUALIFYING SERVICES, INC. ("Oxygen")
PLEASE READ THIS NOTICE CAREFULLY.
IF YOU WISH TO BE PAID BENEFITS UNDER THIS SETTLEMENT,
SUBMIT A CLAIM FORM BY AUGUST 16, 2010.**

To All Members of the Following Class:

All persons or entities with facsimile numbers who, on or after December 18, 2006 through and including January 7, 2010, were sent faxes by or on behalf of defendant Oxygen promoting its goods or services for sale and who were not provided 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 up to \$500 under a proposed settlement of a class action lawsuit if they submit a claim form by AUGUST 16, 2010. The lawsuit is pending in federal court in Rockford, Illinois. The hearing to approve the settlement will be held on SEPTEMBER 13, 2010 at 1:30 p.m. before Magistrate Judge Mahoney, Courtroom 206 of the U.S. District Court, 211 S. Court Street, Rockford, IL 61101.

II. WHAT IS THE LAWSUIT ABOUT?

Plaintiff Able Home Health, LLC ("Able") sued Oxygen, alleging that it received an unsolicited facsimile advertisement from Oxygen and that the sending of this fax violated federal law, called the federal Telephone Consumer Protection Act. Able sought to represent a class of persons to whom Oxygen sent unsolicited advertising facsimiles. Oxygen denies these allegations but has agreed to settle to avoid the costs and uncertainties of litigation. Oxygen 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, Oxygen has agreed to pay a Settlement Fund in the amount of \$270,000. The Settlement Fund will pay an award to the plaintiff (\$3,000, in addition to its recovery as a class member) and attorney's fees and costs (in the amount of \$81,000 or 30% of the Settlement Fund), including costs of notice and administration. After these amounts are deducted, each Class Member who submits a valid claim by AUGUST 16, 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. Your share of the settlement fund depends on how many Class Members submit claim forms. There are approximately 20,000 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 (22748), 120 S. LaSalle Street, 18th Floor, Chicago, IL 60603 or (312) 419-0379 (FAX)**. Claim forms must be faxed or postmarked by AUGUST 16, 2010.

V. WHAT AM I GIVING UP?

If the settlement becomes final, you will be releasing Oxygen of any claims relating in any way to its sending of sending of unsolicited advertising facsimiles. This release is more fully explained in paragraph 7 of the Settlement Agreement. You will need to reference case number 09 C 50128. The Settlement Agreement is available at the Clerk's Office, U.S. District Court for the Northern District of Illinois, 211 S. Court Street, Rockford, IL 61101 during regular business hours

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 AUGUST 16, 2010 to be eligible to receive a payment.

If you want to keep the right to sue Oxygen 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 Able Home Health, LLC v. Oxygen Qualifying Services, Inc., 09 C 50128, 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 AUGUST 16, 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 Able Home Health, LLC v. Oxygen Qualifying Services, Inc., 09 C 50128. 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 AUGUST 16, 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 09 C 50128 and sent to **Class Counsel at the address provided in paragraph VIII and Defendant's Counsel at the following address: BEST VANDERLAAN & HARRINGTON, 25 E. Washington Street, Suite 210, Chicago, IL 60602**.

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 (22748)
120 S. LaSalle Street, 18th Floor
Chicago, IL 60603
(312) 917-4504 (312) 419-0379 (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 do not have to pay the fees of Class Counsel. You may also hire your own attorney at your own cost to appear on your behalf.

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 09 C 50128, at the office of the Clerk of the Court, U.S. District Court for the Northern District of Illinois, 211 S. Court Street, Rockford, IL 61101. 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.**

BY ORDER OF THE U.S. DISTRICT COURT, N.D. III.