

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**G. NEIL GARRETT, DDS, P.C. v. SHARPS COMPLIANCE, INC., No. 10 CV 4030, Judge Denlow**

**SUMMARY NOTICE OF PENDENCY OF CLASS ACTION AND PROPOSED SETTLEMENT**

TO: All persons and entities throughout the United States who: (a) during the period from May 24, 2006 through June 20, 2011; (b) were sent facsimiles by or on behalf of Sharps Compliance, Inc.; (c) promoting its goods or services for sale (the "Settlement Class")

**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 FUND DESCRIBED BELOW, YOU MUST COMPLETE AND RETURN THE NOTICE/CLAIM FORM BY JANUARY 31, 2012.**

This Summary Notice is to inform you of the proposed settlement of a class action lawsuit alleging unsolicited fax advertising. Your fax number has been identified as one which may have been sent the alleged unsolicited advertisement at issue in this lawsuit. The Parties have agreed to a proposed Settlement. This notice is only a summary. **If you would like to obtain a copy of the full Notice of Pendency of Class Action and Proposed Settlement, please call (312) 917-4504. A copy of the Full Notice can also be found on [www.edcombs.com](http://www.edcombs.com).**

**THE LAWSUIT:** Plaintiff Dr. G. Neil Garrett, DDS, P.C. ("Plaintiff") filed this Lawsuit on behalf of itself and the Settlement Class alleging, among other things, that Defendant Sharps Compliance, Inc. ("Defendant") violated the Telephone Consumer Protection Act ("TCPA") by sending it and the Settlement Class unsolicited fax ads promoting medical waste disposal products and services. Defendant denies it violated the TCPA. The TCPA generally prohibits sending unsolicited fax ads and provides for a statutory penalty of \$500 for each violation of the Act which may be trebled to \$1500 per violation if the defendant willfully violated the Act. The Parties have agreed to settle this case.

**SETTLEMENT TERMS:** Under the terms of the proposed settlement, the **Defendant will pay \$350,000.00** into a settlement fund (the "Settlement Fund"), which will be reduced by attorney fees awarded by the Court, not to exceed 30% of the settlement fund, an incentive award to the named plaintiff for having acted as class representative, not to exceed \$6,250, and costs related to notice and administration of the settlement. The amount remaining in the fund will be divided on a pro rata basis not to exceed \$550 per valid claim among those submitting timely claim forms. **To receive a monetary recovery, you must submit the claim form at the end of this Notice.**

**DISCOUNT AVAILABLE:** In addition to the cash payment being provided to Class Members submitting valid claims, Defendant shall provide all Class Members with a **discount of 10% off of Sharps Compliance, Inc.'s goods or services** which shall be valid through **June 30, 2012**. To receive the discount, Class Members may visit the Sharps Compliance website at [www.sharpsinc.com](http://www.sharpsinc.com) and use the coupon code 10%JUNE2012 when checking out of the online shopping cart.

**ADDITIONAL TERMS:** There are approximately 58,000 members in the Settlement Class. Under the terms of the settlement, those Settlement Class members who remain in the Settlement Class will **release Defendant from liability** for sending the unsolicited fax ad regardless of whether they file a claim for a share of the Settlement Fund. The Court has given preliminary approval to the settlement and directed that this notice be sent to you. The Court has appointed the law firm of Edelman Combs Lattuner & Goodwin, LLC as Class Counsel to represent the Settlement Class.

**IF YOU HAVE QUESTIONS YOU MAY CONTACT CLASS COUNSEL AT 312-739-4200  
OR VIA CLASS COUNSEL'S WEBSITE AT [WWW.EDCOMBS.COM](http://WWW.EDCOMBS.COM)**

## YOUR OPTIONS:

**1) Remain a member of the Settlement Class and file a claim to receive a portion of the Settlement Fund.** To do so you must mail or fax the Claim Form at the end of this Notice to Class Counsel at the address or fax number indicated so that it is faxed or postmarked by January 31, 2012. You will receive a pro-rata share of the Settlement Fund up to a maximum of \$550.

**2) Exclude yourself from the Settlement.** You may exclude yourself from the settlement by sending (via fax or mail) a notice of exclusion to Class Counsel at Edelman, Combs, Lattuner & Goodwin, LLC, 120 S. LaSalle St. Suite 1800, Chicago, IL 60603, fax: (866) 834-3504, containing the case name and number at the top of this notice and stating you wish to be excluded from the Settlement Class. The Notice of Exclusion must be sent or postmarked on or before January 31, 2012.

**3) Object to or Comment on the Settlement.** You may object to or comment on this settlement in writing by mailing or faxing an objection or comment containing the case name and number at the top of this notice to Class Counsel: Julie Clark, Edelman, Combs, Lattuner & Goodwin, LLC, 120 S. LaSalle St., Suite 1800, Chicago, IL 60603; (fax) 866-834-3504, by January 31, 2012. You may also be heard at the Final Approval Hearing (see below) regarding any objection or comment you have. Filing an objection does not exclude you from the Settlement Class.

**4) Do Nothing.** You are not obligated to take any action in response to this Notice. If you do nothing you will remain a member of the Settlement Class but you will not receive a share of the Settlement Fund and you will release Defendant and its parent and related companies from any liability they may have for sending the fax to you.

You are represented by Class Counsel in this case. You are free to retain your own attorney to represent you at your own cost. **QUESTIONS ABOUT THIS NOTICE OR THIS CASE MAY BE DIRECTED TO CLASS COUNSEL AT 312-739-4200.**

**FINAL APPROVAL HEARING:** The Court will hold a Final Approval Hearing on March 1, 2012, at 10:30 a.m. before Judge Denlow, Room 1350 of the U.S. District Court for the Northern District of Illinois, Eastern Division, 219 S. Dearborn Street, Chicago, IL 60604, at which time the Court will decide whether to grant final approval to the proposed settlement. You are not required to attend this hearing unless you wish to speak orally as to an objection or comment you have.

PLEASE DO NOT CONTACT THE COURT OR DEFENDANT'S COUNSEL FOR INFORMATION.  
BY ORDER OF THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION