

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

DR. FRANCIS SADOWSKI, )  
)  
Plaintiffs, )  
)  
v. )  
)  
PUBLICATION RESOURCES, INC., )  
and JOHN DOES 1-10, ) 06 CH 26819  
)  
Defendants. )  
\_\_\_\_\_)  
PUBLICATION RESOURCES, INC., )  
and JOHN DOES 1-10, )  
)  
Third-Party Plaintiffs )  
)  
v. )  
)  
THE CINCINNATI INSURANCE COMPANY )  
)  
Third-Party Defendant )

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

**TO:** All persons or entities with Illinois or Indiana fax numbers who on or after December 8, 2002, were sent advertising faxes by or on behalf of Publication Resources, Inc. (“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  
PROCEEDS DESCRIBED BELOW, YOU MUST COMPLETE  
AND RETURN THE CLAIM FORM BY NOVEMBER 7, 2008.***

- 1. WHY DID YOU GET THIS NOTICE?**  
You received the Summary Notice/Claim Form because you have been determined to be a member of the Settlement Class. The purpose of this Notice is to advise you of a proposed settlement and of a hearing to consider that settlement to be held on **November 20, 2008 at 10:30 a.m.** before Judge Rochford, Room 2308 of the Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, Illinois, 60602 (“Fairness Hearing”).

## **2. WHAT IS THIS LAWSUIT ABOUT?**

Plaintiff, Dr. Francis Sadowski, filed this action in the Circuit Court of Cook County, Illinois alleging violations of the Telephone Consumer Protection Act, 47 U.S.C. §227 (“TCPA”), violations of the Illinois Consumer Fraud Act, 815 ILCS 505/2 (“ICFA”) and for conversion arising out of the transmission of unsolicited facsimile advertisements. Defendant denies these allegations. The parties, however, have agreed to settle this action in order to avoid the uncertainties and costs of litigation. Counsel for plaintiff has conducted an extensive investigation into the relevant facts and law underlying plaintiff’s claims, and has concluded that the outcome of the lawsuit is uncertain and that a settlement is in the best interests of plaintiff and the Settlement Class.

Defendant denies that it acted unlawfully, denies liability to plaintiff and the Settlement Class, and denies that class certification is required or appropriate if there was not a settlement. PRI’s insurer, CIC denies that its insurance policy affords coverage for any judgment that might be entered against PRI for these claims.

This Notice should not be understood as an expression of any opinion by the Court as to merits of any of the claims asserted by plaintiff or any of the defenses asserted by defendant.

## **3. THE SETTLEMENT BENEFITS - WHAT YOU GET**

A settlement fund of \$565,000.00 will be established. After deducting attorney’s fees and costs (up to 30% of the settlement fund), a payment to the plaintiff and class representative of \$5,000, and costs related to notice and administration of the settlement, the net fund remaining will be distributed by check to class members who submit a valid claim form.

There were approximately 17,077 facsimiles or more sent to the Settlement Class. Your share of the settlement fund depends on the number of class members who submit a timely and valid claim form. The value of each claim is worth up to \$500 per class member.

## **4. WHAT AM I GIVING UP AS PART OF THE SETTLEMENT?**

If the settlement becomes final, you will be releasing PRI of any claims relating in any way to their sending of unsolicited advertisements by fax. This release is more fully explained in paragraph 7 of the Settlement Agreement. The Settlement Agreement is available at the Clerk’s Office, Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, Illinois, 60602 during regular business hours. The Settlement Agreement specifically describes the released claims in necessarily legal terminology. You may speak with Class Counsel or your own lawyer if you have questions about the release.

**5. HOW DO I GET A PAYMENT?**

To receive a payment from the settlement fund, you must complete and return the attached Claim Form by facsimile to (312) 419-0015 or by U.S. Mail to the address for Class Counsel listed below. Claim forms **MUST BE** faxed or postmarked by **November 7, 2008**.

**6. EXCLUDING YOURSELF FROM THE SETTLEMENT**

You will be a member of the Settlement Class unless you act to exclude yourself. Settlement Class. You need not take any action to remain in the Settlement Class, but you need to complete the Summary Notice/Claim Form to receive a payment from the settlement fund.

If you want to keep the right to sue PRI, 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. If you opt out of the settlement, 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. You must exclude yourself from *this* class to start or continue your own lawsuit against PRI.

To opt out, you must complete and mail or fax a notice of intention to opt-out (“Opt-Out”), which contains the following: (a) your full legal name or business name if the facsimile number was one owned or controlled by a business, address, and telephone number; (b) the telephone number for the facsimile machine on which you were sent the Fax; (c) your signature or that of the class member’s representative (such as a business’ officer or manager); and (d) a statement that expressly states an intent of the class member not to participate in the Settlement and to waive all rights to the benefits of the Settlement. In addition, for your Opt-Out to be valid, it must be faxed to (312) 419-0015 by **November 8, 2008** or mailed to the following address postmarked no later than **November 8, 2008**:

Daniel A. Edelman (18324)  
Julie Clark  
Edelman, Combs, Lattuner & Goodwin, LLC  
120 S. LaSalle Street, 18<sup>th</sup> Floor  
Chicago, IL 60603  
(312) 739-4200  
(312) 419-0015 (FAX)  
[www.edcombs.com](http://www.edcombs.com)

**9. WHO ARE COUNSEL FOR PLAINTIFF AND CLASS COUNSEL?**

The Court has appointed the following attorneys to represent you and other members of the settlement class in this lawsuit:

Daniel A. Edelman (18324)  
Julie Clark  
Edelman, Combs, Lattuner & Goodwin, LLC  
120 S. LaSalle Street, 18<sup>th</sup> Floor  
Chicago, IL 60603  
(312) 739-4200  
(312) 419-0015 (FAX)  
[www.edcombs.com](http://www.edcombs.com)

These attorneys represent 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 to advise you in this matter.

Class Counsel will ask the court for attorney's fees and costs of an amount not to exceed 30% of the Settlement Fund. Class Counsel will also ask for an additional payment of \$5,000 for Dr. Francis Sadowski, the Class Representative, who helped the lawyers on behalf of the whole class.

## **10. OBJECTING TO THE SETTLEMENT**

You can tell the Court that you don't agree with the settlement or some part of it. You must give reasons why you think the Court should not approve the settlement. The Court will consider your views if you properly submitted 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 wish to object to the settlement or to any awards to plaintiff or class counsel, then you must mail or fax a written objection to the settlement ("Objection") to class counsel and counsel for defendant at the addresses set forth below sent by fax or postmarked no later than **November 8, 2008**, and contemporaneously file the objection with the Clerk's Office, Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, Illinois, 60602:

### **Class Counsel**

Daniel A. Edelman  
Julie Clark  
Edelman, Combs, Lattuner & Goodwin, LLC  
120 S. LaSalle Street, 18<sup>th</sup> Floor  
Chicago, Illinois 60603  
(312) 419-0015 (FAX)

### **Defendant's Counsel**

Stephanie W. Tipton  
Litchfield Cavo LLP  
303 W. Madison Street  
Chicago, Illinois 60606  
(312)781-6630 (FAX)

Each objection should (a) set forth the objector's full legal name or business name, if the objector is an entity, address and telephone number; (b) set forth the telephone number for the facsimile machine on which the class member was sent the fax; (c) state the Objection to the Settlement; (d) set forth a statement of the legal and factual basis for the Objection; and (e) provide copies of any documents in support of the

Objection. If you do not submit a timely Objection in accordance with the requirements set forth above, you will not be treated as having filed a valid Objection to the settlement.

If you do file an objection, you may also appear at the hearing before Judge Rochford on **November 20, 2008 at 10:30 a.m.** Please note that it is not sufficient to simply state that you object. You must state reasons why the settlement should not be approved.

**11. THE COURT’S FAIRNESS HEARING**

The Court will hold a hearing on the settlement in the Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, Illinois, 60602, Courtroom 2308 on **November 20, 2008 at 10:30 a.m.** to determine, among other things, (i) whether it will be approved as fair, adequate and reasonable; (ii) what amount, if any, to award class counsel for attorney’s fees and costs in the Action; and (iii) what amount, if any, to award plaintiff for his services as class representative. **YOU ARE NOT REQUIRED TO ATTEND THIS HEARING.** The hearing may be continued by the Court without further notice to class members.

If the Court does not approve the settlement, the class action will proceed, and you may or may not get the money that this case may provide in the future.

**12. WHERE CAN I OBTAIN ADDITIONAL INFORMATION ABOUT THE LAWSUIT AND/OR THE SETTLEMENT?**

The description of the lawsuit and settlement that is contained in this Notice is only general in nature. All papers filed in this case, including the full settlement agreement, are available for you to inspect and copy (at your expense) at the Clerk’s Office, Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, Illinois, 60602, during regular business hours. You must bring the name of the case and case number with you, since the Clerk will need to know this information in order to obtain the court file for you to inspect. If you or your attorney need additional information, you should write or call class counsel at the addresses and telephone numbers listed above in paragraph 9 during regular business hours. 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 defendant’s attorneys; they are not in a position to give you any advice about this settlement.

**PLEASE DO NOT CONTACT THE COURT, THE JUDGE OR PRI.**

Dated: August 26, 2008

Honorable Mary K. Rochford