

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

SCOTT R. FLADLAND, D.C.,	)	
	)	
Plaintiff,	)	
	)	05 CH 20090
v.	)	
	)	
SOURCEONE HEALTHCARE	)	
TECHNOLOGIES, INC.,	)	
and JOHN DOES, 1-10,	)	
	)	
Defendants.	)	

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

**TO:** All persons or entities with Illinois fax numbers who on or after November 22, 2000, were sent advertising faxes by or on behalf of SourceOne Healthcare Technologies, Inc. in the form represented by Exhibit A to plaintiff's Complaint and with respect to whom defendant cannot provide evidence of express consent or an established business relationship.

***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 SUMMARY  
NOTICE/CLAIM FORM BY SEPTEMBER 25, 2006.***

**1. WHY DID YOU GET THIS NOTICE?**

You received the Summary Notice/Claim Form because you met all the criteria contained in the class definition set forth in paragraph 3 below and are a member of the Settlement Class in the above-captioned civil action ("Action") now pending in the Circuit Court of Cook County, Illinois, Chancery Division against SourceOne Healthcare Technologies, Inc. The purpose of this Notice is to advise you of a proposed settlement in the Action, and of a hearing to consider that settlement to be held on November 1, 2006 at 10:30 a.m. before Judge Donnersberger, 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, Scott R. Fladland, D.C., filed this action in the Circuit Court of Cook County, Illinois. On behalf of a putative class, plaintiff alleged that the defendant violated the Telephone Consumer Protection Act, 47 U.S.C. §227 ("TCPA") by sending unsolicited facsimile advertisements. Defendant denies these allegations but has agreed to settle to avoid the 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.

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. WHO IS IN THE SETTLEMENT?**

To see if your rights will be affected by this settlement or if you will get money from this settlement, you first have to determine if you are a class member.

On April 25, 2006, the Court preliminarily approved the settlement and provisionally certified a Settlement Class ("Settlement Class") in the Action for purposes of settlement only. The Settlement Class is defined to include:

All persons or entities with Illinois fax numbers who on or after November 22, 2000, were sent advertising faxes by or on behalf of SourceOne Healthcare Technologies, Inc. in the form represented by Exhibit A to plaintiff's Complaint and with respect to whom defendant cannot provide evidence of express consent or an established business relationship.

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

A settlement fund of not less than \$150,000 nor more than \$360,000 will be established. After deducting attorney's fees and costs (25% of the settlement fund) and a payment to the plaintiff and class representative of \$1,500, the net fund remaining will be distributed by check to class members who submit valid claim forms.

There are approximately 3,000 members in the Settlement Class. Your share of the settlement fund depends on the number of class members who return a claim form. The value of each claim is worth \$400 and is reduced by 25% for attorney's fees for a total payment of \$300. If there are more than 900 valid claims, then the value of each claim shall be reduced pro rata so that the total value of all valid claims is limited to \$360,000. If there are less than 375 valid claims, then the value of each claim shall be increased pro rata, but no higher than \$1,500 per claimant, so that the total value of all valid claims is at least \$150,000.

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

If the settlement becomes final, you will be releasing SourceOne of any claims relating in any way to their sending of unsolicited advertisements by fax. This release is more fully explained in paragraph 8 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 release claims in necessarily legal terminology. You may speak with Class Counsel or your own lawyer if you have questions about the release.

## 6. HOW DO I GET A PAYMENT?

To ask for a cash payment, you must complete and return the attached Claim Form (also on [www.edcombs.com](http://www.edcombs.com)) by facsimile to 312-419-0379 or by U.S. Mail to the address for Class Counsel listed below in paragraph 8. The deadline for Claim Forms is **September 25, 2006**; Claim forms **MUST BE** faxed or postmarked by **September 25, 2006**.

## 7. WHEN WOULD I GET MY PAYMENT?

Payments will be mailed to class members after the Court grants “final approval” of the settlement and any appeals are resolved. The deadline for Claim Forms is **September 25, 2006**; Claim forms **MUST BE** faxed or postmarked by **September 25, 2006**. The Court is scheduled to consider final approval at a hearing on November 1, 2006 at 10:30 a.m.

## 8. EXCLUDING YOURSELF FROM THE SETTLEMENT

If you fall within the Settlement Class definition set forth in paragraph 3 above, 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 complete the Summary Notice/Claim Form to receive the benefits of the settlement.

If you want to keep the right to sue SourceOne, 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 SourceOne.

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 312-419-0379 by **September 25, 2006** or mailed to the following address postmarked no later than **September 25, 2006**:

Daniel A. Edelman (15138)  
Heather Kolbus  
Edelman, Combs, Lattuner & Goodwin, LLC  
120 S. LaSalle Street, 18<sup>th</sup> Floor  
Chicago, IL 60603  
(312) 917-4504

(312) 419-0379 (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 (15138)  
Heather Kolbus  
Edelman, Combs, Lattuner & Goodwin, LLC  
120 S. LaSalle Street, 18<sup>th</sup> Floor  
Chicago, IL 60603  
(312) 917-4504  
(312) 419-0379 (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 not to exceed 25% of the Settlement Fund. Class Counsel will also ask for an additional payment of \$1,500 for Scott R. Fladland, D.C., 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. Excluding yourself is telling the Court that you don't want to be part of the class. If you exclude yourself, you have no basis to object because the case no longer affects you.

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 **September 25, 2006**, 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  
Heather Kolbus  
Edelman, Combs, Lattuner & Goodwin, LLC  
120 S. LaSalle Street, 18<sup>th</sup> Floor  
Chicago, Illinois 60603  
(312) 419-0379 (FAX)

### **Defendant's Counsel**

James A. Cherney  
Deborah L. Steiner  
Latham & Watkins, LLP  
233 S. Wacker Drive  
Suite 5800  
Chicago, Illinois 60606  
(312) 993-9767 (FAX)

Each objection must (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 and wish it to be considered, you must also appear at the hearing before Judge Donnersberger on November 1, 2006 at 10:30 a.m. **YOU ARE NOT REQUIRED TO ATTEND THIS HEARING UNLESS YOU PLAN TO OBJECT TO THE SETTLEMENT.** 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 1, 2006 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 UNLESS YOU PLAN TO OBJECT TO THE SETTLEMENT.** 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 SOURCEONE.**

Dated: August 1, 2006

\_\_\_\_\_  
Honorable David R. Donnersberger

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**CLAIM FORM**

**Fax number (including area code):** \_\_\_\_\_

**Name of subscriber as shown on account:** \_\_\_\_\_  
(Individual or Business)

I submit this Claim Form under penalty of perjury and state that I am (or the business or entity I represent is) the only person or entity entitled to receive the settlement benefit being sought and that I (and/or the business or entity that I represent) had ownership, authority or control over the fax number listed above on or after November 22, 2000. I swear or affirm that I received the above-described facsimile advertisement on or after November 22, 2000 and I do not have an established business relationship with SourceOne Healthcare Technologies, Inc. I also did not give consent to the sending of the facsimile to me.

\_\_\_\_\_  
Signature

**Request for Taxpayer Identification Number of Substitute Form W-9**

Under U.S. federal income tax law, cash settlement payments received by you may be subject to backup withholding, currently at a rate of 28%. In addition, such payments may be required to be reported to the Internal Revenue Service (IRS).

To prevent backup withholding, you must provide your correct taxpayer identification number (TIN) and certify that you are not subject to backup withholding by completing the Substitute Form W-9 below. If you provide an incorrect TIN, you may be subject to a \$50 penalty imposed by the Internal Revenue Service (IRS). If you are not a U.S. person, you must submit the appropriate IRS Form W-8 attesting to your foreign status, instead of the Substitute Form W-9 below. Such forms can be obtained at [www.irs.gov](http://www.irs.gov).

Your failure to complete and submit the Substitute Form W-9 or an IRS Form W-8, by itself, will not cause your Claim Form to be incomplete or invalid. However, it may result in a portion being withheld from any payment made to you pursuant to the Settlement.

Backup withholding is not an additional tax. Any amount withheld should reduce your U.S. federal income tax liability. If backup withholding results in an overpayment of your U.S. federal income tax liability, you may obtain a refund if timely provide the IRS with the required information.

<b>SUBSTITUTE FORM W-9</b>	<b>REQUEST FOR TAXPAYER IDENTIFICATION NUMBER</b>
<b>Part I—Taxpayer Information</b>	
Name (as shown on income tax return): _____	
Address: _____	
City: _____ State: _____ Zip: _____	
<b>Part II—Taxpayer Identification Number (TIN)</b>	
<p>Enter your TIN in the box at the right. The TIN must match the name given in Part I. For an individual, this is your social security number (SSN) or individual taxpayer identification number (ITIN). For an entity that is not a sole proprietorship or disregarded entity, it is your employer identification number (EIN). For a sole proprietorship or disregarded entity, it is the TIN of the owner.</p>	_____ SSN/ITIN or EIN
<b>Part III—Certification</b>	
<p>Under penalties of perjury, I certify that:</p> <ol style="list-style-type: none"> <li>1. I am a U.S. person (including a U.S. resident alien);</li> <li>2. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and</li> <li>3. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding.</li> </ol> <p><b>Certification instructions:</b> You must cross out item (3) above if you have been notified by the IRS that you are currently subject to backup withholding because of underreporting interest or dividends on your tax return and you have not been notified by the IRS that you are no longer subject to backup withholding.</p>	
Signature: _____ Date: _____	