

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

IF YOU RECEIVED AN UNSOLICITED ADVERTISING FAX FROM CUTERA, INC., PLEASE READ THIS NOTICE CAREFULLY.

To All Members of the Following Class:

All persons or entities in the United States or Canada who on or after January 24, 2003, were sent or received one or more faxes or who subscribed to a telephone number to which one or more faxes were sent by or on behalf of Cutera, Inc. promoting its goods or services.

I. WHY IS THIS NOTICE BEING PUBLISHED?

This notice is being published to let people know that they may be eligible to receive up to \$500 under a proposed settlement of a class action lawsuit. The lawsuit is pending in federal court in Chicago, Illinois. The hearing to approve the settlement will be held on **April 6, 2010 at 9:45 a.m.** before Judge Hibbler, Courtroom 1225 of the U.S. District Court, 219 S. Dearborn St., Chicago, IL 60604.

II. WHAT IS THE LAWSUIT ABOUT?

Plaintiff Bridgeport Pain Control Center, Ltd. sued Cutera, alleging that it received an unsolicited facsimile advertisement from Cutera and that the sending of this fax violated federal and state laws, including the federal Telephone Consumer Protection Act. Bridgeport sought to represent a class of persons to whom Cutera sent unsolicited advertising facsimiles. Cutera denies these allegations but has agreed to settle to avoid the costs and uncertainties of litigation. Cutera 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 litigation and negotiations. Under the proposed settlement, Cutera has agreed to pay \$950,000 into a settlement fund. The settlement fund will pay the fees of plaintiff's attorneys (no more than \$285,000) and an award to the plaintiff (\$5,000, in addition to its recovery as a class member). After these amounts are deducted, each Class Member who submits a valid claim will receive an equal share per fax number of the remaining funds, regardless of the number of faxes received by the Class Member, up to a maximum of \$500 per fax number. Your share of the settlement fund depends on how many Class Members submit claim forms. The exact number of Class Members is unknown, but is estimated to be approximately 300,000.

IV. HOW DO I GET A PAYMENT?

If you already submitted a claim form, you do not need to do anything else. If you have NOT submitted a claim form and you are part of the class described above, complete and submit the claim form to the **Settlement Administrator, P.O. Box 487, Birmingham, AL 35201-0487** or **(205) 414-9394 (FAX)**. The claim form is also available on www.edcombs.com or by calling (800) 370-8552. Claim forms must be faxed or postmarked by **January 25, 2010**.

V. WHAT AM I GIVING UP?

If the settlement becomes final, you will be releasing Cutera of any claims relating in any way to its sending of unsolicited advertisements by fax. This release is more fully explained in paragraphs 11 and 12 of the Settlement Agreement. The Settlement Agreement is available at the Clerk's Office, U.S. District Court for the Northern District of Illinois, 219 S. Dearborn St., Chicago, IL 60604 during regular business hours. You will need to reference case number 08 C 1116.

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 **January 25, 2010** to be eligible to receive a payment.

If you want to keep the right to sue Cutera 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 the Bridgeport Pain Control Center v. Cutera class action settlement. Be sure to include your name, address and telephone number, the number for the facsimile machine on which you were sent the fax advertisements, and your signature by **January 25, 2010**. Send the letter to the **Settlement Administrator and Class Counsel at the addresses provided in paragraphs IV and VIII respectively**. 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 Bridgeport Pain Control Center v. Cutera, 08 C 1116. Be sure to include your name, address and telephone number, the telephone number for the facsimile machine on which you were sent the fax advertisements, an explanation of the reasons you object to the settlement and documentation, if any, to support your objection by **January 25, 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 08 C 1116 and sent to the **Settlement Administrator and Class Counsel at the addresses provided in paragraphs IV and VIII respectively**.

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
120 S. LaSalle St., 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 about the lawsuit or the settlement. You may also hire your own attorney at your own cost.

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 08 C 1116, at the office of the Clerk of the Court, U.S. District Court for the Northern District of Illinois, 219 S. Dearborn St., Chicago, IL 60604. 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 FOR THE NORTHERN DISTRICT OF ILLINOIS.

CLAIM FORM
BRIDGEPORT PAIN CONTROL CENTER, LTD. v. CUTERA, INC.
(N.D. III. 08 C 1116)

**IMPORTANT: THIS CLAIM FORM MUST BE FAXED OR POSTMARKED ON
OR BEFORE JANUARY 25, 2010 TO THE FOLLOWING:**

WEBSITE CLAIM FORM

SETTLEMENT ADMINISTRATOR

**P.O. BOX 487
BIRMINGHAM, AL 35201-0487
(205) 414-9394 (FAX)**

Please print or type the following information:

NAME OF PERSON OR ENTITY
THAT SUBSCRIBED TO
THE FAX LINE: _____

CURRENT MAILING ADDRESS OF SUBSCRIBER OF FAX LINE:

ADDRESS: _____

CITY/STATE: _____

ZIP CODE: _____

FAX NUMBER: _____

AREA OF PRACTICE
OR SPECIALTY: _____

I certify under penalty of perjury that I received one or more unsolicited fax advertisements from Cutera, Inc. on or after January 24, 2003 at the fax number listed above.

WEBSITE CLAIM FORM

(YOUR SIGNATURE)

(DATE)