

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS
NOTICE OF PROPOSED CLASS ACTION SETTLEMENT:

CHICAGO CAR CARE INC. v. A.R.R. ENTERPRISES, INC., No. 19-CV-7687

THIS IS NOT A SOLICITATION.

THE SENDING OF THIS NOTICE BY FACSIMILE HAS BEEN APPROVED BY THE COURT.

- I. **THE LAWSUIT:** Chicago Car Care Inc. (“Plaintiff”) sued A.R.R. Enterprises, Inc. (“ARR” or “Defendant”) alleging that it was sent an unsolicited fax advertisement promoting ARR’s goods or services (“Litigation”). Plaintiff alleged that these faxes violated the Telephone Consumer Protection Act (“TCPA”). ARR denies these allegations, but agreed to settle to avoid the costs and uncertainties of litigation. As part of the proposed settlement, ARR does not admit to any wrongdoing and continues to deny the claims and allegations asserted against it by Plaintiff.

The Litigation is now pending before Magistrate Judge Sunil R. Harjani in the United States District Court for the Northern District of Illinois.

- II. **WHO IS INCLUDED:** The records produced in discovery and available to ARR show that you may have been sent one or more faxes by or on behalf of ARR promoting its goods or services. The faxes were sent on June 7, 2017. Specifically, the Court certified a “Settlement Class” of: All persons with fax numbers who, on June 7, 2017, were sent transmissions in the form of Exhibit A, sent by or on behalf of ARR and received on a traditional fax machine or otherwise.
- III. **THE PROPOSED SETTLEMENT:** ARR has agreed to fund a \$315,000 Settlement Fund to resolve the Litigation. Before making payments to Settlement Class Members, the Settlement Fund will be used to pay notice and administrative expenses (which is not expected to exceed \$15,340), a \$10,000 incentive award to Plaintiff and Settlement Class Counsel’s fees and costs (estimated at \$99,886.66, which is 1/3 of the Net Settlement Fund). Each Settlement Class Member who timely submits a valid claim will receive a *pro rata* share of the Settlement Class Recovery per unique fax transmission. Your share of the Settlement Class Recovery depends on how many Settlement Class Members submit Claim Forms. This notice is being sent to approximately 5,647 persons and/or entities which comprise the Settlement Class.
- IV. **WHO REPRESENTS YOU:** The Court appointed Daniel A. Edelman and Heather Kolbus from Edelman, Combs, Lattuner, & Goodwin, LLC to represent the Settlement Class as Settlement Class Counsel. They will be compensated out of the Settlement Fund. You may review Class Counsel’s fee petition, which will be filed with the Court and will be posted to the settlement website maintained by the Settlement Class Administrator, and which requests compensation from the Settlement Fund as set forth in Section III, above.
- V. **YOUR LEGAL RIGHTS AND OPTIONS:**
- (1) **Submit a Claim Form.** You may complete and fax or mail the attached Claim Form postmarked no later than **May 25, 2022** to qualify for a payment. The Claim Form must be mailed to: *Chicago Car Care v. ARR Enterprises, c/o Class-Settlement.com*, PO Box 9009, Hicksville, NY 11802-9009; fax number (888) 902-6710. You may also submit a Claim Form online by going to the Settlement Website at www.ARRFaxSettlement.com and following the directions.

Claim Forms submitted online must be received by **May 25, 2022** to qualify for a payment. The value of each individual settlement payment cannot be determined until after the deadline to submit a claim has passed and all claims have been verified. Under federal tax laws, if you receive a payment in excess of \$599.99, the person making the payment is required to obtain a form W-9 from you. It is a 1-page form that asks for basic identification information. If you are entitled to recover a payment in excess of \$599.99, then you must also submit a complete W-9 form, which will be sent to you after the Final Approval Hearing. W-9 forms will also be available to submit on the Settlement Website at www.ARRFaxSettlement.com. If you are entitled to recover payment in excess of \$599.99 and you do not submit a completed W-9 form, then your recovery will be reduced to \$599.99.

(2) **Exclude Yourself.** If you do not wish to participate in the Settlement you may exclude yourself from it by **May 25, 2022** by sending (via US Mail) a letter to the Class Administrator, *Chicago Car Care v. ARR Enterprises, c/o Class-Settlement.com*, PO Box 9009, Hicksville, NY 11802-9009. The Notice of Exclusion must state your full name or your company's name, address, the fax number(s) to which you were sent the fax(es), and a signed statement providing "I/we hereby request that I/we be excluded from the proposed Settlement Class in the Litigation." The Notice of Exclusion must be postmarked no later than **May 25, 2022**. If you exclude yourself from the Settlement you will not receive a payment and you will not release any claims against ARR or the Released Parties.

(3) **Object.** If you do not exclude yourself, you can file an objection, either on your own or through an attorney, explaining why you think the Court should not approve the settlement. The objection must contain your full name (or business name if the objector is an entity) and address; the fax number(s) to which you were sent the fax(es); a signed statement of your objection to the Settlement Agreement; an explanation of the legal and factual basis for the objection; documentation, if any, to support your objection. The objection must be filed by **May 25, 2022** with (1) the Clerk of the United States District Court, Northern District of Illinois, 219 S. Dearborn, Chicago, IL 60604; and sent to (2) Edelman, Combs, Lattner, & Goodwin, LLC (36608), 20 S. Clark St., Suite 1500, Chicago, IL 60603; and (3) Esteban Morales, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., 2029 Century Park East, Suite 3100, Los Angeles, CA 90067.

(4) **Do Nothing.** If you do nothing you will not receive a monetary recovery, but you will be bound by all the terms of the Settlement Agreement. That means you cannot sue, continue to sue, or be part of any other lawsuit against ARR regarding the TCPA claims that are subject to the class settlement.

VI. WHAT AM I GIVING UP UNDER THE SETTLEMENT? If the settlement becomes final, you will be releasing ARR and the Released Parties for the Released Claims, which includes, but is not limited to, claims you may have relating to your receipt of unsolicited advertising faxes in the form of Exhibit A to the Complaint (available at the Settlement Website) and claims that were asserted or could have been asserted in the Litigation. The Released Claims are fully explained in the Settlement Agreement, available on the Settlement Website at www.ARRFaxSettlement.com or Settlement Class Counsel's website at www.edcombs.com.

VII. FINAL APPROVAL HEARING: The Court has scheduled a Final Approval Hearing before Magistrate Judge Harjani on **June 28, 2022 at 9:30 a.m.** in Courtroom 1858 of the United States District Court for the Northern District of Illinois by Telephone (dial (888) 684-8852; code 7354516) or at 219 S. Dearborn St., Chicago, IL 60604. You or your attorney may attend this hearing if you desire and request to address the Court regarding any matters relating to this Settlement. The purpose of the hearing is for the Court to determine whether the class settlement is fair, reasonable, adequate, and in the best interests of the class.

VIII. MORE INFORMATION: More information is available at www.edcombs.com and www.ARRFaxSettlement.com. You may also inspect the pleadings and other papers that have been filed in the Litigation at the office of the Clerk of the Court, U.S. District Court for the Northern District of Illinois, 219 S. Dearborn St., 20th Floor, Chicago, IL 60604. If you have questions about this notice or the proposed settlement, you may contact Settlement Class Counsel. **THE COURT AND THE DEFENDANT CANNOT PROVIDE INFORMATION.**

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