

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

GLEN ELLYN PHARMACY, INC v. XSPIRE PHARMA, LLC  
d/b/a Saver Express; and GENTEX PHARMA, LLC WRASER, LLC  
Case No. 19 C 5919

**THIS IS A NOTICE OF A SETTLEMENT OF A CLASS ACTION LAWSUIT.  
THIS IS NOT A NOTICE OF A LAWSUIT AGAINST YOU.**

**YOUR RIGHTS WILL BE AFFECTED BY THE SETTLEMENT OF THIS LAWSUIT. PLEASE READ THIS NOTICE CAREFULLY FOR INFORMATION ABOUT THE LAWSUIT, THE SETTLEMENT, AND YOUR LEGAL RIGHTS.**

- I. **THE LAWSUIT:** Glen Ellyn Pharmacy, Inc. ("Plaintiff") sued Xspire Pharma, LLC, d/b/a Saver Express; Gentex Pharma, LLC; and Wraser, LLC (collectively, "Defendants") alleging that Plaintiff received an unsolicited fax advertisement promoting Defendants' goods or services that did not contain a proper opt out notice. Plaintiff alleged that these faxes violated the Telephone Consumer Protection Act ("TCPA"), the Illinois Consumer Fraud Act ("ICFA") and common laws of conversion and trespass to chattels. Defendants deny these allegations and have raised certain defenses, but agreed to settle to avoid the expense, burden, and uncertainty of further litigation.
- II. **WHO IS INCLUDED:** Defendants' records show that you were sent one or more faxes from Defendants and may be included in the Settlement. Specifically, the Court certified a "Settlement Class" of: all persons and entities who were successfully sent faxes by or on behalf of Xspire Pharma, LLC, d/b/a Saver Express; Gentex Pharma, LLC; and Wraser, LLC on or about August 4, 2019, promoting the commercial availability or quality of their goods or services which did not contain an opt out notice as described in 47 U.S.C. § 227.
- III. **THE PROPOSED SETTLEMENT:** Defendants have agreed to fund an \$800,000.00 Settlement Fund. Before making payments to Settlement Class members, the Settlement Fund will be used to pay notice and administrative expenses not to exceed \$30,000.00, an incentive award to the participating Plaintiffs (in an amount not to exceed \$10,000.00) and attorneys' fees and costs (an amount not to exceed \$256,666.67 which is 1/3 of the Net Settlement Fund). Settlement Class Counsel will file a Petition for Attorney's Fees by June 18, 2021. Your share of the Settlement Fund depends on how many members of the Settlement Class submit valid claims. This notice is being sent to approximately 8,123 Settlement Class members. Participating Settlement Class who submit a valid claim form will receive a *pro rata* distribution of the Net Settlement Fund per unique fax number.
- IV. **WHO REPRESENTS YOU:** The Court appointed Daniel A. Edelman and Dulijaza (Julie) Clark from Edelman, Combs, Lattuner, & Goodwin, LLC to represent the Settlement Class as Class Counsel.
- V. **YOUR LEGAL RIGHTS AND OPTIONS:** (1) **Submit a Claim Form.** You must complete and submit the attached Claim Form by July 20, 2021 to receive a payment. The value of each individual settlement payment cannot be determined until the Claims Deadline has passed and all claims have been verified. If your payment exceeds \$599.99 you may be required to complete and submit a W-9. (2) **Exclude Yourself.** If you do not wish to participate in the Settlement you may exclude yourself from it by July 20, 2021 by sending (via US Mail) a letter to Class Counsel at Edelman, Combs, Lattuner & Goodwin, LLC, 20 S. Clark Street, Suite 1500, Chicago, IL 60603, fax: (312) 419-0379, or the Class Administrator, *Glen Ellyn Pharmacy, Inc. v. Xspire, LLC, et al*, Class-Settlement.com, PO Box 9009, Hicksville, NY 11802-9009. The Notice of Exclusion must state your name or your company's name, address, the fax number to which you were sent the fax, the case name and number, and a signed statement providing that: "I hereby request that I be excluded from the proposed Settlement Class in the Litigation." If you exclude yourself from the Settlement you will not receive a payment and you will not release any claims against Defendants. Your request for exclusion must be postmarked by July 20, 2021 to be valid. (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 the case name and number; your name and address; the fax number to which you were sent the fax; a statement of your objection; an explanation of the legal and factual basis for the objection; and documentation, if any, to support your objection. The objection must be filed by July 20, 2021 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, Lattuner, & Goodwin, LLC (36440), 20 S. Clark St., Suite 1500, Chicago, IL 60603; and (3) John C. Ochoa, SmithAmundsen, LLC, 150 N. Michigan Ave., Suite 3300, Chicago, IL 60601. (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.
- VI. **WHAT AM I GIVING UP UNDER THE SETTLEMENT?** If the settlement becomes final, you will be releasing Xspire Pharma, LLC, d/b/a Saver Express; Gentex Pharma, LLC; Wraser, LLC; and all the Released Parties as defined in the Settlement Agreement from any claims you may have relating in any way to any unsolicited advertising faxes sent to you during the class period. The Released Claims are fully explained in the Settlement Agreement, available at [www.edcombs.com](http://www.edcombs.com) and [www.class-settlement.com](http://www.class-settlement.com).
- VII. **FINAL APPROVAL HEARING:** The Court has scheduled a Final Approval Hearing before Judge John Robert Blakey on September 8, 2021 at 11:00 a.m. at the United States District Courthouse for the Northern District of Illinois 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.
- VIII. **MORE INFORMATION:** More information is available at [www.edcombs.com](http://www.edcombs.com) and [www.class-settlement.com](http://www.class-settlement.com). You may also inspect the pleadings and other papers that have been filed in this case at the office of the Clerk of the Court, U.S. District Court for the Northern District of Illinois, 219 S. Dearborn St., 20<sup>th</sup> Floor, Chicago, IL 60604 or through PACER. If you have questions about this notice or the proposed settlement, you may contact Settlement Class Counsel.

**THE COURT AND THE DEFENDANTS CANNOT PROVIDE INFORMATION.**