

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Dr. William P. Gress v. Northwood, Inc., 12 C 7278 (USDC N.D. Ill.)

IF YOU RECEIVED UNSOLICITED ADVERTISING FAXES FROM NORTHWOOD, INC.

("NORTHWOOD"), PLEASE READ THIS NOTICE CAREFULLY.

IF YOU WISH TO BE PAID BENEFITS UNDER THIS SETTLEMENT, SUBMIT A CLAIM FORM BY JUNE 17, 2013.

To All Members of the Following Class:

All chiropractors or chiropractic clinics/offices with fax numbers, who were sent an unsolicited facsimile advertisement by or on behalf of Northwood, Inc. ("Defendant"), from September 12, 2008 to May 7, 2012 (the "Settlement Class").

I. WHY IS THIS NOTICE BEING SENT?

This notice is being sent to let people know that they may be eligible to receive their pro rata share of a Settlement Fund described below up to a maximum of \$500 per fax and per fax number, under a proposed settlement of a class action lawsuit, if they submit a claim form by JUNE 17, 2013. The lawsuit is pending in federal court in Chicago, Illinois. The hearing to approve the settlement will be held on AUGUST 6, 2013 at 9:30 a.m. before Judge Dow, Courtroom 1919 of the U.S. District Court for the Northern District of Illinois, 219 S. Dearborn St., Chicago, IL 60604.

II. WHAT IS THE LAWSUIT ABOUT?

Plaintiff Dr. William P. Gress ("Plaintiff") sued Northwood, alleging that he received an unsolicited facsimile advertisement from Northwood and that the sending of this fax violated federal law, called the federal Telephone Consumer Protection Act, the Illinois Consumer Fraud Act, and Illinois common law (conversion). Plaintiff sought to represent a class of persons to whom Northwood sent unsolicited advertising facsimiles. Northwood denies these allegations but has agreed to settle to avoid the costs and uncertainties of litigation. Northwood 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 negotiations. Under the proposed settlement, Northwood has agreed to pay a Settlement Fund in the amount of \$35,000. The Settlement Fund will cover an award to the plaintiff (\$3,000, in addition to his recovery as a class member), attorney's fees (in the amount of \$10,500 or 30% of the Settlement Fund), plus reimbursement of reasonable costs of notice and administration incurred. After these amounts are deducted, each Class Member who submits a valid claim by JUNE 17, 2013 will receive an equal share of the remaining funds up to a maximum of \$500 per fax number. Your share of the settlement fund depends on how many Class Members submit claim forms and the costs of notice and administration.

This notice is being sent to approximately 80 chiropractors or chiropractic clinics/offices. Defendant sent a total of approximately 95 facsimile advertisements to Class Members. Most Class Members were sent only one facsimile advertisement. If 10% or 20% of the Class Members submit a valid claim, you may expect to recover the maximum payment of \$500 per fax number. The recovery to the Class Members is estimated and is subject to change based on court approval.

IV. HOW DO I GET A PAYMENT?

If you are part of the class described above, in order to receive a monetary award under the Settlement Agreement you must complete and submit the claim form to **EDELMAN, COMBS, LATTURNER & GOODWIN, LLC (26960), 120 S. LASALLE STREET, 18th FLOOR, CHICAGO, IL 60603 or 312-419-0379 (FAX)**. Claim forms must be faxed or postmarked by JUNE 17, 2013. If you do not submit a claim form and do not exclude yourself from the Settlement Class you will still be providing Defendant with a release of your claim (see below) and you will not receive any monetary award.

V. WHAT AM I GIVING UP?

If the settlement becomes final, and you are not excluded from the Settlement Class, you will be releasing Northwood of any claims relating in any way to its sending of unsolicited advertising facsimiles to you from September 12, 2008 through and including May 7, 2012. This release is more fully explained in paragraph 10 of the Settlement Agreement. The Settlement Agreement is available from Settlement Class Counsel at www.edcombs.com or at the Clerk's Office, U.S. District Court for the Northern District of Illinois, 219 S. Dearborn St., Chicago, IL 60604 (You will need to reference case number 12 C 7278) during regular business hours.

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 JUNE 17, 2013 to be eligible to receive a payment.

If you want to keep the right to sue Northwood 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 to Class Counsel saying that you want to be excluded from the class in *Dr. William P. Gress v. Northwood, Inc.*, 12 C 7278. Be sure to

include your name, address and the number for the facsimile machine on which you were sent a fax advertisement and your signature by **JUNE 17, 2013**. Send the letter to Class Counsel at the address provided in paragraph VIII. 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 or objection to the Clerk of the Court U.S. District Court for the Northern District of Illinois, 219 S. Dearborn St., Chicago, IL 60604, to Settlement Class Counsel and Defendant's Counsel saying that you object to the settlement in *Dr. William P. Gress v. Northwood, Inc.*, 12 C 7278. Be sure to include your name, address and the telephone number for the facsimile machine on which you were sent the fax advertisements, a statement of your objection, an explanation of the reasons you object to the settlement and documentation, if any, to support your objection by **JUNE 17, 2013**. 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 can't object. Any objections or appearances must be filed with the Court and reference 12 C 7278 and sent to **Class Counsel at the address provided in paragraph VIII and Defendant's Counsel at the following address: Bart Murphy, ICE MILLER LLP, 2300 Cabot Drive, Suite 455, Lisle, IL 60532** or by fax at (630) 955-0662.

VI. 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 (26960)

120 S. LaSalle St., 18th Floor
Chicago, IL 60603
(312) 739-4200 (312) 419-0379 (FAX)
www.edcombs.com

This firm represents 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 appear on your behalf.

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 12 C 7278, 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, N.D. III