

## **NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

### **IF YOU RECEIVED UNSOLICITED ADVERTISING FAXES FROM CEVA ANIMAL HEALTH, LLC PLEASE READ THIS NOTICE CAREFULLY.**

**IF YOU WISH TO BE PAID BENEFITS UNDER THIS SETTLEMENT, SUBMIT A CLAIM FORM BY MARCH 18, 2013.**

#### **To All Members of the Following Class:**

*All persons and entities with facsimile numbers who from August 2008 through May 2012, were sent faxes by or on behalf of defendant Ceva Animal Health, LLC, promoting its goods or services for sale.*

#### **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, up to \$1,000.00, of a Settlement Fund described below under a proposed settlement of a class action lawsuit if they submit a claim form by MARCH 18, 2013. The lawsuit is pending in federal court in Springfield, Illinois. The hearing to approve the settlement will be held on MAY 8, 2013 at 10:00 a.m. before Judge Byron Cudmore.

#### **II. WHAT IS THE LAWSUIT ABOUT?**

Plaintiff Dr. Mark W. Sturdy d/b/a Rochester Veterinary Clinic ("Plaintiff") sued Ceva Animal Health, LLC ("Defendant"), alleging that it received two unsolicited facsimile advertisements from Defendant and that the sending of these faxes violated a federal law called the Telephone Consumer Protection Act. Plaintiff sought to represent a class of persons to whom Defendant sent these facsimiles. Defendant denies these allegations but has agreed to settle to avoid the costs and uncertainties of litigation. Defendant 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, Defendant, has agreed to pay a Settlement Fund in the amount of \$325,000. The Settlement Fund will cover an award to the Plaintiff (\$5,000, in addition to its recovery as a class member), attorney's fees (in the amount of \$97,500 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 MARCH 18, 2013 will receive an equal share of the remaining funds, up to a maximum of \$1,000.00. Your share of the settlement fund depends on how many Class Members submit claim forms. This notice is being sent to approximately 16,000 persons or entities.

#### **IV. HOW DO I GET A PAYMENT?**

If you are part of the class described above, complete and submit the claim form to **EDELMAN, COMBS, LATTURNER & GOODWIN, LLC (27187), 120 S. LaSalle St., 18<sup>th</sup> Floor, Chicago, IL 60603 or fax to (866) 834-3504**. Claim forms must be received by MARCH 18, 2013.

#### **V. WHAT AM I GIVING UP?**

If the settlement becomes final, you will be releasing Defendant of any claims relating in any way to their sending of unsolicited advertising facsimiles from August 2008 through May 2012. This release is more fully explained in paragraph 10 of the Settlement Agreement. You will need to reference case number 12 CV 3201. The Settlement Agreement is available at the Clerk's Office, U.S. District Court for the Central District of Illinois, 151 U.S. Courthouse, 600 E. Monroe St., Springfield, IL 62701 or from Settlement Class Counsel 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 MARCH 18, 2013 to be eligible to receive a payment.

If you want to keep the right to sue Defendant 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 *Dr. Mark W. Sturdy d/b/a Rochester Veterinary Clinic v. Ceva Animal Health, LLC*, Case No. 12 CV 3201, class action settlement. 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. Send the letter to **Class Counsel at the address provided in paragraph VIII**. The letter must be sent to the correct address, be received by MARCH 18, 2013 and contain all the required information or the request will be invalid and you will remain a Class Member and shall be bound as a Class Member by the terms of the Class Settlement. 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 *Dr. Mark W. Sturdy d/b/a Rochester Veterinary Clinic v. Ceva Animal Health, LLC*, Case No. 12 CV 3201. Be sure to include your name, address and the telephone number for the facsimile machine on which you were sent a fax advertisement, a statement of your objection, an explanation of the legal and factual reasons you object to the settlement and documentation, if any, to support your objection, which must be received by MARCH 18, 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 CV 3201 and sent to **Class Counsel at the address provided in paragraph VIII and Defendant's Counsel at the following address: Russell J. Keller, STINSON MORRISON HECKER LLP, 1201 Walnut Street, Suite 2900, Kansas City, MO 64106**.

#### **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 (27187)**  
120 S. LaSalle St., 18<sup>th</sup> Floor Chicago, IL 60603  
(312) 917-4504 (866) 834-3504 (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 do not have to pay the fees of Class Counsel. 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 Case No. 12 CV 3201, at the office of the Clerk of the Court, U.S. District Court for the Central District of Illinois, 151 U.S. Courthouse, 600 E. Monroe St., Springfield, IL 62701 or from Settlement Class Counsel during regular business hours.

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, C .D. III.