

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

ACM ASSOCIATES, INC.,	Plaintiff,)	
	v.)	11 CH 05082
UNCLE TOMS, INC., d/b/a)	Judge Jacobius
MARKET SQUARE RESTAURANT,)	
and JOHN DOES 1-10,	Defendants.)	

NOTICE OF PENDENCY OF CLASS ACTION AND PROPOSED SETTLEMENT

To: (a) All persons and entities with Illinois fax numbers (b) who, on or after February 9, 2006, and on or before March 1, 2011, (c) were sent faxes by or on behalf of defendant Uncle Tom's Inc., promoting its goods or services for sale (d) and who were not provided an "opt out" notice as described in 47 U.S.C. §227

***PLEASE READ THIS NOTICE CAREFULLY.
THIS IS NOT A NOTICE OF A LAWSUIT AGAINST YOU.
IF YOU WISH TO RECEIVE A PORTION OF THE CLASS SETTLEMENT PROCEEDS
DESCRIBED BELOW, YOU MUST COMPLETE AND RETURN THE SUMMARY
NOTICE/CLAIM FORM BY JANUARY 28, 2013.***

1. WHY DID YOU GET THIS NOTICE?

You received the Notice/Claim Form because you met all the criteria contained in the class definition set forth in paragraph 3 below and are a member of the Settlement Class. The purpose of this Notice is to advise you of a proposed settlement in the Action, and of a hearing to consider that settlement to be held on **February 28, 2013 at 10:30 a.m.** before Judge Jacobius, Room 2403 of the Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, Illinois, 60602 ("Fairness Hearing").

2. WHAT IS THIS LAWSUIT ABOUT?

Plaintiff, ACM Associates, Inc. filed this action on behalf of a putative class. Plaintiff alleged that the defendant violated the Telephone Consumer Protection Act, 47 U.S.C. §227 ("TCPA") and state law by sending unsolicited facsimile advertisements. Defendant denies these allegations but has agreed to settle to avoid the costs of litigation. Counsel for plaintiff has conducted an extensive investigation into the relevant facts and law underlying plaintiff's claims, and has concluded that the outcome of the lawsuit is uncertain and that a settlement is in the best interests of plaintiff and the Settlement Class. Defendants deny that they acted unlawfully and deny liability to plaintiff and the Settlement Class. This Notice should not be understood as an expression of any opinion by the Court as to merits of any of the claims asserted by plaintiff or any of the defenses asserted by defendant.

3. WHO IS IN THE SETTLEMENT?

On October 23, 2012, the Court preliminarily approved the settlement on behalf of the Class. The Class is defined to include (a) All persons and entities with Illinois fax numbers (b) who, on or after February 9, 2006, and on or before March 1, 2011, (c) were sent faxes by or on behalf of defendant Uncle Tom's Inc., promoting its goods or services for sale (d) and who were not provided an "opt out" notice as described in 47 U.S.C. §227.

4. THE SETTLEMENT BENEFITS - WHAT YOU GET

The Settlement Agreement calls for the creation of a \$300,000 Settlement Fund which will be reduced by attorney fees awarded by the Court, not to exceed 30% of the settlement fund, an incentive award to the named plaintiff for having acted as class representative, not to exceed \$10,000 and costs related to notice and administration of the settlement. The amount remaining in the fund will be divided on a pro rata basis among those submitting timely claim forms. There are approximately 630 members in the Class.

5. WHAT AM I GIVING UP AS PART OF THE SETTLEMENT?

If the settlement becomes final, you will be releasing Uncle Tom's, Inc. d/b/a Market Square Restaurant of any claims relating in any way to their sending of unsolicited advertisements by fax. This release is more fully explained in paragraph 8 of the Settlement Agreement. The Settlement Agreement is available at the Clerk's Office, Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, Illinois, 60602 during regular business hours. The Settlement Agreement specifically describes the released claims in necessarily legal terminology. You may speak with Class Counsel or your own lawyer if you have questions about the release.

6. HOW DO I SUBMIT A CLAIM?

To ask for a cash payment, you must complete and return the attached Claim Form by facsimile to (866) 920-1051 or by U.S. Mail to the address for Class Counsel listed below in paragraph 9. The deadline for Claim Forms is **January 28, 2013**; Claim forms **MUST BE** faxed or postmarked by **January 28, 2013**.

7. WHEN WOULD I GET MY PAYMENT?

Payments will be mailed to class members after the Court grants "final approval" of the settlement and any appeals are resolved. The deadline for Claim Forms is **January 28, 2013**; Claim forms **MUST BE** faxed or postmarked by **January 28, 2013**. The Court is scheduled to consider final approval at a hearing on **February 28, 2013 at 10:30 a.m.**

8. EXCLUDING YOURSELF FROM THE SETTLEMENT

If you fall within the Class definition set forth in paragraph 3 above, you will be a member of the Settlement Class unless you exclude yourself from the Settlement Class. If you want to keep the right to sue Uncle Tom's, Inc. d/b/a Market Square Restaurant 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. If you opt out of the settlement, 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. You must exclude yourself from *this* case to start or continue your own lawsuit against Uncle Tom's, Inc. To opt out, you must complete and mail or fax a notice of intention to opt-out ("Opt-Out"), which contains the following: (a) your full legal name or business name if the facsimile number was one owned or controlled by a business, address, and telephone number; (b) the telephone number for the facsimile machine on which you were sent the Fax; (c) your signature or that of the class member's representative (such as a business' officer or manager); and (d) a statement that expressly states an intent of the class member not to participate in the Settlement and to waive all rights to the benefits of the Settlement. In addition, for your Opt-Out to be valid, it must be faxed to (866) 920-1051 by **January 28, 2013** or mailed to the following address postmarked no later than **January 28, 2013**:

Edelman, Combs, Lattner & Goodwin, LLC
Julie Clark
120 S. LaSalle Street, 18th Floor, Chicago, IL 60603
(312) 917-4504; (866) 920-1051 (FAX)

9. WHO ARE COUNSEL FOR PLAINTIFF AND CLASS COUNSEL?

The Court has appointed the following attorneys to represent you and other members of the settlement class in this lawsuit:

Edelman, Combs, Lattuner & Goodwin, LLC
120 S. LaSalle Street, 18th Floor
Chicago, IL 60603
(312) 739-4200; (866) 920-1051 (FAX)
www.edcombs.com

These attorneys represent 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 enter an appearance on your behalf in this matter.

10. OBJECTING TO THE SETTLEMENT

You can tell the Court that you don't agree with the settlement or some part of it. You must give reasons why you think the Court should not approve the settlement. The Court will consider your views if you properly submitted a timely objection. 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 wish to object to the settlement or to any awards to plaintiff or class counsel, then you must mail or fax a written objection to the settlement ("Objection") to class counsel and counsel for defendant at the addresses set forth below sent by fax or postmarked no later than **January 28, 2013**, and contemporaneously file the objection with the Clerk's Office, Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, Illinois, 60602:

Class Counsel

Daniel A. Edelman
Julie Clark
EDELMAN, COMBS, LATTURNER
& GOODWIN, LLC
120 South LaSalle Street, 18th Floor
Chicago, Illinois 60603
(312) 739-4200
(312) 419-0379 (FAX)

Defendant's Counsel

Lori A. Vanderlaan
Allie M. Burnett
Best, Vanderlaan & Harrington
25 East Washington St., Suite 210
Chicago, Illinois 60603
(312) 372-0770
(312) 372-9818 (FAX)

Each objection should (a) set forth the objector's full legal name or business name, if the objector is an entity, address and telephone number; (b) set forth the telephone number for the facsimile machine on which the class member was sent the fax; (c) state the Objection to the Settlement; (d) set forth a statement of the legal and factual basis for the Objection; and (e) provide copies of any documents in support of the Objection. If you do not submit a timely Objection in accordance with the requirements set forth above, you will not be treated as having filed a valid Objection to the settlement. If you do file an objection and wish it to be considered, you may also appear before Judge Jacobius, Room 2403 of the Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, Illinois, 60602 on **February 28, 2013 at 10:30 a.m.** ("Fairness Hearing"). **YOU ARE NOT REQUIRED TO ATTEND THIS HEARING.** Please note that it is not sufficient to simply state that you object. You must state reasons why the settlement should not be approved.

11. THE COURT'S FAIRNESS HEARING

The Court will hold a hearing on the settlement before Judge Jacobius, Room 2403 of the Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, Illinois, 60602 ("Fairness Hearing") on **February 28, 2013 at 10:30 a.m.** to determine, among other things, (i) whether it will be approved as fair, adequate and reasonable; (ii) what amount, if any, to award class counsel for attorney's fees and costs in the Action; and (iii) what amount, if any, to award plaintiff for his services as class representative. **YOU ARE NOT REQUIRED TO ATTEND THIS HEARING.** The hearing may be continued by the Court without further notice to class members. If the Court does not approve the

settlement, the class action will proceed, and you may or may not get the money that this case may provide in the future.

12. WHERE CAN I OBTAIN ADDITIONAL INFORMATION?

The description of the lawsuit and settlement that is contained in this Notice is only general in nature. All papers filed in this case, including the full settlement agreement, are available for you to inspect and copy at your expense at the Clerk's Office, Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, Illinois, 60602. You must bring the name of the case and case number with you, since the Clerk will need to know this information in order to obtain the court file for you to inspect. If you or your attorney requires additional information, you should write or call class counsel at the addresses and telephone numbers listed above in paragraph 9 during regular business hours. Please include the case name and number, your name and your current return address on any letters, not just the envelopes. Please do not contact the defendant's attorneys; they are not in a position to give you any advice about this settlement.

PLEASE DO NOT CONTACT THE COURT OR DEFENDANT'S COUNSEL FOR INFORMATION.