

**UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS**  
**AFFILIATED HEALTH CARE ASSOCIATES, P.C. v. HANDIT2 NETWORK, LLC, HYLAND'S, INC.,**  
**and STANDARD HOMEOPATHIC CO., 13 C 5782**

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

*THIS IS NOT A SOLICITATION.*

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

**PLEASE READ THIS NOTICE CAREFULLY.**

**IF YOU WISH TO BE PAID BENEFITS UNDER THIS SETTLEMENT, SUBMIT A CLAIM FORM BY DECEMBER 15, 2014.**

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

All persons and entities with fax numbers that during the Class Period (August 14, 2008 through and including May 1, 2014), were sent facsimiles by SHC and/or Hyland's and/or Handit2 promoting products offered by SHC and/or Hyland's or promoting participation in sampling programs for products offered by SHC and/or Hyland's.

**I. WHY IS THIS NOTICE BEING SENT?**

You have been identified as receiving a fax advertisement sent by Standard Homeopathic Co. ("SHC") and/or Hyland's, Inc. ("Hyland's") and/or Handit2 Network, LLC ("Handit2"). As a result of this lawsuit you may be eligible to receive a pro rata share of a Settlement Fund under a proposed settlement of a class action lawsuit if they submit a Claim Form by **DECEMBER 15, 2014**. The lawsuit is pending in federal court in Chicago, Illinois. The hearing to approve the settlement will be held on **JANUARY 26, 2015 at 10:00 a.m.** before Judge Shah, Courtroom 1719 of the U.S. District Court for the Northern District of Illinois, 219 S. Dearborn St., Chicago, IL 60604.

**II. SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS**

- (1) **Submit a Claim Form:** This is the only way to get a cash payment. The deadline to submit a claim is **DECEMBER 15, 2014**. Settlement Class Members who submit valid claims may expect to recover up to \$500 per facsimile transmission. Settlement Class members who submit valid claims with fax numbers with California area codes may expect to recover up to \$750 per facsimile transmission. See Sections IV and V.
- (2) **Exclude Yourself:** Get no payment. This is the only option that allows you to ever be part of any other lawsuit about the legal claims in this case. The deadline to exclude yourself and "opt out" of the settlement is **DECEMBER 15, 2014**. See Section VII.
- (3) **Object:** Write to the Court about why you don't like the settlement or any part of it. The deadline to object is **DECEMBER 15, 2014**. See Section VIII.
- (4) **Go to a Hearing:** Ask to speak in Court about the fairness of the settlement. The final approval hearing is scheduled for **JANUARY 26, 2015 at 10:00 a.m.** See Section I.
- (5) **Do Nothing:** Get no payment. Give up rights. See Section VI.

These rights and options—and the deadlines to exercise them—are explained further in this Notice.

**III. WHAT IS THE LAWSUIT ABOUT?**

Plaintiff Affiliated Health Care Associates, P.C. ("Plaintiff") sued Handit2, SHC, and Hyland's alleging that it received an unsolicited facsimile advertisement from Handit2, SHC, and Hyland's and that the sending of that fax and others like it violated a federal law called the federal Telephone Consumer Protection Act, the Illinois Consumer Fraud Act and the Illinois common law of conversion. Plaintiff sought to represent a class of persons to whom Handit2, SHC, and Hyland's sent unsolicited facsimile advertisements. Handit2, SHC, and Hyland's deny these allegations but have agreed to settle to avoid the costs and uncertainties of litigation.

**IV. WHAT IS THE PROPOSED SETTLEMENT?**

Under the proposed settlement, Handit2, SHC, and Hyland's have agreed to pay a Settlement Fund in the amount of \$1,400,000. The Settlement Fund will cover an award to Plaintiff (\$10,000, in addition to its recovery as a class member), attorney's fees (in the amount of \$462,000 or 33% of the Settlement Fund), and costs of notice and administration. After these amounts are deducted, each Settlement Class Member who submits a valid claim by **DECEMBER 15, 2014** will receive an equal share of the remaining funds based on the number of facsimile transmissions each Settlement Class Member was sent (a "Settlement Share"). Your Settlement Share depends on how many Settlement Class Members submit claim forms and how many fax transmissions each Settlement Class Member was sent. Settlement Class Members who submit claims with fax numbers with California area codes will receive an additional 50% for each Settlement Share. This notice is being sent to approximately 63,400 persons or entities. These 63,400 persons or entities were collectively sent a total of approximately 190,000 fax transmissions. Settlement Class Members were sent between 1 and 15 facsimile advertisements. The number of fax transmissions sent to each Settlement Class Member varies. The recovery to the Settlement Class Members is estimated and is subject to change based on court approval. SHC, Hyland's and Handit2 will also be permanently enjoined from committing future violations of the TCPA and/or FCC Regulations promulgated thereunder in connection with their business activities.

**V. 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 [www.class-settlement.com](http://www.class-settlement.com) using your unique username and password, or via mail or fax to the Class Administrator, **CLASS-SETTLEMENT.COM, PO BOX 9009, HICKSVILLE, NY 11802-9009 or 888-827-7638 (FAX)**. Claim forms must be submitted online, faxed or postmarked by **DECEMBER 15, 2014**. If your payment exceeds \$599.99, you will be asked to submit a W-9 form in order to receive your payment.

## VI. WHAT AM I GIVING UP?

If the settlement becomes final, you will be releasing Handit2, SHC, and Hyland's from any claims arising from or in any way relating to facsimiles sent on or after August 14, 2008 through and including May 1, 2014 by Handit2, SHC, and/or Hyland's promoting products offered by SHC or Hyland's or promoting participation in sampling programs for products offered by SHC or Hyland's. This release is more fully explained in paragraph 11 of the Settlement Agreement. The Settlement Agreement is available at the Clerk's Office during regular business hours, U.S. District Court for the Northern District of Illinois, 219 S. Dearborn St., Chicago, IL 60604, and is also posted on [www.class-settlement.com](http://www.class-settlement.com) and on [www.edcombs.com](http://www.edcombs.com). You will need to reference case number 13 C 5782.

## VII. 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 **DECEMBER 15, 2014** to be eligible to receive a payment.

If you want to keep the right to sue Handit2, SHC, and/or Hyland's over any of the legal issues that were raised or could have been raised in this case by any members of the Settlement Class, 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 proposed settlement class in *Affiliated Health Care Associates, P.C. v. Handit2 Network, LLC, Standard Homeopathic Co., and Hyland's, Inc.*, 13 C 5782. Be sure to include your name, address, the number for the facsimile machine on which you were sent a fax advertisement and your signature by **DECEMBER 15, 2014**. Send the letter to **Class Counsel at the address or fax number provided in paragraph IX or the Class Administrator at the address or fax number provided in paragraph V**. 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.

## VIII. 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. Any objection must include your name, address, the telephone number for the facsimile machine on which

you were sent the fax advertisements, a statement of your objection to the Settlement Agreement, and an explanation of the legal and factual reasons you object to the settlement and documentation, if any, to support your objection, by **DECEMBER 15, 2014**. The Court may only consider any objections submitted or filed **DECEMBER 15, 2014**.

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 may be filed with the Court and reference case number 13 C 5782 and mailed to **Class Counsel at the address provided in paragraph IX and Handit2's Counsel at the following address: Mitchell S. Chaban, LEVIN GINSBURG, 180 N. LaSalle Street, Suite 3200, Chicago, IL 60601, and SHC, and/or Hyland's Counsel at the following address Jena L. Levin, FOLEY & LARDNER, LLP, 321 N. Clark Street, Suite 2800, Chicago, IL 60654.**

## IX. 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 (28682)**  
120 S. LaSalle St., Suite 1800  
Chicago, IL 60603  
(312) 739-4200 / (312) 419-0379 (FAX) [www.edcombs.com](http://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.

## X. 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 number 13 C 5782, 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. The Settlement Agreement (excluding exhibits) is also available on [www.class-settlement.com](http://www.class-settlement.com) and on [www.edcombs.com](http://www.edcombs.com). 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 DEFENDANTS FOR INFORMATION.**

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