

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 JUNE 9, 2015.

To All Members of the Following Class:

All persons and entities with fax numbers who on or after September 6, 2009 through and including September 6, 2013, were sent faxes by or on behalf of Midwest Nutritional Services, Inc. promoting its goods or services for sale and/or promoting nutritional lectures or seminars, and who were not provided with an opt out notice as described in 47 U.S.C. § 227.

I. WHY IS THIS NOTICE BEING SENT?

You have been identified as having been sent a fax advertisement by or on behalf of Midwest Nutritional Service, Inc. ("Midwest" or "Defendant") promoting its goods or services for sale and/or promoting nutritional lectures or seminars, and who were allegedly not provided with an opt out notice as described in 47 U.S.C. § 227. 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 you submit a Claim Form by **JUNE 9, 2015**. The lawsuit is pending in federal court in Chicago, Illinois. The hearing to approve the settlement will be held on **JULY 30, 2015 at 10:00 a.m.** before Judge Chang, Courtroom 2119 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 **JUNE 9, 2015**. Settlement Class Members who submit valid claims may expect to recover up to \$500 per unique fax number. 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 **JUNE 9, 2015**. 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 **JUNE 9, 2015**. 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 **JULY 30, 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 Greg's Greater Chicago Chiropractic, LLC ("Plaintiff") sued Midwest alleging that it received unsolicited facsimile advertisements and that the sending of those faxes and others like them violated a federal law called the federal Telephone Consumer Protection Act. Plaintiff sought to represent a class of persons to whom Midwest sent unsolicited facsimile advertisements. Midwest denies these allegations but has agreed to settle to avoid the costs and uncertainties of litigation.

IV. WHAT IS THE PROPOSED SETTLEMENT?

Under the proposed settlement, Midwest and its insurer, Frankenmuth Mutual Insurance Company have agreed to collectively pay a Settlement Fund in the amount of \$105,000. The Settlement Fund will cover an award to Plaintiff (\$4,000, in addition to its recovery as a class member), attorney's fees (not less than \$33,333.33), and costs of notice and administration (up to a maximum of \$5,000). After these amounts are deducted, each Settlement Class Member who submits a valid claim by **JUNE 9, 2015** will receive an equal share of the remaining funds up to a maximum of \$500 per unique fax number. This notice is being sent to approximately 1,613 unique fax numbers. The recovery to the Settlement Class Members is estimated and is subject to change based on court approval.

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** 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) 509-1213 (FAX)**. Claim forms must be submitted online, faxed or postmarked by **JUNE 9, 2015**. **If your payment exceeds \$599.99, you will be asked to submit a W-9 form in order to receive your payment.** If your payment exceeds \$599.99 and you do not submit a W-9 form, taxes will be withheld from your Settlement Check.

VI. WHAT AM I GIVING UP?

If the settlement becomes final, you will be releasing Midwest and the Released Parties from any claims arising from or in any way relating to any faxes sent on or after September 6, 2009 through and including September 6, 2013 by or on behalf of Midwest promoting its goods or services for sale and/or promoting nutritional lectures or seminars, and who were not provided with an opt out notice as described in 47 U.S.C. § 227. 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 and on www.edcombs.com. You will need to reference case number 13 C 6400.

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 **JUNE 9, 2015** to be eligible to receive a payment.

If you want to keep the right to sue Midwest 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 *Greg's Greater Chicago Chiropractic, LLC v. Midwest Nutritional Service, Inc.*, 13 C 6400. 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 **JUNE 9, 2015**. 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. 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 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. Any objection filed with the Court should reference case number 13 C 6400. Any objections or appearances must be mailed to **Class Counsel at the address provided in paragraph IX and Midwest's Counsel at the following address: Anthony Eliseuson, DENTONS US LLP, 233 S. Wacker Drive, Suite 7800, Chicago, IL 60606 and postmarked by JUNE 9, 2015** and may also be filed with the Court. The Court will only consider any objections submitted or filed by **JUNE 9, 2015**.

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 (28198)**
20 S. Clark St., Suite 1500
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 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 6400, 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 and on 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 DEFENDANT
FOR INFORMATION.**

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

