

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

THIS IS NOT A SOLICITATION.

THE SENDING OF THIS NOTICE BY FACSIMILE OR MAIL HAS BEEN APPROVED BY THE COURT.

YOU RECEIVED THIS NOTICE BECAUSE THE RECORDS OF DEFENDANTS INDICATE YOU MAY BE A MEMBER OF THE PROPOSED SETTLEMENT CLASS IN THIS CASE. PLEASE READ THIS NOTICE CAREFULLY. IF YOU WISH TO BE PAID BENEFITS UNDER THIS SETTLEMENT, YOU MUST SUBMIT A CLAIM FORM BY JUNE 20, 2016.

UNIQUE ID NUMBER: <<DAHL_ID>>

S. Clark St., Suite 1500, Chicago, IL 60603; 312-739-4200, (312) 419-0379 (FAX), www.edcombs.com.

I. WHY YOU RECEIVED THIS NOTICE

You received this notice because the records of The Terminix International Company, LP and The ServiceMaster Company, LLC show that you may have received an unsolicited fax ad from Defendants and therefore you may be a member of the Settlement Class.

II. WHAT IS THE LAWSUIT ABOUT?

Plaintiff, Greg's Greater Chicago Chiropractic, LLC ("Plaintiff"), sued The Terminix International Company, LP, ("Terminix") and The ServiceMaster Company, LLC (collectively, "Defendants"), alleging that it received unsolicited facsimile advertisements sent by Defendants promoting Terminix services, and the fax did not contain an opt out notice informing you how to tell the sender to stop sending you faxes, as described in the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227. Plaintiff alleged that the sending of these faxes violated the TCPA. Plaintiff sought to represent a class of persons to whom Defendants sent the allegedly unsolicited advertising facsimiles. Defendants deny these allegations but have agreed to settle these claims solely to avoid the costs and uncertainties of litigation. Defendants will vigorously defend the lawsuit if the proposed settlement is not approved. Plaintiff has brought this action on behalf of itself and the Settlement Class set forth below. The Court has preliminarily certified the Settlement Class which has been defined as:

All persons with Illinois fax numbers who, between June 1, 2014 through and including March 5, 2015, were sent unsolicited fax advertisements from Terminix's branch office in Elmhurst, Illinois promoting Terminix services in the absence of an established business relationship, and which fax advertisements did not contain an opt-out notice as described in 47 U.S.C. § 227, who are on the Class List.

The Class List is comprised of records in Terminix's possession showing the Illinois facsimile numbers of persons that were sent potentially unsolicited fax advertisements from Terminix's branch office in Elmhurst, Illinois from June 1, 2014 through and including March 5, 2015.

III. WHO REPRESENTS YOU

The Court has appointed Edelman, Combs, Lattuner, & Goodwin, LLC to represent the Settlement Class. Counsel for Plaintiff and the Settlement Class Members may be contacted at: **Edelman, Combs, Lattuner, & Goodwin, LLC (31158), 20**

IV. WHAT IS THE PROPOSED SETTLEMENT?

The parties to the lawsuit have agreed to settle after extensive negotiations. Under the proposed settlement, Defendants have agreed to pay a total of \$250,000.00 to settle the claims of Plaintiff and the Settlement Class (the "Settlement Amount"). If this settlement is approved by the Court, the Settlement Amount will cover an incentive award to the Plaintiff, Greg's Greater Chicago Chiropractic, LLC for its service as class representative (\$5,000.00), attorneys' fees to Counsel for Plaintiff and the Settlement Class (1/3 of the Settlement Amount less Administration Costs), plus reimbursement of reasonable costs of notice and administration ("Administration Costs") incurred but not to exceed \$9,000.00. Counsel for Plaintiff and the Settlement Class will file a petition for attorney's fees on **MAY 20, 2016**. After these amounts are deducted from the Settlement Amount, each Settlement Class Member who submits a valid claim by **JUNE 20, 2016** will receive an equal share of the remaining Distributable Settlement Fund per fax transmission. The risk of late or non-delivery of the claim form lies solely with you. Your share of the Distributable Settlement Fund depends on how many Settlement Class members submit Claim Forms. Although the exact number of Settlement Class Members is not currently known, the parties estimate based on a review of Defendants' records that there could be approximately 870 faxes on the Class List. By way of example only, if 870 valid claims are received from Settlement Class Members, each Settlement Class Member would receive approximately \$178.92. The recovery for each Settlement Class Member is subject to court approval.

V. SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS

Members of the Settlement Class have the following options:

(1) Remain a member of the Settlement Class and submit a Claim Form to receive a portion of the Distributable Settlement Fund. In order to receive a cash payment under this settlement, you must fully complete and submit the Claim Form at the end of this notice in the manner indicated (see instructions on Claim Form) by **JUNE 20, 2016**. The risk of late or non-delivery of the claim form lies solely with you. The Settlement Administrator will send you a receipt of your claim, upon request. If you do not submit a fully completed Claim Form by the date indicated, you will not receive a cash recovery and you will still remain a member of the Settlement Class and be bound by the terms of the Settlement Agreement entered into with respect to this lawsuit. Under federal tax laws, if you receive a payment in excess of \$599.99, the person making the payment is required to

obtain a form W-9 from you. It is a 1 page form that asks for basic identification information. An example is available at www.ElmhurstTerminixTCPASettlement.com. The W-9 form will be sent to you after the Final Approval Hearing. If you are entitled to recover payment in excess of \$599.99 and you do not submit a completed W-9 form in addition to your Claim Form, then the Settlement Class Administrator will deduct tax withholdings from the settlement payment.

(2) Exclude Yourself from the Settlement. If you do not wish to participate in the Settlement, you may exclude yourself from the Settlement by sending (via US Mail) a letter of notice of your intent to be excluded from the Settlement to Plaintiff's Counsel at Edelman, Combs, Lattuner & Goodwin, LLC (31158), 20 S. Clark St., Suite 1500, Chicago, IL 60603, FAX: (312) 419-0379 or the Settlement Class Administrator, Dahl Administration, P.O. Box 3614, Minneapolis, MN 55403-0614. The notice of exclusion must state your name (or the name of your company), address, and the fax number at which you were sent a fax from Defendants, and the case name and number at the top of this notice, and state that you wish to be excluded from the Settlement Class. The Notice of Exclusion must be received or postmarked on or before **JUNE 20, 2016** or you will remain a Settlement Class Member. The risk of late or non-delivery of a request for exclusion lies solely with you. The Settlement Administrator will send you a receipt of your request for exclusion, upon request. If you exclude yourself from the Settlement, you will not be eligible to receive a cash recovery under the Settlement and you will not be releasing any claims you may have against Defendants.

(3) Object to the Settlement. You have the right to tell the Court that you object to the Settlement or some part of it by filing a written objection with the Clerk of the Court advising the Court of your objection. If you wish to object to the Settlement, you must remain a member of the Settlement Class and you cannot exclude yourself from the Settlement Class. Either on your own or through an attorney you can file an objection explaining why you think the Court should not approve the settlement. You must file the objection with the Clerk of the United States District Court, Northern District of Illinois, 219 S. Dearborn, Chicago, IL 60604. The objection must contain the case name and number – *Greg's Greater Chicago Chiropractic, LLC v. The Terminix International Company, LP and The ServiceMaster Company, LLC*, 15 C 1959 – at the top; your name, address and the fax number to which you were sent the fax by Defendants; a statement of your objection to the Settlement Agreement, an explanation of the legal and factual basis for the objection; and documentation, if any, to support your objection. The objection must be filed with the Clerk of the Court on or before **JUNE 20, 2016**. The risk of late or non-delivery of an objection lies solely with you. Plaintiff's Counsel will send you a receipt of your objection, upon request. The Court will consider your objection if you properly submit an objection on time. You must also mail a copy of your objection to Plaintiff's Counsel at the address provided in paragraph III and to Defendants' Counsel at the following address: Rachel B. Niewoehner, SIDLEY AUSTIN LLP, 1 South Dearborn Street, Chicago, IL 60603.

(4) Do Nothing. You are not required to take any action and may simply do nothing. If you do nothing you will remain a member of the Settlement Class but you will not receive a cash recovery and will be bound by all the terms of the Settlement

Agreement including, but not limited to, a release of any claims you may have against Defendants for sending you unsolicited fax advertisements.

VI. WHAT AM I GIVING UP UNDER THE SETTLEMENT?

If the settlement becomes final, you will be releasing Defendants and the Released Parties for any claims you may have against them under the TCPA, any comparable TCPA-like statutes of any state, and any other federal or state statutory or common law, and for relief under any equitable theory that was asserted or could have been asserted based on or relating to the transmission of unsolicited advertising facsimiles to you by Defendants. This release is more fully explained in the Settlement Agreement, which 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.edcombs.com and on www.ElmhurstTerminixTCPASettlement.com.

VII. FINAL APPROVAL HEARING

The Court has scheduled a final approval hearing for **AUGUST 1, 2016 at 9:15 a.m.** in Courtroom 2303 of the United States District Courthouse for the Northern District of Illinois at 219 S. Dearborn St., Chicago, IL 60604. You do not have to appear at this hearing. You or your attorney may attend this hearing if you desire and request to address the Court regarding any matters relating to this Settlement.

VIII. WHERE 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 this case number, 15 C 1959, at the office of the Clerk of the Court, U.S. District Court for the Northern District of Illinois, 219 S. Dearborn St., 20th FL., Chicago, IL 60604. The Settlement Agreement (excluding exhibits) and Plaintiff's Counsel's Petition for Attorney's Fees are also available on www.edcombs.com, and on www.ElmhurstTerminixTCPASettlement.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 FOR INFORMATION.**

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