

Ballard RN Center v. Kohl's Pharmacy & Homecare
c/o GCG
P.O. Box 9349
Dublin, OH 43017-4249

KOH



Control No: 1234567890
Claimant ID: 11,111,111

KOH1234567890



JANE CLAIMANT
123 4TH AVE
APT 5
SEATTLE, WA 67890

CIRCUIT COURT OF COOK COUNTY ILLINOIS
NOTICE OF PROPOSED CLASS ACTION SETTLEMENT:

BALLARD RN CENTER, INC v. KOHLL'S PHARMACY & HOMECARE, INC.
Case No. 10-CH-17229

THIS IS A NOTICE OF A SETTLEMENT OF A CLASS ACTION LAWSUIT.
THIS IS NOT A NOTICE OF A LAWSUIT AGAINST YOU.

YOUR LEGAL RIGHTS WILL BE AFFECTED BY THE SETTLEMENT OF THIS LAWSUIT. PLEASE READ THIS NOTICE CAREFULLY. IT EXPLAINS THE LAWSUIT, THE SETTLEMENT, AND YOUR LEGAL RIGHTS.

1. WHAT IS THIS LAWSUIT ABOUT?

Ballard RN Center, Inc. ("Plaintiff") sued Kohl's Pharmacy & Homecare, Inc. ("Kohl's" or Defendant") alleging that it received an unsolicited facsimile advertisement in violation of the Telephone Consumer Protection Act ("TCPA"). Defendant denies these allegations, but agreed to settle to avoid the costs and uncertainties of litigation.

2. WHO IS INCLUDED IN THE SETTLEMENT?

Defendant's records show that in March 2010, you received one or more fax advertisements related to its corporate flu vaccine and are included in the Settlement. Specifically, the Court certified a "Settlement Class" of: all persons and entities with fax numbers who, during March of 2010, were sent faxes by or on behalf of Kohl's Pharmacy & Homecare, Inc., promoting its goods or services for sale.

3. THE PROPOSED SETTLEMENT

Kohl's has agreed to create a \$925,000 Settlement Fund. Before making payments to Settlement Class members, the Settlement Fund will be used to pay notice and administrative expenses (in an amount not to exceed \$20,000), a \$10,000 incentive award to Plaintiff and attorneys' fees (an amount not to exceed \$308,333.33, which is 1/3 of the Settlement Fund). Each Class Member who does not opt-out and can be located will receive an equal *pro rata* share of the Net Settlement Fund. Your share of the Settlement Fund depends on how many Settlement Class members decline to participate. This notice is being sent to approximately 4,123 Settlement Class members who received at least one fax. Assuming that NO Class Members decide to exclude themselves and all are found, your share is estimated to be \$142.29.



4. WHO REPRESENTS YOU

The Court appointed Daniel A. Edelman and Julie Clark of Edelman, Combs, Lattuner, & Goodwin, LLC to represent the Settlement Class.

5. YOUR LEGAL RIGHTS AND OPTIONS

(1) Do Nothing and Receive a Payment in exchange for Release of your claim. If you do nothing you will be bound by all the terms of the Settlement Agreement and assuming that the Court approves the Settlement, you will receive a share of the Settlement Fund. Your share is presently estimated to be \$142.29 but may increase depending upon the number, if any, of class members who seek to exclude themselves (or “opt-out”) of the Settlement. **(2) Opt-Out / Exclude Yourself.** If you do not wish to participate in the Settlement you may exclude yourself from it by **December 12, 2017** by sending (via US Mail) a letter to Class Counsel at Edelman, Combs, Lattuner & Goodwin, LLC, 20 S. Clark Street, Suite 1500, Chicago, IL 60603, fax: (312) 419-0379, or the Class Administrator, *Ballard v. Kohll’s* Class Administrator, P.O. Box 9349, Dublin, OH 43017-4249. The Notice of Exclusion must state your name or your company’s name, address, the fax number to which you believe the advertisement at issue was sent, the case name and number, and state that you wish to be excluded from the Settlement Class. If you exclude yourself from the Settlement *you will not receive a payment and you will not release any claims* against Kohll’s Pharmacy & Homecare, Inc. or the Released Parties. **(3) Object.** If you do not exclude yourself, you can file an objection, either on your own or through an attorney, explaining why you think the Court should not approve the settlement. The objection must contain the case name and number; your name and address; the fax number to which you believe the advertisement at issue was sent; a statement of your objection; an explanation of the legal and factual basis for the objection; and documentation, if any, to support your objection. The objection must be filed by **December 12, 2017** with (1) the Clerk of the Circuit Court of Cook County, Illinois, County Department, Chancery Division located at 50 W. Washington St. Chicago, IL 60602 and sent to (2) Edelman, Combs, Lattuner, & Goodwin, LLC (31810), 20 S. Clark St., Suite 1500, Chicago, IL 60603; and (3) Konicek & Dillon, PC, 21 W. State St., Geneva, IL 60134.

6. WHAT AM I GIVING UP UNDER THE SETTLEMENT?

If the settlement becomes final, you will be releasing Kohll’s Pharmacy & Homecare, Inc. and the Released Parties for any claims you may have relating in any way to any unsolicited fax advertisements sent to you during the class period. The Released Claims are fully explained in the Settlement Agreement, available at www.edcombs.com and <http://www.choosegcg.com/cases-info/koh/>.

7. FINAL APPROVAL HEARING

The Court has scheduled a Final Approval Hearing before Judge Cohen on **January 19, 2018 at 10:30 a.m.** in Courtroom 2308 of the Richard J. Daley Center, Circuit Court of Cook County, Illinois, County Department, Chancery Division located at 50 W. Washington St. Chicago, IL 60602. You or your attorney may attend this hearing if you desire and request to address the Court regarding any matters relating to this Settlement.

8. MORE INFORMATION

More information is available at www.edcombs.com and <http://www.choosegcg.com/cases-info/koh/>. You may also inspect the pleadings and other papers that have been filed in this case at the office of the Clerk of the Court, Richard J. Daley Center, Circuit Court of Cook County, Illinois, County Department, Chancery Division located at 50 W. Washington St. Chicago, IL 60602. If you have questions about this notice or the proposed settlement, you may contact Settlement Class Counsel.

THE COURT AND THE DEFENDANT CANNOT PROVIDE INFORMATION.