

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT:**

*PODIATRY IN MOTION, INC. v. AMERICAN SCREENING LLC, No. 16 C 7938*

*THIS IS NOT A SOLICITATION.*

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

- I. **THE LAWSUIT:** Podiatry In Motion, Inc. ("Plaintiff") sued American Screening Corporation ("American Screening Corporation" or "Defendant") alleging that it received an unsolicited fax advertisement promoting its goods or services that did not contain a proper opt out notice. Plaintiff alleged that these faxes violated the Telephone Consumer Protection Act ("TCPA"), the Illinois Consumer Fraud Act ("ICFA") and common laws of conversion, nuisance and trespass to chattels. Defendant denies these allegations and has raised certain defenses, but agreed to settle to avoid the expense, burden, and uncertainty of further litigation.
- II. **WHO IS INCLUDED:** American Screening Corporation's records show that you were sent one or more faxes on or about August 4, 2016 promoting its goods/services and may be included in the Settlement. Specifically, the Court certified a "Settlement Class" of: All persons and entities in the United States who were sent the advertisement at issue in this case which stated 'American Screening Complete Drug Testing Solutions \*\*We Will Save You Money\*\*' for the time period starting four years prior to the date Plaintiff filed its Complaint to the date this settlement agreement is fully executed.
- III. **THE PROPOSED SETTLEMENT:** American Screening Corporation has agreed to fund a \$90,000 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 \$10,000.00), an incentive award to Podiatry In Motion, Inc. (in an amount not to exceed \$7,500.00), and attorneys' fees (an amount not to exceed 1/3 of the Settlement Fund, less the cost of notice and administration). Each Class Member who submits a valid claim 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 submit Claim Forms. This notice is being sent to approximately 7,160 Settlement Class members who were sent one fax.
- IV. **WHO REPRESENTS YOU:** The Court appointed Daniel A. Edelman and Dulijaza (Julie) Clark from Edelman, Combs, Latturner, & Goodwin, LLC to represent the Settlement Class as Class Counsel.
- V. **YOUR LEGAL RIGHTS AND OPTIONS:** (1) **Submit a Claim Form.** You must complete and submit the attached Claim Form by **April 16, 2018** to receive a payment. The value of each individual settlement payment cannot be determined until the Claims Deadline has passed and all claims have been verified. If your payment exceeds \$599.99 you will be sent and be required to complete and submit a W-9. (2) **Exclude Yourself.** If you do not wish to participate in the Settlement you may exclude yourself from it by **April 16, 2018** by sending (via US Mail) a letter to Class Counsel at Edelman, Combs, Latturner & Goodwin, LLC, 20 S. Clark Street, Suite 1500, Chicago, IL 60603, fax: (312) 419-0379, or the Class Administrator, *Podiatry In Motion, Inc. v. American Screening, LLC*. Class-Settlement.com, PO Box 9009, Hicksville, NY 11802-9009. The Notice of Exclusion must state your name or your company's name, address, the fax number to which you were sent the fax, the case name and number, and a signed statement providing that: "I/we hereby request that I/we be excluded from the proposed Settlement Class in the Litigation.". If you exclude yourself from the Settlement you will not receive a payment and you will not release any claims against American Screening, LLC. (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 were sent the fax; 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 **April 16, 2018** with (1) the Clerk of the United States District Court, Northern District of Illinois, 219 S. Dearborn, Chicago, IL 60604; and sent to (2) Edelman, Combs, Latturner, & Goodwin, LLC (33056), 20 S. Clark St., Suite 1500, Chicago, IL 60603; and (3) Molly A. Arranz, SmithAmundsen, LLC, 150 N. Michigan Ave., Chicago, IL 60603. (4) **Do Nothing.** If you do nothing you will not receive a monetary recovery, but you will be bound by all the terms of the Settlement Agreement.
- VI. **WHAT AM I GIVING UP UNDER THE SETTLEMENT?** If the settlement becomes final, you will be releasing American Screening, LLC for any claims you may have relating in any way to any unsolicited advertising faxes it sent to you during the class period. The Released Claims are fully explained in the Settlement Agreement, available at [www.edcombs.com](http://www.edcombs.com) and [www.class-settlement.com](http://www.class-settlement.com).
- VII. **FINAL APPROVAL HEARING:** The Court has scheduled a Final Approval Hearing before Judge Robert M. Dow on **May 24, 2018 at 10:00 a.m.** in Courtroom 1914 of the United States District Courthouse for the Northern District of Illinois at 219 S. Dearborn St., Chicago, IL 60604. 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. **MORE INFORMATION:** More information is available at [www.edcombs.com](http://www.edcombs.com) and [www.class-settlement.com](http://www.class-settlement.com). 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, U.S. District Court for the Northern District of Illinois, 219 S. Dearborn St., 20<sup>th</sup> Floor, Chicago, IL 60604. 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.**