

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION**

James Iverson, Individually and on behalf of the Class,	)	
	)	No. 08 CH 42955
Plaintiff,	)	
	)	
v.	)	Honorable Carolyn Quinn
Rick Levin & Associates, Inc.,	)	
	)	
Defendant.	)	

**PLEASE READ THIS CAREFULLY.  
YOU MAY BE ENTITLED TO A SETTLEMENT PAYMENT  
OF UP TO \$375 FROM A CLASS ACTION SETTLEMENT.**

*The Court authorized this notice. This is not a solicitation from a lawyer, and you are not being sued.*

- A settlement has been proposed in a class action lawsuit concerning unsolicited advertisements allegedly sent by Rick Levin & Associates, Inc. by facsimile. If approved, the settlement will provide payments to persons or entities who were sent such facsimiles by Rick Levin & Associates between November 1, 2004, and January 1, 2009.
- You must complete and send in a claim form, which is subject to verification, to apply for payment. The Claim Form must be mailed and post-marked by March 30, 2012.
- Your legal rights are affected by the settlement whether you act or don't act. **Please read this entire notice.**

**YOUR OPTIONS IN THIS SETTLEMENT:**

<b>SUBMIT A CLAIM FORM</b> By March 30, 2012	The only way to apply for a settlement payment.
<b>EXCLUDE YOURSELF</b> By March 30, 2012	Write to exclude yourself from the settlement and give up your right to apply for a settlement payment in this lawsuit.
<b>OBJECT</b> By March 30, 2012	Write to the Court about why you don't like the settlement.
<b>GO TO A HEARING</b>	Ask to speak in Court about the fairness of the settlement.
<b>DO NOTHING</b>	Do not apply for a payment and give up your rights to recover under the settlement and to assert any of the Released Claims against Rick Levin & Associates, Inc.

**These options – and the deadlines to exercise them – are explained in this notice.**

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

James Iverson, the class representative bringing this lawsuit, claims that Rick Levin & Associates Inc. ("RLA") sent unsolicited facsimiles that promoted or advertised RLA's goods or services, in violation of the Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227, among other laws. RLA denies the class representative's allegations, and that these claims could proceed on a class-action basis absent the settlement.

## 2. WHAT IS A CLASS ACTION?

In a class action, the class representative sues on behalf of others with similar legal claims. All of these people together are called a class or class members. One court resolves the issues for all persons in the class, except for those who ask to be excluded from the class.

## 3. WHY IS THERE A SETTLEMENT?

The Court did not decide in favor of James Iverson and the putative class or RLA. Instead, James Iverson and RLA have agreed to this settlement. That way, they avoid further costs and delay of court proceedings and people in the settlement class will get compensation. The class representative and the attorneys think the settlement is best for the proposed settlement class.

The amount of the settlement was negotiated in a mediation presided over by a retired Judge after several years of litigation. For these reasons, Class Counsel believes that the settlement is fair and reasonable and that the class members should accept this settlement.

## 4. WHO IS INCLUDED IN THE CLASS?

All persons and entities with Illinois fax numbers who (1) in the period between November 1, 2004, and January 1, 2009, (2) were sent faxes by or on behalf of Rick Levin & Associates, Inc. promoting or advertising its goods or services, (3) and who did not provide express permission or consent to RLA to send facsimiles.

## 5. WHAT DOES THIS SETTLEMENT PROVIDE?

In connection with the settlement, RLA has agreed to make available a settlement fund of up to \$600,000. If you are in the settlement class and you **submit a valid claim form**, you will receive a **settlement payment** in an amount up to \$375. Subject to approval by the Court, the fund set up by RLA also will pay an award of attorneys' fees for class counsel, including the reasonable expenses incurred by class counsel, up to \$200,000, an incentive award up to \$6,400 for the class representative and third-party settlement administration costs.

## 6. HOW DO I APPLY FOR A SETTLEMENT PAYMENT?

To apply for a settlement payment, you must complete, sign and return the enclosed claim form on time. You may also obtain claim forms by going to [www.Keoghlaw.com](http://www.Keoghlaw.com) or by calling First Class, Inc. at 877-731-1880 or by calling Class Counsel at 312-780-7364. Complete, sign, fax or mail the claim form, faxed on or **postmarked by** March 30, 2012 to:

**FIRST CLASS INC. / J11617-IVERSON, 5410 Roosevelt Road, Suite 222, Chicago, IL 60644**  
**Fax: (651) 265-3126**

## 7. WHO REPRESENTS MY INTERESTS IN THIS SETTLEMENT?

The Court has designated James Iverson who brought this action as the class representative. The Court has also appointed class counsel to represent the class. If you are a member of the class, the class representative and class counsel will act on your behalf in this settlement.

You may, but are not required to, enter an appearance through counsel of your own choosing at your own expense. If you do not do so, you will be represented by the Court-appointed class counsel:

Keith Keogh  
Keogh Law, Ltd.  
101 N. Wacker Dr. Ste. 605  
Chicago, IL 60606  
312.780.7364 or FaxSettlement@Keoghlaw.com

**8. DO I HAVE TO PAY MONEY TO PARTICIPATE IN THE CLASS?**

No. You will not be personally responsible for any expenses or attorneys’ fees incurred in this lawsuit. If the Court approves the proposed settlement, the lawyers for the class will request that the Court award attorneys’ fees, plus reasonable expenses, as discussed above.

**9. WHAT HAPPENS TO MY CLAIM IF I STAY IN THE CLASS?**

As a class member, you will be bound by any judgment benefiting or adverse to the class and you may not maintain a separate lawsuit. You will have your claim concerning unsolicited advertisements allegedly sent by RLA by facsimile decided in this lawsuit and receive any payment you are entitled to under this settlement.

**10. I WISH TO EXCLUDE MYSELF FROM THE SETTLEMENT. HOW DO I EXCLUDE MYSELF?**

If you do not wish to be included in the settlement, you must mail or deliver a written request for exclusion to First Class, Inc. at the address above by March 30, 2012. Your request must be in writing and state the name, address, phone number, and fax number of the person or entity seeking exclusion. Each request must also contain a signed statement that: “I/we hereby request that I/we be excluded from the proposed Settlement Class in the *Iverson v Rick Levin & Associates Inc. Lawsuit.*” A request for exclusion that does not include all of the foregoing information, or that is sent to an incorrect address, or that is not received by First Class, Inc., shall be invalid.

**11. I WISH TO OBJECT TO THE SETTLEMENT. HOW DO I OBJECT?**

If there is something about the settlement that you do not like, you may file an objection with the Court. If the Court overrules your objection, you will still be in the settlement, you will still be bound by any judgment and you will still receive any settlement payment to which you would be entitled. If you want to object, you must file your objection in writing with the Court. Your objection must include: (a) a notice of intention to appear; (b) a statement of membership in the proposed Settlement Class for the case captioned *James Iverson v Rick Levin & Associates Inc.*, Case No. 08 CH 42955, Judge Carolyn Quinn; and (c) the reasons you do not like the proposed settlement and any documents you would like the Court to consider.

**Your written objection must be received by the Court no later than March 30, 2012.** Direct your objection to Clerk of Court, Circuit Court of Cook County, Daley Center, 50 W. Washington, Chicago, Illinois, 60602. You also **must** deliver copies of your objection to the attorneys in the case **by March 30, 2012**. Their names and addresses are:

Counsel for the Class

Counsel for RLA:

Keith J. Keogh, Esq.  
Keogh Law, Ltd.  
101 N. Wacker, Ste. 605  
Chicago, Illinois 60606

R. Michael McCann  
Williams Montgomery & John Ltd.  
233 S. Wacker Drive, Suite 6100  
Chicago Illinois 60606

Your failure to object in the foregoing manner will be deemed to waive your objections and you will be barred from making any such objections in the Action or in any other proceeding.

**12. WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO GRANT FINAL APPROVAL OF THE SETTLEMENT?**

The Court has scheduled a fairness hearing at 9:30 AM on April 13, 2012 at the Circuit Court of Cook County, Daley Center, 50 W. Washington, Chicago, Illinois, 60602. In room 2308. At this hearing, the Court will consider whether the settlement is fair, reasonable and adequate. If there are objections, the Court also will consider them, and the Court may decide how much to pay class counsel. At or after the hearing, the Court will decide whether to grant final approval of the proposed settlement.

**13. ADDITIONAL INFORMATION.**

All references in this notice to pleadings and Court orders are only summaries. Complete copies of the pleadings, orders and other documents filed in this Action may be examined and copied at any time during regular business hours at the offices of the Clerk of Court, Circuit Court of Cook County, Daley Center, 50 W. Washington, Chicago, Illinois, 60602. The case is titled *James Iverson v Rick Levin & Associates Inc.*, Case No. 08 CH 42955.

The Settlement Agreement and other documents and information are also available at [www.Keoghlaw.com](http://www.Keoghlaw.com), by calling First Class, Inc. at 877-731-1880 or by calling Class Counsel at 312-780-7364

**PLEASE DO NOT CALL OR WRITE THE COURT OR RLA'S COUNSEL. THEY CANNOT PROVIDE YOU WITH INFORMATION OR ADVICE.**

DATED: February 2, 2011

BY ORDER OF THE COURT OF COOK  
COUNTY, ILLINOIS  
COUNTY DEPARTMENT.

# CLAIM FORM

*Iverson v Rick Levin & Associates, 08 CH 42955 (Cook County Il.)*

**IF YOU SUBMIT A PROPER CLAIM FORM AND ARE MEMBER OF THE PROPOSED CLASS, YOU MAY BE ENTITLED TO PAYMENT OF UP TO \$375.**

If you already sent in a claim form in response to the facsimile notice, you do not need to send in another claim form.

If you choose to make a claim in connection with the settlement of the case captioned *James Iverson v Rick Levin & Associates Inc.*, Case No. 08 CH 42955, you must fill out the claim form below completely and submit it **by March 30, 2012.**

PLEASE DO NOT CONTACT THE COURT OR DEFENDANT’S COUNSEL FOR INFORMATION.

Dated: February 2, 2012

**BY ORDER OF THE COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION**

## OFFICIAL CLAIM FORM B

(ALL REQUESTED INFORMATION MUST BE PROVIDED.)

**SUBMIT BY MARCH 30, 2012 VIA FACSIMILE [651.265.3126] OR MAIL TO:  
FIRST CLASS INC. / J11617-IVERSON, 5410 Roosevelt Road, Suite 222, Chicago, IL 60644**

Fax Number		Name of Person/Company that subscribed to fax line	
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New Address	
City/St/Zip	

I state, to the best of my recollection and belief, that the person or company identified above was assigned the fax number listed above between November 1, 2004, and January 1, 2009, and that the person or company identified above has no recollection of having given permission to Rick Levin & Associates to send it facsimiles.

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Title \_\_\_\_\_

Company \_\_\_\_\_

\*\*\*\*\* SCH 5-DIGIT 64503 1-1

JOHN Q. SAMPLE  
123 ANY STREET  
CITY, STATE ZIP

