

THIS IS A NOTICE OF A LAWSUIT SETTLEMENT.
You may benefit from this. Please read it carefully. You are not being sued.

**IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS**

ITALIA FOODS, INC., et al.,)	
)	
<i>Plaintiff,</i>)	
)	No. 03 CH 0924
v.)	
)	The Honorable Luis A. Berrones, Judge
SUN TOURS d/b/a HOBBIT TRAVEL and)	Presiding
PAUL GROSSO,)	
)	
<i>Defendants.</i>)	

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

TO: All persons (1) who on or after June 13, 1999, (2) were sent telephone facsimile messages of material advertising the commercial availability of any property, goods, or services by or on behalf of Sun Tours, Inc. d/b/a Hobbit Travel, and (3) with respect to whom Hobbit Travel cannot provide evidence of prior express permission or invitation for the sending of such faxes.

A. WHY HAVE YOU RECEIVED THIS NOTICE? The Court ordered us to send you this Notice because you may be a member of the Class defined above. This Notice explains the nature of the lawsuit and the settlement terms and informs you of your legal rights and obligations. You must submit a Claim Form (attached) to receive a monetary payment.

B. WHAT IS THIS LAWSUIT ABOUT? This lawsuit is about fax advertisements Sun Tours, Inc. d/b/a Hobbit Travel and its president, Paul Grosso ("Hobbit Travel") allegedly sent between June 13, 1999 and December 31, 2008. Plaintiff filed this lawsuit in the Circuit Court of Lake County, Illinois. On behalf of itself and a class of similarly-situated persons, Plaintiff alleged that Hobbit Travel violated the federal Telephone Consumer Protection Act, 47 U.S.C. § 227, and certain state and common laws by faxing advertisements to the Class without their prior express invitation or permission to do so. Hobbit Travel denied Plaintiff's allegations and raised defenses to Plaintiff's claims, some of which currently are pending on appeal. Among other things, Hobbit Travel, which has been in the travel business since 1972, argues that it only sent faxes to its long term clients and to persons who wanted to receive them and that the faxes provided useful and valuable information to the recipients. A class has been certified for settlement purposes only. This description of the case is general and does not cover all of the issues and proceedings.

C. WHAT IS THE PROPOSED SETTLEMENT? Without admitting any fault or liability, and in exchange for a release of all claims against it, Hobbit Travel and its insurer have agreed to send a monetary payment to each person who submits a timely and valid Proof of Claim. The monetary payment to each claimant will correspond to the claimant's *pro rata* share of an \$8,700,000 Settlement Fund after payment of Class Counsel fees and expenses, incentive awards to current and former Class Representatives, and notice and class administration costs. Although the precise amount is not yet known, the parties estimate that the *pro rata* share for each valid claim will be approximately \$90.00. The Court has preliminarily approved this settlement, subject to a final fairness hearing that will occur on July 13, 2012, at 9:15 a.m., in Room 302 of the Circuit Court of Lake County, 18 N. County St., Waukegan, Illinois 60085.

D. WHAT ARE YOUR FOUR OPTIONS?

1. Return a completed claim form. To receive a share of the Settlement Fund, you must return a completed and signed Proof of Claim to Strategic Claims Services, Attn: Hobbit Travel Settlement, 600 N. Jackson Street, Suite 3, Media, PA 19063 postmarked on or before July 13, 2012. The Proof of Claim is attached to this Notice. You may return it by fax or U.S. mail. If the Proof of Claim is timely and valid, you will receive a check for your share of the Settlement Fund at the address listed on the Proof of Claim. You will be bound by the judgment and you will ultimately release your claims against Hobbit Travel and against Travelers as Hobbit Travel's insurer.

2. Do nothing and receive nothing. If you do nothing, you will remain a member of the class but you will not receive a share of the Settlement Fund. You will be bound by the judgment and you will release your claims against Hobbit Travel and against Travelers as Hobbit Travel's insurer.

3. Exclude yourself from the Class and the settlement. You have the right to exclude yourself from both the class

action and the settlement by filing a written request for exclusion with the Clerk of the Circuit Court of Lake County, 18 N. County St., Waukegan, Illinois 60085. Your request for exclusion must be postmarked on or before June 28, 2012, and it must list your name, fax number(s), street address, and the name and number of this case. You must also mail copies of your request for exclusion, postmarked by the same date, to Brian J. Wanca, Anderson + Wanca, 3701 Algonquin Road, Suite 760, Rolling Meadows, IL 60008, and to Henry Pietrkowski, Reed Smith LLP, 10 S. Wacker Dr., 40th Floor, Chicago, IL 60606.

4. Object to the settlement in writing. If you object to the settlement, and wish to submit an objection rather than excluding yourself from the class action, you must submit your objection in writing to the Clerk of the Circuit Court of Lake County, 18 N. County St., Waukegan, Illinois 60085. Your objection must be postmarked by June 28, 2012. You must also serve copies of your objection and any supporting memoranda or materials on each of the attorneys for the Class and for Defendant, postmarked by the same date and addressed as follows:

For the Class:

Brian J. Wanca
Anderson + Wanca
3701 Algonquin Road, Suite 760
Rolling Meadows, IL 60008

For the Defendant:

Henry Pietrkowski
Reed Smith LLP
10 South Wacker Drive, 40th Floor
Chicago, IL 60606

Any objection must include your name, fax number(s), and street address, the name and number of this case, and a statement of the reasons why you believe that the Court should find that the proposed settlement is not in the best interests of the Class. Please note that it is not sufficient to simply state that you object. You must state the reasons why you believe the settlement should not be approved. If you file an objection and wish it to be considered, you must also appear at the final approval hearing before Judge Luis A. Berrones in Room 302 of the Lake County Courthouse on July 13, 2012 at 9:15 a.m. **YOU ARE NOT REQUIRED TO ATTEND THIS HEARING UNLESS YOU PLAN TO OBJECT TO THE SETTLEMENT.**

E. WHEN WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT? The Court will hold a hearing on the fairness of the proposed settlement. At the fairness hearing, the Court will hear any objections and arguments concerning the fairness of the proposed settlement, including the amount of the award of costs and attorney's fees to Class Counsel. The fairness hearing will take place on July 13, 2012, at 9:15 a.m., in Room 302 in the Circuit Court of Lake County, 18 N. County St., Waukegan, Illinois 60085. Unless you have objected to the settlement, **you do not need to attend this hearing**. The fairness hearing may be continued to a future date without further notice. If the Court does not approve the settlement, the case will proceed as if no settlement has been attempted. If the settlement is not approved, there is no assurance that the Class will recover more than is provided in the settlement or recover anything at all.

F. WHO REPRESENTS THE CLASS? The Court appointed Plaintiff Italia Foods, Inc. to be the "Class Representative" and appointed the following attorneys to be "Class Counsel":

Phillip A. Bock
Bock & Hatch, LLC
134 N. La Salle, Suite 1000
Chicago, IL 60602
(312) 658-5501

Brian J. Wanca and David M. Oppenheim
Anderson + Wanca
3701 Algonquin Road, Suite 760
Rolling Meadows, IL 60008
(847) 368-1500

At the fairness hearing, Class Counsel will request that the Court order from the Settlement Fund payment of an incentive award of \$9,500 each to the current and former Class Representatives for their services on behalf of the Class in this litigation. Additionally, Class Counsel will request an award of attorneys' fees and expenses equal to one-third of the Settlement Fund plus out-of-pocket costs to be paid to them from the Settlement Fund for their services on behalf of the Class.

G. HOW DO I OBTAIN MORE INFORMATION ABOUT THE LAWSUIT OR THE SETTLEMENT?

This description of the case is general and does not cover all of the issues and proceedings. To see the complete file, including a copy of the settlement agreement, you may visit the office of the Clerk of the Circuit Court of Lake County, 18 N. County St., Waukegan, Illinois 60085. The Clerk will make the files relating to the lawsuit available to you for inspection and copying at your own expense.

If you have specific questions, you can write to Class Counsel at one of the addresses listed above. Include the case number, your name, your fax number, and your current street address on any correspondence. You may also call Class Counsel at the telephone numbers listed above.

Please do not contact the Clerk of the Court or the Defendants' attorneys, because they cannot answer your questions or give you advice about this settlement.

BY ORDER OF THE CIRCUIT COURT OF LAKE COUNTY

CLAIM FORM

<<Name>>
<<Company Name>>
Phone No.: <<Number>>
<<Address>>
<<City>>, <<State>> <<ZIP>>

If the information on the left is incomplete or incorrect, please update it using the fields below:

<u>Name/Company Name:</u>
<u>Address:</u>
<u>City, State, Zip</u>

1. Answer each of the following four items by checking "Yes" or "No," whichever response is true.

a. Phone number capable of receiving faxes.

At some point during the period from June 13, 1999 through March 26, 2012, the phone number listed under my company's name above was set up to receive facsimiles. YES ____
NO ____

b. Ownership or right to use fax number.

At some point during the period from June 13, 1999 through March 26, 2012, either I or my company owned or had the right to use that fax number. YES ____
NO ____

c. Permission or invitation to receive Hobbit Travel's advertising faxes.

I gave Hobbit Travel my permission or invitation to send me or my company advertisements by fax. YES ____
NO ____

d. Authorization to submit claim form.

I am authorized to send in this claim form, either because the claim form is mine or because my company has authorized me to submit the claim form. YES ____
NO ____

2. Sign the Following Verification:

Under penalty of perjury, I state that the answers provided in paragraphs 1.a., b., c. and d. above are true and correct to the best of my knowledge and belief.

Sign Your Name Here

Date: _____

Print Your Name (and Your Title if for a company)

C. You MUST Fax or Mail this Form by July 13, 2012:

Fax this Proof of Claim by July 13, 2012 to (610) 565-7985.

OR, mail this Proof of Claim, postmarked by July 13, 2012, to:
Strategic Claims Services
Attn.: Hobbit Travel Settlement
600 N. Jackson Street, Suite 3
Media, PA 19063