

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Flahive v. Inventurus Knowledge Solutions, Inc., et al., Case No. 17 CH 7570 (Ill. Cir. Ct. Cook Cnty.)

For more information, visit www.HealthCareTCPAsettlement.com.

Para una notificación en Español, visitar www.HealthCareTCPAsettlement.com

PLEASE READ THIS NOTICE CAREFULLY. YOU MAY BE ENTITLED TO A CASH PAYMENT OF UP TO \$200 FROM A CLASS ACTION SETTLEMENT IF YOU RECEIVED AN AUTOMATED TELEPHONE CALL ON YOUR CELLULAR TELEPHONE FROM INVENTURUS KNOWLEDGE SOLUTIONS, INC. REMINDING YOU ABOUT A BALANCE YOU HAD WITH A HEALTHCARE PROVIDER, AND YOU HADN'T CONSENTED TO RECEIVE THE CALL. THIS NOTICE EXPLAINS YOUR RIGHTS AND OPTIONS AND THE DEADLINES TO EXERCISE THEM.

This is a court-authorized notice of a proposed class action settlement. This is not a solicitation from a lawyer and is not notice of a lawsuit against you.

WHY DID I GET THIS NOTICE?

This is a court-authorized notice of a proposed settlement in a class action lawsuit, *Flahive v. Inventurus Knowledge Solutions, Inc.*, Case No. 17 CH 7570, pending in the Circuit Court of Cook County, Illinois before the Honorable Anna H. Demacopoulos. The settlement would resolve a lawsuit brought on behalf of persons who allege that Inventurus Knowledge Solutions, Inc. ("IKS") unlawfully made automated balance-reminder phone calls on behalf of healthcare providers to the cellphones of persons who hadn't consented or who had revoked prior consent to receive such automated calls. If you received this notice, you have been identified as someone who may have received one of these automated phone calls on your cellphone. The Court has granted preliminary approval of the settlement and has conditionally certified the Settlement Class for purposes of settlement only. This notice explains the nature of the class action lawsuit, the terms of the Settlement, and the legal rights and obligations of the Settlement Class Members. Please read the instructions and explanations below so that you can better understand your legal rights.

WHAT IS THIS LAWSUIT ABOUT?

The federal Telephone Consumer Protection Act ("TCPA"), 47 U.S.C. § 227, et seq., prohibits telephone automated calls or calls made using a prerecorded or artificial voice to cellular telephones of individuals who did not provide prior express consent to receive such calls. This lawsuit alleges that IKS violated the TCPA by making automated balance-reminder phone calls on behalf of healthcare providers to the cellphones of persons who hadn't consented or who had revoked prior consent to receive such automated calls. IKS contests these claims and denies that it violated the TCPA.

WHY IS THIS A CLASS ACTION?

A class action is a lawsuit in which an individual called a "Class Representative" brings a single lawsuit on behalf of other people who have similar claims. All of these people together are a "Class" or "Class Members." Once a Class is certified, a class action Settlement finally approved by the Court resolves the issues for all Settlement Class Members, except for those who exclude themselves from the Settlement Class.

WHY IS THERE A SETTLEMENT?

To resolve this matter without the expense, delay, and uncertainties of litigation, the Parties have reached a Settlement, which resolves all claims against IKS, its affiliated entities, and the companies on whose behalf it made calls. The Settlement requires IKS to pay money to the Settlement Class, as well as pay settlement administration expenses, attorneys' fees and costs to class counsel, and an incentive payment to the class representative, if approved by the Court. The Settlement is not an admission of wrongdoing by IKS and does not imply that there has been, or would be, any finding that IKS violated the law.

By order of: Hon. Anna H. Demacopoulos, Illinois Circuit Court of Cook County, County Department, Chancery Division

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The Court has already preliminarily approved the Settlement. Nevertheless, because the settlement of a class action determines the rights of all members of the class, the Court overseeing this lawsuit must give final approval to the Settlement before it can be effective. The Court has conditionally certified the Settlement Class for settlement purposes only, so that members of the Settlement Class can be given this notice and the opportunity to exclude themselves from the Settlement Class, to voice their support or opposition to final approval of the Settlement, and to submit a Claim Form to receive the relief offered by the Settlement. If the Court does not give final approval to the Settlement, or if it is terminated by the parties, the Settlement will be void, and the lawsuit will proceed as if there had been no settlement and no certification of the Settlement Class.

WHO IS IN THE SETTLEMENT CLASS?

You are a member of the Settlement Class if, at any time between May 1, 2013 and August 29, 2017, IKS made an automated telephone call to your cellphone, the call featured a prerecorded or artificial voice, and you hadn't consented to receive that call or you had otherwise revoked any prior consent. If you received one or more such unauthorized calls, then you may visit the settlement website www.HealthCareTCPASettlement.com to submit a claim for cash benefits.

WHAT ARE MY OPTIONS?

(1) Accept the Settlement.

To accept the Settlement, you must submit a Claim Form by **November 20, 2017**. You may obtain a Claim Form at www.HealthCareTCPASettlement.com, and you must submit your Claim Form online at the same website. If the Settlement is approved and your claim is deemed valid, a check will be mailed to you. *Submitting a valid and timely Claim Form is the only way to receive a payment from this Settlement, and is the only thing you need to do to receive a payment.*

(2) Exclude yourself.

You may exclude yourself from the Settlement. If you do so, you will not receive any cash payment, but you will not release any claims you may have against IKS and the Released Parties (as that term is defined in the Settlement Agreement) and are free to pursue whatever legal rights you may have by pursuing your own lawsuit against the Released Parties at your own risk and expense. To exclude yourself from the Settlement, you must mail a signed letter to the Settlement Administrator at PO Box 427, Birmingham, AL 35201, postmarked by **October 13, 2017**. You may also exclude yourself online at www.HealthCareTCPASettlement.com. The exclusion letter must state that you exclude yourself from this Settlement and must include the name and case number of this litigation, as well as your full name, address, and a statement that you wish to be excluded.

(3) Object to the Settlement.

If you wish to object to the Settlement, you must submit your objection in writing to the Clerk of the Court of the Circuit Court of Cook County, Illinois, Richard J. Daley Center, 50 West Washington Street, Courtroom 2505, Chicago, Illinois 60602. The objection must be received by the Court no later than **October 13, 2017**. You must also send a copy of your objection to the attorneys for all Parties to the lawsuit, including the attorneys representing the Class Representative and the Settlement Class (Myles McGuire, Evan M. Meyers, and Paul T. Geske, MCGUIRE LAW, P.C., 55 West Wacker Drive, 9th Floor, Chicago, Illinois 60601), as well as the attorneys representing Defendants (Ian H. Fisher, HAHN LOESER LLP, 125 South Wacker Drive, Suite 2900, Chicago, IL 60606), postmarked no later than **October 13, 2017**. Any objection to the proposed Settlement must include your full name; address; the telephone number(s) at which you received an automated call from IKS; the telephone carrier associated with each such identified telephone number; whether each identified telephone number is a cellular phone or a residential landline; and all grounds for the objection with factual and legal support for the stated objection. If you hire an attorney in connection with making an objection, that attorney must also file with the Court a notice of appearance by the objection deadline of October 13, 2017. If you do hire your own attorney, you will be solely responsible for payment of any fees and expenses the attorney incurs on your behalf. If you exclude yourself from the Settlement, you cannot file an objection.

You may appear at the Final Approval Hearing, which to be held on **November 6, 2017 at 10:00 a.m.**, in Courtroom 2502 of the Circuit Court of Cook County, Richard J. Daley Center, 50 West Washington Street,

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Chicago, Illinois 60602, in person or through counsel to show cause of why the proposed Settlement should not be approved as fair, reasonable, and adequate. Attendance at the hearing is not necessary; however, persons wishing to be heard orally in opposition to the approval of the Settlement, the request for attorneys' fees and expenses, and/or the request for an incentive award to the Class Representative are required to indicate in their written objection their intention to appear at the hearing on their own behalf or through counsel and to identify the names of any witnesses they intend to call to testify at the Final Approval Hearing, as well as any exhibits they intend to introduce at the Final Approval Hearing.

(4) Do Nothing.

If you do nothing, you will receive no money from the Settlement Fund, but you will still be bound by all orders and judgments of the Court. Unless you exclude yourself from the Settlement, you will not be able to file or continue a lawsuit against the Released Parties regarding any of the Released Claims. *Submitting a valid and timely Claim Form is the only way to receive a payment from this Settlement.*

To submit a claim, or for information on how to request exclusion from the class or file an objection, please visit the Settlement website www.HealthCareTCPAsettlement.com.

WHAT DOES THE SETTLEMENT PROVIDE?

Cash Payments. IKS has agreed to create a \$1,200,000 Settlement Fund for the Class Members. All Settlement Class Members are entitled to submit a Claim Form in order to receive a payment out of the Settlement Fund. If the Settlement is approved, each Settlement Class Member who submits a timely Claim Form that is deemed valid will be entitled to an equal payment of up to \$200 paid out of the Settlement Fund. The exact amount of each Class Member's payment is unknown at this time; it may be as much as \$200, but it may be less depending on several factors, including how many Settlement Class Members return valid Claim Forms and the costs of the other expenses to be paid from the Settlement Fund. The Settlement Administrator will issue a check to each Class Member who submits a valid Claim Form following the final approval of the Settlement. All checks issued to Settlement Class Members will expire and become void 180 days after they are issued. Additionally, the attorneys who brought this lawsuit (listed below) will ask the Court to award them attorneys' fees and costs of up to one-third of the Settlement Fund plus reimbursement of their costs for the substantial time, expense and effort expended in investigating the facts, litigating the case and negotiating the Settlement. The Class Representative also will apply to the Court for a payment of up to \$2,500 for her time, effort, and service in this matter.

WHAT RIGHTS AM I GIVING UP IN THIS SETTLEMENT?

Unless you exclude yourself from this Settlement, you will be considered a member of the Settlement Class, which means you give up your right to file or continue a lawsuit against IKS and its related entities, agents, and clients relating to the making of automated/prerecorded calls from May 1, 2013 through August 29, 2017. Giving up your legal claims is called a release. The precise terms of the release are in the Settlement Agreement, which is available on the settlement website. Unless you formally exclude yourself from this Settlement, you will release your claims whether or not you submit a Claim Form and receive payment. If you have any questions, you can talk for free to the attorneys identified below who have been appointed by the Court to represent the Settlement Class, or you are welcome to talk to any other lawyer of your choosing at your own expense.

WHEN WILL I BE PAID?

The parties cannot predict exactly when (or whether) the Court will give final approval to the Settlement, so please be patient. However, if the Court finally approves the Settlement, you will be paid as soon as possible after the Court order becomes final, which should occur within approximately 90 days after the Settlement has been finally approved. If there is an appeal of the Settlement, payment may be delayed. Updated information about the case is available at www.HealthCareTCPAsettlement.com, or contact Class Counsel at the information provided below.

WHEN WILL THE COURT RULE ON THE SETTLEMENT?

By order of: Hon. Anna H. Demacopoulos, Illinois Circuit Court of Cook County, County Department, Chancery Division

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The Court has already given preliminary approval to the Settlement. A final hearing on the Settlement, called a final approval or fairness hearing, will be held to determine the fairness of the Settlement. At the fairness hearing, the Court will also consider whether to make final the certification of the Class for Settlement purposes, hear any proper objections and arguments to the Settlement, as well as any requests for an award of attorneys' fees and expenses and class representative incentive awards that may be sought by class counsel. The Court will hold the fairness hearing on November 6, 2017 at 10:00 a.m. at the Richard J. Daley Center, 50 West Washington Street, Courtroom 2502, Chicago, Illinois 60602.

If the Settlement is given final approval, the Court will not make any determination as to the merits of the claims against IKS or its defenses to those claims. Instead, the Settlement's terms will take effect and the lawsuit will be dismissed on the merits with prejudice. Both sides have agreed to the Settlement in order to achieve an early and certain resolution to the lawsuit, in a manner that provides specific and valuable benefits to the members of the Settlement Class.

If the Court does not approve the Settlement, if it approves the Settlement and the approval is reversed on appeal, or if the Settlement does not become final for some other reason, you will not be paid at this time and Class Members will receive no benefits from the Settlement. Plaintiff, IKS, and all of the Class Members will be in the same position as they were prior to the execution of the Settlement, and the Settlement will have no legal effect, no class will remain certified (conditionally or otherwise), and Plaintiff and IKS will continue to litigate the lawsuit. There can be no assurance that if the Settlement is not approved, the Settlement Class will recover more than is provided in the Settlement, or indeed, anything at all.

WHO REPRESENTS THE CLASS?

The Court has approved the following attorneys to represent the Settlement Class. They are called "Class Counsel." You will not be charged for these lawyers. If you want to be represented by your own lawyer instead, you may hire one at your own expense.

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| Myles McGuire Evan M. Meyers Paul T. Geske MCGUIRE LAW, P.C. 55 W. Wacker Drive, 9 th Floor Chicago, IL 60601 mmcguire@mcgpc.com emeyers@mcgpc.com pgeske@mcgpc.com Tel: 312-893-7002 |
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WHERE CAN I GET ADDITIONAL INFORMATION?

This Notice is only a summary of the proposed Settlement of this lawsuit. More details are in the Settlement Agreement which, along with other documents, can be obtained at www.HealthCareTCPAsettlement.com. If you have any questions, you can also contact Class Counsel at the numbers or email addresses set forth above. In addition to the documents available on the case website, all pleadings and documents filed in court may be reviewed or copied in the Office of the Clerk. Please do not call the Judge or the Clerk of the Court about this case. They will not be able to give you advice on your options.

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