

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

*Dembo Travel Consultants, Inc. v. PCS International, Ltd.* Case No. 03 CH 20187

In the Circuit Court of Cook County, Illinois, County Department, Chancery Division, Judge McGann presiding

**TO: All persons with Illinois telephone fax numbers who, on or after a date four years prior to the filing of this action (December 2, 2003), were sent advertising faxes by PCS International, Ltd. and with respect to whom PCS International, Ltd. cannot provide evidence of prior express permission or consent for the sending of such faxes. If in doubt, Plaintiff's counsel has a partial list of class members to which was faxed a direct notice.**

**IF THE COURT APPROVES THE SETTLEMENT IN THIS LAWSUIT, YOUR RIGHTS MAY BE AFFECTED.**

Plaintiff in this case filed a complaint, on behalf of itself and all others similarly situated, against Defendant PCS International, Ltd., alleging that Defendant violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 ("TCPA") by sending unsolicited facsimile advertisements.

Defendants deny any liability to Plaintiff or the class, but Defendant and its insurer have agreed to settle this case to avoid the expense of continued legal proceedings.

For the benefit of the class, Defendant has agreed to establish a Settlement Fund of \$600,000.00. After deducting: (1) attorney's fees and costs (in the amount of 25% of the Settlement Fund); (2) payment to the Plaintiff in the amount of \$5,000.00; and (3) the cost of Class Notice and administering the settlement, the net funds remaining in the Settlement Fund will be distributed by check to all members of the above-stated class, in an amount up to \$500.00, who submit valid claim forms. The amount that each class member receives will depend on the number of class members who timely return claim forms. To the extent that there are monies remaining in the Settlement Fund after each class member has been paid, the remaining funds shall be returned to Defendant and its insurer. In light of Defendant's defenses to the case, as well as its limitations on insurance coverage, this settlement represents a fair and reasonable result.

On November 5, 2008 at 10:30 a.m., a hearing will be held on the fairness of the proposed settlement. The hearing will take place before Judge Patrick McGann at the Daley Center, Room 1703, 50 West Washington, Chicago, Illinois 60602. **YOU CAN, BUT DO NOT NEED TO ATTEND THESE HEARINGS.**

(1) **In order to receive your pro rata share of the above Settlement Fund, up to a maximum of \$500.00 per class member,** you must submit a completed Claim Form, which is available at [www.caclawyers.com/faxsettlement](http://www.caclawyers.com/faxsettlement) or by contacting Lance A. Raphael at (312) 782-5808. Your completed Claim Form must be mailed to First Class, Inc., 5410 West Roosevelt Road, Unit 222, Chicago, Illinois 60644-1570 and **must be received by October 20, 2008.** **Failure to submit a timely Claim Form will mean you receive no money from the Settlement Fund but are still governed by the Release.**

(2) **If you do not want to participate in the settlement,** do not want to receive a monetary portion of the Settlement Fund, and do not want to release any rights you may have to sue Defendant for the TCPA claims being settled in this class action, you must submit a written statement stating: "I WANT TO BE **EXCLUDED** FROM THE SETTLEMENT IN DEMBO V. PCS." This written statement must also include your full name, address, and fax number, and must refer to the name and number of this case. Your written statement must be mailed to First Class, Inc., 5410 West Roosevelt Road, Unit 222, Chicago, Illinois 60644-1570 and **must be received by October 20, 2008.**

(3) **If you think the settlement or any of its terms are unfair,** but do not simply want to exclude yourself, you may object to the proposed settlement by filing a signed written statement of reasons (in no more than 15 pages) stating why you believe that the proposed settlement is not in the best interests of the class and should not be approved. This objection must be filed with the Clerk of the Court, Daley Center, Room 801, 50 West Washington, Chicago, Illinois 60602 on or before **October 20, 2008.** You must also send a copy of your written objection to: 1) Counsel for Plaintiff, Lance A. Raphael, The Consumer Advocacy Center, P.C., 180 West Washington, Suite 700, Chicago, IL 60602; and 2) Counsel for PCS International, Ltd., Jim Bormes, Shannon & Associates, 8 South Michigan, 26th Floor, Chicago, Illinois 60603.

(4) **If you do nothing** in response to this Notice, you will not receive any money from the Settlement Fund and you will not be able to sue Defendant on your own for any claims that were brought in this lawsuit.

For more information about these settlements, please visit [www.caclawyers.com/faxsettlement](http://www.caclawyers.com/faxsettlement).