

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT:**

*Fulton Dental, LLC v. Bisco Inc.*, Civil Action No. 15-cv-11038

**THIS IS NOT A SOLICITATION.**

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

**I. THE LAWSUIT:** Fulton Dental, LLC (“Plaintiff”) sued Bisco, Inc. (“Bisco” or “Defendant”) alleging that it received an unsolicited fax advertisement from Defendant 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”). Defendant denies these allegations, but agreed to settle to avoid the costs and uncertainties of litigation.

**II. WHO IS INCLUDED:** Defendant’s records show that you were sent one or more faxes by Defendant or an affiliate between December 8, 2011 and December 8, 2015 and may be included in the Settlement Class. Specifically, the Court certified a “Settlement Class” of: All persons and entities within the United States to whom Bisco or Bisco Dental Products Co. sent a facsimile from December 8, 2011 through December 8, 2015, and who are identified by their fax numbers in Bisco’s fax log Bates numbered B00020-1307.

**III. THE PROPOSED SETTLEMENT:** Defendant has agreed to fund a \$262,500 Settlement Fund. Before making payments to Settlement Class Members, the Settlement Fund will be used to pay notice and administrative expenses, a \$5,000 incentive award to the Plaintiff, and attorneys’ fees to Settlement Class Counsel (in an amount not to exceed 1/3 of the Settlement Fund), plus attorney costs. Each Class Member who submits a valid claim will receive an equal *pro rata* share of the Net Settlement Fund. Your share of the Net Settlement Fund depends on how many Settlement Class Members submit valid Claims. This notice is being sent to approximately 25,127 Settlement Class Members.

**IV. WHO REPRESENTS YOU:** The Court appointed Broderick & Paronich, P.C., The Law Office of Matthew P. McCue, McCallum Methvin & Terrell and Burke Law Offices, LLC to represent the Settlement Class as Settlement Class Counsel. You may enter your appearance through your own lawyer at your own cost, but you do not have to.

**V. YOUR LEGAL RIGHTS AND OPTIONS: (1) Submit a Claim Form.** You must complete and submit the attached Claim Form by **January 30, 2018** (“Claims Deadline”) 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. **(2) Exclude Yourself.** If you do not wish to participate in the settlement you may exclude yourself from it by **January 30, 2018** by sending (via US Mail) a letter to Burke Law Offices, LLC, 155 N. Michigan Ave., Suite 9020, Chicago, IL 60601 or the Settlement Class Administrator, *Fulton Dental, LLC v. Bisco, Inc.* Settlement Class Administrator, P.O. Box 404041, Louisville, KY 40233-4041, which must state your name or your company’s name, address, the fax number to which you were sent the fax; must state that you wish to be excluded from the Settlement Class; and must be signed by you. If you exclude yourself from the settlement you will not receive a payment and you will not release any claims you may have against Bisco. **(3) Object.** If you do not exclude yourself, you can file an objection explaining why you think the Court should not approve any part of the settlement. The objection must be written and 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 **January 30, 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) Settlement Class Counsel. **(4) Do Nothing.** If you do nothing you will not receive a monetary recovery and 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 Bisco and its affiliates from any claims you may have relating in any way to any advertising faxes Bisco or its affiliates sent to you during the class period. The Released Claims are fully explained in the Settlement Agreement, available at the court clerk’s office, 219 S. Dearborn St., 20<sup>th</sup> Floor, Chicago, IL 60604, during regular business hours and [www.tcpabiscosettlement.com](http://www.tcpabiscosettlement.com). If you filed your own case, you could receive between \$500 and \$1,500 per violation, plus an order prohibiting defendant from sending you more faxes. This settlement offers less money than you could get on your own, but removes the burden, expense and risk of prosecuting your own case.

**VII. FINAL APPROVAL HEARING:** The Court has scheduled a Final Approval Hearing before Judge Edmond E. Chang on **March 7, 2018 at 10:00 a.m.** in Courtroom 2119 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.tcpabiscosettlement.com](http://www.tcpabiscosettlement.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 CANNOT PROVIDE INFORMATION.**

