

**NOTICE OF CLASS ACTION SETTLEMENT**

**Please give this to a person who makes legal decisions for your home or business.  
You may benefit from this. Please read it carefully. You are not being sued.  
You must submit a Proof of Claim (attached) to receive a settlement check.**

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

AMERICA’S HEALTH & RESOURCE CENTER, LTD., an Illinois corporation, and	)	
AFFILIATED HEALTH GROUP, LTD., an Illinois corporation, individually and as	)	
the representatives of a class of similarly-situated persons, Plaintiffs,	)	No. 20 CH 406
	)	
v.	)	
	)	
PROMOLOGICS, INC. and JANSSEN PHARMACEUTICALS, INC., Defendants.	)	

**NOTICE OF CLASS ACTION SETTLEMENT WITH ATTACHED CLAIM FORM**

TO: All persons or entities who received one or more facsimiles in Illinois between September 27, 2012 and September 27, 2016, offering educational dinner seminars sponsored by Janssen and identifying the Health-Scripts® brand or PromoLogics or Janssen, and which were caused to be sent by PromoLogics.

These persons are the “Settlement Class” or “Class” discussed below.

**A. WHY HAVE YOU RECEIVED THIS NOTICE?** The Court ordered us to send you this notice because your fax number was found on a list of fax numbers to which invitations to dinner seminars were attempted to be sent by fax between September 27, 2012 and September 27, 2016, and, therefore, you might be a member of the Settlement Class. If you received this Notice by mail, then your address was correlated to a fax number on the list, either before or after the address was verified with the Postal Service’s National Change of Address Database.

**B. WHAT IS THIS LAWSUIT ABOUT?** You probably don’t know anything about this class action lawsuit. The two named plaintiffs, America’s Health Resource Center, Ltd. and Affiliated Health Group, Ltd. (“Plaintiffs”), filed a class action case alleging that the defendants, PromoLogics, Inc. (“PromoLogics” or “HealthScripts”) and Janssen Pharmaceuticals, Inc. (“Janssen”) (collectively, “Defendants”), sent unsolicited advertisements by facsimile between September 27, 2012 and September 27, 2016 (the “Faxes”). Plaintiffs alleged that Defendants violated the federal Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”) by sending those faxes without prior express invitation or permission. Defendants denied Plaintiffs’ material allegations, including that the faxes are advertisements subject to the TCPA and raised various defenses. Plaintiffs originally filed the case in federal court, but dismissed that case and re-filed it here. Neither Court ruled in favor of or against any party on the merits of the claims, but the parties have reached the proposed settlement announced here.

**C. WHAT IS THE PROPOSED SETTLEMENT?** Without admitting any fault or liability, and in exchange for a release of all claims against Defendants regarding the faxes at issue, Defendants have agreed to make up to \$2,400,000 (the “Settlement Fund”) available to pay those Class Members who submit a Valid Claim Form (attached), a *cy pres* award if total claims do not exceed \$135,000, an Incentive Award to each of the named Plaintiffs for serving as the “Class Representatives,” to pay attorneys’ fees and costs to Plaintiffs’ attorneys, and to pay settlement administration costs.

According to the Defendants' transmissions lists, Defendants attempted to send 23,416 faxes to potential Class Members, of which 16,626 were actually received, resulting in a receipt rate of 71% (the "Receipt Rate"). Not all of the faxes sent during the class period were actually delivered. While Defendants' transmissions lists confirm the number of faxes Defendants attempted to send each individual fax number, there is no record of how many faxes, if any, each fax number actually received. Accordingly, each person who submits an approved claim in this settlement shall be mailed a check in an amount equal to the Settlement Fund divided by the total successful faxes (16,626) times the claimant's estimated number of faxes. If the total settlement payments (including the payment of Valid Claims, notice and administration costs, Incentive Awards, and attorneys' fees) would otherwise exceed the Settlement Fund, then the payments for Valid Claims shall be reduced *pro rata*. The "Estimated Number of Faxes" sent to a particular fax number shall be calculated as the actual number of faxes attempted to be sent to that fax number (from the transmissions lists) multiplied by the Receipt Rate (71%). (You will identify your fax number(s) on the attached Claim Form, and the Settlement Administrator will compute your award by cross checking your fax number(s) against the numbers on the target lists involved in the case, and calculating your payment.) Notwithstanding the foregoing, if a claimant submits copies of faxes they actually received or provides other acceptable proof (as determined by the parties and administrator) of the number of faxes actually received, and that number is higher than the claimant's Estimated Number of Faxes, then the Settlement Administrator will calculate the benefit based on the number of faxes actually received. You may contact the Settlement Administrator at (833) 537-1188 if you have any questions. **Class Members who file Valid Claims will receive no less than \$92.33 per fax for each of their Estimated Number of Faxes, as calculated above, or the actual Number of Faxes the Class Member received and kept, and submitted to the administrator, whichever number is greater. However, the amount actually received will depend upon the amount of attorneys' fees, expenses, and Incentive Awards to the named plaintiffs approved by the Court, costs of settlement administration, and the number of Valid Claims.**

In the event more than one Valid Claim is received for a single fax number, the payment will be divided equally among the claimants who claimed that fax number. The Court has preliminarily approved this Settlement, subject to a Fairness Hearing that will occur on February 11, 2021, at 9:00 a.m., in Room C-406 in the Circuit Court of Lake County, 18 N. County St., Waukegan, Illinois 60085.

#### **D. WHAT CAN CLASS MEMBERS DO NOW? YOU HAVE FOUR OPTIONS.**

- 1. Return a completed Claim Form.** To receive a share of the Settlement Funds, you must complete and return a signed Claim Form by mail or fax, or submit your claim online at the Settlement website ([www.PLFax.com](http://www.PLFax.com)) on or before January 25, 2021, as evidenced by postmark or other identifiable date of transmission. The Claim Form is included with this Notice. If your claim is approved, you will be mailed a check for your share of the Settlement Fund once the Settlement becomes final and either the time for appeal is over or, in the event of an appeal, the appeal is finally resolved with the court affirming the Settlement and the time for further appeal has concluded. Please be patient.
- 2. Do nothing.** If you do nothing, you will stay in the Settlement Class, be bound by any judgment entered by the Court, and you will release your claims against Defendants about the September 27, 2012 to September 27, 2016 faxes at issue, but you will receive no payment.
- 3. Exclude yourself from the Settlement Class and the Settlement.** You can exclude yourself from the class action and the Settlement (or "opt out") by mailing a written request to the Settlement Administrator at AHRC v. PromoLogics Settlement, c/o Settlement Administrator, P.O. Box 40, Warminster, PA 18974-0040. That request must be postmarked

on or before January 25, 2021, and it must list your name, the fax number(s) at which you believe you received the Faxes, street address, and the name and number of this case. You must sign your request for exclusion and mail copies, postmarked by the same date, to:

For the Settlement Class:

Phillip A. Bock  
Bock, Hatch, Lewis  
& Oppenheim, LLC  
134 N La Salle St, Ste 1000  
Chicago, IL 60602

For Janssen:

Bradley J. Andreozzi  
Faegre Drinker Biddle &  
Reath LLP  
191 N Wacker Dr, Ste 3700  
Chicago, IL 60606-1698

For PromoLogics:

Brian H. Myers  
Gordon Rees  
Scully Mansukhani  
1 N Franklin St, Ste 800  
Chicago, IL 60606

**4. Object to the Settlement in writing.** If you object to the Settlement, and wish to file an objection rather than excluding yourself, 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 January 25, 2021. You must also serve copies of your objection and any supporting memoranda or materials on each of the attorneys for the Settlement Class and for Defendants listed above, postmarked by the same date. Your objection must be signed under penalty of perjury and must identify (1) the case name and number, your name, address, fax number(s) at which you received the Faxes, and telephone number, (2) the specific date(s) when you received one or more of the Faxes, (3) all attorneys who assisted you in the preparation or filing of your objection, (4) a list of all other class action cases in which you or your attorneys have submitted an objection to a settlement, including case name, court, case number, and how much, if any amount, was paid in connection with the objection, and (5) a statement of the reasons why you believe the Court should find that the proposed settlement is not fair, reasonable, adequate, and in the best interests of the Settlement Class. If your objection does not comply with these requirements, the Court will strike and disregard your objection. If you file an objection and wish to present it to the Court in person, then you must appear at the final approval hearing before Judge Daniel L. Jasica in Courtroom C-406 of the Circuit Court of Lake County, 18 N. County St., Waukegan, Illinois 60085 on February 11, 2021, at 9:00 a.m. You are not required to attend this hearing in order for your objection to be considered by the judge. If you submit an objection in writing by the postmark date, then the judge will review and consider your objection.

**E. WHEN WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?** The Court will hold a hearing to decide whether the proposed settlement is fair and reasonable and should be approved. At that fairness hearing, the Court will hear any objections and arguments about the proposed Settlement, including the amount of the award of costs and attorneys' fees to Class Counsel. The Fairness Hearing will take place on February 11, 2021, at 9:00 a.m., in Courtroom C-406 of the Circuit Court of Lake County, 18 N. County St., Waukegan, Illinois 60085. **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 Settlement Class will recover more than is provided in the Settlement, or anything at all.

**F. WHO REPRESENTS THE CLASS?** The Court appointed America's Health Resource Center, Ltd. and Affiliated Health Group, Ltd. to be the "Class Representatives" and appointed Phillip A. Bock of Bock, Hatch, Lewis & Oppenheim, LLC as "Class Counsel." At the Fairness Hearing, Class Counsel will request that the Court approve an Incentive Award of \$15,000 from the Settlement Fund to each of the Class Representatives. Additionally, Class Counsel will request that the Court award attorneys' fees of \$800,000 (one third of the total Settlement Fund) and out-of-pocket litigation expenses up to \$10,000 to Class Counsel, and award up to \$25,000 to pay the Settlement Administrator's charges, all to be paid from the Settlement Fund.

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

This description of the litigation is general and does not cover all of the issues and proceedings. To see a copy of the Class Action Complaint or 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 them available to you for inspection and copying at your own expense. These documents are also available on the Settlement website, [www.PLFax.com](http://www.PLFax.com). To review or copy documents at your own expense from earlier stages of the litigation, *America's Health & Resource Center, Ltd., et al. v. Promologics, Inc., et al.*, Case No. 16-cv-9281 (N.D. IL), you may visit the Clerk's Office at the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, IL 60604, or access PACER ([www.pacer.gov](http://www.pacer.gov)).

You may contact the Settlement Administrator at:

AHRC v PromoLogics Settlement  
c/o Settlement Administrator  
P.O. Box 40  
Warminster PA 18974-0040  
(833) 537-1188

If you have specific questions for Class Counsel, the address is set forth above. Include the case number, your name, your fax number, and your telephone number. Or, you may call attorney Phillip A. Bock at 312-658-5501.

Do not contact the Clerk of the Court, the Judge, or the Judge's staff, because they cannot answer your questions or give you advice about this settlement.

**BY ORDER OF THE COURT  
HONORABLE DANIEL L. JASICA**

