

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

JAMES L. ORRINGTON, II, DDS, P.C. v. MESA LABORATORIES, INC. No. 18 C 841

THIS IS NOT A SOLICITATION.

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

I. THE LAWSUIT: James L. Orrington, II, DDS, P.C. (“Plaintiff”) sued Mesa Laboratories, Inc. (“Mesa” or “Defendant”) alleging that Plaintiff received an unsolicited fax advertisement promoting Defendant’s goods or services that did not contain a proper opt-out notice. Plaintiff alleged that these faxes violated the Telephone Consumer Protection Act (“TCPA”), the Illinois Consumer Fraud Act (“ICFA”) and common laws of conversion, nuisance and trespass to chattels. Defendant denies these allegations and has raised certain defenses, but agreed to settle to avoid the expense, burden, and uncertainty of further litigation.

II. WHO IS INCLUDED: Mesa Laboratories, Inc.’s records show that you were sent one or more faxes from 2014-2018 and may be included in the Settlement. Specifically, the Court certified a “Settlement Class” of: All persons and entities in the United States who, on or after February 1, 2014 through December 7, 2018, were sent advertisements via facsimile by or on behalf of Defendant promoting its goods or services for sale.

III. THE PROPOSED SETTLEMENT: Mesa has agreed to fund a \$3,300,000 Settlement Fund. Before making payments to Settlement Class Members, the Settlement Fund will be used to pay notice and administrative expenses not to exceed \$200,000, up to a \$10,000 incentive award to James L. Orrington, II, DDS, P.C., and attorneys’ fees (in an amount not to exceed 1/3 of the Settlement Fund, less the cost of notice and administration). Each Class Member who submits a valid claim will receive an equal *pro rata* share of the Net Settlement Fund. Your share of the Settlement Fund depends on, among other things, how many Settlement Class Members submit Claim Forms. This notice is being sent to approximately 41,980 Settlement Class Members.

IV. WHO REPRESENTS YOU: The Court appointed Daniel A. Edelman and Dulijaza (Julie) Clark from Edelman Combs Latturmer & Goodwin, LLC to represent the Settlement Class as Class Counsel.

V. YOUR LEGAL RIGHTS AND OPTIONS: (1) **Submit a Claim Form.** You must complete the Claim Form available on the website below and submit online, fax it to 1-866-506-8247, or mail to: *James L. Orrington, II, DDS, P.C. v. Mesa Laboratories, Inc.*, Class Administrator, P.O. Box 404102, Louisville, KY 40233-4102. Claims must be submitted/postmarked by April 15, 2019 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. If your payment exceeds \$599.99, you may be required to complete and submit a W-9. (2) **Exclude Yourself.** If you do not wish to participate in the Settlement, you may exclude yourself from it by April 15, 2019, by sending (via US Mail) a letter to Class Counsel at Edelman Combs Latturmer & Goodwin, LLC, 20 S. Clark Street, Suite 1500, Chicago, IL 60603, fax: (312) 419-0379, and the Class Administrator, *James L. Orrington, II, DDS, P.C. v. Mesa Laboratories, Inc.* Class Administrator, P.O. Box 404102, Louisville, KY 40233-4102. The Notice of Exclusion must state your name or your company’s name, address, the fax number at which you were sent the fax, the case name and number, and a signed statement providing that: “I hereby request that I be excluded from the proposed Settlement Class in the Litigation.” If you exclude yourself from the Settlement, you will not receive a payment and you will not release any claims against Mesa Laboratories, Inc. Your request for exclusion must be postmarked by April 15, 2019 to be valid. (3) **Object.** If you do not exclude yourself, you can file an objection, either on your own or through an attorney, explaining why you think the Court should not approve the Settlement. The objection must 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 April 15, 2019 with (1) the Clerk of the United States District Court, Northern District of Illinois, 219 S. Dearborn, Chicago, IL 60604; and sent to (2) Edelman Combs Latturmer & Goodwin, LLC (31810), 20 S. Clark St., Suite 1500, Chicago, IL 60603; and (3) Seth H. Corthell, Jaszczuk P.C., 311 S. Wacker Dr., Suite 3200, Chicago, IL 60606. (4) **Do Nothing.** If you do nothing, you will not receive a monetary recovery, but 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 Mesa Laboratories, Inc. and all the Released Parties as defined in the Settlement Agreement from any claims you may have relating in any way to any unsolicited advertising faxes sent to you during the class period. The Released Claims are fully explained in the Settlement Agreement, available at www.edcombs.com and www.MesaLabsTCPASettlement.com.

VII. FINAL APPROVAL HEARING: The Court has scheduled a Final Approval Hearing before Judge Andrea R. Wood on May 24, 2019 at 9:00 a.m. in Courtroom 1925 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.edcombs.com and www.MesaLabsTCPASettlement.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., 20th Floor, Chicago, IL 60604 or through PACER. If you have questions about this notice or the proposed Settlement, you may contact Settlement Class Counsel. **THE COURT AND THE DEFENDANT CANNOT PROVIDE INFORMATION.**

QUESTIONS? Call 1-888-628-3494 Toll-Free, or Visit www.MesaLabsTCPASettlement.com