

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

FILED

JUN 07 2019

DR. STEVEN ARKIN

vs.

Case No. 18CH000984

SMITH MEDICAL PARTNERS LLC
and H.S. SMITH, LLC

San Antonio
CIRCUIT CLERK

ORDER

THIS CAUSE COMING TO BE HEARD ON DEFENDANTS' UNOPPOSED MOTION TO DECERTIFY THE SETTLEMENT CLASS AND PROVIDE NOTICE TO THE SETTLEMENT CLASS MEMBERS OF DECERTIFICATION AND VOLUNTARY DISMISSAL OF THE ACTION, DUE NOTICE HAVING BEEN GIVEN, THE PARTIES, AND OBJECTOR, PILL BOX PHARMACY, HAVING APPEARED THROUGH COUNSEL, AND THE COURT BEING FULLY ADVISED, IT IS HEREBY ORDERED:

1. DEFENDANT'S MOTION IS GRANTED AND THE MODIFIED VERSION OF CLASS NOTICE PRESENTED IN COURT (AND APPENDED HERETO) IS APPROVED, SUBJECT TO THE ADDITION OF LANGUAGE REQUIRED AS STATED IN COURT: "YOU SHOULD BE AWARE THAT A FOUR YEAR STATUTE OF LIMITATIONS APPLIES TO CLAIMS UNDER THE TCPA, AND YOU SHOULD CONSULT ~~COUNSEL~~ ^{AN ATTORNEY} TO PROTECT YOUR RIGHTS."

2. THE ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT AND APPROVING CLASS NOTICE IS HEREBY VACATED AND THE CLASS CERTIFIED THEREIN IS HEREBY DECERTIFIED.

ENTER:

Luis A. Berrones

JUDGE

Dated this 7TH day of JUNE, 2019.

Prepared by: JEFFREY BERMAN
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IN THE CIRCUIT COURT OF THE 19TH JUDICIAL
DISTRICT LAKE COUNTY, ILLINOIS
CIRCUIT

DR. STEVEN ARKIN, individually and as the
representative of a class of similarly situated persons,

Plaintiff,

v.

SMITH MEDICAL PARTNERS, LLC and
H. D. SMITH, LLC.,

Defendants.

Case No. 18CH000984

Honorable Luis Berrones

**NOTICE OF DECERTIFICATION AND
DISMISSAL OF CLASS ACTION**

**THIS NOTICE PROVIDES UPDATED
INFORMATION THAT MAY AFFECT
YOUR RIGHTS. PLEASE READ THIS
NOTICE CAREFULLY.**

TO: All persons who were sent, by or on behalf of H. D. Smith, LLC or Smith Medical Partners, LLC,
one or more advertisements by facsimile from September 26, 2013 through January 25, 2019.

PURPOSE OF THIS UPDATED NOTICE: On June 7, 2019, the Circuit Court of Lake County,
Illinois ordered that you receive this Notice to let you know about a recent change in the status of this
lawsuit. You have received this Notice because our records indicate that you may have been a member
of the Class defined below.

ABOUT THE LAWSUIT: This lawsuit is about fax advertisements allegedly sent on behalf of H. D.
Smith, LLC and Smith Medical Partners, LLC (collectively, "Defendants") from September 26, 2013
through January 25, 2019. Plaintiff filed this lawsuit in the Circuit Court of Lake County, Illinois. On
behalf of himself and a class of similarly situated persons, Plaintiff alleged that Defendants violated the
federal Telephone Consumer Protection Act, 47 U.S.C. § 227 (the "TCPA"), by faxing
advertisements to the Class without their prior express invitation or permission to do so or without
displaying a proper opt-out notice. Defendants denied Plaintiff's allegations and raised defenses. To
avoid the costs and expenses of litigation, and without admitting liability, the parties agreed to settle all
claims relating to the faxes described above, subject to approval by the Court. On January 25, 2019,
the Circuit Court of Lake County, Illinois certified the following Class: All persons who were sent, by or
on behalf of H. D. Smith, LLC or Smith Medical Partners, LLC one or more advertisements by facsimile
from September 26, 2013 through January 25, 2019.

RECENT CHANGES IN THE STATUS OF THIS LAWSUIT: Pursuant to their rights under the
Settlement Agreement, on May 13, 2019, Defendants terminated the settlement. On June 7, 2019, the
Court decertified the Class it certified on January 25, 2019. After Defendants file an affidavit
confirming this notice has been distributed to the Class, Plaintiff will voluntarily dismiss this case
pursuant to its obligations under the Settlement Agreement.

THE RESULT OF THE CHANGES IN THE STATUS OF THIS LAWSUIT: After decertification,
this case will no longer proceed as a class action, and the Class members' individual rights and
claims are no longer being addressed or resolved in this lawsuit. The proposed settlement is canceled. If you
were a member of the Class, and you filed a Claim Form after receiving the previously issued Notice in
this Action, you will not receive a monetary payment pursuant to the now-terminated settlement.
Defendants will not be released from liability for any claims you believe you may have against them for
receipt of one or more advertisements by facsimile from September 26, 2013 through January 25, 2019.
Your individual interests are no longer represented by the lead Plaintiff, or Plaintiff's Counsel, in this
action. If you have any questions, you may contact the class administrator at [INSERT PHONE
NUMBER].

*You should
be aware
that a four-year
statute of limitations
applies to claims
under the TCPA,
and you should
consult your
attorney
to protect your
rights.*

PLEASE DO NOT CALL OR WRITE THE COURT ABOUT THIS NOTICE