

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JAMES A. MITCHEM, individually and)	
on behalf of a class of similarly situated persons,)	
)	09 C 7274
Plaintiff,)	
)	Judge Guzmán
v.)	
)	
ILLINOIS COLLECTION SERVICE, INC.,)	
)	
Defendant.)	

NOTICE OF PENDENCY OF CLASS ACTION

TO: All persons called by Illinois Collection Service, Inc., using an automatic telephone dialing system with a prerecorded voice message that left a prerecorded message in the form received by Plaintiff, where the call was placed to the person’s cellular telephone number corresponding to the (312) area code from November 19, 2005 through December 9, 2009, in an attempt to collect a medical debt, and where Illinois Collection Service, Inc.’s records show that it obtained the person’s cellular telephone number from that person’s health care provider. Excluded from the class are persons who Defendant’s records show that they gave consent directly to Defendant to call their cellular telephone number corresponding to the (312) area code prior to Defendant first placing a call with its automatic telephone dialing system and left a prerecorded voice message in the form received by Plaintiff.

**PLEASE READ THIS NOTICE CAREFULLY,
IT MAY AFFECT YOUR LEGAL RIGHTS**

THIS IS NOT A LAWSUIT THAT HAS BEEN FILED AGAINST YOU, it is notification that you are a member of a Plaintiff class (the “Class”) in this lawsuit filed against Defendant Illinois Collection Service, Inc. (“Defendant”) in the United States District Court for the Northern District of Illinois (the “Lawsuit”) and the Court has issued an Order that this Notice is to be sent to you.

The purpose of this Notice is to explain to you:

1. What the Lawsuit is about;
2. Your Rights as a Class Member;
3. Further Court Proceedings; and
4. How to Obtain More Information.

1. What is the Lawsuit About?

The Lawsuit claims that Illinois Collection Services (“Defendant”) used an automatic dialer with a prerecorded message and called the class members to collect a medical debt without express prior consent in violation of the Telephone Consumer Protection Act. Plaintiff has sought statutory damages only under the Act in the amount of \$500, trebled if a willful violation is found, for each automated call Defendant placed to his and each class member’s cell phone. Defendant denies these allegations and has asserted several defenses. The Court has not decided whether Plaintiff or Defendant is right.

2. What are my Rights as a Class Member?

On January 3, 2011, the Court certified the class as follows:

All persons called by Illinois Collection Service, Inc., using an automatic telephone dialing system with a prerecorded voice message that left a prerecorded message in the form received by Plaintiff, where the call was placed to the person's cellular telephone number corresponding to the (312) area code from November 19, 2005 through December 9, 2009, in an attempt to collect a medical debt, and where Illinois Collection Service, Inc.'s records show that it obtained the person's cellular telephone number from that person's health care provider. Excluded from the class are persons who Defendant's records show that they gave consent directly to Defendant to call their cellular telephone number corresponding to the (312) area code prior to Defendant first placing a call with its automatic telephone dialing system and left a prerecorded voice message in the form received by Plaintiff.

The Court has approved of James A. Mitchem as the class representative and has approved of Curtis C. Warner and Warner Law Firm, LLC, 155 N. Michigan Ave., Ste. 560, Chicago, IL 60601, (312) 238-9820 as counsel for the class.

- a. You have been identified as a class member by Defendant's records and you have the right to choose to stay in the class or to opt-out. If you which to remain in the Class, you do not need to take any action. If you stay in the Class, you will be legally bound by all orders and judgments on the Court, and you will not be able to sue, or continue to sue Defendant in any lawsuit related to its use of its automatic dialer with a prerecorded message to collect a medical debt. You have the right to hire your own attorney. The Court has already appointed Curtis C. Warner of Warner Law Firm, LLC, 155 N. Michigan Ave., Ste. 560, Chicago, IL 60601, as counsel for the class.
- b. If you do not wish to remain in the class, you must make your request in writing and must send it to the counsel above at Warner Law Firm, LLC, 155 N. Michigan Ave., Ste. 560, Chicago, IL 60601, by first class mail **postmarked no later than March 14, 2011**. If you exclude yourself from the Class, you will not be able to participate in any settlement or favorable judgment in the Lawsuit, but you will also not be bound by any unfavorable judgment.

3. Further Court Proceedings.

The Court will decide the parties' summary judgment motions and has not scheduled a trial date. On summary judgment or at trial, either party could win on the merits.

4. How do I get More Information?

This Notice does not fully describe all of the claims and defenses of the parties. A copy of all pleadings regarding this case are available at the Court's Clerk's Office located on the 20th floor, 219 S. Dearborn St., Chicago, IL 60604. A copy of this Notice, the Complaint, Defendant's Answer, and the Court's Memorandum and Opinions, and Order regarding class certification are available for download at www.warnerlawllc.com under the Class Action Notices tab. Additionally for more details you can call Counsel for Plaintiff and the Class at (312) 238-9820.

PLEASE DO NOT CALL THE JUDGE OR DEFENDANT