

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

**If you received a voice message from one of the Northstar collectors identified in Plaintiff's Complaint, you may benefit from this class action settlement.**

*The case is titled James A. Mitchem v. Northstar Location Services, LLC, Case No. 09 C 6711.  
A Federal court authorized this notice.  
This is not a solicitation from a lawyer.*

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT**

<b>SUBMIT THE ATTACHED CLAIM FORM</b>	Submit the claim form below and you will be entitled to a <i>pro rata</i> share of the class settlement. The amount will vary depending on how many claim forms are received.
<b>DO NOTHING BUT STAY IN THE SETTLEMENT</b>	By doing nothing, you will remain in the settlement class and you will not be entitled to receive a cash payment.
<b>EXCLUDE YOURSELF</b>	You will receive no benefits, but you will not be giving up your legal claims against the defendant.
<b>OBJECT</b>	Write to the Court about why you don't like the settlement. You may also appear at the fairness hearing.
<b>GO TO A HEARING</b>	Ask to speak in Court about the fairness of the settlement.

**These rights and options and the deadlines to exercise them are explained below.**

**1. Why did I get this notice?**

Plaintiff, James A. Mitchem filed a class action lawsuit alleging that defendant, Northstar Location Services LLC ("defendant"), violated the Fair Debt Collection Practices Act ("the Law") when certain collectors left telephone messages that did not disclose that the message was from a debt collector. You received this notice because you have been identified from the records of defendant as a person who received a telephone message from one of the debt collectors identified in Plaintiff's Complaint between October 23, 2008 and October 27, 2009.

**2. What is this lawsuit about?**

Plaintiff alleged that defendant violated the Law when certain debt collectors left telephone messages for Plaintiff and the putative class members that did not disclose that the communication was from a debt collector. Plaintiff also alleged that Defendant violated the Law by identifying itself as Northstar from its New York office. No judge has ruled on the issue, and Defendant denies that its conduct violated the Law.

**3. Why is this a class action?**

In a class action, one or more people called Class Representatives (in this case, James A. Mitchem), sue on behalf of a group (or a "Class") of people who have similar claims.

**4. Why is there a settlement?**

In order to avoid the cost, risk, delay of litigation and uncertainty of trial the parties agreed to settle.

**5. How do I know if I am a part of the settlement?**

The Court decided that everyone falling under the following definition was a Class Member. You have been identified as a member of the following Class:

All natural persons with Illinois addresses for whom Northstar collectors as identified in Plaintiff's Complaint left voice messages without disclosing that the communication was from a debt collector from October 23, 2008 to October 27, 2009.

**YOUR BENEFITS UNDER THE SETTLEMENT**

**6. What can I get from the settlement?**

If you participate in the Settlement, you will receive a pro rata portion of the class settlement fund established by the defendant. The class settlement fund is \$8,250. The \$8,250 will be divided on a pro rata basis to each class member who timely returns a claim form, except that no class member will receive a check in an amount greater than \$100. Any uncashed/unclaimed/undistributed funds shall be distributed on a 50/50 basis to Legal Aid Foundation of Metropolitan Chicago and Prairie State Legal Services as a *cy pres* award.

**7. When will I receive these benefits?**

You will receive these benefits approximately fourteen (14) days after the settlement has been approved.

**8. I want to be a part of the settlement and receive these benefits. What do I do?**

You do not need to do anything to remain a member of the Class.

**9. What am I giving up to receive these benefits?**

By staying in the class, all of the Court's orders will apply to you, and you give defendant a "release." A release means you can't sue or be part of any other lawsuit against defendant about the claims or issues raised in this lawsuit.

**10. How much will the Class Representative receive?**

The defendant has agreed to pay \$1,000.00 to Plaintiff for his statutory damages. Plaintiff will also receive a pro rata share of the class settlement fund. This is subject to the Court's Approval.

**EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you don't want to receive the benefits of the settlement, but you want to keep your legal claims against the defendant, then you must take steps to get out. This is called excluding yourself.

**11. How do I get out of the settlement?**

To exclude yourself from the settlement, you must send a letter by mail stating that you want to be excluded from *Mitchem v. Northstar Location Services, LLC*, No. 09 C 6711 (N.D. Ill.). Be sure to include your name, address, telephone number, and your signature. You must mail your exclusion request so that it is postmarked **no later than \_\_\_\_\_, 2010**, and sent to the following address:

Clerk of the Court  
United States District Court for the Northern District of Illinois  
219 S. Dearborn Street, Chicago, IL 60604

You must also send a copy of your request for exclusion to Curtis C. Warner, Warner Law Firm, LLC, 155 N. Michigan Ave. Suite 560, Chicago, IL 60601. Be sure to include the name and number of the case.

**12. If I exclude myself, do I still receive benefits from this settlement?**

No, you will not receive anything resulting from the settlement of this case, but you will have the right to sue the defendant over the claims raised in this case, either on your own or as a part of a different lawsuit. If you exclude yourself, the time you have in which to file your own lawsuit (called the "statute of limitations") will begin to run again. You will have the same amount of time to file the suit that you had when this case was filed.

**THE LAWYERS REPRESENTING YOU**

**13. Do I have a lawyer in this case?**

The Court has named the law firm of the Warner Law Firm, LLC as Class Counsel. You will not be charged by these lawyers; however they will receive a payment from the Defendant in the amount of \$5750, if that amount is approved by the Court. If you want to be represented by your own lawyer, you may hire one at your own expense. If you choose to hire your own lawyer, he or she must file an appearance by \_\_\_\_\_, 2010.

**14. How will the lawyers be paid?**

Class Counsel will ask the Court for attorney's fees and expenses of no more than \$5,750.

**CLASS COUNSEL'S VIEWS ABOUT THE SETTLEMENT**

**15. Is this a fair settlement?**

Class Counsel believes that this settlement is fair. The claim asserted on behalf of the class against defendant is under the Fair Debt Collection Practices Act. ("FDCPA") The FDCPA is a federal statute which provides for both individual actions and class actions.

In an individual action, the person bringing the suit may recover (i) any actual damages suffered; and (ii) statutory damages of between \$0 and \$1,000.00. In a class action, the maximum possible recovery is (i) any actual damages suffered by the Class members and (ii) the lesser of 1% of the Defendant's net worth or \$500,000.00. The Court, in its discretion, may award anything from \$0 up to the maximum amount to a prevailing party. In either an individual or class action, the person bringing the suit can also recover attorney's fees and the expenses of prosecuting the suit, if it is successful. No actual damages were sought in this case on behalf of the Class.

In this case, the settlement fund is \$8,250 to be divided on a pro rata basis to those class members who return a claim form. No class member will receive more than \$100. Any remaining funds will be distributed to the Legal Assistance Foundation and Prairie State Legal Services on a 50/50 basis. In light of the violations alleged, class counsel believe this is a fair settlement.

**16. What is the Defendant's view of this settlement?**

As stated above, by settling this lawsuit, defendant is not admitting that it has done anything wrong. Defendant expressly denies the claims asserted by the plaintiff and denies all allegations of wrongdoing and liability.

**OBJECTING TO THE SETTLEMENT**

You can tell the Court that you do not agree with the settlement or some part of it.

**17. How do I tell the Court that I don't like the Settlement?**

If you are a Class Member, you can object to the settlement. In order to object to the settlement or any part of the settlement, you must send a letter (or legal brief) stating that you object and the reasons why you think the Court should not approve the settlement. You must include the name and number of the case: *James A. Mitchem v. Northstar Location Services, LLC*, No. 09 C 6711 (N.D. Ill.), your name, address, telephone number and your signature. If you are objecting to the settlement, you may also appear at the fairness hearing (explained below in answer to question no. 18).

You must mail your objection so that it is postmarked no later than \_\_\_\_\_, **2010** to:

Clerk of the Court  
United States District Court for the Northern District of Illinois  
219 S. Dearborn Street, Chicago, IL 60604

You must also send a copy of your objection to Curtis C. Warner, Warner Law Firm, LLC, 155 N. Michigan Ave, Suite 560, Chicago, IL 60604. Be sure to include the name and number of the case.

### **THE FAIRNESS HEARING**

The Court will hold a hearing to decide whether to approve the settlement. You may attend if you wish, but you are not required to do so.

#### **18. Where and when is the fairness hearing?**

The Court will hold a fairness hearing on \_\_\_\_\_, **2010** at \_\_:00 a.m. in the courtroom of Judge Charles R. Norgle, Sr., Room 2341 of the Dirksen Federal Building, 219 S. Dearborn St., Chicago, IL 60604. The purpose of the hearing will be for the Court to determine whether the proposed settlement is fair, reasonable and adequate and in the best interests of the class and to determine the appropriate amount of compensation for the Class Counsel. At that hearing the Court will be available to hear any objections and arguments concerning the fairness of the proposed settlement.

The hearing may be postponed to a later date without notice.

**YOU ARE NOT REQUIRED TO ATTEND THIS HEARING.**

### **GETTING MORE INFORMATION**

#### **19. How do I get more information?**

You can call Curtis C. Warner, Warner Law Firm, LLC, the attorney and law firm representing the class, at (312)238-9820, if you have any questions. Before doing so, please read this full notice carefully. You can also send an email to: [cwarner@warnerlawllc.com](mailto:cwarner@warnerlawllc.com).

**20. What if I have a new address?**

If this notice was sent to you at your current address, you do not have to do anything more to receive further notices concerning this case. However, if this notice was forwarded to you, or if it was otherwise sent to you at an address that is not current, you should immediately send a letter to:

First Class, Inc.  
Class Action Administration  
5410 W Roosevelt Rd Ste 222  
Chicago, IL 60644-1479

**DO NOT CONTACT THE COURT REGARDING THIS NOTICE.**