

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION**

**Case No. 08 CH 43273**

*Phillips Randolph Enterprises, LLC v. Home Run Inn, Inc., et al.*

**TO:** *All persons to whom Home Run Inn, Inc., d/b/a Home Run Inn Pizzeria, Home Run Inn Pizza Corporation, Home Run Inn Frozen Foods Corp., Home Run Inn Arlington, Home Run Inn Pizza Express, Home Run Inn Pizza-Addison, Home Run Inn Pizza-Archer, Home Run Inn Bolingbrook, Joseph Perrino and/or anyone acting on their behalf, sent or caused to be sent, without prior express invitation or permission, facsimiles advertising the commercial availability of any products or services during the period from December 31, 2002 through December 31, 2007.*

**WHAT THIS LAWSUIT IS ABOUT.** Plaintiff filed this action on behalf of a putative class of individuals alleging that Home Run Inn, Inc., d/b/a Home Run Inn Pizzeria, Home Run Inn Pizza Corporation, Home Run Inn Frozen Foods Corp., Home Run Inn Arlington, Home Run Inn Pizza Express, Home Run Inn Pizza-Addison, Home Run Inn Pizza-Archer; Home Run Inn Bolingbrook, and Joseph Perrino (“HRI Defendants”) violated the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”), and state laws by sending unsolicited facsimile advertisements. HRI Defendants deny these allegations, and intended to raise defenses to Plaintiff’s claims. To resolve this matter without the expense and uncertainties of litigation, the parties have reached a proposed settlement.

The Circuit Court of Cook County, Illinois has granted preliminary approval of the settlement and has certified a settlement class of *all persons to whom Home Run Inn, Inc., d/b/a Home Run Inn Pizzeria, Home Run Inn Pizza Corporation, Home Run Inn Frozen Foods Corp., Home Run Inn Arlington, Home Run Inn Pizza Express, Home Run Inn Pizza-Addison, Home Run Inn Pizza-Archer, Home Run Inn Bolingbrook, Joseph Perrino and/or anyone acting on their behalf, sent or caused to be sent, without prior express invitation or permission, facsimiles advertising the commercial availability of any products or services during the period from December 31, 2002 through December 31, 2007* (the “Settlement Class”).

**THIS IS ONLY A SUMMARY NOTICE.** If you are in the Settlement Class and wish to participate in this settlement, which includes a potential monetary reward, you must obtain a copy of the complete Notice of Class Action and Proposed Settlement which includes a Claim Form. **You must submit a properly completed Claim Form to Class Counsel by May 22, 2009, to obtain the potential monetary relief provided under the settlement.** You may obtain a copy of the complete Notice and Claim Form at [www.attorneyzim.com](http://www.attorneyzim.com) or by faxing a request for the Notice to 312-440-4180 or by mailing a request for the Notice to: Thomas A. Zimmerman, Jr., Zimmerman Law Offices, P.C., 100 W. Monroe St., Suite 1300, Chicago, IL 60603.

**FAIRNESS HEARING.** A hearing will be held on June 4, 2009 at 10:00 a.m. in Room 2102 of the Richard Daley Center, 50 W. Washington, Chicago, IL 60602, to determine the fairness of the proposed settlement, including the amount of the award to plaintiff’s counsel for costs,

expenses and attorney's fees, and whether to award an incentive award to the Class Representative. The date for the hearing may be changed without notice. **YOU ARE NOT OBLIGATED TO ATTEND THIS HEARING UNLESS YOU PLAN TO OBJECT TO THE SETTLEMENT.**

**TO OBJECT TO THE SETTLEMENT.** If you are a member of the Settlement Class and wish to object to the settlement you must submit your objection in writing to the Clerk of the Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, IL 60602. **The objection must be received by the Clerk of the Court on or before May 7, 2009,** and must refer to the name and number of the case, include your name and address, and a statement of the reasons why you believe that the Court should find that the proposed settlement is not in the best interests of the class. You must also mail by first class, prepaid postage, copies of your objection to Class Counsel and counsel for the HRI Defendants listed below, **and the objection must be postmarked no later than May 7, 2009:**

**Class Counsel**

Thomas A. Zimmerman, Jr.  
Zimmerman Law Offices, P.C.  
100 West Monroe Street, Suite 1300  
Chicago, Illinois 60603

**HRI Defendants' Counsel**

Peter G. Rush  
Daniel J. Hayes  
K&L Gates LLP  
70 W. Madison, Suite 3000  
Chicago, Illinois 60602

If you timely file an objection, you may (but are not required) to appear at the Fairness Hearing before the Court. Any member of Settlement Class who does not make an objection in the manner provided shall have waived such objection and shall forever be foreclosed from making any objection to the fairness, adequacy or reasonableness of the proposed settlement, or to plaintiff's counsel's request for attorney's fees, expenses, and costs, or to the Class Representative's incentive award.

**TO EXCLUDE YOURSELF FROM THE CLASS.** If you are a member of the Settlement Class, you have the right to exclude yourself from the settlement by filing a written request for exclusion with the Clerk of the Circuit Court of Cook County, Illinois, Daley Center, 50 W. Washington, Chicago, IL 60602. **The request for exclusion must be received by the Clerk of the Court on or before May 7, 2009,** and must list your name, address, and the name and number of the case. You must also mail copies of the request for exclusion to Class Counsel and counsel for the HRI Defendants listed above, **and the request for exclusion must be postmarked no later than May 7, 2009.**

If you are a member of the Settlement Class and do not exclude yourself in the manner required, upon final approval of the settlement by the Court you will have released and be forever barred and permanently enjoined from bringing any claims arising out of the transmission of facsimiles by or on behalf of the HRI Defendants, regardless of whether you submit a claim form to participate in the settlement.

For more information, you can contact Zimmerman Law Offices, P.C., by calling (312) 440-0020, faxing (312) 440-4180, writing to the above address, or by visiting [www.attorneyzim.com](http://www.attorneyzim.com).

**Please Do Not Contact The Court Or The Clerk Of The Court Concerning This Notice.**

Dated: March 9, 2009

By Order of the Circuit Court of Cook County, Illinois