

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

The case is titled *Joanne F. Balbarin, et al. v. North Star Capital Acquisition, LLP, et al.*,
Case No. 10-cv-1846.

A Federal court authorized this notice.
This is not a solicitation from a lawyer.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

DO NOTHING AND STAY IN THE SETTLEMENT	By doing nothing you will be bound by the terms of the settlement agreement and you will receive your pro rata portion of the class Settlement Fund.
EXCLUDE YOURSELF	You will receive no benefits, but you will not be giving up your legal claims against the defendant.
OBJECT	Write to the Court about why you do not like the settlement. You may also appear at the fairness hearing.
GO TO A HEARING	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?

Plaintiffs, Joanne F. Balbarin and Carla A. Hubbs (“plaintiffs”), each filed a class action lawsuit alleging, among other claims, that defendant, Data Search NY, Inc., d/b/a TRAK America (“defendant”) violated the Fair Debt Collection Practices Act (“FDCPA”). You received this notice because you have been identified as a person against whom a collection lawsuit was filed in which the defendant was involved and which was filed during a period beginning on March 24, 2009 and ending April 13, 2010.

2. What is this lawsuit about?

In this lawsuit, the plaintiffs claimed that the defendant caused state court collection lawsuits to be filed in the name of another entity, created affidavits in the name of another entity, and thereby conducted debt collection litigation in the name of another company, which practice violates the FDCPA.. No judge has ruled on the issue. Defendant denies that it violated the FDCPA and denies the allegations contained in plaintiffs’ complaint. Defendant is settling this lawsuit solely to avoid the time and expense of defending it. Plaintiffs believe that they would have ultimately prevailed had the matter gone to trial.

QUESTIONS? CALL (312) 739-4200 TO CONTACT CLASS COUNSEL’S OFFICE – CASE #24024

3. Why is this a class action?

In a class action, one or more people called Class Representatives (in this case, Joanne F. Balbarin and Carla A. Hubbs), 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 has decided that everyone falling under the following definition is a Class Member:

All natural persons within Illinois against whom a collection lawsuit was filed in which the Defendant was involved and which was filed during a period beginning on March 24, 2009 and ending April 13, 2010.

You have been identified as a member of this class. There are approximately 7,855 persons in the class.

YOUR BENEFITS UNDER THE SETTLEMENT

6. What can I get from the settlement?

If you do nothing, you will receive a portion of the \$30,000 class Settlement Fund established by the defendant. The \$30,000 will be distributed equally amongst the Class Members who do not exclude themselves from the class. If none of the 7,855 Class Members exclude themselves, you will receive an equal share of the class settlement, which is approximately \$3.81. This amount could increase depending on the number of Class Members who exclude themselves or who cannot be located.

7. When will I receive these benefits?

If you do nothing, you will receive these benefits approximately forty (40) days after the settlement has been approved by the Court. This date assumes that no appeal of the settlement is sought.

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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. You will automatically receive your share of the class settlement proceeds as long as you do not exclude yourself.

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

By doing nothing and 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 in this lawsuit.

Nelson, Watson & Associates, LLC, another defendant in the case plaintiffs filed, is not a party to this settlement. Neither you nor the plaintiffs are releasing any claims against Nelson, Watson & Associates, LLC.

10. How much will the Class Representative receive?

The defendant has agreed to pay \$2,000.00 to each of the plaintiffs, Balbarin and Hubbs, for their alleged statutory and actual damages and for their service as the Class Representatives. This award is subject to the Court's Approval. Defendant agrees to these payments but denies that it violated the FDCPA. Plaintiffs believe that they would have prevailed at trial.

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 *Balbarin, et al. v. North Star Capital Acquisition, LLP, et al.*, No. 10-cv-1846 (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 _____, 2011**, and sent to the following address:

You must also send a copy of your request for exclusion to Edelman, Combs, Lattuner & Goodwin, LLC, (#24024), 120 S. LaSalle Street, Suite 1800, Chicago, IL, 60603. 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 on your own in 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 firms of Edelman, Combs, Lattuner & Goodwin, LLC and Warner Law Firm, LLC as Class Counsel. 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 _____, 2011.

14. How will the lawyers be paid?

Class Counsel, Edelman, Combs, Lattuner & Goodwin, LLC and Warner Law Firm, LLC, will ask the Court for attorney's fees and expenses of no more than \$35,000 to be paid by defendant. This will be paid in addition to the Settlement Fund and will not reduce the recovery to any Class Member.

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 the defendant is under the 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, if proven, and (ii) statutory damages of between \$0 and \$1,000. 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. The Court, in its discretion, may award anything from \$0 up to the maximum amount to a prevailing party. In either an individual or a 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 \$30,000, which will be distributed amongst the class members who do not exclude themselves. There are approximately 7,855 Class Members. Given Defendant's net worth, class counsel believes this is a fair settlement.

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

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

OBJECTING TO THE SETTLEMENT

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

17. How do I tell the Court that I do or do not like the Settlement?

If you are a Class Member, you can comment on the settlement. In order to comment on the settlement or any part of the settlement, you may 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: *Balbarin, et al. v. North Star Capital Acquisition, LLP, et al.*, No. 10-cv-1846 (N.D. Ill.), your name, address, telephone number and your signature. Regardless of whether you submitted a written objection, you may appear at the fairness hearing (explained below in answer to Question no. 18).

You must mail your written objection so that it is postmarked no later than _____, **2011** to:

United States District Court for the Northern District of Illinois, Eastern Division
ATTN: Clerk of Court
219 South Dearborn Street, 20th Floor
Chicago, IL 60604

You must also send a copy of your objection to the following. Be sure to include the name and number of the case on your written comment.

Daniel A. Edelman (#24024)
Tiffany N. Hardy
EDELMAN, COMBS, LATTURNER AND
GOODWIN, LLC
120 South LaSalle Street, Suite 1800
Chicago, IL 60603

Justin M. Penn
HINSHAW & CULBERTSON, LLP
222 N. LaSalle Street
Suite 300
Chicago, Illinois 60601

Curtis C. Warner
WARNER LAW FIRM, LLC
155 Michigan Avenue, Suite 560
Chicago, IL 60601

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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 _____, 2011 at ___ a.m./p.m. in the courtroom of Judge Elaine E. Bucklo, Room 1441 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 either of the firms representing the class, Edelman, Combs, Lattuner & Goodwin, LLC at (312) 739-4200, or Warner Law Firm LLC, 155 Michigan Avenue, Suite 560, Chicago, IL 60601 at (312) 238-9820 if you have any questions. You can also send an email to info@edcombs.com or info@warnerlawfirmllc or obtain information through the firms' websites at www.edcombs.com or www.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:

DO NOT CONTACT THE COURT REGARDING THIS NOTICE.

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