

If You Paid by Debit or Credit Card at Joe Caputo & Sons Fruit Market at 100 South Randall Road, Algonquin, Illinois, a Class Action Lawsuit May Affect Your Rights.

You may be affected by a class action lawsuit about whether the Joe Caputo & Sons Fruit Market at 100 South Randall Road, Algonquin, Illinois violated a federal law known as FACTA.

The lawsuit is called *Aliano v. Joe Caputo and Sons – Algonquin, Inc.*, No. 09 CV 910. It is in the United States District Court for the Northern District of Illinois. The Court decided this lawsuit can proceed as a class action on behalf of a “Class,” or group of people, that could include you. This notice summarizes your rights and options before the merits are resolved. More information is available at the website below. If you’re included, you have to decide whether to stay in the Class and be bound by whatever results, or ask to be excluded and keep your right to sue Joe Caputo & Sons Fruit Market. There is no money available now and no guarantee that there will be money in the future.

ARE YOU AFFECTED? The Class includes all individual credit or debit cardholders who made a purchase from Defendant Joe Caputo and Sons – Algonquin, Inc. (trading as Joe Caputo & Sons Fruit Market) (“Caputo”) and who received from Caputo an electronically printed receipt at the point of sale or transaction, in a transaction occurring at 100 S. Randall Road, Algonquin, Illinois between August 27, 2007 and February 14, 2009, which receipt displays more than the last five digits of the individual’s credit card or debit card number.

Excluded from the Class are business and entity cardholders; any cardholder who seeks actual damages as a result of receiving an aforementioned printed receipt from Caputo, as the class seeks only statutorily defined damages as set forth in 15 U.S.C. § 1681n for willful violations of the statute; the owners, agents and employees of Caputo; any judicial officers of the United States and/or the State of Illinois; and counsel for the parties in this action.

WHAT IS THIS CASE ABOUT? The lawsuit claims that Joe Caputo & Sons Fruit Market violated certain requirements imposed by the Fair and Accurate Credit Transactions Act (“FACTA”) by willfully printing more than the last five (5) digits of the purchaser’s credit or debit card number on transaction receipts.

Joe Caputo & Sons Fruit Market denies that it engaged in any wrongdoing and denies that it has any liability to any Class members. The Court has not decided whether the Class or Joe Caputo & Sons Fruit Market is right. The lawyers for the Class will have to prove the claims.

WHO REPRESENTS YOU? The Court appointed Zimmerman Law Offices, P.C., to represent you as “Class Counsel.” You don’t have to pay Class Counsel or anyone else, to participate. If Class Counsel’s efforts are successful, then they will ask the Court to award them attorneys’ fees and costs, which would be paid by Joe Caputo & Sons Fruit Market or out of any money recovered. You may hire your own lawyer to appear in Court for you, but you would have to pay your own lawyer. Ms. Aliano is a class member like you, and she was appointed as the “Class Representative.”

WHAT ARE YOUR OPTIONS? You have a choice of whether to stay in the Class or not, and you must decide this now. If you stay in the Class, you will be legally bound by all orders and judgments of the Court, and you won’t be able to sue, or continue to sue, Joe Caputo & Sons Fruit Market—as part of any other lawsuit—for any FACTA violations that occurred after December 4, 2006. If money or benefits are obtained, you will be notified about how to get a share. To stay in the Class, you do not have to do anything now.

If you ask to be excluded from the Class, you cannot get any money or benefits from this lawsuit if any are awarded, but you will keep any rights to sue Joe Caputo & Sons Fruit Market for these claims, now or in the future, and will not be bound by any orders or judgments of the Court.

To request exclusion, send a letter to Zimmerman Law Offices, P.C., 77 West Washington Street, Suite 1220, Chicago, IL 60602, postmarked by **August 22, 2011**, and indicate that you want to be excluded from *Aliano v. Joe Caputo and Sons – Algonquin, Inc.* Include your name, address, and telephone number.

HOW CAN YOU GET MORE INFORMATION? If you have questions or want to view other documents about this lawsuit, visit www.attorneyzim.com, write to the address above, or call 312 440 0020.