

**NOTICE OF CLASS ACTION SETTLEMENT**

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

TO:

- a. all individuals who enrolled in the Illinois School of Health Careers, Inc.’s (“ISHC”) Patient Care Technician (“PCT”) Program from its inception to January 31, 2010, to whom ISHC represented that graduates of the PCT Program would be eligible to sit for the Certified Nursing Assistant (“CNA”) examination (“Subclass 1”); and
  - b. all individuals who enrolled in the ISHC PCT Program from its inception to May 31, 2010, to whom ISHC represented that the facility at which a PCT Program student would perform his/her externship would be selected based in part on the facility’s proximity to the student’s home (“Subclass 2”).
- The settlement resolves a lawsuit against ISHC alleging violations of the Illinois Consumer Fraud and Deceptive Trade Practices Act, the Illinois Private Business and Vocational Schools Act, and causes of action for fraudulent misrepresentation, breach of contract, unjust enrichment (in the alternative), and promissory estoppel (in the alternative). This settlement avoids the future costs and risks associated with continuing litigation and entitles former students in Subclass 1 to either receive a cash payment, or to re-enroll in ISHC’s CNA course and receive a cash payment upon completion, and for former students in Subclass 2 to receive a cash payment (“Settlement Benefits”). The Settlement Benefits are discussed more fully in paragraph 5.
  - Your legal rights are affected whether you act or not. Read this notice carefully.

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

<b>SUBMIT A CLAIM FORM</b>	The only way to get Settlement Benefits.
<b>EXCLUDE YOURSELF</b>	Receive no Settlement Benefits but retain your right to sue about the legal claims in this case.
<b>OBJECT</b>	Write to the Court about why you do not like the settlement.
<b>GO TO A HEARING</b>	Ask to speak in Court about the fairness of the settlement.
<b>DO NOTHING</b>	Receive no Settlement Benefits. Give up rights.

- These rights and options – and the deadlines to exercise them – are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the settlement. Settlement Benefits will be distributed if the Court approves the settlement and after appeals, if any, are resolved. Please be patient.

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

Janet Allen, Porchia Thurmond and Felicia Parnell (“Plaintiffs”), on behalf of all members of the Class, have alleged that prior to enrolling in ISHC, Defendant misrepresented to students that upon graduation from ISHC’s PCT Program, students would be eligible to take the CNA examination to become a CNA. Plaintiffs further alleged that at the time these misrepresentations were made, ISHC was not a State-approved CNA program, and the PCT Program graduates could not take the state board examination to become a CNA as promised. Additionally, Plaintiffs alleged that ISHC misrepresented that PCT Program students would be able to perform their externship at a location close to their home, but this did not happen. Although ISHC denies any liability or wrongdoing, it has entered into a class action Settlement Agreement and Release (“Settlement Agreement”) with Plaintiffs in an effort to resolve this lawsuit without the need for a trial. For more information, you may contact Plaintiffs’ attorneys (“Class Counsel”) at 312.440.0020.

## 2. Why is this a class action?

In a class action, one or more people called Class Representatives (in this case, Plaintiffs) sue on behalf of a group of people who have similar claims. The people with similar claims are a Class or Class Members. One court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

## 3. Why is there a settlement?

The Court did not decide in favor of Plaintiffs or ISHC. Plaintiffs think they would have prevailed at a trial. ISHC thinks that it would have prevailed at trial. But there was no trial. Instead, both sides agreed to a settlement. That way, they avoid the cost of a trial, and the people affected will get compensation. The Class Representatives and their attorneys think the settlement is best for all Class Members.

## 4. How do I know if I am part of the settlement?

Judge Mary Ann Mason ruled that everyone who fits one or both of the following descriptions is a member of the Settlement Class:

- a. all individuals who enrolled in the ISHC PCT Program from its inception to January 31, 2010, to whom ISHC represented that graduates of the PCT Program would be eligible to sit for the CNA examination (“Subclass 1”); and
- b. all individuals who enrolled in the ISHC PCT Program from its inception to May 31, 2010, to whom ISHC represented that the facility at which a PCT Program student would perform his/her externship would be selected based in part on the facility’s proximity to the student’s home (“Subclass 2”).

## 5. What does the settlement provide?

Subclass 1: Each member of Subclass 1 who does not timely and validly opt out of this settlement may elect either to:

- (i) receive a check for up to seven hundred fifty dollars (\$750.00) (“Option A”)

- or -

- (ii) re-enroll in ISHC’s CNA course at no cost and receive a stipend of up to fifteen hundred dollars (\$1,500.00) upon completion of that course to compensate them for their time, provided that re-enrollment occurs within twelve (12) months of the Effective Date of the settlement (“Option B”).

To the extent a member of Subclass 1 fails to elect between Option A and Option B, he or she will be deemed to have selected Option A.

Subclass 2: Each member of Subclass 2 who does not validly opt out of this settlement shall receive a check for up to one hundred dollars (\$100.00).

The Settlement Agreement also requires, among other things, that the following will be deducted from the \$1,198,933 Settlement Fund: (a) \$8,500 paid to each Plaintiff for their services as Class Representatives; (b) cash payments to individual Class Members which are subject to offsets for any outstanding amounts owed by that Class Member to ISHC, amounts ISHC previously paid to enroll that Class Member in a Certified Nursing Assistant course offered by other institutions, and the stipend paid to that Class Member, if any; and (c) payment of Class Counsel’s attorneys’ fees and costs in an amount approved by the Court up to \$350,000, minus all cash payments (net of offsets) to be made to Class Members under the Settlement Agreement.

Finally, ISHC will separately pay the costs for notifying Class Members of the settlement, administering the settlement and distributing Settlement Benefits.

## 6. How can I get a Settlement Benefit?

You must submit a completed claim form by **April 22, 2013**. A claim form is attached to this notice. You can also download a claim form from Class Counsel’s website at [www.attorneyzim.com](http://www.attorneyzim.com), or call Class Counsel at 312.440.0020 to have a claim form sent to you. In any case, your claim form must be delivered (or postmarked, if mailed) to Class Counsel by **April 22, 2013**.

## 7. When would I get my Settlement Benefit?

The Court will hold a hearing on May 21, 2013 at 10:30 a.m. at the Circuit Court of Cook County, Richard J. Daley Center, 50 West Washington Street, Courtroom 2510, Chicago, IL 60602, to decide whether to finally approve the settlement. If the Court approves the settlement, somebody may appeal the decision, which could take more than a year to resolve. Please be patient. If the Court approves the settlement and nobody objects to the settlement, Settlement Benefits will be distributed within two months of the Court’s approval.

**8. What am I giving up to get Settlement Benefits and stay in the Class?**

Unless you exclude yourself, you are staying in the Class, and that means that you cannot sue, continue to sue, or be part of any other lawsuit against ISHC about the legal issues in *this lawsuit*. It also means that all of the Court's orders will apply to you and legally bind you.

**9. Can I exclude myself from the Class?**

Yes. If you do not want to participate in the settlement or receive any Settlement Benefits, you must notify Class Counsel in writing of your intention to be excluded (opt out). Your election to opt out must contain the following information: your name, your current address, your telephone number, your signature, a statement clearly stating words to the effect of "I/We hereby request to be excluded from the proposed Class in the Illinois School of Health Careers Litigation", and the date. You must deliver or mail your exclusion request postmarked no later than **April 22, 2013** to the following:

Zimmerman Law Offices, P.C.  
77 West Washington Street, Suite 1220  
Chicago, Illinois 60602

If you exclude yourself, you will not get any Settlement Benefits and you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue (or continue to sue) ISHC in the future.

**10. How can I object to the settlement?**

You can object to the settlement if you do not like any part of it. You must give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must submit a written statement with the caption *Allen v. Illinois School of Health Careers, Inc.*, that includes: (a) your full name and current address; (b) a signed declaration that you are a member of the Class and whether you are a member of Subclass 1, Subclass 2, or both; (c) the specific grounds for the objection or comment in support of the settlement; (d) all documents or writings that you desire the Court to consider; and (e) a notice of intention to appear at the fairness hearing (if any). If you intend to appear at the fairness hearing through counsel, you must also state the identity of all attorneys representing you who will appear at the fairness hearing. All written objections shall be filed with the Court and postmarked or otherwise delivered to the Parties' counsel no later than sixty days after the Notice is first sent. Any Class Member who fails to object in the manner prescribed herein shall be deemed to have waived his or her objections and forever be barred from making any objections in this action or in any other action or proceeding. You must file your objection with the Clerk of the Circuit Court, 50 West Washington Street, 8th Floor, Chicago, IL 60602, and you must serve a copy of your objection on the attorneys for Plaintiffs and ISHC at the following addresses by **April 22, 2013**:

Thomas A. Zimmerman, Jr.  
Zimmerman Law Offices, P.C.  
77 West Washington Street, Suite 1220  
Chicago, Illinois 60602

-and-

Anthony Stamato  
Kaye Scholer LLP  
Three First National Plaza  
70 West Madison Street, Suite 4200  
Chicago, Illinois 60602

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

The Court appointed lawyers to represent you and other Class Members. These lawyers are called Class Counsel. You will not be charged for these lawyers. They will be paid out of the Settlement Fund. If you want to be represented by your own lawyer, you may hire one at your own expense. Class Counsel are:

Thomas A. Zimmerman, Jr.  
Adam M. Tamburelli  
Zimmerman Law Offices, P.C.  
77 West Washington Street, Suite 1220  
Chicago, Illinois 60602

**12. What is the difference between objecting and excluding?**

Objecting is simply telling the Court that you do not like something about the settlement and that it should not be approved. You can object only if you stay in the Class. Even if the Court rejects your objection, you cannot thereafter exclude yourself from the Class. Excluding yourself is telling the Court that you do not want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

**13. When and where will the Court decide whether to approve the settlement?**

The Court will hold a hearing (a “Fairness Hearing”) to decide whether to finally approve the settlement. The Fairness Hearing will be held on May 21, 2013 at 10:30 a.m. at the Circuit Court of Cook County, Richard J. Daley Center, 50 West Washington, Room 2510, Chicago, IL 60602. At the Fairness Hearing, the Court will consider whether the settlement is fair, reasonable and adequate. If there are objections or requests to be heard, the Court may consider them at the hearing.

**14. Do I have to attend the Fairness Hearing?**

No. Class Counsel will answer questions the Court may have, but you are welcome to attend at your own expense. If you send an objection, you do not have to go to Court to talk about it. As long as you mailed or otherwise delivered your written objection on time, the Court will consider it. You may also have your own lawyer attend, but it is not necessary to hire a lawyer. You may ask the Court for permission to speak at the Fairness Hearing by sending a letter saying that it is your “Notice of Intention to Appear in *Allen v. Illinois School of Health Careers*.” Your letter must also include a reference to case number 10 CH 25098, your name, current address, telephone number and signature, and identify all attorneys representing you who will appear at the Fairness Hearing. You must file your letter with the Circuit Court of Cook County, Richard J. Daley Center, 50 West Washington, 8th Floor, Chicago, IL 60602, and you must serve a copy of your letter on the attorneys for Plaintiffs and Defendant at the addresses identified in #10 above by **April 22, 2013**. You cannot speak at the Fairness Hearing if you exclude yourself from the Class.

**15. What happens if I do nothing at all?**

If you do nothing, and the Court approves the settlement, you will not get any Settlement Benefits but you will still be bound by the settlement. If you want Settlement Benefits, you must submit a claim form.

**16. How do I get more information?**

You may seek the advice and guidance of your own private attorney, at your own expense, if you desire; you may review the pleadings, records and other papers on file in this lawsuit, which may be inspected during regular business hours at the Circuit Court of Cook County, Richard J. Daley Center, 50 West Washington, 8th Floor, Chicago, IL 60602; or you may contact Class Counsel at 312.440.0020.

**DO NOT CALL THE COURT WITH QUESTIONS**

**17. What if I move?**

If you have moved between the time you submit a claim form and when you receive Settlement Benefits, please update your contact information with Class Counsel at the address listed in paragraph 9.