

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

WILLIAM QUINN, *individually and on behalf of all others similarly situated,*

*Plaintiff,*

v.

JK BUICK GMC, INC.,

*Defendant.*

§ Case No. 1:23-cv-00447  
§  
§  
§  
§  
§  
§  
§  
§  
§

**NOTICE OF CLASS ACTION SETTLEMENT**

The District Court has authorized this Notice. This is **NOT** a solicitation from a lawyer. Please read this Notice carefully as it may affect your legal rights. **Do not be alarmed. You have not been sued; nor have you “filed” a lawsuit.**

This Notice is being sent to you because you have been identified to be among a settlement “class” of persons who received a marketing text message from Defendant JK Buick GMC, Inc. (“Defendant” or “JK Buick GMC”) after requesting that Defendant stop sending you such text messages.

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

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

<p><b>IF YOU WANT TO PARTICIPATE FULLY IN THIS CASE</b></p>	<p>If you want to be included in this case, <b><u>then you need not take any further action.</u></b></p> <p>Settlement Class Counsel estimate that you will receive a payment of approximately \$1,300.00.</p> <p>The relief afforded to you is described in Section 7 below and in the Settlement Agreement available on the settlement website, <a href="http://www.JKTCPSettlement.com">www.JKTCPSettlement.com</a>.</p>
<p><b>IF YOU <u>DO NOT</u> WANT TO PARTICIPATE IN THIS CASE AT ALL</b></p>	<p>If you do not want to participate or be included in this case, then you must send written notice by mail that you wish to exclude yourself from the Settlement, postmarked or uploaded to <a href="http://www.JKTCPSettlement.com">www.JKTCPSettlement.com</a> no later than <b>June 24, 2024</b>. Instructions for doing so are in Section 8 below.</p> <p>If you choose not to participate in this case, you give up the possibility of getting money or benefits that may come from the settlement of this case. You keep any rights to sue Defendant about certain legal claims arising from communications directed to you, but the statute of limitations (the deadline for you to file your potential claims) continues to run.</p>

**Your options are explained in this Notice.**

**1. WHAT IS THIS LAWSUIT ABOUT?**

Plaintiff William Quinn (“Plaintiff”) filed a civil lawsuit against Defendant. Plaintiff filed the Lawsuit on behalf of himself and as a putative class action on behalf of the group or “class” of persons who were sent marketing text messages from Defendant after Defendant was requested to stop sending such messages. Plaintiff alleges Defendant violated the Telephone Consumer Protection Act (“TCPA”) by sending such marketing text messages after Plaintiff and the Class Members requested Defendant stop sending them such messages. Defendant denies these allegations and that this case should process as a class action.

**2. WHAT IS A CLASS ACTION AND WHO IS INVOLVED?**

In a class action case, one or more persons sue on behalf of other people who have similar claims. The person who sues is called the named Plaintiff. The named Plaintiff seeks to represent all similarly situated people in the court. The named Plaintiff in this Lawsuit is William Quinn.

**3. WHY DID I RECEIVE THIS NOTICE?**

This Notice is being made available to you because the parties have agreed to settle the Lawsuit and you have been identified as a Settlement Class Member who received marketing text messages after requesting that Defendant no longer send you such messages.

Do not be alarmed. **You have not been sued; nor have you “filed” a lawsuit.** This Notice simply informs you of the named Plaintiff’s Lawsuit and lets you know that you have been identified as a member of the Settlement Class and to advise you of your rights and options as a Settlement Class Member.

**4. HAS THE JUDGE DECIDED WHO IS RIGHT?**

No. The judge is not suggesting that the named Plaintiff or the Settlement Class would have won or lost the case.

**5. HOW DO I KNOW IF I AM A MEMBER OF THE SETTLEMENT CLASS?**

By Order dated April 11, 2024, the Court certified the following class of persons in the Lawsuit, for settlement purposes only:

Those persons who opted out of receiving text messages from or on behalf of JK Buick GMC, Inc. and, thereafter, received one or more text messages from or on behalf of JK Buick GMC, Inc. The Settlement Class specifically includes, but is limited to, those fifty-four (54) persons identified in the data provided by Defendant to Plaintiff on November 10, 2023.

You have been identified as a member of the above Settlement Class.

**6. WHO IS CLASS COUNSEL?**

The Court appointed the named Plaintiff’s attorneys in the Lawsuit as Counsel for the Settlement Class (“Class Counsel”). Class Counsel are Christopher E. Roberts and David T. Butsch of Butsch Roberts & Associates LLC and James X. Bormes of The Law Offices of James X. Bormes. You are not required to hire your own lawyer because Class Counsel will be working on your behalf as a member of the Settlement Class. If you want to hire your own lawyer you are permitted to do so at your own expense.

**7. WHAT WILL I RECEIVE AS PART OF THE SETTLEMENT?**

Class Counsel estimate you will receive a payment of approximately \$1,300.00 in the settlement.

Defendant will pay a total of \$130,000.00 to pay Settlement Class Members’ claims, the cost of settlement administration, a settlement Class Representative service award and Class Counsel’s attorneys’ fees and expenses. Each Settlement Class Member will receive a pro rata share of the remaining amount after accounting for the cost of settlement administration, a representative service award and attorneys’ fees and litigation expenses.

**8. WHAT DO I NEED TO DO TO RECEIVE THE BENEFIT OF THE SETTLEMENT?**

You need not take any further action to receive compensation as part of this Settlement.

**9. WHAT IF I WANT TO EXCLUDE MYSELF FROM THE SETTLEMENT OR OBJECT TO THE SETTLEMENT?**

If you do not want to be a member of the Settlement Class and participate in this Lawsuit, you can ask the Court to exclude you from the Lawsuit and allow you to “opt out” by sending such correspondence in writing to:

JK Buick TCPA Settlement  
c/o Atticus Administration, LLC  
PO Box 64053  
Saint Paul, MN 55164  
Email: [JKTCPASettlement@atticusadmin.com](mailto:JKTCPASettlement@atticusadmin.com)

**To be effective, the request to exclude yourself from the Settlement must be completed, signed, and postmarked by June 24, 2024.**

If you choose to be excluded from the Settlement Class:

1. Your claims against Defendant, if any, will not be decided in the Lawsuit and you will not share in any recovery that the named Plaintiff obtains for the Settlement Class.
2. You will not be bound by any determinations or any judgment that the Court makes or enters in the Lawsuit, whether favorable or unfavorable.
3. You will not be entitled to any further notice with regard to the Lawsuit.

4. You may pursue any claims you have against Defendant at your own expense and risk by filing your own separate lawsuit, should you choose to do so, and assuming you have a claim and the applicable statute of limitations to file a case has not run.
5. Be aware that any claims that you have or may have against Defendant are limited by the applicable statute of limitations and declining to participate in this case by opting out, or by proceeding separately, may result in some or all of your claims expiring as a matter of law.

Any Settlement Class Member who wishes to object to the Settlement or wishes to appear at the Final Approval Hearing and show cause, if any, why the same should not be approved as fair, reasonable, adequate, and in the best interests of the Settlement Class, or why a final judgment should not be entered thereon, must serve and file written objections. The objection must contain the objector's full name, telephone number, and current address; must declare that the objector is a member of the Settlement Class; and must provide a detailed statement of the objector's specific objections to any matter before the Court and the grounds of the objection. Said objections must be mailed to:

JK Buick TCPA Settlement  
c/o Atticus Administration, LLC  
PO Box 64053  
Saint Paul, MN 55164

**To be effective, the request to object to the Settlement must be completed, signed, and postmarked by June 24, 2024.**

#### **10. HOW WILL CLASS COUNSEL AND THE CLASS REPRESENTATIVE OF THE SETTLEMENT CLASS BE PAID?**

Class Counsel will seek an award of attorney's fees and expenses of up to 33 1/3% of the Settlement Fund (\$43,333.33). The Court will determine the amount of fees and expenses that should be awarded to Class Counsel. Plaintiff will seek an award of up to \$9,000.00 for his service as the Settlement Class Representative.

#### **11. WHAT IF I HAVE QUESTIONS?**

**You should not contact the Clerk of The Court, Judge, or Defendant's Counsel with questions about this case.** Instead, if you have any questions about your claim or rights or would like more information, you should call Class Counsel Christopher E. Roberts of Butsch Roberts & Associates LLC at 314-863-5700 or James X. Bormes of The Law Offices of James X. Bormes at 312-332-0600. You can also speak with your own attorney.

You can review and obtain copies of the Lawsuit, the Court's Order granting Preliminary Approval of the Settlement and any other pleadings and filings in the Lawsuit directly from Class Counsel, by contacting Class Counsel at the number above. You can also review and obtain copies of these papers at your own expense at the Clerk of the Court for the United States District Court for the Northern District of Illinois.

**12. WILL THERE BE A HEARING REGARDING THE APPROVAL OF THE SETTLEMENT?**

**The Final Approval Hearing will take place on August 5, 2024 at 8:30 a.m. before Magistrate Judge Gabriel Fuentes, Courtroom 2266, United States District Court for the Northern District of Illinois, 219 South Dearborn Street, Chicago, Illinois 60604.**

Dated: April 25, 2024

**This Notice is being made available pursuant to Federal Rule of Civil Procedure 23 and by Order of the Court.**