

NOTICE ORDERED BY COURT

IF YOU PAID A FINE TO THE CITY OF EAST ST. LOUIS, ILLINOIS OR BLUE LINE SOLUTIONS LLC UNDER THE CITY'S PHOTOGRAPHIC VEHICLE SPEED ENFORCEMENT PROGRAM YOU MAY RECEIVE MONEY FROM A CLASS ACTION SETTLEMENT

*AN ILLINOIS CIRCUIT COURT HAS ORDERED THIS NOTICE
THIS IS NOT A SOLICITATION FROM A LAWYER*

- A Settlement has been proposed in a class action against the City of East St. Louis, Illinois (City) and Blue Line Solutions LLC ("BLS") regarding the City's Photographic Vehicle Speed Enforcement Program ("Program").
- This Notice is directed to those persons who paid a fine under the Program. Members of this group are referred to as the Type II Subclass of the proposed Settlement Class. If you did not pay a fine under the Program but you received a Notice of Violation under the Program or were the driver of the motor vehicle that was mentioned in a Notice of Violation under the Program you may be a member of the group referred to as the Type I Subclass of the Proposed Settlement Class. A Notice similar to this one for the members of the Type I Subclass may be viewed at www.cesl.us or www.emrhein-attorney.com or may be viewed in person at the Clerk of the Circuit Court, Twentieth Judicial Circuit, #10 Public Square, Belleville, Illinois.

Your Legal Rights And Options In This Settlement	
DO NOTHING	You will still receive money from the Settlement Fund but will give up the right to file a separate lawsuit against the City and BLS for claims arising out of the Program.
EXCLUDE YOURSELF	You can remove yourself from this Class Action, in which case you will not receive any money from this Settlement, and you will retain your right to file a separate lawsuit against the City and BLS.
FILE OBJECTION	You may remain a Class Member but write to the Court explaining why you believe the Settlement is not fair, reasonable, and/or adequate.

- These rights and options – **and the deadlines for exercising them** – are explained in this Notice.
- The Court must still decide whether to approve the Settlement. Money will only be paid if the Court approves the Settlement and all appeals have been resolved.

BASIC INFORMATION

I. What is this lawsuit about?

Background.

The City of East St. Louis, Illinois enacted an ordinance that established its Photographic Vehicle Speed Enforcement Program. Under the Program when a City police officer observed a motor vehicle that may be operating at a speed in excess of City speed limits the officer could use special equipment that determined the speed of the vehicle and then photographed the vehicle if it was operating at a set m.p.h. over the speed limit. Rather than pull over the operator of the speeding vehicle and issue a citation for speeding, a Notice of Violation was mailed to the registered owner of the vehicle that provided information on the violation and the owner's right to pay a set fine or request a hearing to contest the charge. Under the Program hearings were to be administrative hearings conducted by the City with a right to appeal to the Circuit Court. An owner could have the charges against the owner dismissed by identifying the person who was operating the vehicle at the time of the alleged violation. Violations of the City's speed limit laws handled under the Photographic Vehicle Speed Enforcement Program were not reported to state regulatory agencies who administer driving privileges and therefore the violation did not become a part of the owner's official driving record. Violations were also not reported to automobile insurance companies. Equipment for the Program was provided by BLS under contract with the City. BLS also administered issuing the Notices of Violations and accepted payments of the fines for the City.

What the Plaintiffs Alleged:

The Plaintiffs who brought this lawsuit claim that ESTL lacked the legal authority to enact the Photographic Vehicle Speed Enforcement Program under Illinois law. An Illinois statute prohibits municipalities such as ESTL from using automated photographic speed enforcement equipment. In addition they claim that the Photographic Vehicle Speed Enforcement Program's use of ESTL's administrative hearings to determine contested charges under the Program infringed upon the authority of the Illinois Circuit Court to hear and determine moving violations under the Illinois Motor Vehicle Code. The Plaintiffs also claim that ESTL and BLS must return the fines paid under the Photographic Vehicle Speed Enforcement Program since that Program was invalid under Illinois law and that their refusal to refund the fines amounts to conversion of the money paid for the fines under Illinois law.

How the City and BLS Responded:

The City and BLS have denied and continued to deny that the Photographic Vehicle Speed Enforcement Program violated state and federal laws. The Illinois statute on automated photographic speed enforcement equipment does not apply to the City's Photographic Vehicle Speed Enforcement Program since the City's program was operated by a police officer and not automated and does not prohibit the use of photographic evidence that a vehicle was speeding. The City further maintains that its use of its municipal administrative court to resolve hearings on contested charges under the Program does not infringe upon the circuit court's jurisdiction. The City and BLS deny that their refusal to return the fines paid under the Program amounts to conversion. Under long established Illinois law the City and BLS have no legal duty to return fines voluntarily paid under ordinances later held invalid or unconstitutional.

2. Why is there a Settlement?

A motion to dismiss the case has been filed by the City and BLS. The Court has not decided in favor of the Plaintiffs or the City and BLS on any issue in the case. The settlement in this case provides the members of the class with a substantial portion of the fines they paid without trying to overcome the defenses raised by the City and BLS. The Settlement provides the City and BLS with a means of buying their peace that will permit them to move forward with efforts to modify its Program or obtain additional legislative authority for the Program from the Illinois legislature. Both the Plaintiffs, the City and BLS benefit by avoiding the need for a trial and what likely would be separate appeals over the issue of whether a class should be certified by the Court and the issue of whether the City and/or BLS is liable to the Plaintiffs – a process that could take several years to conclude.

3. Why am I receiving this Notice?

According to the records of the City and BLS you are a member of the Settlement class because:

you either received a Notice of Violation under the Program as the registered owner of the motor vehicle charged with speeding under the Program or a person identified to the City or BLS as the driver of said vehicle at the time of the alleged violation and you paid the fine or you paid the fine on behalf of someone who was either the registered owner or driver of the vehicle suspected with speeding.

If you meet the above definition you are a member of the Type II Subclass of the Settlement Class and are entitled to the benefits under the Settlement unless you submit a request to be excluded from this Settlement in the manner described below.

4. What Will I Receive From The Settlement?

First, the City has agreed to the entry of a consent decree dismissing all charges issued under the Program with prejudice which means the City will not pursue any prosecutions under its Program or file any state charges for the alleged speeding referenced in your Notice of Violation. It will also not issue any new Notices of Violations under the Program until certain conditions occur. See the Preliminary Order for a draft of the Consent Decree for details at www.cesl.us or www.emrhein-attorney.com by viewing the Court's file at the Clerk of the Circuit Court, Twentieth Judicial Circuit, #10 Public Square, Belleville, Illinois. Second, the City and BLS have created a Settlement Fund from the paid fines that they still have in their possession. The Settlement Fund currently consists of \$309,820.85. This amount may decline for reasons set forth in the Settlement Stipulation a copy of which is available for inspection on the aforementioned web sites. Subject to Court approval of the Settlement and deductions from the Fund authorized by the Court each member of the Type II Subclass of the Settlement Class who has not excluded himself, herself or itself

from the Settlement will be paid a *pro rata* amount of the remaining balance of the Settlement Fund based upon the number of members of the Type II Subclass and the amount of the fine you paid. At this time it is estimated that each person in this Subclass will receive 60% of the fine they paid from the Settlement, but this is an estimate only and the final amount may be greater or lower.

5. How do I get my payment from the Settlement?

The Court must still approve the Settlement. Once the Court has approved the Settlement you will automatically receive your share of the Settlement Fund unless you chose to exclude yourself from the Settlement.

The Court will hold a hearing on October 20, 2015 at 10:30 a.m. in Courtroom No. 107 of the Circuit Court of St. Clair County, located at 10 Public Square in Belleville, Illinois to decide whether to approve the Settlement. Even if the Court approves the Settlement, there may still be appeals regarding the Settlement. It is always uncertain how long it will take for these appeals to be decided. In some cases, appeals in similar cases have taken more than a year to be resolved. The Court will determine the date that the payments are to be made.

6. Do I give up anything by accepting the Settlement?

Unless you exclude yourself, you will receive benefits under the Settlement described in this Notice, but you can't now pursue or bring any lawsuit against the City and/or BLS involving the legal claims that were or could have been brought in this case. It also means that all of the Court's Orders in this Action will apply to you and legally bind you. If you do not exclude yourself from the settlement, you will be bound by the Release of any and all Claims and Unknown Claims you may have against the City and BLS arising out of the City's Photographic Vehicle Speed Enforcement Program as more fully set forth in the Settlement Agreement available for inspection at www.cesl.us or www.emrhein-attorney.comor by viewing the Court's file at the Clerk of the Circuit Court, Twentieth Judicial Circuit, # 10 Public Square, Belleville, Illinois.

7. How do I exclude myself from the Settlement?

If you don't want to receive a payment from the Settlement and/or want to maintain your right to sue or to continue to sue the City and BLS on your own regarding the legal issues in this case, then you must take the following steps to exclude yourself from the settlement. This is called "Opting Out" of the settlement. To exclude yourself from the settlement, you must do so by mail. You can use the attached form or you may send a letter to the Clerk of the Circuit Court, Twentieth Judicial Circuit, #10 Public Square, Belleville, Illinois that includes: (1) the name of this lawsuit: *Paul Feder, et al. v. City of East St. Louis and Blue Line Solutions, Inc., Cause No. 14-CH-375*; (2) your full name and current address; (3) a statement of intention to exclude yourself from the settlement; and (4) your signature. The Form or your letter must be mailed to Clerk of the Circuit Court, Twentieth Judicial Circuit, #10 Public Square, Belleville, Illinois with a copy to the Mr. Eric M. Rhein as Lead Class Counsel at the address in this Notice and to counsel for the City and BLS, Mr. John E. Sabo, Clayborne, Sabo and Wagner LLP, 525 W. Main St., Suite 105, Belleville, Illinois 62220.

REQUESTS FOR EXCLUSIONS THAT ARE NOT POST-MARKED OR RECEIVED ON OR BEFORE SEPTEMBER 10, 2015 WILL NOT BE HONORED.

You cannot exclude yourself on the phone or by e-mail. You also cannot exclude yourself by mailing a request to any other location or by mailing it after the deadline.

If you exclude yourself and decide to file your own individual lawsuit, you should act quickly, as the time to file such an action is limited.

8. Do I have a lawyer in this case?

Plaintiffs retained:

Eric M. Rhein
Attorney at Law
6897 West Main Street
Belleville, IL 62223

Lloyd M. Cueto
Law Offices of Lloyd M. Cueto
7110 West Main Street
Belleville, IL 62223

to represent them as Class Counsel. In connection with the primary approval of the Settlement, the Court provisionally appointed these firms to represent you and the other Class Members for the purposes of considering this settlement. Together, these lawyers are called Class Counsel. You will not be charged by these lawyers for their work on the case. If you want to be represented by your own lawyer, you may hire one at your own expense.

9. How will the lawyers be paid?

The Court will determine how much to award Class Counsel for attorneys' fees and for costs and expenses they and any Plaintiffs have incurred in litigating this matter. Class Counsel have asked the Court for an award of \$80,000.00 and the City and BLS has agreed not to object to the request provided that the Court orders the payment to be made from the Settlement Fund. Any award of attorneys' fees by the Court will reduce the settlement fund, and therefore, it will reduce the amount of the payment that you will be entitled to receive under the settlement. If you wish to examine the basis for the attorneys' fee request, you may obtain a copy of Class Counsel's Preliminary Motion for Approval of Attorneys' Fees at www.cesf.us or www.emrhein-attorney.com by viewing the Court's file at the Clerk of the Circuit Court, Twentieth Judicial Circuit, #10 Public Square, Belleville, Illinois. You can file an objection to the request by following the instructions in paragraph 10 below.

10. How do I tell the Court that I don't like the Settlement?

If you are a Class Member, you can object to the Settlement if you think any part of it is not fair, reasonable, and/or adequate. You can and should explain the detailed reasons why you think the Court should not approve the Settlement. The Court and Class Counsel will consider your views carefully. To object, you must mail a letter stating that you object to the Settlement *Paul Feder, et al. v. City of East St. Louis and Blue Line Solutions, Inc., Cause No. 14-CH-375*. Be sure to include: (1) the name of this lawsuit; (2) your full name, current address and telephone number; (3) the reasons you object to the Settlement; and (4) your signature. Mail the objection to the following addresses so that it is post-marked or received no later than: **SEPTEMBER 29, 2015** to the Clerk of the Circuit Court, Twentieth Judicial Circuit, #10 Public Square, Belleville, Illinois and to Mr. Eric M. Rhein, the Lead Class Counsel, at the address in this Notice.

11. What is the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the Settlement. You can object only if you remain in the Class. Excluding yourself is telling the Court that you don't want to be a part of the Class, and you get nothing under the Settlement. If you exclude yourself, you can pursue your own claim against the City and/or BLS, but you have no basis to object to the Settlement because it no longer affects you.

12. When and where will the Court decide to approve the Settlement?

The Court will hold a Fairness Hearing on October 20, 2015 at 10:30 a.m. in Courtroom No. 107 of the Circuit Court of St. Clair County, Twentieth Judicial Circuit located at 10 Public Square, Belleville, Illinois. At this hearing, the Court will consider whether the Settlement is fair, reasonable adequate given the facts and law applicable to the case. If there are objections, the Court will consider them. The Court is also expected to decide the attorneys' fees to be awarded to Class Counsel. Class Counsel will answer any questions the Court may have on the Settlement but you are welcome to come to the hearing at your own expense. If you sent an objection, you don't have to come to Court to talk about it. As you mailed your written objection on time to the proper addresses, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary. Following the hearing the Court will enter an order on whether it is giving its final approval to the Settlement.

13. May I speak at the Fairness Hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter to the Clerk of the Circuit Court, Twentieth Judicial Circuit, 10 Public Square, Belleville, Illinois saying that it is your "Notice of Intention to Appear at the hearing for Final Approval of the Settlement in the case of *Paul Feder, et al. v. City of East St. Louis and Blue Line Solutions, Inc., Cause No. 14-CH-375*." Be sure to include your name, address and telephone number and your signature. Your Notice of Intention to Appear must be sent to Class Counsel identified in this Notice and must be post-marked by **SEPTEMBER 29, 2015**. You cannot speak at the hearing if you exclude yourself.

14. Other details about the Settlement?

This Notice summarizes the proposed Settlement. For more details, including a copy of the Complaint, Settlement Agreement and any other documents, you can download them from www.cesl.us or www.emrhein-attorney.com or view them at Clerk of the Circuit Court, Twentieth Judicial Circuit, #10 Public Square, Belleville, Illinois. You may also obtain copies of them from the Clerk of the Court, but the Clerk of the Court will charge a fee for any copies. If you have any questions about the case, you can call or write to Class Counsel identified in this Notice.

Do not contact the Court regarding the Settlement.

IN THE CIRCUIT COURT
TWENTIETH JUDICIAL CIRCUIT
ST. CLAIR COUNTY, ILLINOIS

PAUL FEDER, DENISE DURAKO,)
LATRICIA SANDERS, CAROL)
CRAWFORD, MICHAEL ORLET and)
ELIZABETH RUND, as representatives)
of similarly situated persons,)
)
Plaintiffs,)
v.) Cause No.: 14-CH-375
)
CITY OF EAST ST. LOUIS, ILLINOIS,)
a municipal corporation, ALVIN PARKS,)
in his official capacity as Mayor of the)
City of East St. Louis, Illinois and BLUE)
LINE SOLUTIONS, INC, a corporation,)
)
Defendants.)

REQUEST TO BE EXCLUDED – RECEIVE NO SETTLEMENT BENEFITS

Full Name/Address:

Telephone:

(____) _____

That having received and read the Notice Ordered By The Court in the above litigation, I hereby advise the Court, Class Counsel and Defense Counsel that I am opting out of the settlement. By electing to opt out, I am excluding myself as a Class Member and acknowledge that I will receive nothing under the Settlement.

This Notice must be mailed to the Clerk of the Circuit Court, Twentieth Judicial Circuit, #10 Public Square, Belleville, Illinois with a copies mailed to the Mr. Eric M. Rhein as Lead Class Counsel at 5897 West Main Street, Belleville, Illinois 62223 and to counsel for the City and BLS, Mr. John E. Sabo, Clayborne, Sabo and Wagner LLP, 525 W. Main St., Suite 105, Belleville, Illinois 62220.

Failure to provide all of the information on the Form and have it post-marked by SEPTEMBER 10, 2015 will result in the Court not considering it and not excluding you from the Settlement.

Dated:

Acknowledged By:

Signature