

If You Were a Sears Credit Card Customer From September 9, 1995 to June 22, 2001, This Notice May Affect Your Rights.

Please read this Court-ordered Class Action Notice.

If you were a Sears credit card customer anytime from September 9, 1995 to June 22, 2001, you may be affected by class action litigation in the Circuit Court of Cook County, Illinois, captioned *Bovay et al. v. Sears, Roebuck & Co.*, No. 01 CH 18096, consolidated with *Triezenberg et al. v. Sears, Roebuck & Co.*, No. 02 CH 4693, and *Clark et al. v. Sears, Roebuck & Co.*, No. 03 CH 7605 (hereinafter "*Sears Privacy Litigation*"). This notice is to tell you about the claims in this case, and your right to participate in or exclude yourself from the Class.

WHAT IS THIS CASE ABOUT?

Plaintiffs and Class Representatives, Nancy Woods, Elizabeth Turner, Mark Triezenberg, Mary E. Rawson, Patricia Clark, Richard Terrell Gore, and Mary Rodriguez ("Plaintiffs"), allege that, contrary to its representations not to do so, Sears, Roebuck & Co. ("Sears") obtained and wrongfully disclosed its customers' personal, private, and confidential financial information to third-party marketers for profit without informing its customers that it was doing so. Plaintiffs allege a number of causes of action resulting from the alleged conduct of Sears, including violation of the Illinois Consumer Fraud Act, Unjust Enrichment, and Invasion of Privacy. Sears denies Plaintiffs' claims. This notice does not cover all of the parties' contentions or the results of certain motions and various petitions for leave to appeal. Sears denies that it did anything wrong and the Court has yet to decide whether Sears is liable for damages.

WHO IS INCLUDED?

The Class includes all persons and entities in the United States who, between September 9, 1995 and June 22, 2001: (1) were a Sears credit card customer; and (2) had certain information (name, address, telephone number and scrambled or unscrambled credit card number) disclosed by Sears to a third-party vendor, Memberworks, Cendent, Encore Marketing and/or Allstate Motor Club, with whom Sears has or had a contract, agreement or understanding to disclose certain information and pursuant to which Sears was entitled to receive money, directly or indirectly, as a result of any sales of goods, programs or services by the third-party vendor to Sears credit card holders or through an administrative, service or transaction fee (the "Class"). Excluded from the Class are members of the California class in *Utility Consumers' Action Network, et al. v. Sears, Roebuck & Co., et al.*, Case No. 306232, in the Superior Court of California, County of San Francisco, any parent, subsidiary or affiliate of Sears, and all of Sears' officers and directors.

HOW DO I REMAIN A CLASS MEMBER?

To remain a Class member, you do not have to do anything. As a Class member, you will be legally bound by all orders and judgments of the Court regardless of whether the orders or judgments are favorable to the Class. Any claims you have against Sears related to the claims in this case will be determined by the final resolution of this case. There will be no cost to you to remain a Class member. If the attorneys representing the Class obtain a recovery from Sears, they will ask the Court for reasonable attorneys' fees, costs and expenses to be paid by Sears or to be deducted from any funds recovered for the Class. You will not be obligated to pay the attorneys for the Class. The Court appointed Ben Barnow, Barnow and Associates, P.C.; William J. Harte, William J. Harte, Ltd.; Bonny E. Sweeney, Coughlin, Stoia, Geller, Rudman & Robbins, LLP; and Norman Rifkind, Lasky & Rifkind, Ltd.; as Co-Lead Class Counsel.

HOW DO I ASK TO BE EXCLUDED?

Any member of the Class may be excluded but only upon a specific request. If you wish to be excluded from the Class, you must ask the Court to exclude you by mailing a signed letter requesting exclusion to: *Sears Privacy Litigation*, P.O. Box 64330, Chicago, IL 60664-0330. Requests must: (1) set forth your name, address, and telephone number; (2) identify the matter (*Sears Privacy Litigation*); and (3) must be postmarked by **July 6, 2009**. If you exclude yourself, you cannot participate in any recovery obtained for the Class, and you will not be legally bound by any Court orders or judgments. **If you want to remain a Class member, do not submit an exclusion form.**

WHAT IF I HAVE QUESTIONS?

For a detailed statement of the matters involved in the *Sears Privacy Litigation*, please refer to the pleadings and other papers filed in this action which may be inspected at the Offices of the Clerk of the Court, Circuit Court of Cook County, Richard J. Daley Center, 50 West Washington Street, Chicago, IL 60602, during business hours of each weekday. You can also visit www.searsprivacyclassaction.com. Questions pertaining to the *Sears Privacy Litigation* may be directed to: Ben Barnow, Barnow and Associates, P.C., One North LaSalle St., Suite 4600, Chicago, IL 60602, (312) 621-2000; or Norman Rifkind, Lasky & Rifkind, Ltd., 350 North LaSalle St., Suite 1320, Chicago, IL 60610, (312) 634-0057.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE FOR INFORMATION.

Dated: April 30, 2009
The Honorable Judge Richard J. Billik, Jr.,
Circuit Court of Cook County