

IN THE SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

RESPONSIVE MANAGEMENT SYSTEMS, on behalf of)
itself and all others similarly situated,)

Plaintiff,)

v.)

ONVIA INC.,)

Defendant)

No. 05-2-04728-3 SEA

CLASS ACTION

NOTICE OF SETTLEMENT
OF CLASS ACTION

**Your legal rights might be affected if you received
an unsolicited facsimile advertisement from Onvia Inc.
soliciting you to join its DemandStar service
since February of 2001.**

**A WASHINGTON STATE SUPERIOR COURT AUTHORIZED THIS NOTICE.
THIS IS NOT A SOLICITATION FROM A LAWYER.
YOU HAVE NOT BEEN SUED.**

- Your legal rights are affected whether you act or don't act. Read this notice carefully.
- The settlement resolves a lawsuit over whether Onvia improperly sent facsimile advertisements without having obtained prior express permission to do so.
- The settlement does not provide for any cash payments to pay claims of recipients of the facsimile at this time, but may produce cash payments to the Class at a later time.

YOUR LEGAL RIGHTS AND OPTIONS	
<p>YOU CAN DO NOTHING.</p> <p>NO ACTION IS NECESSARY TO RECEIVE PAYMENT.</p>	<p>If the <i>Settlement</i> is approved by the <i>Court</i> and you are a member of the class, you will not need to do anything. Because the <i>Settlement</i> provides for no immediate recovery of money, you will be notified at a suitable time if any monies have been recovered and the manner for distributing any sums collected.</p>
<p>YOU CAN OBJECT</p> <p>(SUBMIT A LETTER TO THE COURT FILED OR POSTMARKED BY NOVEMBER 1, 2006)</p>	<p>If you wish to object to any part of the <i>Settlement</i>, you may (as discussed below) write to the <i>Court</i> and Class Counsel about why you do not like the <i>Settlement</i>.</p>
<p>GO TO A HEARING</p> <p>(TO BE HELD ON NOVEMBER 17, 2006)</p>	<p>If you have submitted a written objection to the <i>Settlement</i> to the <i>Court</i> and Class Counsel, you may (but do not have to) attend the <i>Court</i> hearing about the <i>Settlement</i> and present your objections to the <i>Court</i>. If you decide to attend, you must submit an intent to appear to the <i>Court</i> and Class Counsel by November 1, 2006.</p>

- 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 this *Settlement*. Even if the *Court* does approve the *Settlement*, because the *Settlement* only provides the Class with rights under Onvia’s insurance policy to pursue a claim against its insurer, St. Paul Travelers (“St. Paul” or “insurer”), the potential exists that the Class may make no recovery on these claims. Payments, if any, will be made only if the *Court* approves the *Settlement*, if that approval is upheld in the event of any appeals, and if Plaintiff is successful in pursuing Onvia’s disputed claims against St. Paul. The *Court* has not yet ruled on the merits of the Class’s claims against Defendant or the validity of St. Paul’s denial of coverage.

Further information regarding the litigation and this *Notice* may be obtained by contacting Class Counsel:

Keller Rohrback L.L.P.
1201 Third Avenue, Suite 3200
Seattle, Washington 98101-3052
1-800-238-9074

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BASIC INFORMATION

1. Why did I get this notice?

Onvia has identified you, or your business, as the recipient of a facsimile soliciting you to subscribe to Onvia's DemandStar service. A sample of the facsimile at issue is attached hereto as Exhibit A (the precise fax you received may have differed somewhat from the form of the sample).

The *Court* ordered that this notice be sent to you because, if you fall within the Class defined below, you have a right to know about the *Settlement* and about all of your options before the *Court* makes a final determination whether to approve the *Settlement*. This Notice describes the lawsuit, the *Settlement*, your legal rights, what benefits are available and who is eligible for them.

The *Court* in charge of this case is the Superior Court of Washington in and for King County, and the case is known as *Responsive Management Systems v. Onvia, Inc.*, Case No. 05-2-04728-3 SEA. King County Superior Court Judge Joan E. Dubuque is presiding over this class action. The party that sued is called the *Plaintiff* and the company they sued, Onvia, is called the *Defendant*.

2. What is this lawsuit about?

Plaintiff alleges that Defendant sent facsimile advertisements to businesses from 2001 until 2005 soliciting those businesses to sign up for Onvia's DemandStar system because a government agency with which those fax recipients had previously done business had agreed to list bid opportunities through DemandStar. Plaintiff alleges that Onvia violated both Federal and Washington statutes which bar the sending of unsolicited facsimile advertisements to anyone without first having obtained prior express permission to do so. Onvia denies these claims.

The Court did dismiss Plaintiff's request for injunctive relief but has not yet ruled on the merits of Plaintiff's claims or on the denials or other defenses made by the Defendant.

3. Why is this a class action?

In a class action one or more people called Class Representatives (in this case Responsive Management Systems) sue on behalf people who have similar claims. All those

