

NOTICE OF CLASS ACTION SETTLEMENT

**Please give this to a person who makes legal decisions for your home.
You may benefit from this. Please read it carefully. You are not being sued.**

NOTICE OF CLASS ACTION SETTLEMENT

TO: All persons against whom LVNV Funding LLC (“LVNV”) or Resurgent Capital Service LP (“Resurgent”) filed a collection lawsuit in Illinois between September 19, 2010 and September 30, 2018, subject to the following exclusions: (1) persons who paid or settled their accounts in full without LVNV or Resurgent obtaining a judgment; (2) persons whose accounts were discharged in bankruptcy; and (3) persons who passed away since LVNV or Resurgent filed the collection lawsuit.

These persons are the “Settlement Class” or “Class” discussed below.

A. WHY HAVE YOU RECEIVED THIS NOTICE? This is a Court-authorized notice of a proposed settlement in a class action lawsuit. If you received this notice by mail, you have been identified as an individual who was named in a collection lawsuit filed by LVNV or Resurgent in an Illinois court between September 19, 2010 and September 30, 2018, and, therefore, you might be a member of the Settlement Class.

B. WHAT IS THIS LAWSUIT ABOUT? LVNV filed separate collection lawsuits against Vittorio Blaylock Lee and Guillermo Macia in the Circuit Court for St. Clair County, Illinois alleging that Blaylock and Macia owed an outstanding balance on their credit card accounts. Blaylock and Macia responded to the collection lawsuits by asserting class action counterclaims against LVNV and third-party complaints against Resurgent, Alegis Group LLC and Sherman Financial Group LLC (all four are collectively referred to as “Defendants”). Blaylock and Macia alleged, amongst other things, that Defendants did not have the requisite documentation to prove that Blaylock and Macia owed the alleged balances. Blaylock and Macia further alleged that Defendants did not attach to the collection complaints the requisite documentation to establish that Blaylock and Macia owed the alleged balances. Blaylock and Macia alleged that Defendants violated the Illinois Collection Agency Act (225 ILCS 425/1, *et seq.*); the Illinois Consumer Fraud and Deceptive Business Practices Act (815 ILCS 505/1, *et seq.*); the federal Fair Debt Collection Practices Act (15 U.S.C. 1692, *et seq.*); and common law civil conspiracy.

Defendants denied Blaylock and Macia’s allegations and raised various defenses. The Court did not rule for or against any party on the merits of the claims, but the parties have reached the proposed settlement announced here.

C. WHAT IS THE PROPOSED SETTLEMENT? Without admitting any fault or liability, and in exchange for a release of all claims against Defendants regarding the collection lawsuits at issue, Defendants have agreed to provide benefits to three Subclasses. Defendants will provide a credit in the amount of \$75 against the outstanding account balance to class members whose accounts are collectible and have an outstanding balance of more than \$75. Defendants have also agreed to pay a refund to and permanently close the accounts of class members whose accounts were designated “Ownership” and noted as such in their records. You have received this notice because you have been identified as a class member in one of these two Subclasses. You therefore might be entitled to the \$75 credit or a refund payment.

In addition to the above two Subclasses, there is a third Subclass but you are not in it. As to the third Subclass, Defendants have also agreed to issue checks for an equal amount out of a \$100,000 settlement fund to those class members whose accounts are either uncollectible or have an outstanding balance of \$75 or less, and who also submit a claim form that is approved by the Settlement Administrator.

Defendants also agreed to pay an incentive award to Blaylock and Casey Davis, As Independent Administrator for the Estate of Guillermo Macia, for serving as the “class representatives,” to dismiss its collection lawsuits against Blaylock and Macia, to pay attorneys’ fees and costs to Blaylock and Macia’s attorneys, and to pay settlement administration costs.

The Court has preliminarily approved this settlement, subject to a fairness hearing that will occur on November 14, 2022, at 11:00 a.m., in the Circuit Court of St. Clair County, 10 Public Square, Belleville, Illinois 62220. Check with the Circuit Clerk’s office at the Court House for courtroom location on the day of the hearing. If the Court grants final approval of the settlement, then each class member who meets the requirements in the first paragraph of this section will receive either the \$75 credit on their account or a refund payments as described above. There will also be the additional payment of valid claim forms for the third Subclass.

D. WHAT CAN CLASS MEMBERS DO NOW? YOU HAVE THREE OPTIONS.

1. **Do nothing and be part of the Settlement Class.** If you do nothing, you will stay in the Settlement Class. If the Court grants final approval of the settlement, then you will receive either the \$75 account credit or a refund payment automatically without having to take any action in response to this Notice. By being part of the Settlement Class and receiving the account credit or refund payment, you will also be bound by any judgment entered by the Court, and you will release your claims against Defendants about the collection lawsuits at issue.
2. **Exclude yourself from the Settlement Class and the settlement.** You can exclude yourself from the class action and the settlement (or “opt out”) by filing a written request with the Clerk of the Circuit Court of St. Clair County, 10 Public Square, Belleville, Illinois 62220. That request must be postmarked on or before October 24, 2022, and it must list your name, street address, and the name and number of this case. You must sign your request for exclusion and mail copies, postmarked by the same date, to:

For the Settlement Class:

Sean K. Cronin
Brendan M. Nester
Donovan Rose Nester, PC
15 North 1st Street
Belleville, Illinois 62220
T: (618) 212-6500
scronin@drnpc.com
bnester@drnpc.com

David Cates
The Cates Law Firm, LLC
216 West Pointe Drive, Suite A
Swansea, Illinois 62226
T: (618) 277-3644
dcates@cateslaw.com
cmooney@cateslaw.com

For Defendants:

Nabil Foster
Barron and Newburger, PC
53 West Jackson, Suite 1205
Chicago, IL 60604
T: (312) 767-5750
nfoster@bn-lawyers.com
bmyers@grsm.com

Mark Bauman
Hinshaw & Culbertson LLP
521 West Main Street, Suite 300
Belleville, Illinois 62220
T: (618) 277-2400
mbauman@hinshawlaw.com

3. **Object to the settlement in writing.** If you object to the settlement, and wish to file an objection rather than excluding yourself, you must submit your objection in writing to the Clerk of the Circuit Court of St. Clair County, 10 Public Square, Belleville, Illinois 62220. Your objection must be postmarked by October 24, 2022. You must also serve copies of your objection and any supporting memoranda or materials on each of the attorneys for the Settlement Class and for Defendants listed above, postmarked by the same date. Your objection must be signed under penalty of perjury and must identify (1) your name, address, and telephone number, (2) all attorneys who assisted you in the preparation or filing of your objection, (3) a list of all other class action cases in which you or your attorneys have submitted an objection to a settlement, including case name, court, case number, and how much, if any amount, was paid in connection with the objection, and (4) a statement of the reasons why you believe the Court should find that the proposed settlement is not fair, reasonable, adequate, and in the best interests of the Class. If your objection does not comply with these requirements, the Court may strike and disregard your objection. If you file an objection and wish to present it to the Court in person, then you must appear at the final approval hearing before Judge Chris Kolker of the Circuit Court of St. Clair County, 10 Public Square, Belleville, Illinois 62220 on November 14, 2022, at 11:00 a.m. Check with the Circuit Clerk’s office at the Court House for courtroom location on the day of the hearing. You are not required to attend this hearing in order for your objection to be considered by the Judge. If you submit an objection in writing by the postmark date, then the Judge will review and consider your objection.

- E. WHEN WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?** The Court will hold a hearing to decide whether the proposed settlement is fair and reasonable and should be approved. At that fairness hearing, the Court will hear any objections and arguments about the proposed settlement, including the amount of the award of costs and attorneys’ fees to Class Counsel. The fairness hearing will take place on November 14, 2022, at 11:00 a.m., in the Circuit Court of St. Clair County, 10 Public Square, Belleville, Illinois 62220. Check with the Circuit Clerk’s office at the Court House for courtroom location on the day of the hearing. **You do not need to attend this hearing.** The fairness hearing may be continued to a future date without further notice. If the Court does not approve the settlement, the case will proceed as if no settlement has been attempted. If the settlement is not approved, there is no assurance that the Settlement Class will recover more than is provided in the settlement, or anything at all.

F. WHO REPRESENTS THE CLASS? The Court appointed Vittorio Blaylock and Casey Davis, As Independent Administrator of the Estate of Guillermo Macia to be the “Class Representatives” and appointed Sean Cronin of Donovan Rose Nester, PC, and David Cates and The Cates Law Firm, LLC as “Class Counsel.” At the fairness hearing, Class Counsel will request that the Court approve an incentive award of \$5,000 to each of the Class Representatives. Additionally, Class Counsel will request that the Court award attorneys’ fees and costs of up to \$4,000,000.00 to Class Counsel, and an estimated \$40,000 to pay the Settlement Administrator’s expenses.

G. HOW DO I OBTAIN MORE INFORMATION ABOUT THE LAWSUIT OR THE SETTLEMENT? This description of the litigation is general and does not cover all of the issues and proceedings. To see a copy of the Class Action Complaint or the settlement agreement, you may visit the office of the Clerk of the Circuit Court of St. Clair County, 10 Public Square, Belleville, Illinois 62220. The Clerk will make them available to you for inspection and copying at your own expense. These documents are also available on the settlement website, www.LVNVsettlement.com.

You may contact the Settlement Administrator— Analytics Consulting LLC—by calling 844-460-2947.

If you have specific questions for Class Counsel, the address and telephone numbers are set forth above. Include the case number, your name, your fax number, and your telephone number.

Do not contact the Clerk of the Court, the Judge, or the Judge’s staff, because they cannot answer your questions or give you advice about this settlement.

**BY ORDER OF THE COURT
HONORABLE PATRICK FOLEY**