

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

The case is *Nochum C. Wilner v. G. Moss Codilis & Associates, LLP and American Home Mortgage Servicing, Inc. now known as Homeward Residential Inc.*,
Case No. 11 CV 8154 (KMK)(LS).

A Federal court authorized this notice.
This is not a solicitation from a lawyer.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

RETURN A CLAIM FORM POSTMARKED BY AUGUST 26, 2013.	If you submit a claim form postmarked by August 26, 2013, you will remain in the Settlement Class and you will be entitled to receive a cash payment from the Settlement Fund.
DO NOTHING BUT STAY IN THE SETTLEMENT	By doing nothing you will still be bound by the terms of the settlement agreement and any order the Court issues, but you will NOT receive a cash payment.
EXCLUDE YOURSELF	You will receive no benefits, but you will not be giving up your legal claims against the defendants.
OBJECT	Write to the Court about why you don't like the settlement. You may also appear at the fairness hearing.
GO TO A HEARING	Ask to speak in Court about the fairness of the settlement after first sending a written objection to the Court.

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

1. Why did I get this notice?

Plaintiff, Nochum C. Wilner ("plaintiff"), filed a class action lawsuit and alleges that defendants Moss Codilis & Associates, LLP ("Moss") and American Home Mortgage Servicing, Inc. ("AHMSI") now known as Homeward Residential Inc. ("Homeward"), violated the Fair Debt Collection Practices Act ("FDCPA" or "the Law") by sending a collection letter on Moss letterhead and which Plaintiff alleges was sent by AHMSI. Defendants deny all of these factual allegations and the Court has not made a finding of liability against Defendants. You received this notice because you have been identified as a person who is a recipient of the Collection Letter during a period beginning on November 10, 2010 and ending November 30, 2011.

2. What is this lawsuit about?

In this lawsuit, Plaintiff asserted a claim pursuant to the FDCPA against Defendants Moss and Homeward in connection with a collection letter on Moss letterhead which Plaintiff alleges was sent by AHMSI. Defendants deny all of these factual allegations and the Court has not made a finding of liability against Defendants.

3. Why is this a class action?

In a class action, one or more people called Class Representatives (in this case, Nochum C. Wilner), sue on behalf of a group (or a "Class") of people who have similar claims.

4. Why is there a settlement?

In order to avoid the cost, risk and delay of litigation, the parties agreed to settle.

5. How do I know if I am a part of the settlement?

The class consists of (a) all individuals with mailing addresses in New York (b) who were sent a collection letter on Moss letterhead which Plaintiff purports was sent by AHMSI but which Defendants deny (c) where the mailing address and the property address are the same and (d) the property is shown by [Homeward's] records as having two or fewer units (condominiums and cooperatives are included) and (e) the letter was sent at any time during a period beginning one year prior to the filing of this action (November 10, 2010) and ending 20

days after the filing of this action (November 30, 2011).

You are receiving this notice because the defendants have identified you as a member of the Class. There are approximately 10,282 persons in the Class.

YOUR BENEFITS UNDER THE SETTLEMENT

6. What can I get from the settlement?

If you submit a claim form by **August 26, 2013** you will receive a portion of the \$55,000.00 (minus plaintiff's recovery of \$2,000.00) class settlement fund established by the defendants.

After the deduction of plaintiff's award (\$2,000.00), the remaining \$55,000.00 will be divided equally among all Class members who return a claim form. If all of the Class members return claim forms, which is unlikely, each claimant will receive approximately \$5.35. However, Class Counsel expects that between 10%-20% of the Class members will return a claim form, meaning that each claimant will likely receive between \$26.75 and \$53.50.

7. When will I receive these benefits?

If you return a claim form, you will receive these benefits approximately sixty (60) days after the settlement has been given final approval by the Court, assuming that no party seeks an appeal of the settlement.

8. I want to be a part of the settlement and receive these benefits. What do I do?

You must return the claim form attached to the end of this notice by **August 26, 2013** in order to receive a cash payment from the Settlement Fund.

9. What am I giving up to receive these benefits?

By staying in the Class, all of the Court's orders will apply to you, and you give defendants a "release." Anyone who does not specifically exclude themselves from the Class will give defendants a release. A release means you can't sue or be part of any other lawsuit against defendants about the claims or issues in this lawsuit.

10. How much will the Class Representative receive?

The defendants have agreed to pay \$2,000.00 to plaintiff for his alleged statutory and actual damages and for his service as the Class Representative. His recovery will be deducted from the Class Settlement Fund. This award is subject to the Court's Approval.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want to receive the benefits of the settlement, but you want to keep your legal claims against the defendants, then you must take steps to get out. This is called excluding yourself.

11. How do I get out of the settlement?

To exclude yourself from the settlement, you must submit a Request for Exclusion or Opt Out from *Nochum C. Wilner v. G. Moss & Associates, LLP, et al.*, Case No. 11 CV 8154 (KMK)(LS). For your Request for Exclusion to be effective, you must check the appropriate box on the claim form attached to the end of this notice or submit a letter stating words to the effect of: "I WANT TO BE EXCLUDED FROM THE SETTLEMENT CLASS IN WILNER v. G. MOSS & ASSOCIATES, LLP and AMERICAN HOME MORTGAGE SERVICING, INC." Also be sure to include your name, address, telephone number, and your signature.

You must mail your exclusion request so that it is postmarked **no later than August 26, 2013**, and sent to the following addresses:

Cathleen M. Combs
Tiffany N. Hardy (#26141)
EDELMAN, COMBS, LATTURNER AND
GOODWIN, LLC
120 South LaSalle Street, Suite 1800
Chicago, IL 60603

Concepcion A. Montoya
HINSHAW & CULBERTSON LLP
780 Third Avenue, 4th Floor
New York, NY 10017

Be sure to include the name and number of the case.

12. If I exclude myself, do I still receive benefits from this settlement?

No, you will not receive anything resulting from the settlement of this case, but you will have the right to sue the defendants over the claims raised in this case on your own in a different lawsuit. If you exclude yourself, the time you have in which to file your own lawsuit (called the "statute of limitations") will begin to run again. You will have the same amount of time to file the suit that you had when this case was filed.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

The Court has named the law firms of Edelman, Combs, Latturner & Goodwin, LLC and Kleinman,

LLC as Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense. If you choose to hire your own lawyer, he or she must file an appearance by **August 26, 2013**.

14. How will the lawyers be paid?

Class Counsel, Edelman, Combs, Lattuner & Goodwin, LLC and Kleinman, LLC will ask the Court for attorney's fees and expenses of no more than \$34,113.31 to be paid by defendants. This will be paid in addition to the Settlement Fund and will not reduce the recovery to any Class Member.

CLASS COUNSEL'S VIEWS ABOUT THE SETTLEMENT

15. Is this a fair settlement?

Class Counsel believes that this settlement is fair. The claim asserted on behalf of the Class against the defendants is under the Fair Debt Collection Practices Act. ("FDCPA") The FDCPA is a federal statute which provides for both individual actions and class actions.

In an individual action, the person bringing the suit may recover (i) any actual damages suffered, if proven, and (ii) statutory damages of between \$0 and \$1,000. In a class action, the maximum possible recovery is (i) any actual damages suffered by the Class members and (ii) the lesser of 1% of the defendant's net worth or \$500,000. The Court, in its discretion, may award anything from \$0 up to the maximum amount to a prevailing party. In either an individual or a class action, the person bringing the suit can also recover attorney's fees and the expenses of prosecuting the suit, if it is successful. No actual damages were sought in this case on behalf of the Class.

Given each of the defendant's net worth and in light of the violations alleged, Class Counsel believes this is a fair settlement.

16. What is the Defendants' view of this settlement?

Defendants believe that the settlement is fair, constituting the complete relief available to the Class under the Law.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do or do not agree with the settlement or some part of it.

17. How do I tell the Court that I do or do not like the Settlement?

If you are a Class Member, you can comment on the settlement. In order to comment on the settlement or any part of the settlement, you may send a letter (or legal brief) stating that you object and the reasons why you think the Court should not approve the settlement. You must include the name and number of the case: *Nochum C. Wilner v. G. Moss & Associates, LLP, et al.*, Case No. 11 CV 8154 (KMK)(LS), your name, address, telephone number and your signature. If you submit a written objection, you may appear at the fairness hearing (explained below in answer to Question no. 18).

You must mail your written objection so that it is postmarked no later than **August 26, 2013** to:

United States District Court for the Southern District
of New York
ATTN: Clerk of Court
300 Quarropas Street
White Plains, NY 10601

You must also send a copy of your comment to the following. Be sure to include the name and number of the case on your written comment.

Cathleen M. Combs
Tiffany N. Hardy (#26141)
EDELMAN, COMBS, LATTURNER AND
GOODWIN, LLC
120 South LaSalle Street, Suite 1800
Chicago, IL 60603

Concepcion A. Montoya
HINSHAW & CULBERTSON LLP
780 Third Avenue, 4th Floor
New York, NY 10017

THE FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the settlement. You may attend if you submit a written objection by **August 26, 2013**, but you are not required to do so.

18. Where and when is the fairness hearing?

The Court will hold a fairness hearing on **September 13, 2013 at 10:00 a.m.** in the courtroom of Judge Kenneth M. Karas, Room 521 of The Hon. Charles L. Brieant Jr., Federal Building, 300 Quarropas Street, White Plains, New York 10601. The purpose of the hearing will be for the Court to determine whether the proposed settlement is fair, reasonable and adequate and in the best interests of the Class and to determine the appropriate amount of compensation

for the Class Counsel. At that hearing the Court will be available to hear any objections and arguments concerning the fairness of the proposed settlement.

The hearing may be postponed to a later date without notice.

YOU ARE NOT REQUIRED TO ATTEND THIS HEARING.

GETTING MORE INFORMATION

19. How do I get more information?

You can call the firms representing the Class, Edelman, Combs, Lattuner & Goodwin, LLC at (312) 739-4200, or Kleinman, LLC, at (516) 522-2621 if you have any questions. Before doing so, please read this full notice carefully. You can also send an email to info@edcombs.com or obtain information through its website at www.edcombs.com.

20. What if I have a new address?

If this notice was sent to you at your current address, you do not have to do anything more to receive further notices concerning this case. However, if this notice was forwarded to you, or if it was otherwise sent to you at an address that is not current, you should immediately send a letter to:

**Cathleen M. Combs
Tiffany N. Hardy (#26141)
EDELMAN, COMBS, LATTURNER & GOODWIN, LLC
120 S. LaSalle St., Suite 1800
Chicago, Illinois 60603**

DO NOT CONTACT THE COURT REGARDING THIS NOTICE.

PROOF OF CLAIM FORM

**RE: WILNER V. G. MOSS & ASSOCIATES, LLP, ET AL
CASE NO. 11-CV-8154**

_____ **I WISH TO PARTICIPATE IN THE SETTLEMENT BENEFITS** _____ **I OBJECT TO THE SETTLEMENT**

IMPORTANT: THIS CLAIM FORM MUST BE POSTMARKED ON OR BEFORE _____, 2013 AND MAILED TO THE FOLLOWING ADDRESS:

**Cathleen M. Combs
Tiffany N. Hardy (#26141)
EDELMAN, COMBS, LATTURNER & GOODWIN, LLC
120 S. LaSalle St., Suite 1800
Chicago, Illinois 60603**

PLEASE LEGIBLY PRINT THE FOLLOWING INFORMATION:

NAME: _____

MAILING ADDRESS: _____

IF YOUR NAME DIFFERS FROM THAT WHICH APPEARS ON THE MAILING LABEL, PLEASE NOTE THE NAME OF THE PERSON TO WHOM THIS NOTICE WAS ADDRESSED HERE:

IF THIS NOTICE WAS MAILED TO AN ADDRESS OTHER THAN YOUR CURRENT ADDRESS, PLEASE NOTE THE ADDRESS HERE:

SIGNATURE: _____