

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

Pamela Casso v. LVNV Funding et. al.
Case No. 12-cv-7328, Judge John W. Darrah

NOTICE OF PENDENCY OF CLASS ACTION

*PLEASE READ THIS NOTICE CAREFULLY.
YOU HAVE RIGHTS RELATING TO A PENDING LAWSUIT.
YOU MAY BENEFIT FROM READING THIS NOTICE.
THIS IS NOT A LAWSUIT AGAINST YOU.*

To: **Class:** All natural persons with (a) Illinois addresses (b) to whom LVNV provided an affidavit in connection with a lawsuit (c) concerning a Citibank debt (d) on or between September 13, 2011 and October 3, 2012.

WHY ARE YOU RECEIVING THIS NOTICE?

You are a class member in a class-action lawsuit filed against the defendants, LVNV Funding, LLC (“LVNV”), Resurgent Capital Services, LP (“Resurgent”) and Alegis Group, LLC (“Alegis”), because a lawsuit to collect a debt was previously filed against you by LVNV, to which an affidavit was attached stating that the affiant reviewed business records which established the amount of your alleged debt and the original holder of your alleged debt.

WHAT IS THIS LAWSUIT ABOUT?

This lawsuit claims that defendants violated a federal law called the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA"). Plaintiff claims that defendants filed lawsuits claiming that they had business records to support their claim when, in fact, they had no such records and, based upon their agreements with the original creditor, could not have retrieved such records from a third party. The defendants deny they violated any laws and deny liability to Plaintiff, the classes, and the subclass.

THE COURT HAS MADE NO FINDING OF LIABILITY AGAINST DEFENDANTS and defendants deny any wrongdoing. Further, if the Court ultimately finds that there was no violation of the law or that the alleged violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid such error, the class members will receive nothing. At this time, this class-action and Notice has no impact on any collection activity, including litigation, defendants have taken against you, and such activity may be ongoing at this time.

If Plaintiff prevails, you may be entitled to recover statutory damages under the FDCPA. Under the statute, an individual can recover: i) any actual damages suffered; ii) statutory damages from \$0-\$1,000; and iii) attorney’s fees. In a class action, the class as a whole may recover up to \$500,000 or 1% of the defendant’s net worth, whichever is less. Defendants estimate that there are approximately 3,197 members of the class.

WHAT ARE YOUR OPTIONS?

Judge Darrah has determined that this case can proceed as a class action. However, the claim is disputed and defendants deny all liability. There is no guarantee that Plaintiff will prevail, or that Plaintiff and the class members will obtain a recovery.

As a member of the class you have the choice of remaining in or excluding yourself from the class. Please review your options below. Each choice has certain risks and consequences. You have the right to discuss your decision with Class Counsel or your own attorney.

a) REMAIN IN THE CLASS

You do not need to take any further action if you want to remain a member of the class. You will be represented by the law firm that brought this action on behalf of the Plaintiff which has been designated as the Class Counsel by Judge Darrah. These attorneys are:

Daniel A. Edelman
Cathleen M. Combs
James O. Lattuner
Emiliya Gumin Farbstein
EDELMAN, COMBS, LATTURNER & GOODWIN, LLC
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If you stay in the class, you will be bound by the result of the lawsuit, whether the result is favorable or unfavorable. This means, for example, if the judge enters a judgment against defendants, you might receive money from the lawsuit. On the other hand, if the judge finds no liability on the part of defendants, you would not receive any money.

b) EXCLUDE YOURSELF FROM THE CLASS

If you exclude yourself from the class, you: (i) will not be bound by any judgment or disposition of this case; (ii) will retain any claims you may have against defendants; and (iii) will not share in any recovery that may be awarded by the Court or obtained under any settlement with defendants.

If you elect to be excluded from the class, you may file an individual action or intervene in this action. You also have the right to file an appearance yourself or through an attorney. If you want your own lawyer to represent you in an individual case, the terms of such representation are for you and your lawyer to negotiate.

The statute of limitations, which stopped running on September 13, 2012, when this case was filed, will begin running again upon your filing of request for exclusion. You will have the same number of days to file suit as you had on September 13, 2012. Your request to exclude yourself must be postmarked by _____, and sent to class counsel listed above.

CORRECT ADDRESS

If this Notice was sent to you at your current address, you do not have to do anything to receive any further notices concerning this case. If it was forwarded by the postal service, or if it was otherwise addressed to you at an address which is not current, you should immediately send a letter to Edelman, Combs, Lattuner & Goodwin, LLC at the address listed above.

If the person to whom this notice was sent is deceased, kindly send a letter to the same lawyers with this information and include any supporting documentation.

INQUIRIES

Any questions you have concerning this notice should be directed to Edelman, Combs, Lattuner & Goodwin, LLC. Please include the case name and number (“*Casso v. LVNV Funding et. al.* Case No. 12 CV 7328, File 26852”), your name and your address on any letters, and not just on the envelope.

DO NOT CONTACT THE COURT OR THE JUDGE REGARDING THIS NOTICE.