

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF INDIANA

**If you were sued by LVNV Funding, LLC,
you may benefit from this class action settlement.**

The case is titled Linda Byrd v. LVNV Funding et. al., Case No. 1:12-cv-00968-SEB-DKL

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

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

DO NOTHING BUT STAY IN THE SETTLEMENT	<p>If you have an account balance between \$500 to \$5000 on the account LVNV Funding, LLC was attempting to collect from you as of November 16, 2015, you will receive an account credit as explained in section #6 below.</p> <p>If you have an account balance of less than \$500 on the account LVNV Funding, LLC was attempting to collect from you as of November 16, 2015, your debt will be forgiven.</p> <p>If you have an account balance of \$0 on the account LVNV Funding, LLC was attempting to collect from you as of November 16, 2015, you will receive a cash payment of \$200.00. (However, you will not be able to receive a cash payment if you have filed for Chapter 7 bankruptcy as of November 16, 2015.)</p>
EXCLUDE YOURSELF	<p>You will receive no benefits, but you will not be giving up your legal claims against the defendant.</p>
OBJECT	<p>Write to counsel about why you don't like the settlement. You may also appear at the fairness hearing.</p>
GO TO A HEARING	<p>Ask to be heard with regard to the fairness of the settlement.</p>

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

1. Why did I get this notice?

Plaintiff, Linda Byrd ("plaintiff"), filed a class action lawsuit alleging that defendant, LVNV Funding, LLC, Resurgent Capital Services, L.P. and Alegis Group, LLC ("Defendants"), violated the Fair Debt Collection Practices Act ("FDCPA" or "the Law") by suing plaintiff by filing a collection suit against Plaintiff in a judicial district in which she neither lived nor signed the underlying contract. Defendants deny that their conduct violated the law. You received this notice because you have been identified from the defendants' records as a person defendants sued during the relevant time period.

2. What is the lawsuit about?

In this lawsuit, the plaintiff claimed that defendants violated the Fair Debt Collection Practices Act by suing plaintiff by filing a collection suit against Plaintiff in a judicial district in which she neither lived nor signed the underlying contract. The defendants deny that their conduct violated the Law and have asserted affirmative defenses to the plaintiff's claim, including that any violation was unintentional and the result of a bona fide error.

3. Why is this a class action?

In a class action, one or more people called Class Representatives (in this case, Linda Byrd), 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, delay of litigation and uncertainty of trial the parties agreed to settle.

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

The Court has decided that everyone falling under the following definition is a Class Member:

(a) all natural persons (b) sued by LVNV (c) in a township small claims court (d) for a township other than one in which the person resided or signed a contract on which the debt is based (e) where either the original action or a proceeding supplemental was filed on or after a date one year prior to the filing of this action, and less than 20 days after the filing of this action

You have been identified as a member of this class. There are approximately 399 persons in the class.

YOUR BENEFITS UNDER THE SETTLEMENT

6. What can I get from the settlement?

If you have a \$0 balance on the account defendants were attempting to collect from you as of **November 16, 2015**, you will receive a cash payment of \$200.

If you have an account balance between \$.01 and \$500.00 on the account defendants were attempting to collect from you as of **November 16, 2015**, your debt will be forgiven.

If you have an account balance of between \$501.00 and \$1,000.00 on the account defendants were attempting to collect from you as of **November 16, 2015**, you will receive a credit on your account of 40 percent.

If you have an account balance of between \$1,001.00 and \$4,999.00 on the account defendants were attempting to collect from you as of **November 16, 2015**, you will receive a credit on your account of 20 percent.

If you have an account balance of more than \$5,000.00 on the account defendants were attempting to collect from you as of **November 16, 2015**, you will receive a credit on your account of 10 percent.

7. When will I receive these benefits?

You will receive these benefits approximately sixty-five (65) days after the settlement has been approved.

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

You do not have to do anything in order to receive these benefits.

9. I want to participate in the settlement. Is there any reason I would not be able to benefit from the settlement?

Yes. If you have filed for Chapter 7 bankruptcy prior to **November 16, 2015**, you will be excluded from this class.

10. 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." A release means you can't sue or be part of any other lawsuit against defendants about the claims or issues in this lawsuit, or any other claims arising out of any collection lawsuit filed against you.

11. How much will the Class Representative receive?

The defendants agreed to pay \$2,500.00 to Plaintiff in the settlement of her individual claims and for serving as the Class Representative.

This 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 defendant, then you must take steps to get out. This is called excluding yourself.

12. How do I get out of the settlement?

To exclude yourself from the settlement, you must send a letter by mail stating that you want to be excluded from *Byrd v. LVNV*, Case No. 1:12-cv-00968-SEB-DKL (S.D. Ind.). 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 February 1, 2016**, and sent to both of the following addresses:

EDELMAN, COMBS, LATTURNER
AND GOODWIN, LLC (27030)
20 S. Clark St.
Suite 1500
Chicago, IL 60603

Nabil Foster
HINSHAW & CULBERTSON, LLP
222 N. LaSalle Street
Suite 300
Chicago, Illinois 60601

Be sure to include the name and number of the case. Do not send your letter directly to the Court. The attorneys will notify the Court of any and all objections and/or opt outs.

13. 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

14. Do I have a lawyer in this case?

The Court has approved the law firm of Edelman, Combs, Latturner & Goodwin, LLC as Class Counsel. 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 **February 1, 2016**.

15. How will the lawyers be paid?

Class Counsel, Edelman, Combs, Latturner & Goodwin, LLC, will ask the Court for attorney's fees and expenses of no more than \$50,000.00. You will not be charged by these lawyers; they will receive a payment from the Defendants in the amount of \$50,000.00, if that amount is approved by the Court.

CLASS COUNSEL'S VIEWS ABOUT THE SETTLEMENT

16. Is this a fair settlement?

Class Counsel believes that this settlement is fair and the Court has given preliminary approval to it, finding it to be fair, adequate and reasonable. The claim asserted on behalf of the class against the defendant 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; and (ii) statutory damages of between \$0 and \$1,000.00. 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 \$500,000.00. 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 classes.

In this case, the available net worth for computing 1% of defendants' net worth is disputed, but Defendants' represent that 1% of the disputed available net worth is between \$90,000 and \$140,000. Based on Defendants' representations, the total value of checks and credits issued to class members will be approximately \$125,521.12. Therefore, according to the FDCPA, this settlement would be favorable.

In light of the violations alleged, class counsel believes this is a fair settlement.

17. What is the Defendant's view of this settlement?

As stated above, by settling this lawsuit, the defendants are not admitting that they have done anything wrong. The defendants expressly deny the claims asserted by the plaintiff and deny all allegations of wrongdoing and liability.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do or do not agree with the settlement or some part of it. The Court will be informed of your disagreement with the settlement or some part of it by Counsel for the Parties.

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

If you are a Class Member, you can object to the settlement. In order to object to the settlement or any part of the settlement, you must 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: *Byrd v. LVNV*, Case No. 1:12-cv-00968-SEB-DKL (S.D. Ind.), your name, address, telephone number and your signature. If you are objecting to the settlement, you may also appear at the fairness hearing (explained below in answer to question no. 19).

You must mail your written objection so that it is postmarked no later than **February 1, 2016** to both of the following addresses:

EDELMAN, COMBS, LATTURNER
AND GOODWIN, LLC (27030)
20 S. Clark St.
Suite 1500
Chicago, IL 60603

Nabil Foster
HINSHAW & CULBERTSON, LLP
222 N. LaSalle Street
Suite 300
Chicago, IL 60601

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

THE FAIRNESS HEARING

The Court will hold a hearing to decide whether to give final approval to the settlement. You may attend if you wish, but you are not required to do so.

19. Where and when is the fairness hearing?

The Court will hold a fairness hearing on **March 28, 2016 at 11:00 a.m.** in Room 216, the courtroom of Judge Sarah Evans Barker. 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

20. How do I get more information?

You can call Edelman, Combs, Lattuner & Goodwin, LLC, the firm representing the class, at (312) 739-4200 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. Please do not contact the Court directly for information regarding this settlement.

21. 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:

Class-Settlement.com
Attn: Byrd v LVNV
PO Box 9009
Hicksville, NY 11802-9009

DO NOT CONTACT THE COURT REGARDING THIS NOTICE.