

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

Magee and Peterson v. Portfolio Recovery Associates, LLC

Case No. 12 CV 1624, 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 One:** (a) All individuals in Illinois and Indiana (b) to whom PRA (c) sent a letter that referred to a “settlement” seeking to collect a debt (d) which debt was (i) a credit card on which the last payment had been made more than five years prior to the letter in Illinois or (ii) a credit card debt on which the last payment had been made more than six years prior to the letter in Indiana (e) which letter was sent on or after March 6, 2011 (one year prior to the filing of this action) and on or before March 26, 2012 (20 days after the filing of this action), but (f) excluding all individuals who (i) neither made a payment after receipt of that letter nor sued and (ii) later received a correspondence from PRA informing them that the debt was beyond the statute of limitations

Class Two: (a) All individuals in Illinois and Indiana (b) with respect to whom PRA sent or caused to be sent a letter (directly or by an agent or attorney) (c) to collect a credit card debt (d) more than seven years after charge-off based on defendant’s records (e) which letter referred to “trade line,” “credit report” or “credit reporting agencies” (f) was sent at any time during a period beginning March 6, 2011 and ending August 26, 2012, but (f) excluding all individuals who (i) neither made a payment after receipt of that letter nor sued and (ii) later received a correspondence from PRA informing them that the debt would no longer be reported to the credit reporting agencies or bureaus.

WHY ARE YOU RECEIVING THIS NOTICE?

You are a class member in a lawsuit filed against the defendant, Portfolio Recovery Associates, LLC (“PRA”). You previously received a collection letter from PRA seeking to collect an alleged credit card balance.

WHAT IS THIS LAWSUIT ABOUT?

This lawsuit claims that defendant violated a federal law called the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* (“FDCPA”). Plaintiffs claim that the letters PRA sent to them and class members violated the FDCPA by attempting to collect a time-barred debt without disclosure of that fact and by referencing credit reporting when PRA could no longer legally report the debt to the credit bureaus. The defendant denies they violated any laws and denies liability to Plaintiffs and the classes.

THE COURT HAS MADE NO FINDING OF LIABILITY AGAINST DEFENDANT and defendant denies any wrongdoing. Further, if the Court ultimately finds that there was no violation of the law, the class members will receive nothing. At this time, this class-action and Notice has no impact on any collection activity, including litigation, defendant has taken against you, and such activity may be ongoing at this time.

If Plaintiffs prevail, you may be entitled to recover statutory and actual 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. Defendant estimates that there are approximately 7,445 class members in Class One and 4,386 class members in Class Two.

WHAT ARE YOUR OPTIONS?

Judge Darrah has determined that this case can proceed as a class action. However, the claim is disputed and defendant denies all liability. There is no guarantee that Plaintiffs will prevail, or that Plaintiffs and the class members will obtain a recovery. However, other Judges in this Court have held PRA liable for using letters and language similar to those complained of by Plaintiffs here. Defendant disputes the application of those decisions to the facts of this case.

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 Plaintiffs, which has been designated as the Class Counsel by Judge Darrah. These attorneys are:

Cassandra P. Miller (#26565)
EDELMAN, COMBS, LATTURNER & GOODWIN, LLC
20 S. Clark St., Suite 1500
Chicago, IL 60603
(312) 917-4504
Info@edcombs.com (e-mail)
www.edcombs.com (website)

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 March 6, 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 March 6, 2012. Your request to exclude yourself must be postmarked by April 4, 2016, 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 ("*Magee et al. v. PRA*, Case No. 12 CV 1624, File 26565"), 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.