

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA**

Mitchell v. LVNV Funding, LLC, et al
Case No. 2:12 -cv-00523 TLS-APR

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.*

WHY ARE YOU RECEIVING THIS NOTICE?

You have been identified as a potential class member in a lawsuit filed against the defendants, LVNV Funding, LLC (“LVNV”), Resurgent Capital Services, LP (“Resurgent”), and Alegis Group, LLC (“Alegis”) (collectively “Defendants”).

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 a letter sent by or on behalf of defendants to her and the class members violated the FDCPA because it contained a settlement offer on a debt for which the statute of limitations had passed without disclosure of that fact. The defendants deny that they violated any laws and deny liability to Plaintiff and the Class.

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, 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 Plaintiff prevails, 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 defendants’ net worth, whichever is less. Defendants estimates that there are approximately 12,645 class members.

WHO IS IN THE CLASS?

On November 10, 2015 the Court certified a class defined as: (a) all individuals in Indiana or Illinois (b) to whom LVNV or Resurgent or any debt collector employed by LVNV or Resurgent (c) sent a letter seeking to collect (d) a credit card debt on which the last payment had been made more than five years (Illinois residents) or six years (Indiana residents) prior to the letter (e) which letter was sent on or after (i) December 17, 2012 in the case of Indiana residents or (ii) February 28, 2011 in the case of Illinois residents and (f) on or before January 7, 2013 (g) where the individual after receipt of the letter, (i) made a payment, (ii) filed suit, or (iii) responded by requesting verification or contesting the debt.

WHAT ARE YOUR OPTIONS?

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

Tiffany N. Hardy (#27474)
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.

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 (“*Mitchell. v. LVNV Funding, LLC*, Case No. 2:12 -cv-00523 TLS-APR, File 27474”), 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.