

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

*McMahon v. LVNV Funding, LLC, et al*  
Case No. 1:12 -cv-01410, Judge Jorge L. Alonso

**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”), Alegis Group, LLC (“Alegis”) and Tate & Kirlin Associates, Inc. (“Tate”) (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 you and the other class members violated the FDCPA because it contained a settlement offer on a debt for which defendant could not sue the recipient of the letter because the statute of limitations (the period in which a claim may be filed) had expired without disclosure of that fact.

THE COURT HAS MADE NO FINDING OF LIABILITY FOR OR AGAINST DEFENDANTS. Defendants deny any wrongdoing. If the Court ultimately finds that there was no violation of the law, the class members will receive nothing.

Under the FDCPA, an individual can recover in an individual case: (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 (i) actual damages plus (ii) statutory damages up to \$500,000 or 1% of the debt collector's net worth, whichever is less. Defendants estimate that there are approximately 161,750 class members.

**WHO IS IN THE CLASS?**

On February 21, 2017 the Court certified a class defined as: (a) all individuals in Illinois (b) to whom LVNV, Resurgent or any debt collector employed by LVNV or Resurgent (c) sent a letter seeking to collect a debt that referred to a “settlement” (d) which debt was (i) a credit card debt on which the last payment had been made more than five years prior to the letter, or (ii) a debt arising out of the sale of goods (including gas) on which the last payment had been made more than four years prior to the letter (e) which letter was sent on or after February 28, 2011 and on or before March 19, 2012, (f) 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. You have been identified as a member of the class.

**WHAT ARE YOUR OPTIONS?**

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 Alonso. These attorneys are:

Tiffany N. Hardy (#26519)  
EDELMAN, COMBS, LATTURNER & GOODWIN, LLC  
20 S. Clark St., Suite 1500  
Chicago, IL 60603  
(312) 929-2000  
[Info@edcombs.com](mailto:Info@edcombs.com) (e-mail)  
[www.edcombs.com](http://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 will 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 wish to exclude yourself, your request must be postmarked by **May 11, 2017** and sent to EDELMAN, COMBS, LATTURNER & GOODWIN, LLC, 20 S. CLARK STREET, SUITE 1500, CHICAGO, ILLINOIS 60603.

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, Latturner & 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, Latturner & Goodwin, LLC. Please include the case name and number ("*McMahon. v. LVNV Funding, LLC*, Case No. 1:12 -cv-01410, File 26519"), 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.***