

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

**If you received a letter from Tate & Kirlin on behalf of First Financial Investment Fund V, LLC that offered to settle or discount a medical debt on which the last payment or activity date had occurred more than 5 years and one month prior to the letter, you may benefit from this class action settlement.
NOTICE OF PENDENCY OF CLASS ACTION AND PROPOSED SETTLEMENT**

**PLEASE READ THIS NOTICE CAREFULLY.
THIS IS NOT A NOTICE OF A LAWSUIT AGAINST YOU.
IF YOU WISH TO RECEIVE A PORTION OF THE CLASS SETTLEMENT PROCEEDS
DESCRIBED BELOW, YOU MUST COMPLETE AND RETURN A
CLAIM FORM BY June 12, 2017.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

COMPLETE A CLAIM FORM TO RECEIVE A PORTION OF SETTLEMENT PROCEEDS	If you wish to receive a portion of the Class Recovery, you must complete and return the claim form on or before June 12, 2017.
EXCLUDE YOURSELF	You will receive no benefits, but you will retain all of your legal claims against the Defendants.
OBJECT	Write to the Court explaining why you don't like the settlement. You may also appear at the fairness hearing.
GO TO A HEARING	Ask to speak in Court about the fairness of the settlement.
DO NOTHING	If you do nothing, you will receive no benefits from the settlement and will not retain your legal claims for statutory damages against the Defendants.

1. WHY DID YOU GET THIS NOTICE?

You received this Notice because you have been identified as a person who was sent a letter by Tate & Kirlin Associates, Inc. ("T&K") on behalf of First Financial Investment Fund V, LLC ("First Financial") and you fall within the class defined in paragraph 3 below. The purpose of this Notice is to advise you of a proposed settlement in the lawsuit entitled *Erickson Ocasio v. First Financial Investment Fund V LLC and Tate & Kirlin Associates, Inc.*, Case No. 1:15-cv-10167 ("Litigation") and to also advise you of a hearing to consider that settlement to be held on **July 26, 2017 at 10:00 a.m.** before Judge Ellis, Room 1403 of the U.S. District Court for the Northern District of Illinois, Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn St., Chicago, IL 60604.

2. WHAT IS THIS LAWSUIT ABOUT?

The Litigation claimed that a letter sent by T&K on behalf of First Financial to you and the other class members violated the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692 *et. al.* because it contained a settlement offer on a non-elective medical debt without disclosing that the statute of limitations (the period in which a claim may be filed) had expired.

Counsel for Plaintiff has conducted an extensive investigation into the relevant facts and law underlying Plaintiff's claims, and has concluded that a settlement is in the best interests of Plaintiff and the Class.

This Notice should not be understood as an expression of any opinion by the Court as to merits of any of the claims asserted by Plaintiff or any of the defenses asserted by Defendants.

3. WHO IS IN THE SETTLEMENT?

For settlement purposes only the parties have agreed to certification of a class defined as: (a) all individuals with Illinois addresses (b) to whom defendant T&K (c) sent a letter on behalf of First Financial (c) offering to settle or discount (d) a medical debt on which the last payment or activity date had occurred more than five years and one month prior to the letter, (e) as to which T&K does not have in its possession a written agreement specifying the dollar amount of the debt and agreement to pay it (f) which letter was sent on or after November 9, 2014 and on or before November 30, 2015.

There are approximately 1,460 people in the class.

4. THE SETTLEMENT BENEFITS - WHAT YOU GET

The Agreement calls for the creation of a \$20,000.00 class settlement fund to be divided equally among class members who do not exclude themselves from the class, and who return a completed claim form postmarked by June 12, 2017.

Based on class counsel's experience, class counsel expects that 10%-20% of the class members will submit claim forms resulting in a recovery of \$68-\$136 per class member.

5. CLASS COUNSEL'S OPINION OF THE SETTLEMENT

In an individual lawsuit under FDCPA, a prevailing plaintiff may be able to recover up to \$1000 for statutory damages, any actual damages and reasonable attorneys' fees and costs, and the class may be able to recover up to 1% of the debt collector's net worth, any actual damages and reasonable attorneys' fees and costs. Class Counsel has considered the benefits that the Class will receive under the Agreement, the potential defenses of Defendants, the Defendants' net worth, and the attendant risks, uncertainties and delays of litigation. Consequently, Class Counsel believes the terms of the settlement are fair and reasonable, and the members of the Class should accept this settlement.

6. NO ADMISSION OF LIABILITY BY DEFENDANTS

By entering into this Agreement Defendants do not admit any liability to Plaintiff and the Class. Defendants enter into this Agreement solely to avoid the expense, burden, and uncertainty of further litigation, and to put to rest all claims, known or unknown, that have been or might have been asserted by the Plaintiff or the Class against Defendants and their parent(s) and affiliated entities, concerning the matters alleged in the Litigation.

7. WHAT AM I GIVING UP AS PART OF THE SETTLEMENT?

If you remain in the Class and the settlement becomes final, you will be releasing Defendants from any and all actual or potential claims that were alleged in the Litigation. However, Class Members do not release any claims for actual damages and do not release any claims or defenses concerning the underlying debt T&K was attempting to collect. This release is more fully explained in paragraph 12 of the Agreement. The Agreement is available to view at the Clerk's Office, Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn St., Chicago, IL 60604 during regular business hours.

8. WHAT ARE MY OPTIONS?

OPTION 1: Remain in the Class to receive a share of the Class Recovery. To receive a share of the Class Recovery you must fully complete and submit the claim form at the end of this notice. You must submit the Claim Form to First Class, Inc./ J13468-Ocasio, 5410 W. Roosevelt Rd, Ste 222, Chicago, IL 60644-1490. Claim forms **MUST BE** postmarked by **June 12, 2017**. Payments will be mailed to Class Members 21 days

after the Effective Date of the settlement. The Effective Date is 35 days from the date the Court grants "final approval" of the settlement and any appeals are resolved.

OPTION 2: Exclude Yourself From the Class. If you fall within the Class definition you will be a member of the Class unless you exclude yourself from the Class. If you want to exclude yourself from the Class then you must complete and mail a notice of intention to opt-out ("Opt-Out"), which contains the following: (a) the case name, (b) your full name, address, and telephone number; (c) your signature; and (d) a statement that expressly states your intent not to participate in the settlement and to waive all rights to the benefits of the settlement. In addition, for your Opt-Out to be valid, it must be mailed to the following address postmarked no later than **June 12, 2017**:

First Class, Inc./ J13468-Ocasio
5410 W. Roosevelt Rd, Ste 222
Chicago, IL 60644-1490

If you wish to bring your own individual action (at your expense) against Defendants you must exclude yourself from this case. If you exclude yourself from this case, you will not receive any money from the Class Recovery.

OPTION 3: Object to the Settlement. You can object to the Settlement by telling the Court that you don't agree with the settlement or some part of it. You must give reasons why you think the Court should not approve the settlement. The Court will consider your views if you properly submitted an objection on time. You can object ONLY if you stay in the Class. If you wish to object to the settlement or to any awards to Plaintiff or Class Counsel, then you must send a copy of the objection to Class Counsel: Sarah Barnes, Edelman Combs Lattuner & Goodwin, LLC, 20 S. Clark St., Suite 1500, Chicago, IL 60603; to counsel for First Financial: Nicole Strickler, Messer Strickler LLP, 225 West Washington, Suite 575, Chicago, IL 60602; and to counsel for T&K: Jennifer Weller, Hinshaw & Culbertson LLP, 222 N. LaSalle St. Suite 300, Chicago, IL 60601.

Each objection must (a) provide the case name, (b) set forth the objector's full name, address and telephone number; (c) state the objection to the settlement; (d) set forth a statement of the legal and factual basis for the objection; and (e) provide copies of any documents in support of the objection. If you do not submit a timely objection in accordance with the requirements set forth above, you will not be treated as having filed a valid objection to the settlement.

If you do file an objection and wish it to be considered, you may also appear at the hearing before Judge Ellis, Room 1403 of the U.S. District Court for the Northern District of Illinois, Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn St., Chicago, IL 60604. ("Fairness Hearing"). **YOU ARE NOT REQUIRED TO ATTEND THIS HEARING.** Please note that it is not sufficient to simply state that you object. You must state reasons why the settlement should not be approved.

OPTION 4: Do Nothing. You are not required to do anything in response to this Notice. If you do nothing you will remain a member of the Class and you will release your claims against Defendants, but you will not receive any portion of the Class Recovery.

9. WHO ARE COUNSEL FOR PLAINTIFF AND CLASS COUNSEL?

The Court has appointed the following attorneys to represent you and other members of the Class in this lawsuit:

Edelman, Combs, Lattuner & Goodwin, LLC
20 S. Clark St., Suite 1500
Chicago, IL 60603

These attorneys represent your interests in this lawsuit. You may contact them with any questions that you have about the lawsuit or the settlement. You may also hire your own attorney at your own cost to enter an appearance on your behalf in this matter. Defendant T&K has agreed to pay Plaintiff's counsel \$35,500.00 subject to court approval and have agreed to pay Plaintiff \$2,500.00. Any checks issued to Class Members that remain uncashed 60 days after issuance will be paid to a charitable organization approved by the Court. The attorneys will submit a petition for their fees which you may review with the Clerk of the Court.

10. THE COURT'S FAIRNESS HEARING

The Court will hold a hearing on the settlement in Room 1403 of the U.S. District Court for the Northern District of Illinois, Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn St., Chicago, IL 60604 ("Fairness Hearing") on **July 26, 2017 at 10:00 a.m.** to determine, among other things, (i) whether it will be approved as fair, adequate and reasonable; (ii) what amount, if any, to award class counsel for attorney's fees and costs in the Litigation; and (iii) what amount, if any, to award plaintiff as class representative. **YOU ARE NOT REQUIRED TO ATTEND THIS HEARING.** The hearing may be continued by the Court without further notice to class members. If the Court does not approve the settlement, the class action will proceed, and you may or may not get the money that this case may provide in the future.

11. WHERE CAN I OBTAIN ADDITIONAL INFORMATION?

The description of the lawsuit and settlement that is contained in this Notice is only general in nature. All papers filed in this case, including the full settlement agreement, are available for you to review at the Clerk's Office of the U.S. District Court for the Northern District of Illinois, Everett McKinley Dirksen United States Courthouse, 219 S. Dearborn St., Chicago, IL 60604. If you or your attorney requires additional information, you should write or call class counsel at the addresses and telephone numbers below during regular business hours. Please include the case name and number, your name and your current return address on any letters, not just the envelopes. Please do not contact the Defendants' attorneys; they are not in a position to give you any advice about this settlement.

PLEASE DO NOT CONTACT THE COURT OR DEFENDANTS' COUNSEL FOR INFORMATION.

GETTING MORE INFORMATION – CONTACT:

Edelman, Combs, Lattuner & Goodwin, LLC, Case No. 31758
20 S. Clark St., Suite 1500
Chicago, IL 60603
Tel: (312) 917-4504

Zimmerman Law Offices, P.C.
77 W. Washington Street, Suite 1220
Chicago, IL 60602
Tel: (312) 440-0020

CLAIM FORM

***Erickson Ocasio v. First Financial Investment Fund V LLC et. al.,
Case No. 1:15-cv-10167***



/J13468-Ocasio

JOHN Q SAMPLE

12345 MAIN ST
CITY, ST 12345-6789

**In order to be considered a valid claim form, this form must be completed in full, signed,
and SUBMITTED BY June 12, 2017 via mail to:**

First Class, Inc./ J13468-Ocasio
5410 W. Roosevelt Rd, Ste 222
Chicago, IL 60644-1490

Telephone number

Signature

By signing this form, I am declaring that the foregoing is true and correct and that I am the person to whom the Notice was mailed.