

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

DIANE RIGHEIMER,)	
on behalf of plaintiffs and a class,)	
)	
Plaintiff,)	17 CV 4170
)	
vs.)	
)	
KLUEVER & PLATT LLC,)	Judge Aspen
)	Magistrate Judge Kim
Defendant.)	

**If you were sued by Kluever & Platt LLC
you may benefit from this class action settlement.**

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

**THIS IS A NOTICE OF A SETTLEMENT OF A CLASS ACTION LAWSUIT.
THIS IS NOT A NOTICE OF A LAWSUIT AGAINST YOU.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
RETURN A CLAIM FORM BY DECEMBER 22, 2017	By returning a completed claim form by December 22, 2017 you will remain in the Class and you will be entitled to receive a settlement check from the settlement fund.
DO NOTHING BUT STAY IN THE SETTLEMENT CLASS	By doing nothing, you will remain in the Class and be bound by the terms of the settlement but will not receive a share of the settlement fund.
EXCLUDE YOURSELF BY DECEMBER 22, 2017	You will receive no benefits, but you will retain your legal claims against the Defendant.
OBJECT BY DECEMBER 22, 2017	Write to the Court about 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.

1. Why did I get this notice?

You are receiving this notice because you were identified as a person who was sued in a mortgage foreclosure by a law firm called Kluever & Platt LLC between June 1, 2016 and June 20, 2017.

2. What is this lawsuit about?

This lawsuit claims that Kluever & Platt ("Defendant") violated a federal law known as the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("the Law"), by attaching a "Notice Required by the Fair Debt Collection Practices Act" to their mortgage foreclosure complaints.

3. Why is this a class action?

In a class action, one or more people called Class Representatives (in this case, Diane Righeimer), sue on behalf of a group (or a "Class") of people who have similar claims regarding the same lawsuits filed by Defendants.

4. Why is there a settlement?

To avoid the cost, risk, and delay of litigation, the Parties reached a settlement agreement as to the Plaintiff's individual claims and the claims of the Class.

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

For settlement purposes, the Court has certified a Class consisting of all people who meet the following definition:

The class consists of all individuals to whom Kluever & Platt, LLC directed a "Notice Required by the Fair Debt Collection Practices Act" by attaching it to a mortgage foreclosure complaint filed between June 1, 2016 and June 21, 2017.

There are approximately 239 people in the Class. According to Defendant's records, you are a Class member.

YOUR BENEFITS UNDER THE SETTLEMENT

6. What can I get from the settlement?

If you timely submit a claim form, and the settlement is given final approval by the Court, you will receive an equal share of the \$6,000 Settlement Fund. The actual amount you receive will depend on how many people submit claims. For example, if 10% of Class members submit claims, you will receive approximately \$250. If 20% of Class members submit claims, you will receive approximately \$125. If 100% of Class member submit claims (which is highly unlikely), you will receive approximately \$25.10. In the event:

- (1) some class members do not cash or deposit their checks, and
- (2) you cashed or deposited your check, you may receive a second check, representing an equal share of the amount of the uncashed or undeposited checks, less the cost of distributing the second check to you.

7. When will I receive these benefits?

You will receive these benefits approximately 35 days after the Court enters an order granting final approval to the Settlement. Class-settlement.com, PO Box 9009, Hicksville, NY 11802-9009, Ph: (877) 268-2976, is the company that will be administering the settlement. Class-settlement.com will be sending you the settlement check.

8. I want to be a part of the settlement. What do I do?

By returning a completed claim form by **DECEMBER 22, 2017** you will remain in the Class and you will be entitled to receive a settlement check from the Settlement Fund.

9. What am I giving up if I remain in the settlement?

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 cannot sue or be part of any other lawsuit against Defendants about the claims or issues in this lawsuit with respect to the letters at issue in the Complaint.

10. How much will the Class Representative receive?

The Plaintiff, Diane Righeimer, will receive a payment of \$1,000.00 for her individual statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(B), which also takes into account her services to the Settlement Class. This payment is subject to the Court's approval.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want to remain in the Class and receive a share of the settlement, and you want to keep your legal claims against Defendant, then you must take steps to exclude yourself from the Class.

11. How do I get out of the Class?

To exclude yourself from the Class, you must send a letter by mail stating that you want to be excluded from the Class in the case of *Righeimer v. Kluever & Platt*, Case No. 17-cv-4170. 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 DECEMBER 22, 2017**, to:

Edelman Combs Lattuner & Goodwin

Righeimer v. Kluever & Platt Opt Out
20 S Clark St. Suite 1500
Chicago, Illinois 60603

12. If I exclude myself, do I still receive benefits from this settlement?

No, you will not receive anything resulting from the settlement, but you will have the right to sue Defendants over the claims raised in this case, either on your own or as a part of 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

13. Do I have a lawyer in this case?

The Court has named the law firm of EDELMAN, COMBS, LATTURNER & GOODWIN LLC as the lawyers representing the Class. You will not be charged for these lawyers; however, they will receive a payment from Defendants in an amount to be determined by and approved by the Court. 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, s/he must file an appearance by **DECEMBER 22, 2017**.

14. How will the lawyers be paid?

Class Counsel, Edelman, Combs, Lattuner & Goodwin, LLC will petition the Court for approval of reasonable attorneys' fees and costs incurred with respect to the Plaintiff and the Class' claims. Pending the Court's approval, Defendant will pay Class Counsel that amount which the Court deems reasonable, but not more than a total of \$6,000.00.

CLASS COUNSEL'S VIEWS ABOUT THE SETTLEMENT

15. Is this a fair settlement?

Class Counsel believes this settlement is fair. Plaintiffs claim that Defendants violated the Fair Debt Collection Practices Act, which allows for both individual and class action lawsuits. 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 as a result of the FDCPA violation and (ii) 1% of the debt collector's net worth or \$500,000.00, whichever is less. The Court, in its discretion, may award anything up to the maximum amount if the Plaintiffs win the case. In either an individual or class action, the person bringing the suit may also recover attorneys' fees and the expenses of prosecuting the suit, if the lawsuit is successful.

In this case, Defendants have agreed to pay \$6,000 to the Class. Based upon the financial information that Defendants provided to Class Counsel and the nature of the claims alleged, Class Counsel believes this is a fair and reasonable settlement. Any money remaining in the Settlement Fund, if any, after both an initial distribution to Class members from the Settlement Fund and, if applicable (see Paragraph 6), a second distribution from the Settlement Fund, shall, subject to the Court's approval, be paid to a charity, namely the Chicago Bar Foundation.

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

As stated above, Defendant denies that its notice violated the FDCPA. Defendant desires to settle the claims of the Class to avoid the expense, burden, and uncertainty of further litigation, and to put to rest all claims related to its notice that is the subject of this lawsuit.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the settlement or some part of it.

17. 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, you must send a written objection (such as a letter or legal brief) stating that you object and the reasons why you think the Court should not approve the Settlement. Your objection must be signed by you or your attorney and include: (1) your name, address, telephone number, (2) the name and number of the case: *Righeimer v. Kluever & Platt*, Case No. 17-cv-4170; (3) the factual basis and legal grounds for your objection to the

Settlement. If you have a lawyer, your lawyer who intends to appear at the Fairness Hearing also must enter a written Notice of Appearance of Counsel with the Clerk of the Court no later than **DECEMBER 22, 2017**. You must mail your objection so that it is postmarked no later than **DECEMBER 22, 2017** to:

Clerk of the Court
United States District Court for the Northern District of Illinois
219 South Dearborn Street
Chicago, IL 60604

You must also send a copy of your objection to:

Edelman Combs Lattner and Goodwin
Righeimer v. Kluever & Platt
20 S Clark St.
Chicago, Illinois 60603

THE FAIRNESS HEARING

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

18. Where and when is the fairness hearing?

The Court will hold a fairness hearing on **JANUARY 25, 2018 at 10:30 a.m.** in the courtroom of the Honorable Marvin Aspen, United States District Judge, Everett McKinley Dirksen United States Courthouse 219 South Dearborn Avenue, Chicago, Illinois, 60604, Courtroom 2568. 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 Class Counsel. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed settlement.

YOU ARE **NOT** REQUIRED TO ATTEND THIS HEARING TO BENEFIT FROM THIS SETTLEMENT. The hearing may be postponed to a later date without notice.

GETTING MORE INFORMATION – CONTACT:

Class Counsel

Emiliya Gumin Farbstein
20 South Clark Street, 15th Floor
Chicago, IL 60603
Telephone: (312) 739-4200
Facsimile: (312) 419-0379
Website: www.edcombs.com

DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR THE LITIGATION TO THE CLERK OF THE COURT OR TO THE JUDGE.

They are not permitted to answer your questions.