

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

Tabiti v. LVNV Funding, LLC, et al.

Case No. 13 CV 7198, Judge Joan B. Gottschall

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 are a class member in a lawsuit filed against the defendants, LVNV Funding, LLC, Resurgent Capital Services, LP, and Alegis Group, LLC ("Defendants"). You previously received a collection letter from Defendants claiming to collect an alleged credit card debt. The Class is:

(a) all natural persons with Illinois addresses (b) to whom defendants provided an affidavit in the form represented by Appendix B to the Complaint (c) concerning an alleged debt purportedly obtained from Chase (d) where the definition of "Unpaid Balance" in the Chase purchase agreement includes the statement "excluding post charge-off interest" (e) where such affidavit was provided on or after October 8, 2012 (one year prior to the filing of this action), and (e) on or before October 28, 2013 (20 days after the filing of this action).

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"). Plaintiff claims that Defendants made false statements about their legal ability to collect interest on debts obtained from Chase Bank after the debt had been charged-off. Plaintiff claims that these affidavits, filed in support of collection lawsuits against Plaintiff and class members, violated the FDCPA because they were false and misleading. The defendant denies they violated any laws and denies liability to Plaintiff 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. This class action and Notice has no impact on any collection activity, including litigation, defendants have 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, in a class action, each class as a whole, may recover up to \$500,000 or 1% of a defendant's net worth, whichever is less. In an individual action, you can recover: i) any actual damages suffered; ii) statutory damages from \$0-\$1,000; and iii) attorney's fees. Defendants estimate that there are approximately 123 class members in the Class.

WHAT ARE YOUR OPTIONS?

Judge Gottschall has determined that this case can proceed as a class action. However, the claim is disputed and Defendants deny all liability. 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.

**QUESTIONS? CALL 312-739-4200 TO CONTACT CLASS COUNSEL'S OFFICE
REFERENCE #28956**

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

Cassandra P. Miller (#28956)
EDELMAN, COMBS, LATTURNER & GOODWIN, LLC
20 S. Clark St., Suite 1500
Chicago, IL 60603
(312) 739-4200
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 October 8, 2013, 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 October 8, 2013. Your request to exclude yourself must be postmarked by [60 days from mailing date], 2017, 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, 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 ("*Tabiti v. LVNV Funding, LLC, et al.*, Case No. 13 CV 7198, ECLG #28956"), 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.

**QUESTIONS? CALL 312-739-4200 TO CONTACT CLASS COUNSEL'S OFFICE
REFERENCE #28956**