

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

TIMOTHY HASTON, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

RESURGENT CAPITAL SERVICES, L.P.,
FRONTLINE ASSET STRATEGIES, LLC,
and JOHN DOES 1-5,

Defendant.

Case No. 2:20-cv-01008

NOTICE OF CLASS ACTION SETTLEMENT

A Federal Court authorized this Notice. This is not a solicitation from a lawyer.

The proposed settlement discussed in this Notice may affect your rights.

- This Notice explains what the class action is about, what the Settlement will be if it is approved by the United States District Court for the Western District of Pennsylvania, what benefits you may receive under the Settlement, and what to do if you want to (i) object to the Settlement; or (ii) not participate in the Settlement and instead “opt out” of the class action. These rights – **and the deadlines to exercise them** – are explained in this Notice.
- The Court still has to decide whether to approve the Settlement. The relief provided to Settlement Class Members will be provided if the Court approves the Settlement and after appeals, if any, are resolved in favor of the Settlement. Please be patient.
- **YOUR LEGAL RIGHTS MAY BE AFFECTED WHETHER YOU ACT OR DO NOT ACT. READ THIS NOTICE CAREFULLY BECAUSE IT EXPLAINS DECISIONS YOU MUST MAKE AND ACTIONS YOU MUST TAKE NOW.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

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| IF YOU SUBMIT A CLAIM FORM | You may submit a claim if you received a letter from Resurgent Capital Services, L.P. (“RCS”), and Frontline Asset Strategies, LLC (“FAS”) dated between April 1, 2020 and March 17, 2021 where such letter indicated that RCS and FAS would assume the debt at issue was valid unless You sent a written dispute. You can submit the claim form you received in the mail, or submit a claim at: www.1692gFDCPASettlement.com . The deadline to submit a claim is April 30, 2024. <u>You must submit a claim to get money.</u> You may also request that the lawyers who represent the class contact you to discuss your rights. You will release certain claims and remedies that you have against RCS and FAS. The full release and full settlement terms are available at: www.1692gFDCPASettlement.com . |
| IF YOU DO NOTHING | If the Court approves the Settlement and you do nothing, you will release certain claims and that you have against RCS and FAS. The full release is available at: www.1692gFDCPASettlement.com . <u>If you do not submit a claim form, you will not receive a settlement payment.</u> If you are a Class Member and do nothing, you will still be part of the Settlement Class but you must submit a claim form to receive a cash payment. |
| IF YOU EXCLUDE YOURSELF FROM THE SETTLEMENT | You have the right to exclude yourself (“opt out”) from the Settlement by sending a written request addressed to “Exclusion—Haston v. RCS, FAS Settlement Administrator” at Haston v RCS, FAS Settlement, P.O. Box 2006, Chanhassen MN 55317-2006. You must state that you wish to be excluded from the Settlement and include the information discussed in more detail in this Notice. If you validly opt out, you will not receive any monetary payments from the Settlement and you will not have any right to object to the Settlement, but you will not be bound by the terms of the Settlement. The opt-out deadline is April 30, 2024. |
| OBJECT | You have the right to object to the Settlement if you believe it is unfair. The objection deadline is April 30, 2024. Objections must be in writing, filed, mailed, and postmarked on or before April 30, 2024. |
| GO TO THE HEARINGS | You can ask to speak to the Court about “fairness” of the Settlement, after you submit your objection. A Notice of Intention to Appear must be in writing, filed, mailed, and postmarked on or before April 30, 2024 in addition to submitting a timely objection. |

What is this Lawsuit about?

Plaintiff Timothy Haston (“Mr. Haston”), on behalf of himself and all others similarly situated, filed a class action lawsuit in federal court against Resurgent Capital Services, L.P. (“RCS”) and Frontline Asset Strategies, LLC (“FAS”), alleging that RCS and FAS violated the Fair Debt Collection Practices Act (“FDCPA”). The FDCPA requires debt collectors to inform consumers that they may dispute the validity of a debt. A decision from the United States Court of Appeals for the Third Circuit interpreted this to mean that consumers residing in the Third Circuit Court of Appeals (Pennsylvania, New Jersey, Delaware, and the U.S. Virgin Islands) may orally dispute the validity of a debt and are not required to submit a dispute in writing.

Mr. Haston alleged that RCS and FAS violated the FDCPA when RCS and FAS sent letters that told consumers they may only dispute debts in writing. Mr. Haston alleged that this language misled consumers to believe that they could only dispute the validity of a debt in writing, when the FDCPA would also permit an oral dispute regarding the validity of the debt.

RCS and FAS deny they did anything wrong or violated any laws. The Court has not determined that RCS or FAS violated the FDCPA. This notice should not be interpreted as an expression of the Court’s opinion on the merits of the lawsuit.

IF YOU WISH TO OBTAIN MORE INFORMATION, YOU CAN CONTACT THE SETTLEMENT ADMINISTRATOR AT 866-898-5808 OR THE LAWYERS REPRESENTING THE CLASS AT 412-223-5740 OR KABRAMOWICZ@EASTENDTRIALGROUP.COM

Within the Settlement, you are a member of the “Settlement Class.” The Settlement Class is defined to include: all natural persons residing in Pennsylvania, New Jersey, Delaware, and the U.S. Virgin Islands whom RCS and FAS’s records reflect were sent a letter dated between April 1, 2020 and March 17, 2021, where the letter stated that the debt at issue would be assumed valid unless the consumer disputed the debt in writing.

The Parties have agreed to a settlement of this lawsuit after considering, among other things: (1) the substantial benefits to the proposed Settlement Class under the terms of the Settlement Agreement; (2) the risks, costs, and uncertainty of protracted litigation, especially in actions such as these, as well as the difficulties and delays inherent in such litigation; and (3) the desirability of consummating the Settlement Agreement promptly in order to provide effective relief to the proposed Settlement Class. Even if the case advanced to trial, Plaintiff would face the risk of losing at trial and the risk that a Class might not be certified, as well as the risk of appeals which could last one or more additional years even if Plaintiff prevails at trial.

For Defendants (who deny all allegations of liability and deny that any Class Members were damaged) the principal reason for the Settlement is to eliminate the burden, expense, uncertainty and risk of further litigation. The proposed Settlement does not suggest that Defendants have or have not done anything wrong, or that Plaintiff and the proposed Class would or would not win their case should it go to trial.

What can I get out of the Settlement?

A \$33,000.00 Claims Fund will be used to make cash payments to the class members. You have the right to submit a claim for your *pro rata* portion of the Settlement Fund if RCS and FAS sent you a letter stating that the debt at issue would be assumed valid unless the consumer disputed the debt in writing. You can submit the claim form you received in the mail, or fill out and submit a claim at www.1692gFDCPASettlement.com to be eligible to receive a cash payment. **You must submit a claim form to get money.** The claim form deadline is April 30, 2024.

Who are the Attorneys representing the Class and how will they be Paid?

The Court has approved lawyers to represent the Settlement Class (“Class Counsel”). If you prefer to hire your own attorney to represent you in this case, you may do so. The attorneys who have been appointed by the Court to represent the class are:

Kevin Abramowicz
Kevin Tucker
Chandler Steiger
Stephanie Moore
6901 Lynn Way, Suite 215
Pittsburgh, PA 15208
(412) 223-5740
kabramowicz@eastendtrialgroup.com
ktucker@eastendtrialgroup.com
csteiger@eastendtrialgroup.com
smoore@eastendtrialgroup.com

Eugene D. Frank
Law Offices of Eugene D. Frank, P.C.
3202 McKnight East Drive
Pittsburgh, PA 14237
(412) 366-4276
efrank@edf-law.com

Subject to Court approval, Class Counsel will seek fees and costs in the amount of \$115,000.00. Class Counsel will also seek a service award in the amount of \$2,500 to be paid to Mr. Haston for his services in representing the Settlement Class. These attorneys’ fees, costs, and service award payments will be paid separate from the \$33,000.00 Claims Fund for the class members and will not affect the Claims Fund. The settlement administration costs will also be paid separate from the Claims Fund established for the class members and will not affect the Claims Fund.

What Rights am I giving up in this Settlement?

You give up your right to sue or file a lawsuit, or bring any action, seeking damages against RCS and FAS based on the letter RCS and FAS sent to you informing you that they would assume the debt at issue in the letter was valid unless you sent a written dispute. Giving up your legal claims is called a release. You will be enjoined and barred from initiating, prosecuting, continuing, or participating in any lawsuit or other proceeding related to this case, whether as a direct or representative action. As part of the Court's preliminary approval, you will be preliminarily enjoined from maintaining, commencing, prosecuting, or pursuing directly, representatively, or in any capacity any released claim as set forth in the Settlement Agreement against Defendants or their related parties or affiliates.

If I choose to do so, how do I Exclude myself from the Settlement?

The Court will exclude from the Class any individual who validly requests exclusion. If you want to be excluded, you must mail a written request addressed to "Exclusion—Haston v. RCS, FAS Settlement Administrator" at Haston v RCS, FAS Settlement, P.O. Box 2006, Chanhassen MN 55317-2006. **The request must be in writing and postmarked on or before April 30, 2024.** The request must state: "I do not want to be part of the Class in Haston v. RCS, FAS." The request must be signed and must include your name, address, telephone number, and last four digits of your social security number. The address you use on your exclusion request should be the address to which this notice was mailed. If you have a new address, please also inform the Settlement Administrator of the new address. If you exclude yourself, you are not eligible to receive a payment, and you cannot object to the Settlement.

If your request for exclusion is late or deficient, you will be considered a part of the Settlement Class, you will be bound by the Settlement Agreement and by all other orders and judgments in this lawsuit, and you will not be able to participate in any other lawsuits based on the claims in this case.

How do I Object to the Settlement?

You may object to all or part of the Settlement if you think it is not fair, reasonable, and/or adequate. **You cannot ask the Court to order a different settlement; the Court can only approve or reject the settlement.** If the Court denies approval, no settlement benefits will be conferred and the lawsuit will continue. If that is what you want to happen, you must object. If you file a timely written objection, you may, but are not required to, appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for hiring and paying that attorney. Persons wishing to be heard orally at the hearing are required to indicate in their objection their intention to appear, the identity of any witnesses they may call to testify, and the exhibits, if any, they intend to introduce into evidence.

To object, you must file with the Court and serve on counsel a written explanation of the reasons you think that the Court should not approve the Settlement. Be sure to sign the letter and include your name, address, and the basis of your objection, and include a notation that it is for "*Timothy Haston v. Resurgent Capital Services, L.P., and Frontline Asset Strategies, LLC*," No. 2:20-cv-01008-WSH." **The deadline to file an objection and to serve it on each of the lawyers is April 30, 2024. Any Class Member who does not object in the manner described in this Notice will not be able to make any objection to the Settlement.** The attorneys on which an objection must be served are:

Kevin Abramowicz
Kevin Tucker
Chandler Steiger
Stephanie Moore
6901 Lynn Way, Suite 215
Pittsburgh, PA 15208
(412) 223-5740
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Attorneys for Defendants

When and where will the Court decide whether to Approve the Settlement?

Once the deadlines for opting out of or objecting to the Settlement set forth have passed, the Court will hold a Fairness Hearing on May 2, 2024, at 10:00 a.m. The address of the courthouse is United States Courthouse, Western District of Pennsylvania, Courtroom 3B. At the Fairness Hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and adequate. The Court will also hear objections to the Settlement, if any. We do not know how long the Court will take to make its decision. In addition, the hearing may be continued at any time by the Court without further notice to you.

You do not have to appear to receive a benefit. Should the Court approve the Settlement, it will be binding on all class members who do not validly exclude themselves. If you choose to attend the hearing, you may do so at your own expense. You may ask the Court for permission to speak at the hearing.

If the Court approves the Settlement and there are no appeals, then Defendants will fund the Claims Fund no later than 46 days after the entry of the Final Approval Order dismissing the case with prejudice. However, because it is always possible for there to be unexpected delays or appeals, it is possible that these benefits will be delayed, or that an appeals court will determine that the benefits may not be conferred.

Where can I get Additional Information?

This notice is only a summary of the proposed settlement of this lawsuit. For more information, you may email or call Class Counsel at kabramowicz@eastendtrialgroup.com, (412) 223-5740; or efrank@edf-law.com, (412) 366-4276. You may also contact the Settlement Administrator at Haston v RCS. FAS Settlement, P.O. Box 2006, Chanhassen MN 55317-2006, toll-free at 866-898-5808, or email at 1692gFDCPASettlement@noticeadministrator.com. Certain pleadings and documents filed in this case, including the Agreement, may be viewed by visiting the website www.1692gFDCPASettlement.com, or are available for review in the Clerk's Office.