

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

**IF YOU RECEIVED CALLS FROM NATIONAL CREDIT ADJUSTERS, YOU
COULD RECEIVE A CASH PAYMENT AND DEBT RELIEF FROM A
CLASS ACTION SETTLEMENT**

A federal court authorized this notice. You are not being sued. This is not a solicitation from a lawyer.

- There is a proposed settlement of claims against National Credit Adjusters, LLC (“NCA” or “Defendant”), alleging that it placed calls using an autodialer and/or an artificial or prerecorded voice to individuals without prior express consent in violation of the Telephone Consumer Protection Act (“TCPA”). NCA denies the claims. To avoid the expense and risks of going to trial, the parties have agreed to settle the case.
- The Settlement Class the following persons:
 - The “Certified Class” – consisting of all persons within the United States who (a) are current or former subscribers of the Call Management¹ applications; (b) and received one or more calls; (c) on his or her cellular telephone line; (d) made by or on behalf of Defendant National Credit Adjusters, LLC (NCA); (e) for whom NCA had no record of prior express written consent; (f) and such phone call was made with the use of an artificial or prerecorded voice or with the use of an automatic telephone dialing system as defined under the TCPA; (g) at any point that begins April 21, 2012 until August 2, 2017; and
 - The “2016 California Class”, consisting of and all persons (a) in California; (b) called by or on behalf of Defendant; (c) between January 1, 2016 through December 31, 2016; (d) regarding a purported debt owed; (e) using an artificial or prerecorded voice or an automatic telephone dialing system as defined under the TPCA.
- If you received notice of this Settlement directly, records indicate you may be a Settlement Class Member because your telephone number was identified as one of the numbers called.
- The Settlement requires Defendant to pay **\$1,800,000** into a Settlement Fund. The Settlement also requires Defendant to waive the debt of all Settlement Class Members that have an existing account with NCA that has an outstanding balance. If the Court approves the Settlement, you may be eligible to receive a cash payment from the Settlement Fund. After the deduction of attorney’s fees, costs, and expenses, any award for the Class Representative, and notice and administration costs, the Settlement Fund will be divided and distributed equally – sometimes referred to as “pro rata” – to all Settlement Class Members that can reasonably be located.
- Please read this notice carefully. Your legal rights are affected whether you act or do not act.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

**EXCLUDE YOURSELF
BY SEPTEMBER 21,
2020**

If you exclude yourself or “opt out” of the proposed Settlement, you will not be eligible to receive any Settlement Benefit, but you will keep your right to sue Defendant about the same legal claims in this lawsuit. Requests for exclusion must be postmarked by September 21, 2020 and mailed to NCA Lawsuit, c/o RG2 Claims Administration LLC, P.O. Box 59479,

¹ The Call Management applications are PrivacyStar, Metro Block-It, Metro Name-ID, CallWatch, and Call Detector cellphone applications.

	Philadelphia, PA 19102-9479. For more detail about excluding yourself from the Class, please see questions 14 through 17 below.
OBJECT BY SEPTEMBER 21, 2020	You may write to the Court about why you do, or do not, like the proposed Settlement. You must remain in the Class to comment in support of or in opposition to the proposed Settlement. Objections and comments must be filed with the Court and served on the Parties by September 21, 2020. For more detail about objecting or commenting, please see questions 18 and 19 below.
GO TO A HEARING	You may ask to speak in Court about the fairness of the proposed Settlement. Written notice of your intent to appear in the Lawsuit must be filed with the Court and served on the Parties by September 21, 2020. You may enter your appearance in Court through an attorney at your own expense if you so desire. For more detail about appearing in this lawsuit or attending the final hearing, please see questions 20 through 22 below.
DO NOTHING	If you do nothing, you will receive a <i>pro rata</i> cash payment. You will also give up your right to sue Defendant on your own regarding any claims that are part of the proposed Settlement.

- The Court in charge of this case still has to decide whether to approve the proposed settlement. Payments will be made if the Court approves the settlement and after appeals are resolved.
- Please be patient. Your legal rights are affected whether you act or not. **Read this notice carefully because it explains decisions you must make and actions you must take now.**

• **BASIC INFORMATION**

1. Why did I get this Notice?

- A Court authorized this Notice to let you know about a proposed Settlement in this case. If you received a postcard about this class action, you may be a Settlement Class Member because your phone number has been identified as one of the numbers that was called. You have legal rights and options that you may act on before the Court decides whether to approve the proposed Settlement. This Notice explains the lawsuit, the proposed Settlement, and your legal rights.
- Judge Morrison C. England, Jr. of the U.S. District Court for the Eastern District of California is overseeing this class action. The case is known as *Mike Cortes, on Behalf of Himself and all Others Similarly Situated v. National Credit Adjusters, LLC*, Case No. 2:16-cv-00823-MCE-EFB. The person who sued is called the Plaintiff. The company he sued, National Credit Adjusters, LLC., is called the Defendant.

2. What is a class action lawsuit?

- In a class action, one or more people called “Class Representatives” sue on behalf of a group of people who have similar claims. In this case, these people are together called a “Settlement Class” or “Settlement Class Members.” In a class action, the court

resolves the issues for all Settlement Class Members, except for those who exclude themselves from the Settlement Class.

- **THE CLAIMS IN THE LAWSUIT AND THE SETTLEMENT**

3. What is this lawsuit about?

- Plaintiff alleges that between April 21, 2012 until August 2, 2017, Defendant made phone calls to Class Members in the Certified Class using an autodialer and/or artificial or prerecorded voice without prior consent. Plaintiff also alleges that between January 1, 2016 and December 31, 2016, Defendant made phone calls to Class Members in the 2016 California Class using an autodialer and/or artificial or prerecorded voice without prior consent. The Defendant denies the allegations and maintains that it has strong, meritorious defenses to the claims. The Settlement is not an admission of, and does not establish any, wrongdoing.
- More information about the complaint in the lawsuit can be found in the “Court Documents” section of the Settlement website at www.NCALawsuit.com.

4. Why is there a Settlement?

- The Court has not decided whether the Plaintiff or the Defendant should win this case. Instead, both sides agreed to a settlement. The Class Representative and his attorneys (“Class Counsel”) believe that the Settlement is in the best interests of the Settlement Class Members.

- **WHO’S INCLUDED IN THE SETTLEMENT?**

5. How do I know if I am in the Settlement Class?

- The Court decided that this Settlement includes a Class of: (1) the 3,932 individuals in the “Certified Class,” to wit: All persons within the United States who: (a) are current or former subscribers of the Call Management applications; (b) and received one or more calls; (c) on his or her cellular telephone line; (d) made by or on behalf of Defendant National Credit Adjustors, LLC (NCA); (e) for whom NCA had no record of prior express written consent; (f) and such phone call was made with the use of an artificial or prerecorded voice or with the use of an automatic telephone dialing system as defined under the TCPA; (g) at any point that begins April 21, 2012 until August 2, 2017; and (2) the 1,222 individuals within the “2016 California Class,” to wit: All persons (a) in California; (b) called by or on behalf of Defendant; (c) between January 1, 2016 through December 31, 2016; (d) regarding a purported debt owed; (e) using an artificial or prerecorded voice or an automatic telephone dialing system as defined under the TPCA. Everyone who fits these descriptions is a member of the Settlement Class.
- If you received a postcard about this class action, you may be a Settlement Class Member because your phone number has been identified as one of the numbers that was called.

6. What were the allegedly unsolicited calls about?

- The calls covered by the proposed Settlement were allegedly made by or on behalf of National Credit Adjusters in an attempt to collect debt.

- **THE SETTLEMENT BENEFITS**

7. What does the Settlement provide?

- As part of the Settlement, Defendant has agreed to create a \$1,800,000 Settlement Fund. The Settlement Fund will be used to pay all known Settlement Class Members, costs of administering the Settlement, attorneys' fees, litigation costs and expenses, and any incentive payment to the Class Representative. After the deduction of attorney's fees, costs, and expenses, any award for the Class Representative, and notice and administration costs, the Settlement Fund will be divided and distributed equally – sometimes referred to as “pro rata” – to all Settlement Class Members that can reasonably be located.
- The Settlement also requires Defendant to waive the debt of all Settlement Class Members that have an existing account with NCA that has an outstanding balance. Most, though not all, Settlement Class Members will be eligible for the debt waiver.
- Under the Settlement Agreement, Settlement Class Members do not need to do anything to receive payment or obtain the debt waiver. Further details are below.

8. When will I get my payment?

- The hearing to consider the final fairness of the Settlement is scheduled for October 29, 2020. If the Court approves the Settlement, and after any appeals process is completed, eligible Settlement Class Members whose claims were approved will be sent a check in the mail. Please be patient. All checks will expire and become void 120 days after they are issued.

- **THE LAWYERS REPRESENTING YOU**

9. Do I have a lawyer in this case?

The Court has appointed attorneys at the law firm of Bursor & Fisher, P.A. to represent you and the other Class Members in this lawsuit. The lawyers representing you and the Class Members are called “Class Counsel.” You will not be charged for the services of these lawyers.

You may contact Class Counsel as follows:

L. Timothy Fisher
Yeremey Krivoshey
BURSOR & FISHER P.A.
1990 North California Blvd., Suite 940
Walnut Creek, California 94596
ltfisher@bursor.com
ykrivoshey@bursor.com
Tel: 925-300-4455

You have the right to retain your own lawyer to represent you in this case, but you are not obligated to do so. If you do hire your own lawyer, you will have to pay his or her fees and expenses. You also have the right to represent yourself before the Court without a lawyer.

Class Counsel, Defense Counsel, or the Settlement Administrator may **not** advise you on the tax consequences of participating or not participating in the settlement.

10. Should I get my own lawyer?

- You don't need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you may hire and pay that lawyer. For example, you can ask your lawyer to appear in Court for you, at your own expense, if you want someone other than Class Counsel to represent you.

11. How will the lawyers be paid?

- Class Counsel will ask the Court to award them attorneys' fees out of the Settlement Fund. Separately, Class Counsel will seek reimbursement for litigation costs and expenses out of the Settlement Fund. Class Counsel will also request an award of up to \$2,000 for the Class Representative to be taken out of the Settlement Fund. The Court will determine the proper amount of any attorneys' fees, costs, and expenses to award Class Counsel and the proper amount of any award to the Class Representative. The Court may award less than the amounts requested by Class Counsel and the Class Representative, and any money not awarded from these requests will stay in the Settlement Fund to pay Settlement Class Members.

• YOUR RIGHTS AND OPTIONS

12. What happens if I do nothing?

- If you do nothing, you will be in the Settlement Class, and if the Court approves the Settlement, you will be bound by all orders and judgments of the Court, receive a cash award, and receive a debt waiver if you have an existing account with NCA that has an outstanding balance. However, unless you exclude yourself, you won't be able to start a lawsuit or be part of any other lawsuit against the Defendant for the claims being resolved by this Settlement.

13. What happens if I ask to be excluded?

If you exclude yourself from the Settlement, you can't receive any money or receive any benefits as a result of the Settlement. You will keep your right to start your own lawsuit against the Defendant for the claims resolved in this settlement. You will not be legally bound by the Court's judgments related to the Settlement Class in this class action.

14. How do I ask to be excluded?

- You can ask to be excluded from the Settlement. To do so, you must send a letter clearly stating that you want to be excluded from the Settlement in *Mike Cortes v. National Credit Adjusters, LLC*, Case No. 2:16-cv-00823-MCE-EFB. Your letter must also include your name, address, the phone number that you contend you received the calls on, and your signature. You must mail your exclusion request no later than September 21, 2020 to:

NCA Lawsuit

c/o RG2 Claims Administration LLC
P.O. Box 59479
Philadelphia, PA 19102-9479

- You can't exclude yourself via phone, fax or email.

15. If I don't exclude myself, can I sue the Defendant for the same thing later?

- No. Unless you exclude yourself, you give up any right to sue the Defendant for the claims being resolved by this Settlement.

16. If I exclude myself, can I get anything from this Settlement?

- No. If you exclude yourself, you cannot get any benefits from this Settlement.

17. How do I object to the Settlement?

- If you are a Settlement Class Member and you do not exclude yourself from the Settlement Class, you can object to the Settlement if you don't like any part of it. You can give reasons why you think the Court should deny approval by filing an objection. You can't ask the Court to order a larger settlement; the Court can only approve or deny the Settlement. If the Court denies approval, no settlement payments will be sent out, and the lawsuit will continue. If that is what you want to happen, you must object. The Court will consider your views. Your objection and supporting papers must (1) be in writing, (2) contain a caption or title that identifies it as "Objection to Class Settlement in *Mike Cortes v. National Credit Adjusters, LLC*, Case No. 2:16-cv-00823-MCE-EFB," (3) provide the additional information identified in the next paragraph, (4) be submitted to the Court either by mailing them to the Class Action Clerk, United States District Court, 501 "I" Street, Room 4-200, Sacramento, CA 95814, or by filing them in person at any location of the United States District Court for the Eastern District of California, and (5) be filed or postmarked on or before September 21, 2020. By the same date (based on postmark) you must also mail a copy on Class Counsel and the Settlement Administrator at the addresses set forth in this Notice.
- The objection must contain the following information: (i) your name, address, and telephone number; (ii) the name, address, and telephone number of any attorney representing you with respect to the objection; (iii) the factual basis and legal grounds for the objection, including any documents sufficient to establish the basis for your standing as a Settlement Class Member, including the date(s) and phone number(s) at which you received the calls covered by this settlement; and (iv) the case name, case number, and court for any prior class action lawsuit in which you and your attorney (if applicable) have objected to a proposed class action settlement.
- If, in addition to submitting a written objection to the Settlement, you wish to appear and be heard at the Hearing on the fairness of the Settlement, you must file by September 21, 2020 a notice of intention to appear with the Court and list the name, address, and telephone number of the attorney, if any, who will appear on your behalf. If you choose to appear at the Hearing, you may not raise matters that you could have raised but did not raise in your written objection, and all objections that are not set forth in your written objection may be deemed waived.

- Class Counsel will file with the Court and post on the Settlement website its request for attorneys' fees, costs and expenses, and incentive awards on August 28, 2020.

18. What's the difference between objecting and excluding myself from the Settlement?

- Objecting simply means telling the Court that you don't like something about the Settlement. You can object only if you stay in the Settlement Class (i.e., you don't exclude yourself from the Settlement). Excluding yourself from the Settlement Class is telling the Court that you don't want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

• THE COURT'S FAIRNESS HEARING

19. When and where will the Court hold a hearing on the fairness of the Settlement?

- A hearing has been set for October 29, 2020 at 11:00 am, before the Honorable Morrison C. England, Jr. at the United States District Court, 501 "I" Street, Courtroom 7, 14th Floor, Sacramento, CA 95814. At the hearing, the Court will hear any objections, and arguments concerning the fairness of the proposed Settlement, including the amount requested by Class Counsel for attorneys' fees and expenses and the incentive awards to the Class Representative and two other named plaintiffs.
- **Note:** The date and time of the fairness hearing are subject to change by Court Order, but any changes will be posted at the Settlement website, www.NCALawsuit.com, or through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>.

20. Do I have to come to the hearing?

- No. Class Counsel will answer any questions the Court may have, but you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as your written objection was filed or mailed on time and meets the other criteria described in the Settlement Agreement, the Court will consider it. You may also pay another lawyer to attend, but you don't have to.

21. May I speak at the hearing?

- If you do not exclude yourself from the Settlement Class, you may ask the Court for permission to speak at the hearing concerning any part of the proposed Settlement by asking to speak in your objection by following the instructions above in section 17.

- **GETTING MORE INFORMATION**

22. Where can I get additional information?
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- This notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.NCALawsuit.com, by contacting Class Counsel at 925-300-4455, by accessing the Court docket in this case through the Court's PACER system at <https://ecf.caed.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Eastern District of California, 501 "I" Street, Room 4-200, Sacramento, CA 95814 between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.
- Visit the website, at www.NCALawsuit.com, where you will find the Plaintiffs' Complaint, the Settlement Agreement and other documents related to case and the settlement.
 - **PLEASE DO NOT CONTACT THE COURT, THE JUDGE, OR THE DEFENDANT WITH QUESTIONS ABOUT THE SETTLEMENT OR CLAIMS PROCESS.**
- **DATED: JULY 21, 2020 BY ORDER OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA**