

# If you were named in foreclosure proceedings filed by the Clunk Law firm, you may be entitled to receive a cash settlement payment.

A United States District Court authorized this notice. This is **not** a solicitation from a lawyer.

## ***Why did I get this notice?***

You received this notice because you were identified in the records of The Law Offices of John D. Clunk Co., L.P.A., now known as, Clunk, Hoose Co., LPA. (“the Clunk Firm”) as having been named in a foreclosure proceeding filed by the Clunk Firm and in relevant court records as having obtained a bankruptcy discharge for personal liability on the mortgage/note which was referenced in those foreclosure proceedings.

## ***What does this lawsuit complain about?***

Plaintiffs generally allege that the Clunk Firm’s foreclosure filings violated the Fair Debt Collection Practices Act (“FDCPA”) by, among other things, failing to clearly disclose that no personal judgment was being sought against named defendants who previously had their personal liability discharged in bankruptcy.

## ***How does the Clunk Firm respond?***

The Clunk Firm denies that the foreclosure actions it filed lacked clarity or were misleading or improper in any way. The Clunk Firm also denies that it was attempting to seek recovery from anyone who previously had their personal liability discharged in bankruptcy.

## ***Has the Court decided who is correct?***

No, the Court has not determined who is right or if the parties are each partially right and partially wrong. This proposed settlement agreement will resolve that disputed and uncertain issue permanently. The Court will review the proposed settlement to determine if it is fair to the proposed class members considering the risks involved.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
Exclude Yourself	Get no payment. This option allows you to independently pursue a lawsuit against the Clunk Firm about the legal claims in this case. If you believe that you have an individual damage claim (actual damages), you are encouraged to consult an attorney regarding your legal rights, as counsel listed in this notice do not represent you regarding any individual damage claim you may have.
Object	Write a letter to the Court about why you don’t like the settlement, and comply with the requirements set forth in this notice for objecting.
Go to the Final Settlement Hearing	Object, comply with the requirements set forth in this notice for objecting, and ask to speak in Court about the fairness of the settlement.
Do Nothing	Receive a settlement check via mail. If you believe that you have an individual damage claim (actual damages), you are encouraged to consult an attorney regarding your legal rights, as counsel listed in this notice do not represent you regarding any individual damage claim you may have.

- Your legal rights are affected whether you act, or don’t act. Please read this notice carefully.
- These rights and options—**and the deadlines to exercise them**—are explained in this notice.

## ***The Proposed Settlement.***

- The two sides disagree on whether any damages were actually incurred or would be awarded at trial.
- The proposed settlement relates to statutory damages. **If you wish to pursue individual damages in addition to statutory damages against the Clunk Firm, you are encouraged to consult an attorney regarding your legal rights.** The settlement provides that each person who had their personal liability discharged in bankruptcy prior to being named in a foreclosure suit filed by the Clunk Firm between November 20, 2012 and December 31, 2013, and who was not expressly advised that no personal judgment was being sought based on their prior bankruptcy discharge, will receive a *pro rata* share of the \$30,000 statutory damages settlement. The amount you actually receive will depend on the number of class members who can be located and who do not opt out. The maximum award will be \$100. The estimated minimum award is \$20.
- The settlement is a resolution of a disputed liability in which the Clunk Firm is alleged to have violated the FDCPA by failing to indicate that it was not pursuing personal judgments with sufficient clarity; the Clunk Firm maintains that it did not violate any law and that the language used was clear.
- Counsel for the class, i.e., plaintiffs, will receive up to \$145,000 in attorneys' fees and expenses subject to Court approval.
- The Court in charge of this case must approve the settlement before it is effective. Checks will be mailed and any payments will be made only if the Court approves the settlement and all appeals, if any, are resolved. Please be patient. ***If you move***, please simultaneously mail your updated address to the Claims Administrator at: First Class, Inc./J13781-Rainier, 5410 W. Roosevelt Rd. Ste. 222, Chicago, IL 60644-1490.

### ***Who is in the proposed class?***

All persons who received a discharge of their personal indebtedness under their mortgage in bankruptcy and, from November 20, 2012 through December 31, 2013, subsequently received either of the following from the Clunk Firm: (a) a foreclosure complaint which did not state that no personal judgment was sought; or (b) a foreclosure complaint containing words to the effect that "if you filed for bankruptcy, then no personal judgment is sought" without specifically stating that no personal judgment was sought.

### ***What will I get if the proposed settlement is approved and I do not opt out?***

If the proposed settlement is approved, and you do not opt out of the class, you qualify as a class member. Class members will automatically receive via mail, at their last known address, a check for their *pro rata* share of the \$30,000 statutory damages settlement amount. Your share will be calculated by dividing \$30,000 by the total number of class members who can be identified and reached with a current address. However, the maximum payment per class member is capped at \$100. The parties estimate that the minimum payment would be around \$20. Any remaining cash as well as any checks that remain un-cashed after 6 months (which will be voided) will be donated to the Boy Scouts of America National Foundation.

### ***Who else will receive money from this proposed settlement?***

Class counsel will receive payment not exceeding \$145,000 for legal fees and expenses. The three named lead plaintiffs will each receive an incentive award not exceeding \$1,000, totaling a maximum of \$3,000. These amounts will ultimately be determined by the Court. Also, the company hired to administer the claims, issue this notice, and issue cash payments will receive payment for these services.

### ***How do I opt out of the class and the proposed settlement?***

To be excluded from the class and the proposed settlement, mail a statement that you wish to opt out including your name and address to First Class, Inc./J13781-Rainier, 5410 W. Roosevelt Rd. Ste. 222, Chicago, IL 60644-1490, ***within 60 days*** of being mailed this notice: ***deliver it before August 18, 2018.*** This is your only opportunity to opt out. **If you wish to pursue individual damages against the Clunk Firm and do not opt out, any additional recovery of individual damages may be precluded.** If you opt out, however, you will not receive cash payment under this settlement.

## ***How do I object to the proposed settlement?***

You can ask the Court to 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.

In order to object, intervene, and speak at the Final Settlement Hearing you must do the following, in writing, ***within 60 days*** of being mailed this notice. Forward to the Court: (a) a statement of each objection being made; (b) a list of witnesses who you plan to call to testify at the Final Settlement Hearing, if any; and (c) a list of exhibits, along with copies of the exhibits, that you plan to offer during the Final Settlement Hearing, if any. This is your only opportunity to object. If you do not follow the procedures outlined in this notice, ***you will waive all objections to the proposed settlement and be bound by the terms of the settlement.***

The items required above to object or request to intervene (appear and speak) at the Final Settlement Hearing must be received by the Court ***within 60 days*** of being mailed this notice: ***the objection or request must be received by August 18, 2018.***

The objection or request must be clearly marked as relating to *Rainier v. The Law Offices of John D. Clunk Co., LPA*, S.D. Ohio No. 13-1173, and copies must be mailed to the Court at:

Office of the Clerk  
Joseph P. Kinneary U.S. Courthouse  
Room 121  
85 Marconi Boulevard  
Columbus, Ohio 43215

You may object to the proposed settlement in writing. You may also appear at the Final Approval Hearing on October 4, 2018 at 10:00 AM in Courtroom 3 – Columbus, Ohio, before Judge Michael H. Watson,<sup>1</sup> either in person or through your own attorney. If you appear through your own attorney, you are responsible for paying that attorney. All written objections and supporting papers must (a) clearly identify the case name and number (*Rainier v. The Law Offices of John D. Clunk Co., LPA*, S.D. Ohio No. 13-1173), (b) be submitted to the Court either by mailing them to the Office of the Clerk, United States District Court for the Southern District of Ohio, Joseph P. Kinneary U.S. Courthouse, Room 121, 85 Marconi Boulevard, Columbus, Ohio 43215, or by filing them in person at any location of the United States District Court for the Southern District of Ohio or by your attorney filing them electronically, and (c) be filed or postmarked on or before August 18, 2018.

## ***May I retain my own attorney?***

Yes, if you believe you are not being fairly and adequately represented, you may appear through your own attorney who may seek to intervene, or alert the Court.

## ***What do I do if the person to whom this notice is addressed is deceased or this notice is addressed to an Estate?***

You should notify the Claims Administrator by mail at First Class, Inc./J13781-Rainier, 5410 W. Roosevelt Rd. Ste. 222, Chicago, IL 60644-1490, of the deceased, the name and contact information for the administrator of the estate, and contact information for the attorney representing the estate. Distribution can only occur if the estate is currently open. You should also notify the estate and attorney representing the estate of this notice. A deceased class member's estate will be included in the distributions under the Settlement only if you

---

<sup>1</sup> The date and time of the Final Approval Hearing may change without further notice to the class. To confirm the date and time, please check the settlement web page [www.FDCPAforeclosuresettlement.com](http://www.FDCPAforeclosuresettlement.com), or access the Court docket in this case through the Court's Public Access to Court Electronic Records (PACER) system at <http://www.ohsd.uscourts.gov/>, or visit the office of the Clerk of the Court for the United States District Court for the Southern District of Ohio, at the Potter Stewart U.S. Courthouse, 100 East Fifth Street, Room 103 Cincinnati, Ohio 45202, Telephone: (513) 564-7500, of the Joseph P. Kinneary U.S. Courthouse, 85 Marconi Boulevard, Room 121 Columbus, Ohio 43215, Telephone: (614) 719-3000, or the Federal Building, 200 West Second Street, Room 712 Dayton, Ohio 45402, Telephone: (937) 512-1400, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

notify the Claims Administrator before the Final Settlement Hearing on October 4, 2018 at 10:00 AM in Courtroom 3 – Columbus, Ohio, before Judge Michael H. Watson.<sup>2</sup>

***If I do nothing, will I be bound?***

Yes, unless you opt out. To opt out, mail a statement you wish to opt out including your name and address to First Class, Inc./J13781-Rainier, 5410 W. Roosevelt Rd. Ste. 222, Chicago, IL 60644-1490, you will then not be bound by the settlement and you will not receive any payment if the settlement is approved. Unless you opt out, you will be bound by the settlement if it is approved by the Court and will be forever prevented from making the claims outlined above or similar claims arising out of any past conduct of the Clunk Firm. **If you wish to pursue individual damages against the Clunk Firm and do not opt out, any additional recovery of individual damages may be precluded.** If you believe that you have an individual damage claim, you may wish to consult an attorney, as counsel listed in this notice do not represent you regarding any individual damage claim you may have.

***Where can I read the claims, defenses, relevant Court orders, and terms of the proposed settlement for myself?***

This notice summarizes the proposed settlement. For the precise terms and conditions of the settlement, please see the settlement agreement available at [www.FDCPAforeclosuresettlement.com](http://www.FDCPAforeclosuresettlement.com), or contact class counsel at (614) 529-8600, or access the Court docket in this case through the Court’s Public Access to Court Electronic Records (PACER) system at <http://www.ohsd.uscourts.gov/>, or visit the office of the Clerk of the Court for the United States District Court for the Southern District of Ohio, at the Potter Stewart U.S. Courthouse, 100 East Fifth Street, Room 103 Cincinnati, Ohio 45202, Telephone: (513) 564-7500, of the Joseph P. Kinneary U.S. Courthouse, 85 Marconi Boulevard, Room 121 Columbus, Ohio 43215, Telephone: (614) 719-3000, or the Federal Building, 200 West Second Street, Room 712 Dayton, Ohio 45402, Telephone: (937) 512-1400, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

***Whom can I contact if I have additional questions?***

Contact Class Counsel, Mr. Michael B. Zieg or Mr. James E. Nobile by telephone (614) 529-8600, by mail 4876 Cemetery Road, Hilliard, Ohio 43026, or by email at [mzieg@ntlegal.com](mailto:mzieg@ntlegal.com) or [jenobile@ntlegal.com](mailto:jenobile@ntlegal.com).

---

<sup>2</sup> The date and time of the Final Approval Hearing may change without further notice to the class. To confirm the date and time, please check the settlement web page [www.FDCPAforeclosuresettlement.com](http://www.FDCPAforeclosuresettlement.com), or access the Court docket in this case through the Court’s Public Access to Court Electronic Records (PACER) system at <http://www.ohsd.uscourts.gov/>, or visit the office of the Clerk of the Court for the United States District Court for the Southern District of Ohio, at the Potter Stewart U.S. Courthouse, 100 East Fifth Street, Room 103 Cincinnati, Ohio 45202, Telephone: (513) 564-7500, of the Joseph P. Kinneary U.S. Courthouse, 85 Marconi Boulevard, Room 121 Columbus, Ohio 43215, Telephone: (614) 719-3000, or the Federal Building, 200 West Second Street, Room 712 Dayton, Ohio 45402, Telephone: (937) 512-1400, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays.