

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION**

GREG J. ROTH and NICOLE	)	
BOLTON, on behalf of Plaintiffs	)	
and a class,	)	
	)	2023CH09805
Plaintiffs,	)	
v.	)	
	)	
ZWICKER & ASSOCIATES, P.C.,	)	
	)	
Defendant.	)	

**If you were served with a lawsuit that was filed by Zwicker & Associates, P.C., you may benefit from this class action settlement.**

This is not a solicitation from a lawyer.

**THIS IS A NOTICE OF A SETTLEMENT OF A CLASS ACTION LAWSUIT  
("the Litigation").**

**THIS IS NOT A NOTICE OF A LAWSUIT AGAINST YOU.**

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT**

<b>RECEIVE YOUR PORTION OF THE CLASS DISTRIBUTION</b>	If you wish to receive a portion of the class settlement proceeds, you do not need to do anything. If the settlement is approved, all members of the Class who do not exclude themselves will receive equal portions of the net Settlement Fund.
<b>EXCLUDE YOURSELF</b>	You will receive no benefits, but you will retain your legal claims, if any, against the Defendant.
<b>OBJECT</b>	Write to the Court explaining why you don't like the settlement. You may also appear at the fairness hearing. If you wish to object, you will need to follow the Court's directives on how to do so.
<b>GO TO A HEARING</b>	Ask to speak in Court about the fairness of the settlement.

QUESTIONS? CALL 312-739-4200 TO CONTACT CLASS COUNSEL'S OFFICE  
Please Refer to Settlement # 40323

## **1. What is the Litigation about?**

This Litigation was filed against Defendant asserting that it allegedly violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (“the Law”) by having consumers served with summonses that did not contain certain required information. Defendant denies Plaintiffs’ allegations and asserts that its summonses followed practices of the court clerk’s office arising during and after the COVID-19 pandemic, that the summonses were approved by the court clerks, and that it complied fully with all applicable state and federal laws.

## **2. Why did you get this notice?**

You are receiving this notice because you were identified by Defendant as a person in following Class:

All individuals in the State of Illinois against whom: (a) Defendant filed a civil suit in Cook County on a consumer debt; (b) who were served with a summons and complaint that directs the recipient to attend court on a date which is not filled in and (c) the summons was served at any time during the Class Period.

## **3. Why is this a class action?**

In a class action, one or more people, called “Class Representatives” (in this case, Greg J. Roth and Nicole Bolton), sue on behalf of people who have similar claims. All of these people together are a “Class” or “Class Members.” The Court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

## **4. Why is there a settlement?**

Plaintiffs, on the one hand, and Defendant, on the other have agreed to settle the Litigation to avoid the time, risk, and expense of defending the Litigation, and to achieve a final resolution of the disputed claims. Under the proposed settlement, Class Members will have the opportunity to obtain a payment in full settlement of the claims raised in the Litigation. The Class Representatives and their attorneys, who are experienced consumer and class action attorneys, think the settlement is best for all Class Members.

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**5. How do you know if your claims are included in the settlement?**

You received this notice because Defendant's records identified you as a Class Member. That means you appear to fit the description of the Class, which the Court has certified for settlement purposes.

**6. What does the settlement provide?**

Defendant has agreed to establish a Settlement Fund for the Class in the amount of \$75,000. Class Counsel will seek an award of fees and costs to be deducted from the Settlement Fund, and the net Settlement Fund after deduction of those fees and costs will be distributed on a *pro rata* basis to all Class Members who have not excluded themselves and who are not otherwise excluded from the Class. In addition to persons who make timely requests to be excluded from the Class, the following persons are also excluded:

- a. any person who is already subject to an existing release of Defendant that was executed during the Class Period;
- b. the Court and members of the Court's family;
- c. Any person who is deceased as of the date of the Fairness Hearing;  
and
- d. any person who has filed for bankruptcy protection under Title 11 of the United States Code as of the date of the Conditional Certification Order.

In addition to the Settlement Fund, Defendant will pay \$2,000 to Plaintiff Greg J. Roth and \$2,000 to Plaintiff Nicole Bolton. Such compensation is in consideration of the named Plaintiffs' individual claims and their service to the Class. The amounts to be awarded to the Plaintiffs are subject to Court approval.

If you wish to claim your share of the Settlement Fund you do not need to do anything. If the settlement is granted final approval and that approval is not overturned on appeal, you will receive your share of the net Settlement Fund. . There are approximately 604 Class Members among whom the Net Settlement fund will be distributed.

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## **7. What can I get from the Settlement?**

There are a maximum of 604 class members. Class Counsel will not seek more than \$25,000 in fees and costs from the Settlement Fund. If that amount is approved and if no members of the Class opt out, your distribution will be approximately \$80.00. If any members of the class do opt out, their portion of the net Settlement fund will be part of the pro rata distribution to those who remain in the Class.

The claims asserted on behalf of the Class against Defendant is under the Fair Debt Collection Practices Act (“FDCPA”). The FDCPA is a federal statute that provides for both individual actions and class actions. In an individual action, the person bringing the suit may recover (i) any actual damages sustained as a result of the alleged violation; and (ii) statutory damages of between \$0 and \$1,000. In a class action, the maximum possible recovery is (i) any actual damages sustained as a result of the alleged violation by the class members and (ii) the lesser of 1% of Defendant’s net worth or \$500,000 (whichever is less). The Court, in its discretion, may award anything from zero up to the maximum amount to a prevailing party. In either an individual or class action, the person bringing the suit can also recover attorneys’ fees and the expenses of prosecuting the suit, if it is successful. Defendant has presented evidence showing that the Settlement Fund of \$75,000, is 87.2 % of the very most that the Court could allow in statutory damages. Based upon this, Class Counsel believes that the Settlement is both fair and reasonable.

## **8. How can you get a payment?**

Do nothing to qualify for a payment.

## **9. When will you be paid?**

You will receive these benefits approximately 45-60 days after the Court enters a Final Approval Order. This estimation is premised on the assumption that no objections are received and that there is no appeal of the Final Judgment.

## **10. What rights are you giving up in this settlement?**

Unless you exclude yourself from this settlement, all of the Court’s orders will apply to you, and you give Defendant a “release”. A release means you cannot sue or be part of any other lawsuit against Defendant about the claims or issues in the Litigation. This description is general and does not cover the full release language. For a complete statement of all the contentions, proceedings and

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settlement terms in this case, you should consult the files relating to the Litigation, which are available for your inspection at the Clerk of the Circuit Court, 50 W. Washington, Suite 1001, Chicago, Illinois 60602-1305.

### **11. Excluding yourself from the settlement.**

If you do not want to receive the benefits of the settlement but you want to keep your legal claims against Defendant, then you must take steps to exclude yourself from this settlement.

To exclude yourself from the Settlement, you must send a letter which states:

I hereby exclude myself from the settlement in *Greg J. Roth and Nicole Bolton v. Zwicker & Associates, P.C.*, Case No. 2023CH09805 in the Circuit Court of Cook County, Illinois, Chancery Division.

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 3, 2024** to: **Class-Settlement.com P.O. Box 9009, Hicksville, NY 11802-9009**

### **12. If I exclude myself will I still receive a portion of the Settlement Fund?**

No, you will not receive anything resulting from the settlement, but you may have the right to sue Defendant over the claims raised in the Litigation. 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.

### **13. Do I have lawyers in this Litigation?**

The Court has named lawyers at the law firm of Edelman, Combs, Latturner & Goodwin, LLC as Class Counsel. You will not be charged for these lawyers; however, they will receive a payment from the Settlement Fund before the remainder of that fund (the net Settlement Fund) is distributed equally among the class Members who are not excluded from the Class. 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, that lawyer must file an appearance by **January 3, 2025**.

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**14. How do I tell the Court that I do not like the Settlement?**

If you object to the Settlement and wish to file an objection rather than excluding yourself, you must submit your objection in writing to the Clerk of the Circuit Court of Cook County, Illinois, 50 W. Washington, Room 2308, Chicago, Illinois 60602-1305. Your objection must be postmarked by **January 3, 2025**. You must also serve copies of your objection and any supporting memoranda or materials on each of the attorneys for the Settlement Class and for Defendant listed below, postmarked by the same date. Your objection must be signed under penalty of perjury and must identify (1) the case name and number (*Roth v. Zwicker & Associates, P.C.*, Case No. 2023CH09805), your name, address, (2) all attorneys who assisted you in the preparation or filing of your objection, (3) a list of all other class action cases in which you or your attorneys have submitted an objection to a settlement, including case name, court, case number, and how much, if any amount, was paid in connection with the objection, and (4) a statement of the reasons why you believe the Court should find that the proposed settlement is not fair, reasonable, adequate, and in the best interests of the Settlement Class. If your objection does not comply with these requirements, the Court will strike and disregard your objection. If you file an objection, then you may also appear at the final approval hearing before Judge Neil H. Cohen in Courtroom 2308 of the Richard J. Daley Center on **the date of the Final Fairness Hearing identified in the section below entitled “When and where will the Court decide whether to approve the settlement.”** The final approval hearing may occur by videoconference, in whole or in part. You are not required to attend the hearing unless you object to the settlement.

You must also send a copy of your objection to **these attorneys**:

Daniel A. Edelman Edelman, Combs, Lattuner & Goodwin, LLC 20 South Clark Street, Suite 1800 Chicago, IL 60603  CLASS COUNSEL	Nabil G. Foster Barron & Newburger, PC 53 W. Jackson Blvd. Suite 1205 Chicago, IL 60604  ATTORNEY FOR DEFENDANT
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**15. When and where will the Court decide whether to approve the settlement?**

The Court will hold a hearing to decide whether to approve the settlement (“Final Fairness Hearing”) on **February 11, 2025, at 10 a.m.** You may attend if you

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wish, but you are not required to do so. The hearing will be held before the Honorable Neil H. Cohen in Courtroom 2308 of the Cook County Courthouse, 50 W. Washington, Suite 1001, Chicago, Illinois 60602-1305. At the Final Fairness Hearing the Court will consider whether the proposed settlement is fair, reasonable, and adequate and, if so, whether it should be granted final approval. The Court will hear objections to the settlement, if any. The Court may decide, postpone, or continue the hearing.

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

**16. What will happen if the Court does not approve the settlement?**

If the Court does not approve the settlement, or if the settlement does not become final for some reason, you will receive no benefits from the Settlement and the case will continue.

**Getting More Information – Contact:**

**Daniel A. Edelman**  
**Edelman, Combs, Lattuner & Goodwin, LLC**  
**20 S. Clark St., Suite 1800**  
**Chicago, IL 60603**  
**(312) 739-4200**  
**[info@edcombs.com](mailto:info@edcombs.com)**  
**[www.edcombs.com](http://www.edcombs.com)**

This notice is only a summary of the proposed settlement of the Litigation. All pleadings and documents filed in Court, including the Class Action Settlement Agreement, may be reviewed or copied in the Clerk of Cook County circuit Court. Please do not call the Judge about this case. **Neither the Judge, nor the Clerk of the Court, will be able to give you advice about this case.**

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