

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

If you visited the website of Midland Credit Management, Inc. and were offered a settlement or discount on your debt, you may benefit from this class action settlement.

The case is titled *Wheeler v. Midland Funding, LLC, et al*, (15-cv-11152) (N.D. Ill.) (“Litigation”). A Federal Court authorized this notice. This is not a solicitation from a lawyer.

**THIS IS A NOTICE OF A SETTLEMENT OF A CLASS ACTION LAWSUIT.
THIS IS NOT A NOTICE OF A LAWSUIT AGAINST YOU.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

DO NOTHING AND STAY IN THE CLASS TO RECEIVE A CHECK	By doing nothing, you will be bound by the terms of the settlement including any order the Court issues, and you will be entitled to receive a settlement check from the settlement fund.
EXCLUDE YOURSELF	You will receive no benefits, but you will retain your legal claims against the Defendants.
OBJECT	Write to the Court explaining why you don’t like the settlement. You may also participate in the fairness hearing.
ATTEND HEARING	Ask to speak to the Court about the fairness of the settlement.

1. Why did I get this notice?

You are receiving this notice because you were identified as a person to whom Midland Credit Management, LLC (“MCM”) offered a settlement or discount on MCM’s website on a time-barred debt.

2. What is the lawsuit about?

This lawsuit claims that Midland Funding, LLC (“Midland”), MCM, and Encore Capital Group, Inc. (“Encore”) (collectively, “Defendants”) violated the Fair Debt Collection Practices Act, (“FDCPA”), 15 U.S.C. §1692 *et seq.* by offering settlements or discounts on MCM’s website on time-barred debts without disclosure of the fact that the debt is time-barred (the “Claim”). The Court certified the litigation as a class action and held that MCM was liable for violating the FDCPA and the Court has paused the case pending a decision by the Court of Appeals in a related case with similar legal issues on liability and damages. Damages and the liability of Midland and Encore were not decided by the Court prior to settlement.

QUESTIONS? CALL 312-739-4200 TO CONTACT CLASS COUNSEL’S OFFICE
Please Refer to Settlement #31914

3. Why is this a class action?

In a class action, one or more people called Class Representatives (in this case, Kevin Wheeler), sue on behalf of a group (or a “Class”) of people who have similar claims regarding the collection practices allegedly used by Defendants in an attempt to collect a debt.

4. Why is there a settlement?

To avoid the cost, risk, and delay of litigation and without any admission of liability, the parties reached a settlement agreement as to Plaintiff’s and the Class’s claims in the Litigation.

5. How do I know if I am a part of the settlement?

According to MCM’s records, you are a class member.

YOUR BENEFITS UNDER THE SETTLEMENT

6. What can I get from the settlement?

If you do not timely exclude yourself from the settlement you will be entitled to a *pro rata* share of the Class Settlement Fund of \$87,600. No class member is eligible to receive more than one check. The Class consists of approximately 584 members. If everyone can be found and no one requests exclusion, each Participating Class Member will receive a check in the amount of approximately \$150.

The claims asserted on behalf of the class against Defendants are under the FDCPA. The FDCPA is a federal statute which provides for both individual actions and class actions. In an individual action, the person bringing the suit may recover (i) any actual damages suffered; and (ii) statutory damages of between \$0 and \$1,000.00. In a class action, the maximum possible recovery is (i) any actual damages suffered by the class members and (ii) the lesser of 1% of the Defendant’s net worth or \$500,000.00. The Court, in its discretion, may award anything 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. Based upon this, Class Counsel believes that a settlement in the amount of approximately \$150 per class member, is a fair and reasonable settlement.

7. When will I receive these benefits?

You will receive these benefits approximately 45-60 days after the Court enters a Final Approval Order. This estimate assumes that no objections are received.

8. I want to be a part of the settlement and receive these benefits. What do I do?

Nothing. If you do not exclude yourself you will remain in the class and you will be entitled to a *pro rata* share of the Class Recovery.

9. What am I giving up to receive these benefits?

By staying in the Class, all of the Court's orders will apply to you, and you give Defendants a "release". A release means you cannot sue or be part of any other lawsuit against Defendants about the claims or issues in the case. This description is general and does not cover the full release language. For a complete statement of all the contentions, proceedings and settlement terms in this case, you should consult the files relating to this lawsuit, which are available for your inspection at the Clerk of the United States District Court for the Northern District of Illinois, 219 S. Dearborn Street, 20th Floor, Chicago, Illinois, 60604

10. How much will the Class Representative receive?

Plaintiff Wheeler will receive a payment which includes his damages for the claim asserted on behalf of the class and an incentive award for acting as Class Representative. The total payment to Plaintiff Wheeler will be \$5,000.00, which is subject to the Court's Approval.

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 the Defendants, then you must take steps to exclude yourself from this settlement.

11. How do I get out of the settlement?

To exclude yourself from the settlement, you must send a letter by mail which states:

I hereby wish to exclude myself from the settlement in *Wheeler v. Midland Funding, LLC, et al.*, (15-cv-11152) (N.D. Ill.).

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 March 24, 2021** to:

Edelman, Combs, Lattuner & Goodwin, LLC (#31914)
20 S. Clark St., Suite 1500
Chicago, IL 60603

12. If I exclude myself, do I still receive benefits from this settlement?

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No, you will not receive anything resulting from the settlement, but you may have the right to sue Defendants over the claims raised in the Litigation, either on your own or as a part of a different lawsuit. If you exclude yourself, the time you have in which to file your own lawsuit (called the “statute of limitations”), which was stopped [date], will begin to run again.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

The Court has named the law firm of Edelman, Combs, Lattuner & Goodwin, LLC as Class Counsel. You will not be charged for these lawyers; however, they will receive a payment from Defendants in an amount to be determined by and approved by the Court and as set forth below in Paragraph 14. 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, he or she must file an appearance by **April 26, 2021**.

14. How will the lawyers be paid?

Class Counsel, Edelman, Combs, Lattuner & Goodwin, LLC, will petition the Court for an approval of reasonable attorney fees and costs incurred with respect to the Plaintiff and the Class’ claims. Pending the Court’s approval, Defendants will pay Class Counsel that amount which the Court deems reasonable. Class Counsel will request, and Defendants have agreed to pay, subject to court approval, \$175,000.00. This payment will be made in addition to the Class Recovery and will not reduce the amount that you or any other class member is entitled to receive from the settlement.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the settlement or some part of it.

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

If you are a class member, you can object to the settlement. In order to object to the settlement or any part of the settlement, you must send a letter stating that you object and the reasons why you think the Court should not approve the settlement. You must include the name and number of the case: *Wheeler v. Midland Funding, LLC, et al.*, (15-cv-11152) (N.D. Ill.), your name, address, telephone number, and your signature. If you are objecting to the settlement, you may also appear at the fairness hearing (explained below in answer to question no. 18). You must mail your objection so that it is postmarked no later than **March 24, 2021** to:

Clerk of the Court, United States District Court for the Northern District of Illinois,
219 South Dearborn Street, Chicago, IL 60604

QUESTIONS? CALL 312-739-4200 TO CONTACT CLASS COUNSEL’S OFFICE
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You must also send a copy of your objection to:

Edelman, Combs, Lattuner & Goodwin, LLC (#31914)
20 S. Clark St., Suite 1500
Chicago, IL 60603

THE FAIRNESS HEARING

The Court will hold a remote or in-person hearing to decide whether to approve the settlement. You may participate if you wish, but you are not required to do so.

16. Where and when is the fairness hearing?

The Court will hold a fairness hearing on **April 27, 2021 at 11:00 a.m. (CT)**. Due to the public health emergency arising from the COVID-19 pandemic, the fairness hearing will be conducted telephonically. Please call (312) 917-4504 for the dial-in and other information about participating in the fairness hearing. The purpose of the hearing will be for the Court to determine whether the proposed settlement is fair, reasonable, and adequate, and in the best interests of the class, and to determine the appropriate amount of compensation for Class Counsel. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed settlement.

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

GETTING MORE INFORMATION – CONTACT:

Cassandra P. Miller (#31914)
Edelman, Combs, Lattuner & Goodwin, LLC
20 S. Clark St., Suite 1500
Chicago, IL 60603
(312) 739-4200
info@edcombs.com
www.edcombs.com

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