

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

*Johnson v. Enhanced Recovery Company, LLC*

Case No.: 2: 16-cv-330, Judge Philip P. Simon

**NOTICE OF PENDENCY OF CLASS ACTION**

PLEASE READ THIS NOTICE CAREFULLY.  
YOU HAVE RIGHTS RELATING TO A PENDING LAWSUIT.  
YOU MAY BENEFIT FROM READING THIS NOTICE.  
THIS IS NOT A LAWSUIT AGAINST YOU.

**WHY ARE YOU RECEIVING THIS NOTICE?**

You have been identified as a potential class member in a lawsuit filed against the Defendant, Enhanced Recovery Company, LLC ("Defendant" or "ERC"). You previously received a collection letter from Defendant attempting to collect an alleged debt. A Class has been certified by the Court and includes.

(a) all individuals who were sent a letter by defendant Enhanced Recovery Company, LLC, (b) offering a settlement of a debt incurred primarily for personal, family, or household purposes, (c) and stating that "your delinquent account may be reported to the national credit bureaus" (d) where the debt was reported to one or more national credit bureaus (Equifax, Trans Union, or Experian) on or before the date in the letter for receipt of the settlement, or first payment thereof, and (e) the letter was sent at any time during a period beginning July 13, 2016 and ending August 3, 2017 (f) to a mailing address in the State of Indiana.

**WHAT IS THIS LAWSUIT ABOUT?**

This lawsuit claims that defendant violated a federal law called the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA"). Plaintiff claims that the statement made by Defendant, "your delinquent account may be reported to the national credit bureaus," was false and misleading where the debt was reported to one or more national credit bureaus (Equifax, Trans Union, or Experian) on or before the remittance date requested in the letter for the settlement, or the first payment thereof. Defendant denies it violated any laws and denies liability to Plaintiff and the class.

THE COURT HAS MADE NO FINDING OF LIABILITY AGAINST DEFENDANT and defendant denies any wrongdoing. Further, if the Court ultimately finds that there was no violation of the law, the class members will receive nothing. At this time, this class action and Notice has no impact on any collection activity Defendant has taken against you, and such activity may be ongoing at this time.

If Plaintiff prevails, you may be entitled to recover statutory and actual damages under the FDCPA. Under the statute, an individual can recover: i) any actual damages suffered; ii) statutory damages from \$0-\$1,000; and iii) attorney's fees. In a class action, each class as a whole, may recover up to \$500,000 or 1% of a defendant's net worth in statutory damages, whichever is less. No actual damages have been alleged in the lawsuit. Defendant estimates that there are approximately 39,196 potential class members.

**WHAT ARE YOUR OPTIONS?**

Judge Simon has determined that this case can proceed as a class action. However, the claim is disputed and Defendant denies all liability. As a member of the class you have the choice of remaining in or excluding yourself from the class. Please review your options below. Each choice has certain risks and consequences. You have the right to discuss your decision with Class Counsel or your own attorney.

**a) Remain in the Class:** You do not need to take any further action if you want to remain a member of the class. You will be represented by the law firm that brought this action on behalf of the Plaintiff, which has been designated as the Class Counsel by Judge Simon. These attorneys are:

Cassandra P. Miller (#32689)  
EDELMAN, COMBS, LATTURNER & GOODWIN, LLC  
20 S. Clark St., Suite 1500  
Chicago, IL 60603  
(312) 917-4504  
[info@edcombs.com](mailto:info@edcombs.com) (e-mail)  
[www.edcombs.com](http://www.edcombs.com) (website)

If you stay in the class, you will be bound by the result of the lawsuit, whether the result is favorable or unfavorable. This means, for example, if the judge enters a judgment against Defendant, you might receive money from the lawsuit. On the other hand, if the judge finds no liability on the part of Defendant, you would lose your claim and not receive any money.

b) **Exclude Yourself from the Class:** If you exclude yourself from the class, you: (i) will not be bound by any judgment or disposition of this case; (ii) will retain any claims you may have against Defendant; and (iii) will not share in any recovery that may be awarded by the Court or obtained under any settlement with Defendant.

If you elect to be excluded from the class, you may file an individual action or intervene in this action. You also have the right to file an appearance yourself or through an attorney. If you want your own lawyer to represent you in an individual case, the terms of such representation are for you and your lawyer to negotiate.

The statute of limitations, which stopped running for individual actions on July 12, 2016, when this case was filed, will begin running again upon your filing of request for exclusion. You will have the same number of days to file suit as you had on July 12, 2016. Your request to exclude yourself must be postmarked by **[45 days from mailing date]**, 2018, and sent to class counsel listed above.

**CORRECT ADDRESS**

If this Notice was sent to you at your current address, you do not have to do anything to receive any further notices concerning this case. If it was forwarded by the postal service, or if it was otherwise addressed to you at an address which is not current, you should immediately send a letter to Edelman, Combs, Lattner & Goodwin, LLC at the address listed above.

If the person to whom this notice was sent is deceased, kindly send a letter to the same lawyers with this information and include any supporting documentation.

**INQUIRIES:**

Any questions you have concerning this notice should be directed to Edelman, Combs, Lattner & Goodwin, LLC. Please include the case name and number ("*Johnson v. Enhanced Recovery Company*, LLC Case No.: 2: 16-cv-330, ECLG #32689"), your name and your address on any letters, and not just on the envelope.

***DO NOT CONTACT THE COURT OR THE JUDGE REGARDING THIS NOTICE.***

**QUESTIONS? CALL 312-917-4504 TO CONTACT CLASS COUNSEL'S OFFICE  
REFERENCE #32689**



12345678

Org Name  
Contact Name  
Address  
City/State/ZIP