

## [Full Notice for use in home page of Class Administrator Website]

*Datta v. Asset Recovery Solutions, LLC*, Case No. 5:15-CV-00188-LHK-HRL

In the U.S. District Court for the District of Northern District of California

**If a collection letter was sent to you by Asset Recovery Solutions, LLC  
Your Rights May Be Affected from a Class Action Settlement.**

- This is a class action about whether Asset Recovery Solutions, LLC (“Asset”) followed certain laws when sending certain collection letter to consumers in California. Plaintiff asserts claims under the Fair Debt Collection Practices Act (FDCPA) and the California Rosenthal Fair Debt Collection Practices Act (RFDCPA). The District Court ruled on motions concerning class certification and summary judgment. The parties have agreed to settle rather than continue litigating the case to conclusion.
- Your legal rights are affected if you act or don’t act. Read this Notice carefully, and please refer to the Frequently Asked Questions or the Settlement Agreement on this website for more detailed information. This Notice is also available in Spanish on this website.

LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:	
<b>EXCLUDE YOURSELF BY</b> _____, 2017	Mail your request to exclude yourself from the settlement to the Class Administrator. You will maintain the right to bring your own timely claim against Asset.
<b>OBJECT BY</b> _____, 2017	Mail to the Class Administrator your objections to the settlement.
<b>GO TO A HEARING ON</b> _____, 2017	Ask to speak in Court about the fairness of the settlement.
<b>DO NOTHING</b>	You release your claims against Asset in this case.
<b>ENTER AN APPEARANCE BY</b> _____, 2017	You may file with the Court an appearance, either by yourself or through an attorney, if you choose to do so, at your own expense

- The rights and options—and the deadlines to exercise them—are explained in the settlement agreement and frequently asked questions on this website.
- The Court in charge of this case must decide whether to approve the settlement. Please be patient.

**FREQUENTLY ASKED QUESTIONS FOR USE IN WEBSITE AND FOR PRINTED NOTICE IF REQUESTED BY PHONE****1. Why did I receive a postcard notice?**

You were notified about this case because you have been identified as previously receiving a collection letter sent by Asset that forms the basis of this lawsuit.

The Court approved the notice because you have the right to know about a proposed settlement of a class action lawsuit, and your options, before the Court decides whether to approve the settlement. If the Court approves the settlement, and after objections and appeals are resolved, a charitable payment of \$5,000 will be made to the Pro Bono Project of Silicon Valley for use in consumer education, and shall be done in the name of the Class.

The Court in charge of the case is the United States District Court for the Northern District of California. The case is known as *Datta v. Asset Recovery Solutions, LLC*, Case No. 5:15-CV-00188-LHK-HRL. The person who sued is called the “Plaintiff,” and the company she sued is called the “Defendant.”

The Court has defined the class as:

- (i) (i) all persons with addresses in California, (ii) to whom Defendant sent, or caused to be sent, a collection letter in the form of Exhibit “1” in an envelope in the form of Exhibit “2,” (iii) in an attempt to collect an alleged debt originally owed to HSBC Bank Nevada, N.A., (iv) which was incurred primarily for personal, family, or household purposes, (v) which were not returned as undeliverable by the U.S. Post Office, (vi) during the period one year prior to the date of filing this action through the date of class certification.

## **2. What is this lawsuit about?**

Plaintiff claims Asset did not follow certain laws when sending certain letters to consumers in California in violation of the FDCPA and the RFDCPA. In particular, Plaintiff claims that displaying the name “Asset Recovery Solutions” on the envelope shows that the letter was an attempt to collect a debt.

## **3. What is a class action and why is this case a class action?**

In a class action, one or more people, called Class Representatives, sue on behalf of the others like them. The Class Representative in this case is Meena Arthur Datta. She, and all people affected by the conduct alleged, are a “Class” or “Class Members.” The attorneys representing Plaintiff and the Class “Class Counsel” are Fred Schwinn and Raean Roulston of the Consumer Law Center, Inc. and Randolph Bragg of Horwitz, Horwitz & Associates. In a class action lawsuit, one court resolves the case for all Class Members, except for those who exclude themselves from the Class.

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

Both sides agreed to a settlement. That way, they avoid the cost of a trial. The Class Representatives and Class Counsel think the settlement is best for all class members. Defendant denies it did anything wrong.

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

The class is defined in # 1 above. If you received a postcard notice you have been identified as a class member.

## **6. Are businesses Class members?**

No. The Class is limited to individual consumers.

## **7. What does the settlement provide?**

To remedy the actions complained of by Plaintiff, Defendant (1) will be enjoined from using the name “Asset Recovery Solutions, LLC” appearing through the glassine window in its collection letters; and (2) will be enjoined from placing the letter vendor’s internal tracking codes above the consumer’s name in the glassine window in its collection letters. Additionally, Meena Datta, the named class representative, will be paid \$1,000. This amount includes the statutory damages sustained for the actions challenged in this lawsuit, compensation for her services as a class representative over the years of litigating this case, and compensation for her broader release of claims. In addition, there will be a charitable payment of \$5,000 made to the Pro Bono Project of Silicon Valley in the name of the Class, for use in consumer education.

## **8. What am I giving up to stay in the Class?**

Unless you exclude yourself, you will remain in the Class which means that you can’t sue, continue to sue, or be part of any other lawsuit against Defendant to seek any other damages regarding claims that could have been asserted in *this* case. It also means that all of the Court’s orders will apply to you and legally bind you. If you stay in the class you will

agree to release and forever discharge the Defendant Releasees from any and all claims, charges, complaints, demands, judgments, causes of action, rights of contribution and indemnification, attorneys' fees, costs and liabilities of any kind, known or unknown, past or present, whether under foreign or domestic tort or contract law and/or any other foreign or domestic statute, law, regulation, ordinance, certificate of incorporation or by-law, limited to those arising from the same factual predicate as the claims asserted in the Lawsuit.

### **9. How do I get out of the settlement?**

To exclude yourself from the settlement, you must send a written and signed statement entitled "Request for Exclusion" by mail or hand-delivery stating that you want to be excluded from the settlement in the case *Datta v. Asset Recovery Solutions, LLC*. Be sure to include your printed name, address, telephone number, and your signature. You must mail or deliver your Request for Exclusion, and it must be postmarked no later than [REDACTED], 2017, to:

CLASS ADMINISTRATOR  
ADD ADDRESS

You cannot exclude yourself on the phone or by e-mail. If you mail a Request for Exclusion, you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit if you exclude yourself. You may be able to sue the Defendant in the future for the claims the settlement resolves.

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

No. Unless you exclude yourself, you give up the right to sue Defendant for the claims that this Settlement resolves.

### **11. Do I have a lawyer in the case? And who do I contact for questions?**

The Court appointed the law firms of Consumer Law Center, Inc. and Horwitz, Horwitz & Associates to represent you as "Class Counsel." They may be contacted at:

Fred Schwinn  
Raeon Roulston  
**Consumer Law Center, Inc.**  
12 South First Street, Suite 1014  
San Jose, CA 95113  
(408) 294-6100, Extension 111

O. Randolph Bragg  
**Horwitz, Horwitz & Associates**  
25 East Washington Street, Suite 900  
Chicago, IL 60602  
(312) 564-7551

You may also contact the class administrator at:

CLASS ADMINISTRATOR  
ADD ADDRESS

### **12. Should I get my own lawyer?**

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But you may enter an appearance, either by yourself or through an attorney, if you choose to do so, at your own expense. For example, you can ask an attorney to appear in Court for you if you want someone other than Class Counsel to speak for you. You should contact your lawyer about this Notice if you still have any questions. You must file any entry of appearance with the Court no later than [REDACTED], 2017.

### **13. How will the lawyers be paid?**

Class Counsel will ask the Court for attorney fees and costs in the amount of \$17,000. The amount sought will pay Class Counsel for the time and expense spent litigating this dispute and assuming the risk of bringing the action on your behalf. The Court may award less than the amount requested. Any amount paid to Class Counsel will be paid separately by Asset and will not reduce or otherwise affect the charitable donation made on behalf of the class.

### **14. When and how can I enter an appearance in the case?**

You may enter an appearance at your own expense, either by yourself or through an attorney, if you choose to do so, by filing a notice of appearance with the Clerk of the Court no later than [REDACTED], 2017.

### **15. How do I tell the Court that I either like the settlement or don't like the settlement?**

If you are a Class Member, you must mail an objection to the Class Administrator and state that you object to the settlement or some part of it. The Court will consider your views.

To object, you must mail a written, signed statement titled "Objection" to the Class Administrator saying that you object to the proposed settlement in *Datta v. Asset Recovery Solutions, LLC*, Case No. 5:15-CV-00188-LHK-HRL. In your written objection, you must: (1) provide your full printed name, telephone number, current address, and signature; (2) declare that you are a member of the Class; and (3) describe in detail the reasons for your objection.

Your objection must be mailed to the following address no later than [REDACTED], 2017. If you do not include in your objection the necessary information outlined above, or your objection is late, it will not be considered at the Final Approval Hearing.

[CLASS ADMINISTRATOR'S ADDRESS]

All documents sent to the Class Administrator by any class member, including any letter or document expressing the member's objection to a proposed settlement, voluntary dismissal, or compromise, will be filed electronically by Class Counsel and therefore will be available for public review.

### **16. What is the difference between objecting and excluding?**

Objecting is formally telling the Court that you don't like something about the settlement and that you believe the settlement should be rejected. You can object only if you stay in the Class. If the settlement is approved, you will give up your right to sue the Defendant for the claims the settlement resolves. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you. If you exclude yourself, you may bring your own lawsuit against Defendant for the claims brought in this case, if timely filed.

### **17. When and where will the Court decide whether to approve the settlement?**

The Court will hold the Final Approval Hearing at 1:30 p.m. on \_\_\_\_\_, 2017, at the United States District Court, San Jose Federal Courthouse, Courtroom 8, 4<sup>th</sup> Floor, 280 South 1<sup>st</sup> Street, San Jose, California, 95113. You may attend and you may ask to speak, but you don't have to.

At this hearing, the Court will consider whether the Settlement is fair, reasonable and adequate. If there are objections, the Court will consider them as well. The Court will listen to Class Members who have asked to speak at the hearing. The Court will also decide how much to pay Class Counsel and the Class Representative. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take. If the Court approves the Settlement and there is no appeal, or the decision is affirmed on appeal, then the cy pres payment will be made on behalf of the class. If the Court does not approve the Settlement, then the parties will continue to litigate the case in Court.

**18. Do I have to come to the hearing?**

No. Class Counsel will answer questions the Court may have. But you are welcome to attend at your own expense. If you mail an objection, you may, but do not need to, attend. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary. You do not need to attend the hearing to participate in this case.

**19. May I speak at the hearing?**

You may speak at the Final Approval Hearing if you wish to support or oppose the settlement. In order to object to the settlement you must follow the instructions for objecting set forth above. You cannot speak at the hearing if you excluded yourself.

**20. What happens if I do nothing at all?**

If you are a Class Member and you do nothing, you will release your FDCPA/RFDCPA claims against Asset in this case, and a charitable payment of \$5,000 will be made to the Pro Bono Project of Silicon Valley in the name of the Class, for use in consumer education.

**21. What if I have want further information or have a question?**

If you want further information, or have a question, you may contact Class Counsel or the Class Administrator at the following addresses.

Fred Schwinn  
Raeon Roulston  
**Consumer Law Center, Inc.**  
12 South First Street, Suite 1014  
San Jose, CA 95113  
(408) 294-6100, Extension 111

O. Randolph Bragg  
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25 East Washington Street, Suite 900  
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