

**If You Received a Letter from Clear Management Solutions This Class Action Settlement May Affect Your Rights.**

*A federal court authorized this notice. This is not a solicitation from a lawyer.*

- J This Court has determined that Express Recovery Services, Inc. d/b/a Clear Management Solutions (“Defendant”) violated the Fair Debt Collection Practices Act (“FDCPA”) by sending letters that did not contain the required notices.
- J The parties have agreed to settle the case, asking the Court to approve a settlement in which Defendant creates a settlement fund of \$20,000. From this amount, the parties are requesting that the class representative receive \$2,000 and the remaining \$18,000 be awarded to Utah Legal Services in the form of a Cy Pres award. No funds will be distributed to the class members.
- J Your legal rights are affected whether you act or don’t act. Please read this notice carefully.

<b>SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>EXCLUDE YOURSELF</b>	This is the only option that allows you to participate in any other lawsuit against Defendant about the claims in this case.
<b>OBJECT</b>	Write to the Court if you don’t like the Settlement.
<b>GO TO A HEARING</b>	Ask to speak in Court about the fairness of the Settlement.
<b>DO NOTHING</b>	You will not receive a payment, and you will give up your right to participate in further litigation against Defendant about the claims in this case.

- J These rights and options – **and the deadlines to exercise them** – are explained in this notice.
- J The Court in charge of this case still has to decide whether to approve the Settlement.

**What This Notice Contains**

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QUESTIONS? CALL 1-833-505-0570 OR VISIT [WWW.CLEARMANAGEMENTFDCPACLASSACTION.COM](http://WWW.CLEARMANAGEMENTFDCPACLASSACTION.COM)

## BASIC INFORMATION

### 1. Why is there a notice?

A Court authorized this notice because you have a right to know about the proposed Settlement of this class action lawsuit and about all of your options before the Court decides whether to give final approval to the Settlement. This notice explains the lawsuit, the Settlement, and your legal rights.

Judge Clark Waddoups of the United States District Court for the District of Utah is overseeing this case. This litigation is known as *Morrison v. Express Recovery Services, Inc. d/b/a Clear Management Solutions*, Case No. 1:17-cv-00051-CW-EJF. The person who sued is called the “Plaintiff.” Express Recovery Services, Inc. d/b/a Clear Management Solutions is the “Defendant.”

### 2. What is this litigation about?

Plaintiff has alleged that the Defendant violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (“FDCPA”) by failing to include notices in Clear Management Solutions’ collection letters pursuant to 15 U.S.C. § 1692g and 1692e(11).

The complaint in the lawsuit is posted on the website [www.ClearManagementFDCPAClassAction.com](http://www.ClearManagementFDCPAClassAction.com) and contains all of the allegations and claims asserted against Defendant.

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

In a class action, one or more people called “Class Representatives” sue on behalf of themselves and other people with similar claims. Together, all the people with similar claims (except those who exclude themselves) are members of a “Settlement Class.”

### 4. Why is there a Settlement?

Both sides have agreed to a Settlement. By agreeing to the Settlement, the Parties avoid the costs and uncertainty of a trial, and Settlement Class Members receive the benefits described in this notice. The Class Representative and her lawyers think the proposed Settlement is best for everyone who is affected.

## WHO IS PART OF THE SETTLEMENT?

If you received notice of the Settlement by a postcard addressed to you, then you are a Settlement Class Member. But even if you did not receive a postcard, you may be a Settlement Class Member, as described below.

### 5. Who is included in the Settlement?

The Settlement Class consists of:

- ) All persons with addresses within Utah; who were sent any communication which was similar or identical to Plaintiff’s Exhibit A on behalf of Utah Imaging Associates; to recover a consumer debt; in which this initial communication failed to provide the notice required by 15 U.S.C. § 1692g and/or 15 U.S.C. § 1692e(11); which were not returned undelivered by the United States Postal Service; from April 11, 2016 until April 11, 2017.

Defendant has identified from their records 24,057 individuals that received the letter in question.

**6. What if I am not sure whether I am included in the Settlement?**

If you are not sure whether you are in the Settlement Class, or have any other questions about the Settlement, visit the Settlement website at [www.ClearManagementFDPCAClassAction.com](http://www.ClearManagementFDPCAClassAction.com) or call the toll-free number, 1-833-505-0570. You may also send questions to the Claims Administrator at [info@ClearManagementFDPCAClassAction.com](mailto:info@ClearManagementFDPCAClassAction.com) or write to *Morrison v. Clear Management Solutions* c/o Claims Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103.

**THE SETTLEMENT BENEFITS**

**7. How was the Settlement amount determined?**

Under the Fair Debt Collections Practices Act, 15 U.S.C. §1692k, in a class action a plaintiff may recover a maximum award “not to exceed the lesser of \$500,000 or 1 percent of the net worth of the debt collector...” Here the Class Award exceeds the one (1) percent multiplier of Defendant’s actual net worth.

**8. What does the Settlement provide?**

If the Settlement is approved and becomes final, it will provide benefits to Settlement Class Members in the form of a Cy Pres award to the non-profit Utah Legal Services. The parties are requesting the Court to approve a settlement in which Defendant creates a settlement fund of \$20,000. From this amount, the parties are requesting that the class representative receive \$2,000 and the remaining \$18,000 be awarded to Utah Legal Services in the form of a Cy Pres award. No funds will be distributed to the class members. Defendant has also agreed to injunctive relief in which they will include all required notices on collection letters moving forward.

**9. How much will my payment be?**

No funds will be distributed to the class members. Since there are 24,057 class members and only \$18,000 to be distributed in a settlement, the parties are requesting that the funds be awarded to Utah Legal Services a non-profit that assists Utah consumers with various issues including FDCPA violations.

**10. What am I giving up to stay in the Settlement Class?**

Unless you exclude yourself from the Settlement, you will be a Settlement Class Member and be bound by the Settlement. This means that you can’t sue Defendant in court or bring a claim against Defendant through the arbitration process or be part of any other lawsuit or arbitration against Defendant about the issues in this case. (Arbitration is a process between consumers and businesses that uses a neutral person to resolve a dispute.) If you do not exclude yourself, the Settlement Agreement and all decisions by the Court will bind you. The Settlement Agreement is available at [www.ClearManagementFDPCAClassAction.com](http://www.ClearManagementFDPCAClassAction.com) and describes the claims that you give up if you remain in the Settlement.

**EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you don’t want benefits from the Settlement, and you want to keep the right to sue or proceed in arbitration against DEFENDANT about the legal issues in this case, then you must take steps to get out of the Settlement. This is called excluding yourself – or it is sometimes referred to as “opting out” of the Settlement Class.

**11. How do I exclude myself from the Settlement?**

To exclude yourself from the Settlement, you must send a letter or other written document by mail to the Claims Administrator. Your request must include:

QUESTIONS? CALL 1-833-505-0570 OR VISIT [WWW.CLEARMANAGEMENTFDPCACLASSACTION.COM](http://WWW.CLEARMANAGEMENTFDPCACLASSACTION.COM)

- ) Your name and address;
- ) A statement that you want to be excluded from the Settlement in *Morrison v. Clear Management Solutions*. Case No. 1:17-cv-00051-CW-EJF; and
- ) Your signature.

You must mail in your exclusion request, to: CLASS ACTION OPT OUT, ATTN: Morrison v. Clear Management Solutions, PO Box 58220, Philadelphia, PA 19102 You cannot ask to be excluded on the phone, by email, or at the website. Your exclusion request must be received by **March 31, 2020**.

**12. If I do not exclude myself, can I sue DEFENDANT for the same thing later?**

No. Unless you exclude yourself, you give up the right to sue DEFENDANT for the claims that the Settlement resolves. You must exclude yourself from the Settlement Class in order to maintain your own lawsuit.

**13. What can I get if I exclude myself?**

If you exclude yourself, you may still pursue your own claim in Court. You may still file a lawsuit against Defendant for the conduct described in this action. Under the Fair Debt Collections Practices Act, 15 U.S.C. §1692k, a plaintiff may recover any actual damage sustained by such person as a result of such failure, or statutory damages not exceeding \$1,000. Please note, every case has a statute of limitation, the legal time period you have to file your case or risk being barred from ever recovering monetarily for your claims. It is important that you seek the assistance of counsel to protect your interests if you intend on pursuing your claims.

**THE LAWYERS REPRESENTING YOU**

**14. Do I have a lawyer in the case?**

The Court has appointed the following lawyers as Class Counsel to represent all Settlement Class Members. They are:

David J. McGlothlin, Esq. Kazerouni Law Group, APC 2633 E. Indian School Road, Suite 460 Phoenix, AZ 85016 Tel. (602) 265-3332	Ryan L. McBride, Esq. Kazerouni Law Group, APC 2633 E. Indian School Road, Suite 460 Phoenix, AZ 85016 Tel. (602) 900-1288
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You will not be charged for contacting these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

**15. How will the lawyers be paid?**

Class Counsel intends to separately ask the Court for attorneys' fees and costs which are to be paid separately by the Defendant. This request will be filed thirty (30) days prior to the exclusion/objection deadline and a copy of the motion will be posted on the settlement website. Class Counsel will also request that a service payment of up to \$2,000 be paid from the Settlement Fund the Class Representative for her service as representative of the whole Settlement Class.

**OBJECTION TO THE SETTLEMENT**

**16. How do I tell the Court if I do not like the Settlement?**

If you are a member of the Settlement Class, you can object to any part of the Settlement, the Settlement as a whole, Class Counsel’s requests for fees and expenses, and/or the service payment to the Class Representative. To object, you must submit a letter that includes the following:

- ) The name of the litigation;
- ) Your name, address, and telephone number and, if you did not receive the mailed notice, documents to demonstrate that you are a class member;
- ) An explanation of the basis upon which you claim to be a Settlement Class Member;
- ) The reasons you object to the Settlement, along with any supporting materials;
- ) The identity of all counsel who represent you and which, if any, will appear at the Final Approval Hearing on your behalf;
- ) A statement regarding whether you will appear and/or testify at the Final Approval Hearing (and any other person who will be called to testify regarding your objection); and
- ) Your signature.

You must electronically file with the Court or mail your objection to each of the following three addresses, and your objection must be received by **March 31, 2020**.

Clerk of the Court U.S. District Court for the District of Utah 351 S.W. Temple Courtroom 8.100 Salt Lake City, UT 84101 Tel. (801) 524-6100	David J. McGlothlin, Esq. Ryan L. McBride, Esq. Kazerouni Law Group 2633 E. Indian School Road Suite 460 Phoenix, AZ 85016 Tel. (602) 265-3332	Joseph J. Lico, Esq. Patricia Jo Stone, P.C. Parker Station Suite 200 19751 E. Mainstreet Parker, CO 80138 Tel. (303) 805-7080
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**17. What is the difference between objecting and asking to be excluded?**

Objecting is telling the Court that you do not like something about the Settlement. You can object to the Settlement *only if you do not exclude yourself*. Excluding yourself is telling the Court that you do not want to be part of the Settlement. If you exclude yourself, you have no basis to object to the Settlement because it no longer affects you.

**THE FINAL APPROVAL HEARING**

The Court will hold a hearing to decide whether to approve the Settlement and any requests for Class Counsel’s fees and expenses, as well as for the service payment to the Class Representative. You may attend and you may ask to speak, but you don’t have to do so.

**18. When and where will the Court decide whether to approve the Settlement?**

The Court has scheduled a Final Approval Hearing on **June 4, 2020 at 3:30 PM** at the United States District Court for the District of Utah, located at 351 S.W. Temple, Courtroom 8.100, Salt Lake City, UT 84101. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check [www.ClearManagementFDCPAClassAction.com](http://www.ClearManagementFDCPAClassAction.com) for updates. At this hearing the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider a request by Class Counsel for attorneys’ fees and expenses. If there are objections, the Court will consider them at that time.

After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

**19. Do I have to attend the hearing?**

No. Class Counsel will answer questions the Court may have. But you are welcome to attend the hearing at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you submitted your written objection on time, to the proper addresses, and it complies with the other requirements described in the Settlement Agreement, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

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

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must comply with the requirements in Question 16 above. You cannot speak at the hearing if you exclude yourself from the Settlement.

**GETTING MORE INFORMATION**

**21. How do I get more information?**

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement. For a complete, definitive statement of the Settlement terms, refer to the Settlement Agreement at [www.ClearManagementFDCPAClassAction.com](http://www.ClearManagementFDCPAClassAction.com). You may also write with questions to the Claims Administrator at Morrison v. Clear Management Solutions c/o Claims Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103 or email [info@ClearManagementFDCPAClassAction.com](mailto:info@ClearManagementFDCPAClassAction.com).