

Superior Court of California, County of Alameda

Notice of Pendency of Class Action

IF YOU RECEIVED A COLLECTION LETTER FROM BRACHFELD LAW GROUP ON BEHALF OF A MIDLAND COMPANY, A CLASS ACTION LAWSUIT MAY AFFECT YOUR RIGHTS

Summary: The court has certified a class action in *Reimann, et al., v. Erica L. Brachfeld, et al.*, No. RG10-529702 on behalf of certain California consumers (the “Class”). These consumers were

a. between August 5, 2006, through February 2, 2015 sent collection demand letters, debt collection letters, or dunning letters by Brachfeld Law Group (“BLG”), regarding a debt allegedly owed to one of the Midland Entities (Midland Funding, LLC, Midland Credit Management, Inc., or Midland Funding NCC-2 Corp.) (collectively, “Midland”)

OR

b) were sued by Midland where BLG was the attorney of record, and, if they were in the class in *Vassalle v. Midland Funding, LLC*, United States District Court, No. 3:11-cv-0096 (N.D. Ohio), excluded themselves from it.

Plaintiffs claim that BLG on behalf of Midland sent letters and filed lawsuits against consumers to collect debts without meaningful attorney involvement and investigation. Plaintiffs claim that attempting to collect supposed debts without appropriate investigation and documentation violated California debt collection and consumer laws.

Plaintiffs also claim that Midland provided false affidavits to BLG to allow BLG to obtain default judgments.

Defendants deny all of Plaintiffs’ allegations and have asserted a number of defenses to the claims.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
DO NOTHING	Stay in this lawsuit. Await the outcome. Be bound by the result. If you want to remain part of the lawsuit, you do not have to do anything. Any judgment, for or against the Class, will bind you. If you do nothing now, regardless of whether the Class wins or loses the case, you will not be able to bring, or continue, a separate lawsuit against these defendants based on the same legal claims that are the subject of this lawsuit.

ASK TO BE EXCLUDED	<p>Get out of this lawsuit. Not be part of any judgment or settlement. Keep your right to sue separately.</p> <p>If you ask to be excluded and judgment is later entered in favor of the Class, it may not include you. But you will be able to sue on your own behalf based on the same claim.</p>
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Your options are explained in this notice and at www.Midland-BLGClassAction.com. To ask to be excluded, you must act before July 17, 2020.

Lawyers for the Class will try to prove the claims in this litigation at a trial. No date has been set for that trial.

Basic Information

1. Why is this notice directed at me?

This notice concerns a class action lawsuit that is pending in the Superior Court of California, Alameda County, located in Oakland, California, that may affect you. You have legal rights and options that you may exercise before the Court holds a trial to decide the validity of the claims being made against Midland and BLG on behalf of the Class.

2. What is a class action and who is involved?

In a lawsuit, the person or company who sues is called the Plaintiff. In a class action, the “Representative Plaintiffs” sue on behalf of other people who have similar claims. One court resolves the issues for all Class members who have not excluded themselves from the Class. In this case, there are two Representative Plaintiffs: Michael DaRonco and Judith Reimann.

The companies sued are called the Defendants. In this case, the Defendants are Midland Funding, LLC, Midland Credit Management, Inc., Midland Funding NCC-2 Corp., and Brachfeld Law Group.

3. Why is this lawsuit a class action?

On October 6, 2019, the Court decided that this lawsuit can be a class action because it meets the requirements of California Code of Civil Procedure § 382, which governs class actions in California state courts.

4. What is the lawsuit about?

Plaintiffs make two claims in this lawsuit.

1. Midland purchased allegedly unpaid credit card accounts from lenders, and then tried to collect on them. It hired BLG, a law firm, to collect some of these accounts in California. This lawsuit claims that when BLG collected supposed debts for Midland, neither Midland nor BLG had enough information to know whether the debts were actually owed to the original lender by the person being dunned, and that

BLG's lawyers did not properly investigate the validity of the debt before trying to collect, or properly oversee the collection process.

2. When there was no response to a lawsuit that Midland and BLG filed, defendants generally obtained judgments by default. To obtain these judgments, Midland and BLG submitted false affidavits to the courts.

The lawsuit asserts that these practices are unfair and fraudulent business practices under the California Fair Debt Collection Practices Act (the "Rosenthal Act"), California Civil Code section 1788, and the Unfair Competition Law, California Business and Professions Code section 17200.

Plaintiffs seek money damages, restitution, and an injunction against Midland and BLG.

5. What are the Defendants' contentions?

Defendants deny any wrongdoing and deny the Plaintiffs' allegations. Defendants also contend that Plaintiffs' claims lack merit and are not supported by applicable law.

6. Has the Court decided who is right?

The Court hasn't decided which side is right. By establishing the Class and issuing this Notice, the Court is **NOT** suggesting that the Plaintiffs will win or lose this case.

7. What are the Plaintiffs asking for?

The Plaintiffs on behalf of the Class are asking for damages and an injunction prohibiting Midland and BLG from continuing the practices described above.

8. Is there any money available?

The lawsuit seeks money damages for the Class. The trial will determine whether the Class members will recover any money. No money is available now.

Who Is Part of The Class?

9. Am I part of this Class?

The definition of the Class, as approved by the Court, is:

All California consumers who both: (1) from August 5, 2006, through February 2, 2015, either (a) were sent collection demand letters, debt collection letters, or dunning letters by Brachfeld Law Group regarding a debt allegedly owed to one of the Midland Entities or (b) were sued by the Midland Entities where Brachfeld Law Group was the attorney of record, and (2) if they were in the class in *Vassalle v. Midland Funding, LLC*, United States District Court, No. 3:11-cv-0096 (N.D. Ohio), excluded themselves from it.

A website has been established at www.Midland-BLGClassAction.com, for Class members to read important information about the class action.

Your Rights and Options

10. YOU MUST DECIDE WHETHER TO STAY IN THE CLASS OR ASK TO BE EXCLUDED BEFORE THE TRIAL, AND YOU HAVE TO DECIDE THIS NOW.

11. What happens if I do nothing at all?

If you do nothing you will stay in the Class and will be legally bound by any rulings the Court may make or judgments the Court may issue regarding the legal claims asserted in this class action. Keep in mind that if you do nothing now, regardless of whether the Plaintiffs win or lose the trial, you will not be able to bring, or continue, a separate lawsuit against Midland and/or BLG based on the same legal claims that are the subject of this lawsuit.

12. Why would I ask to be excluded?

If you exclude yourself, you will retain any right you have to sue or continue to sue Defendants in a separate case. However, if you exclude yourself from the Class -- sometimes called "opting-out" -- you will not be entitled to benefit from any recovery or relief that the Plaintiffs may obtain as a result of the trial or from any settlement.

13. How do I ask the Court to be excluded from the Class?

If you wish to ask to be excluded, you must send a letter, postmarked by July 17, 2020, addressed to *Reimann v. Midland*, Attn: Exclusion Request, P.O. Box 58220, Philadelphia, PA 19102 stating that you want to be excluded from the Class. Be sure to include your name and address and remember to sign the letter. **PLEASE DO NOT CONTACT THE COURT.**

The Lawyers Representing You

14. Do the Class Members have a lawyer in this case?

The Court has appointed Class counsel to represent the Representative Plaintiffs and all Class Members in this case. These attorneys are:

BRAMSON, PLUTZIK, MAHLER & BIRKHAUSER, LLP 2125 Oak Grove Road, Suite 125 Walnut Creek, CA 94598 Telephone: (925) 945-0200 Attn: Daniel E. Birkhauser. dbirkhauser@bramsonplutzik.com	THE NATIONAL CONSUMER LAW CENTER 7 Winthrop Square, 4th Fl. Boston, MA 02110 Telephone: (617) 542-8010 Attn: Charles Delbaum Email: cdelbaum@nclc.org	LAW OFFICE OF IAN CHOWDHURY 700 N. Valley St., Suite B #15595 Anaheim, CA 92801 Telephone: (661) 242-1898 Email: ian@ianchowdhury.com
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15. Should I get my own lawyer?

If you choose to remain in the Class, you do not need to hire your own lawyer because Class Counsel is working on your behalf. If you want your own lawyer, you can choose one to represent you separately. However, you will be responsible for paying that lawyer.

16. How will the lawyers for the Class be paid?

If Class Counsel succeed at trial, they may ask the Court to award fees and expenses. If the Court grants Class Counsel's request, the fees and expenses would be paid separately by Defendant or as a portion of any money recovered on behalf of the Class. **Class members will not be asked to pay anything.**

The Trial

17. How and when will the Court decide who is right?

As long as the case is not resolved by a settlement or otherwise, Class Counsel will have to prove the claims of Plaintiffs and the Class in this lawsuit at trial. The Court has not yet scheduled the trial.

18. Do I have to come to the trial?

You do not need to attend the trial unless ordered by the Court. Class Counsel will present the case for the Representative Plaintiffs and the Class, and Defendant will present its defenses. You or your own lawyer are welcome to come at your own expense. If you are needed, you will be contacted at the appropriate time.

19. Will I get money after the trial?

If Plaintiffs win money for the Class members as a result of the trial or a settlement of these claims, you will be notified about any monetary recovery. Some of the claims are consumer claims, so if plaintiffs prevail at trial you might need to verify that your debt was consumer debt under California law as part of the distribution of any monetary recovery.

Getting More Information

20. Are more details available?

For more information, go to www.Midland-BLGClassAction.com. You may also contact one of the lawyers listed above in paragraph 14.

Please do not contact the Court, BLG, or Midland regarding this Notice or the lawsuit itself.