

**IN THE CIRCUIT COURT OF ST. CLAIR COUNTY
STATE OF ILLNOIS**

MACKENZIE HISE f/k/a)	
MACKENZIE BROWN, individually, and on)	
behalf of all others similarly situated,)	
)	
Plaintiff,)	Case No. 21-L-0148
)	
v.)	
)	
ENHANCED RECOVERY COMPANY, LLC,)	
)	
Defendant.)	

NOTICE OF CLASS ACTION SETTLEMENT

An Illinois court has authorized this Notice. This is **NOT** a solicitation from a lawyer. Please read this Notice carefully as it may affect your legal rights. **Do not be alarmed. You have not been sued; nor have you “filed” a lawsuit.**

This Notice is being sent to you because you may be among a group or “class” of persons who were sent a collection letter from Enhanced Recovery Company, LLC (“ERC”) in which the letter offered to settle the account but also stated that if the settlement was paid, a residual balance would remain with the creditor.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS CASE

These rights and options and the deadlines to exercise them are explained below.

<p>IF YOU WANT TO PARTICIPATE FULLY IN THIS CASE AND RECEIVE COMPENSATION</p>	<p>If you want to be included in this case, <u>then you need to submit a Claim Form. You will not receive compensation if you do not submit a Claim Form, a copy of which is available on the Settlement Website, www.HiseSettlement.com</u>. If you fail to submit a Claim Form, you will be bound by the terms of the Settlement Agreement, but will not receive compensation. To receive compensation, you must submit a <u>Claim Form</u> by <u>November 23, 2023</u>.</p> <p>The relief afforded to you is described in Section 7 below and in the Settlement Agreement available on the Settlement Website www.HiseSettlement.com.</p>
<p>IF YOU <u>DO NOT</u> WANT TO PARTICIPATE IN THIS CASE AT ALL</p>	<p>If you do not want to participate or be included in this case, or object to the Settlement, then you must send written notice by mail that you wish to exclude yourself from the Settlement or object to the Settlement, postmarked no later than October 24, 2023. Instructions for doing so are in Section 8 below.</p>

	If you choose not to participate in this case, you give up the possibility of getting money or benefits that may come from the settlement of this case. You keep any rights you may potentially have about the legal claims arising from the settlement letter sent to you, but the statute of limitations (the deadline for you to file your potential claims) continues to run.
--	---

Your options are explained in this Notice.

1. WHAT IS THIS LAWSUIT ABOUT?

Plaintiff MacKenzie Hise filed a civil lawsuit against ERC (“the Lawsuit”). Plaintiff filed the lawsuit on behalf of herself and as a class action on behalf of the group or “class” of persons with Illinois addresses who were sent similar collection letters by ERC. Plaintiff alleges these letters violated the Fair Debt Collection Practices Act (“FDCPA”) because they were misleading in that the letter purported to offer the consumer a settlement of the debt, while also stating the residual balance would remain with the creditor. ERC denies these allegations and denies that it violated the FDCPA. The Court has not ruled as to who is correct.

2. WHAT IS A CLASS ACTION AND WHO IS INVOLVED?

In a class action case, one or more persons sue on behalf of other people who have similar claims. The person who sues is called the named Plaintiff. The named Plaintiff represents all similarly situated people in the Court. The named Plaintiff in this Lawsuit is MacKenzie Hise.

3. WHY DID I RECEIVE THIS NOTICE?

This Notice is being made available to you because ERC’s records reflect that a collection letter may have been sent to you in which the letter made an offer of settlement and also stated that the residual balance would remain with the creditor. If this is the case, you may be a member of a “class” of persons whose rights may be affected by the outcome of this Lawsuit (the “Class”).

Do not be alarmed. **You have not been sued; nor have you “filed” a lawsuit.** This Notice simply informs you of the named Plaintiff’s Lawsuit and lets you know that you have been identified as a potential member of the Class and to advise you of your rights and options as a Class Member.

4. HAS THE JUDGE DECIDED WHO IS RIGHT?

No. By certifying the Class for settlement purposes and by issuing this Notice, the judge is not suggesting that the named Plaintiff or the Class would have won or lost the case.

5. HOW DO I KNOW IF I AM A MEMBER OF THE CLASS?

By Order dated August 4, 2023, the Court certified the following class of persons in the Lawsuit, for settlement purposes:

All individuals from February 15, 2020, until August 4, 2023 to whom ERC sent a collection letter in which ERC made an offer of settlement and stated the residual balance would remain with the creditor. The Class is limited to only those letters sent by ERC to an Illinois address and which were not returned as undeliverable.

If you are not sure whether you are a member of the Class, you should contact the lawyers representing the Class, who are listed in paragraph 10 below.

6. WHO IS CLASS COUNSEL?

The Court appointed the named Plaintiff's attorneys in the Lawsuit as Counsel for the Class ("Class Counsel"). Class Counsel are Christopher E. Roberts and David T. Butsch of Butsch Roberts & Associates LLC. You are not required to hire your own lawyer because Class Counsel will be working on your behalf as a member of the Class. If you want to hire your own lawyer you are permitted to do so at your own expense.

7. WHAT WILL I RECEIVE AS PART OF THE SETTLEMENT?

ERC will pay \$450,000.00 to pay the Class Members' payments, the cost of settlement administration, a representative service award for MacKenzie Hise and Class Counsel's attorneys' fees and reasonable litigation expenses.

If you submit a valid claim, Class Counsel estimates that you will receive a payment of **\$25.00**. This payment may be more or less depending on the number of claims submitted.

8. WHAT DO I NEED TO DO TO RECEIVE THE BENEFIT OF THE SETTLEMENT?

If you wish to receive the settlement benefit, which is compensation, you need to submit a valid Claim Form, a copy of which is available at the Settlement Website, www.HiseSettlement.com by **November 23, 2023**. If you do not submit a valid claim and you are a Class Member, you will be bound by the terms of the Settlement and will not receive compensation. You may also release certain claims against ERC concerning the allegations in the Lawsuit.

However, you have a choice. You also have the right to exclude yourself from the Lawsuit and the Class or object to the Settlement. Each of these choices has consequences that you should understand before making your decision. You must exercise your right to exclude yourself from the Settlement or object to the Settlement by **October 24, 2023**.

If you do not want to be a member of the Class and participate in this Lawsuit, you can ask the Court to exclude you from the Lawsuit and allow you to "opt out" of the Settlement. **To be effective, the request to exclude yourself to the Settlement must be completed, signed and postmarked by October 24, 2023**. To be a valid request for exclusion, such exclusion must state your name, address, phone number and e-mail address. Such correspondence must also be sent to:

Hise Settlement
c/o Atticus Administration
PO Box 64053
St. Paul, Minnesota 55164

If you choose to be excluded from the Class:

1. Your claims against ERC, if any, will not be decided in the Lawsuit and you will not share in any recovery that the named Plaintiff obtains for the Class.
2. You will not be bound by any determinations or any judgment that the Court makes or enters in the Lawsuit, whether favorable or unfavorable.
3. You will not be entitled to any further notice with regard to the Lawsuit.
4. You may potentially pursue any claims you have against ERC at your own expense and risk by filing your own separate lawsuit, should you choose to do so.
5. Be aware that any claims that you have or may have against ERC are limited by the applicable statute of limitations and declining to participate in this case by opting out, or by proceeding separately, may result in some or all of your claims expiring as a matter of law.

You may also object to the Settlement. For the objection to be valid, any objection to the Settlement must be completed, signed and postmarked by October 24, 2023. To be valid, such objection must include: 1) your name, address, phone number and e-mail address, and if you are represented by counsel, the contact information for your counsel; 2) proof that you are a Settlement Class Member; 3) the reasons for your objection; and, 3) whether you intend to appear at the final approval hearing. Such objections must be mailed to the Settlement Administrator at:

Hise Settlement
c/o Atticus Administration
PO Box 64053
St. Paul, Minnesota 55164

9. HOW WILL CLASS COUNSEL BE PAID?

Class Counsel will seek an award of attorney's fees and expenses of up to \$150,000.00. The Court will determine the amount of fees and expenses that should be awarded to Class Counsel. Plaintiff MacKenzie Hise will seek an award of \$8,000.00 for her service as Class Representative. The amounts awarded will be determined by the Court.

10. WHAT IF I HAVE QUESTIONS?

You should not contact the Clerk of The Court, Judge, ERC or ERC's Counsel with questions about this case. Instead, if you have any questions about your claim or rights or would

like more information, you should contact the Settlement Administrator at e-mail: HiseSettlement@AtticusAdmin.com and phone number: 1-888-220-6629 or you may call Class Counsel, Christopher E. Roberts or David T. Butsch of Butsch Roberts & Associates LLC at 314-863-5700. You can also speak with your own attorney.

You can review and obtain copies of the Lawsuit, The Court's Order granting Preliminary Approval of the Settlement, the Settlement Agreement on the Settlement Website, www.HiseSettlement.com or by contacting Class Counsel. You can also review and obtain copies of these papers and other papers filed in the Lawsuit at your own expense by contacting the Clerk of the Court of the Circuit Court of St. Clair County, Illinois.

11. IMPORTANT DEADLINES AND DATES TO REMEMBER

November 23, 2023 is the deadline to submit a Claim Form to receive compensation. **October 24, 2023** is the deadline to exclude yourself from the Class or object to the Settlement.

The Final Approval Hearing will take place **November 21, 2023 at 9 a.m.** in Courtroom 403 of Circuit Court of St. Clair County, Illinois, 10 Public Square, Belleville, Illinois 62220 and via video conference at:

Link: <https://zoom.us/j/6188252594?pwd=VmNNMy96UDA1MVhuRWdGNXhXdkttdz09>.

Meeting ID: 618 825 2594 and **Password:** 19262027.

Dated: August 25, 2023

This Notice is being made available pursuant by Order of the Court.