

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

LOYDY TANG, individually and on behalf of a class,	)	
	)	
Plaintiff,	)	11 C 2109
	)	
v.	)	
	)	
MEDICAL RECOVERY SPECIALISTS,	)	Magistrate Judge Schenkier
LLC, d/b/a MRS, d/b/a MRSI and d/b/a	)	
MEDICAL RECOVERY SPECIALISTS, INC.,	)	
	)	
Defendant.	)	

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**TO:** All natural persons with a telephone number corresponding to the 773 area code that was called by Defendant on a date from March 25, 2010 to March 25, 2011, where Defendant left a prerecorded message in the form of the message Plaintiff received.

**A FEDERAL COURT AUTHORIZED THIS NOTICE.  
THIS IS NOT A SOLICITATION FROM A LAWYER.**

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT**

- |  |  |
|--|--|
| <b>SUBMIT THE ATTACHED CLAIM FORM BELOW</b>  | Submit the claim form below and you will be entitled to a share of the class settlement fund and if the amount of claims exceeds the class settlement fund, you are entitled to <i>pro rata</i> share of the class settlement fund up to \$100 which will cause the amounts to vary depending on how many claims are received. |
| <b>DO NOTHING BUT STAY IN THE SETTLEMENT</b> | By doing nothing, you will remain in the settlement class and you will not be entitled to receive anything.  |
| <b>EXCLUDE YOURSELF</b>                      | You will receive no benefits, but you will not be giving up your legal claims against the defendant.   |
| <b>OBJECT</b>                                | Write to the Court about why you don't like the settlement. You may also appear at the fairness hearing.   |
| <b>GO TO A HEARING</b>                       | Ask to speak in Court about the fairness of the settlement.  |

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

**1. Why is this notice being sent to me?**

Defendant has agreed to settle this Lawsuit on a class basis. Pursuant to the Court's order preliminarily approving of the parties' class settlement agreement you are receiving notice of the settlement, which contains an explanation of your rights under the terms of the settlement, and information on how to submit a claim for a share of the settlement.

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

As pertaining to this settlement agreement only, Plaintiff filed the Lawsuit, as amended, on behalf of herself and a Class in the United States District Court for the Northern District of Illinois, Eastern Division (the "Lawsuit"), against Defendant alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq* ("FDCPA"). Specifically, Plaintiff claims that Defendant violated 15 U.S.C. §1692d(6) and 15 U.S.C. §1692(e)(14) in using a pre-recorded message that did not identify Defendant by its registered business name or that the communication was from a debt collector. Plaintiff did not seek any actual damages for herself or for the Class. Defendant denies that it violated the FDCPA, and it denies that Plaintiff and the Class Members are entitled to any damages. Defendant denies that a class should be certified under the Federal Rules of Civil Procedure.

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

In a class action a person called the Class Representative (in this case, Loidy Tang) sued on behalf of a group (or a "Class") of people who have similar claims.

4. Why is there a settlement?

In order to avoid the cost, risk, delay of litigation, and uncertainty of trial, the parties agreed to a settlement.

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

The Court decided that everyone falling under the following definition was a Class Member. You have been identified as a member of the following Class:

All natural persons with a telephone number corresponding to the 773 area code that was called by Defendant on a date from March 25, 2010 to March 25, 2011, where Defendant left a prerecorded message in the form of the message Plaintiff received.

The subject form prerecorded message used by Defendant is as follows:

This is an important message for [electronically generated name]. If this is not [electronically generated name] please hang up or delete this message. If this is [electronically generated name] please remain on the line. There will now be a three second pause. By continuing to listen to this message you acknowledge that your are [electronically generated name]. This is MRS calling on behalf of our client concerning you outstanding balance in an attempt to collect a debt and any information obtained will be used for that purpose. To pay this outstanding balance by Visa, Master Card or Check please use our auto-payment system by following the prompt provided. Should you have any questions and or concerns please call us at, toll-free at [877-263-6752]. When calling please reference MRS file number [electronically generated file number]. Again the number to call is toll-free at [877-263-6752]. Please reference MRS file number [electronically generated file number]. Good bye

**YOUR BENEFITS UNDER THE SETTLEMENT**

6. What can I get from the settlement?

Under the settlement agreement, class members may make a claim from the cash settlement fund of \$86,000, \$40,000 after the payment of costs for notice and administration. Plaintiff's award, and attorney's fees and costs are separate from and addition to this cash settlement fund. The settlement amount to the class will be subject to a *pro-rata* distribution. No class member shall receive more than \$100. Any unclaimed cash funds from the \$40,000 that is being made available to the claimants, will be awarded on a *cy pres* basis 1/3 to Ann & Robert H. Lurie Children's Hospital of Chicago (formerly known as Children's Memorial) and 1/3 to Atia's Project Ladybug (Helping Children with Cancer and their families at Comer Lying In Hospital). The remaining 1/3 will revert to Defendant.

7. When will I receive these benefits?

You will receive these benefits approximately 60 (sixty) days after the settlement has been finally approved by the Court. This 60 (sixty) day estimation is based on the premise that no appeals to the approval of the settlement are made.

8. I want to be a part of the settlement and receive these benefits. What do I do?

To receive the benefits of the class settlement you need to complete the claim form return it to the Claims Administrator. If you do nothing you will remain a member of the Class but you will not get any of the benefits of the settlement fund. **THE CLAIM FORM SHOULD BE POSTMARKED AND MAILED BY NOVEMBER 29, 2012.**

9. What am I giving up to receive these benefits?

By staying in the class, all of the Court's orders will apply to you, and you will give Defendant, its associated businesses, its insurance company and its owners a "release." A release means you can't sue or be part of any other lawsuit against Defendant about the Fair Debt Collection Practices Act claims raised in the lawsuit. This includes suing the Defendant for any actual damages that you believe you have incurred that arise out of the Fair Debt Collection Practice Act claims raised in the lawsuit arising out of the prerecorded message described above.

10. How much will the Class Representative receive?

The defendant has agreed to pay \$1,000.00 (one thousand dollars) to Plaintiff for her statutory damages. This amount is subject to the Court's Approval.

**EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you don't want to receive the benefits of the settlement, but you want to keep your legal claims against the defendant, then you must take steps to get out. This is called excluding yourself.

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11. How do I get out of the settlement?

To exclude yourself from the settlement, you must send a letter by mail stating that you want to be excluded from *Tang v. Medical Recovery Specialists, LLC.*, 11-cv-2109 (N.D. Ill.) Be sure to include your name, address, telephone number, and your signature. You must mail your exclusion request so that it is postmarked **no later than November 29, 2012**, and sent to the following address:

Clerk of the Court  
Everett McKinley Dirksen  
United States Courthouse  
219 South Dearborn St., 20<sup>th</sup> Floor  
Chicago, Illinois 60604

You **must** also send a copy of your request for exclusion to:

Curtis C. Warner  
WARNER LAW FIRM, LLC  
155 N. Michigan Ave. Ste. 9005  
Chicago, Illinois 60601  
*Counsel for Plaintiff*

James C. Vlahakis  
HINSHAW & CULBERTSON, LLP  
222 N. LaSalle St., Ste 300  
Chicago, Illinois 60601  
*Counsel for Defendant*

12. If I exclude myself, do I still receive benefits from this settlement?

No, you will not receive anything resulting from the settlement of this case, but you may have the right to sue the defendant over the claims raised in this case, on your own.

**THE LAWYERS REPRESENTING YOU**

13. Do I have a lawyer in this case?

The Court has named Warner Law Firm, LLC, and Mounce Law, LLC as Class Counsel. You will not be charged by the firms. As set forth directly below, the firms will petition the Court for attorneys' fees from the settlement fund after the payment of monies to Plaintiff and payment of the costs of notice and administration. If you want to be represented by your own lawyer, you may hire one at your own expense. If you choose to hire your own lawyer, he or she must file an appearance by **November 29, 2012**.

14. How will the lawyers be paid?

Class Counsel will ask the Court as attorney's fees and expenses \$21,500 which is an amount equal to 25% of the total amount of the Settlement. This amount is subject to court approval.

**CLASS COUNSEL'S VIEWS ABOUT THE SETTLEMENT**

15. Is this a fair settlement?

This settlement amount and structure was reached after arms length negotiations. Class Counsel believes that this settlement is fair and reasonable as a maximum of \$100 in cash, subject to a pro rata reduction, has been made available for each class member. Given the risks of litigation moving forward, including the possibility that the Supreme Court might rule statutory damages alone are not sufficient for Article III standing, Class Counsel believes that the structure of the settlement is fair and reasonable to end this litigation at this juncture before the expenditure of additional attorneys fees and costs.#

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16. What is the Defendant's view of this settlement?

As stated above, by settling this lawsuit, Defendant is not admitting that it has done anything wrong. Defendant expressly denies the claims asserted by the Plaintiff and denies all allegations of wrongdoing, liability, and class certification.

### OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the settlement or some part of it.

#### 17. How do I tell the Court that I don't like the Settlement?

If you are a Class Member, you can object to the settlement. In order to object to the settlement or any part of the settlement, you must send a letter (or legal brief) stating that you object and the reasons why you think the Court should not approve the settlement. You must include the name and number of the case: *Tang v. Medical Recovery Specialists, LLC*, 11-cv-2109 (N.D. Ill.) your name, address, telephone number and your signature. If you are objecting to the settlement, you may also appear at the fairness hearing (explained below in answer to question no. 18). You must mail your objection so that it is postmarked no later than **November 29, 2012** to:

Clerk of the Court  
Everett McKinley Dirksen  
United States Courthouse  
219 South Dearborn St., 20<sup>th</sup> Floor  
Chicago, Illinois 60604

You must also send a copy of your objection to:

Class Counsel:

Curtis C. Warner  
WARNER LAW FIRM, LLC  
155 N. Michigan Ave. Ste. 9005  
Chicago, Illinois 60601

Defendant's Counsel:

James C. Vlahakis  
HINSHAW & CULBERTSON, LLP  
222 N. LaSalle St., Ste 300  
Chicago, Illinois 60601

### THE FAIRNESS HEARING

#### 18. Where and when is the fairness hearing?

The Court will hold a fairness hearing on **December 18, 2012 at 9:00 a.m.** at the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Court Room **1700**, Chicago, IL 60604. The purpose of the hearing will be for the Court to determine whether the proposed settlement is fair, reasonable and adequate and in the best interests of the class and to determine the appropriate amount of compensation for the Class Counsel. At that hearing the Court will be available to hear any objections and arguments concerning the fairness of the proposed settlement.

The hearing may be postponed to a later date without notice.

**YOU ARE NOT REQUIRED TO ATTEND THIS HEARING UNLESS YOU PLAN ON OBJECTING TO THE SETTLEMENT.**

### GETTING MORE INFORMATION

#### 19. How do I get more information?

**Call:** Curtis C. Warner, Warner Law Firm, LLC, (312) 238-9820. He is the attorney and law firm representing the class. You can also send an email to: [cwarner@warnerlawllc.com](mailto:cwarner@warnerlawllc.com).

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

