

**NOTICE OF CLASS ACTION AND
PROPOSED SETTLEMENT**

**Prieto, et al. v. HBLC, Inc., Steven J. Fink &
Associates, P.C. and Steven J. Fink, 08-cv-2718
(N.D.Ill.)**

**THIS IS NOT A NOTICE OF A
LAWSUIT AGAINST YOU.**

**YOU MAY BENEFIT FROM
READING THIS NOTICE.**

**PLEASE READ THIS NOTICE
CAREFULLY.**

To: (a) all persons with an Illinois address (b) where Fink on behalf of HBLC, Inc. filed a lawsuit against a person (c) where a copy of either Exhibit 1 or Exhibit 2 was attached to the state court complaint (d) where the state court complaint stated that either Exhibit 1 or Exhibit 2 was "a true and correct copy of the Cardmember Agreement" (e) during the time period beginning May 9, 2007 and ending May 29, 2008.

WHY YOU ARE BEING SENT THIS NOTICE

Judge Ronald Guzman of the United States District Court for the Northern District of Illinois, Eastern Division, has granted preliminary approval of a class action settlement agreement in the above-entitled action, subject to a hearing on the fairness of the settlement which will take place on _____ at _____ in Room 1219 of the Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois.

You are being sent this notice because you have been identified as a member of the class defined above. This notice explains the nature of the

lawsuit, the terms of the settlement, describes how you may benefit from the settlement and informs you of your legal rights, options, and obligations.

WHAT THIS LAWSUIT IS ABOUT

This lawsuit contends that Defendants violated the Fair Debt Collection Practices Act ("FDCPA"). Plaintiffs allege, on behalf of a Class, that Defendants brought legal actions in state court on Discover Card debts without accurate Cardmember Agreements. Plaintiffs alleged individual claims that plaintiffs' debts were time barred.

**CLASS COUNSEL'S OPINION OF THE
SETTLEMENT**

The FDCPA provides that in a class action, the maximum award to the class is (1) each Class member's actual damages, if proven, (2) statutory damages not exceeding \$500,000 or 1% of the defendant's net worth, whichever is less and (3) attorney's fees and costs. In an individual case, the FDCPA provides for (1) actual damages, if proven, (2) statutory damages not to exceed \$1000 and (3) attorney's fees and costs. The Class Recovery here is \$3,700. This is equal to 1% of defendants' combined net worth. If you exclude yourself from the Class, filed your own lawsuit, and successfully proved defendants' liability under the FDCPA, you could receive (1) between \$0 and \$1000 in statutory damages (2) actual damages if you can prove them and (3) attorney's fees and costs.

**NO ADMISSION OF LIABILITY BY
DEFENDANT**

Defendants categorically deny the allegations in the lawsuit. By settling this lawsuit, Defendants are not admitting that they have done anything wrong, but is settling the lawsuit to avoid further litigation costs.

THE PROPOSED SETTLEMENT

Plaintiffs and Defendants have agreed to the

settlement described below.

Class Recovery, Attorney's Fees and Relief to Plaintiffs. Defendants agree to pay: (1) a total of \$3,700 (an amount equal to 1% of defendants' combined net worth) to be shared on a *pro rata* basis with each of the approximately 42 class members identified in defendants' records who do not object or exclude themselves from the settlement; (2) Plaintiffs Prieto, Childs and Glass each \$1,200 for their statutory and actual damages; (3) \$10,500 to class counsel's for reasonable attorneys fees and costs subject to the court's approval; and (4) any class remaining, undistributed amounts will be paid to the Legal Assistance Foundation of Metropolitan Chicago as a *cy pres* award.

Costs. Defendants will pay all the costs associated with class notice and the administration of this Agreement.

Release. Unless you object or exclude yourself from the settlement, you will be part of the class. By staying in the class, all of the Court's orders will apply to you, and you give the Defendants a "release." A release means you can't sue or be part of any other lawsuit against HBLC, Inc, Steven J. Fink & Associates, P.C. or Steven J. Fink about the claims or issues in this lawsuit ever again.

Payment. Within __ days following the Court's Final Approval of Class Settlement, each class member will be sent their *pro rata* share of \$3,700.00.

WHO REPRESENTS THE CLASS?

The following attorneys represent Plaintiffs, and all the members of the class described above ("Class Counsel"):

Curtis C. Warner
Warner Law Firm, LLC
155 N. Michigan Ave., Suite 737
Chicago, IL 60601

THE FAIRNESS HEARING

A hearing will be held on the fairness of the proposed settlement. At the hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed settlement, including the amount of the award to plaintiff's counsel of costs and attorney's fees. **The hearing will take place before Judge Guzman on _____ at _____ in Room 1219 of the Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois. YOU DO NOT HAVE TO ATTEND THIS HEARING TO RECEIVE YOUR SHARE OF THE RECOVERY**

YOUR OPTIONS

1. You have the right to exclude yourself from both the class action and the settlement. **The written request for exclusion must be post-marked on or before _____ and mailed to Class Counsel, whose address appears at the end of this Notice. The request for exclusion must refer to your name, address, and the name and number of the case.**

2. **If you wish to receive a settlement check, you do not need to do anything.** You will be represented by the attorneys for plaintiffs without additional charge. **Any person who does not exclude him or herself from the settlement, as described above, will be paid his or her share of the settlement amount and will be bound by the settlement agreement and release of claims against the Defendant, as approved by the Court.**

3. If you prefer, you may enter your own appearance or ask the Court to allow you to participate in the settlement through your own attorney. If you wish to participate on your own or through your own attorney, an appearance must be filed with the Court by _____, 2008. If you participate through your own attorney, it will be

at your expense.

4. **If you object to the settlement, and wish to submit an objection, you may submit your objection in writing to the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois 60604. You must also mail a copy to Class Counsel, Curtis C. Warner and Laura Bautista at the address below. The objection must be postmarked on or before _____, 2008, must refer to the name and number of the case, must include your name and address and a statement of the reasons why you believe that the Court should find that the proposed settlement is not in the best interests of the class. **If you do file an objection, you should appear at the hearing before Judge Guzman on _____, 2008 at ____ a.m./p.m.** Please note that it is not sufficient to simply state that you object. You must state reasons why the settlement should not be approved.**

If you choose to exclude yourself from the class action and settlement or object to it you will not receive payment under this agreement. You will retain your right to bring your own lawsuit against Defendants. If successful, you may recover an amount greater than the recovery for a class member.

If the settlement is not approved, the case will proceed as if no settlement had been attempted.

There can be no assurance that if the settlement is not approved, the class will recover more than is provided in the settlement or, indeed, anything.

AVAILABILITY OF FILED PLEADINGS

The above description of the case is general and does not cover all of the issues and proceedings thus far. In order to see the complete file, including a copy of the settlement agreement, you should visit the office of the Clerk of the United States District Court for the Northern District of Illinois, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois. The Clerk will make the files relating to this lawsuit available to you for inspection and copying at your own expense.

INQUIRIES

Any questions you or your attorney have concerning this notice should be directed to Class Counsel:

Curtis C. Warner
Warner Law Firm, LLC
155 Michigan Avenue, Ste. 737
Chicago, IL 60601
(312) 238-9820
(312) 638-9139 (Facsimile)
cwarner@warnerlawllc.com
www.warnerlawllc.com

DO NOT CONTACT THE COURT REGARDING THIS NOTICE.