

LEGAL NOTICE

NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION

A. THIS IS NOT A SUIT AGAINST YOU.

The purpose of this Notice is to advise you that a proposed Class Settlement has been reached in a class action lawsuit (the “**Lawsuit**”) filed by Charlene Baker (Plaintiff) against E.J. Hagan Associates, P.C., and Edward J. Hagan (**Defendants**). The Notice is being sent to you because Defendants’ records indicate that you have an option to remain in or opt out of the Class, and that you are entitled to a cash payment if you agree to be bound to the tentative Settlement terms.

This Notice describes the case in general but does not address every term of the proposed Settlement in detail. You may review a copy of the Settlement Agreement, Class Action Complaint, and the Court’s Order Preliminarily Approving Settlement at the Office of the Clerk of the Kanawha County Circuit Court, 111 Court St, Charleston, WV 25301, or online at <https://mountainstatejustice.org/get-help> (then click on document link under Baker Class Action).

B. WHAT IS THE LAWSUIT ABOUT?

The Lawsuit alleges Defendants violated W. Va. Code § 46A-1-101 *et seq.* by seeking to collect prejudgment interest on sums that already included interest, and/or court costs expended in collection of a consumer debt in West Virginia. Defendants deny they acted improperly or did anything wrong. However, Plaintiff and Defendants have agreed tentatively to the Settlement solely to avoid the burden, expense, risk, and uncertainty of continuing the Lawsuit.

C. WHO IS INCLUDED IN THE SETTLEMENT?

The proposed Settlement Class is defined by the Settlement to include:

all residents of West Virginia who at any time on or after January 1, 2011 received an initial demand letter from E.J. Hagan Associates, P.C. and/or Edward J. Hagan, or were served

with a complaint filed in any West Virginia Court, seeking to collect a consumer debt that included any claim for prejudgment interest and/or a demand for court costs.

The Parties currently believe the Settlement Class is comprised of 866 Members, broken down as follows:

- a. An estimated 394 Class Members who received correspondence but were not served with a summons and complaint. This sub-class is also comprised of Class Members against whom a Complaint was filed but was never served.
- b. An estimated 472 Class Members who were served with a summons and complaint.

Defendants' records indicate that you are a Class Member who will be bound by the Settlement Agreement (1) if you do not opt out of the Class Settlement; and (2) if that Settlement is finally approved by the Court as being fair and equitable. The Court has already preliminarily approved the Settlement for the purpose of providing this Notice.

D. WHAT ARE THE SETTLEMENT TERMS?

(1) Class Settlement Fund. The proposed Settlement provides for Defendants' payment of \$100,000.00 to create a Class Settlement fund. If the Settlement is approved, all Class Members who do not opt out and who complete and return the attached claim form within the time allowed will be entitled to receive a share of that Class Fund. It is estimated the Class may include over 800 members. As an example, if 500 members complete and return claim forms accepted by the Claim Administrator, each Class Member would receive an equal \$200.00 share of the Fund. A Class Member's individual share will increase or decrease depending upon the total number of class member claims received and accepted by the Claim Administrator, Mountain State Justice, Inc.

(2) Service Award. The Plaintiff who brought this lawsuit, Charlene Baker, is a member of the Class and may file a claim form. The proposed Settlement also provides for Defendants to pay her a separate amount of \$3,000.00, not from the Settlement Fund, for serving as class representative.

(3) Attorneys' Fees and Costs. Class counsel is Gary W. Smith, Mountain State Justice, Inc., 325 Willey St., Morgantown, WV 26505. Under the proposed settlement, Defendants would pay Mountain State Justice, Inc., \$45,000.00 for statutory attorneys' fees and litigation costs. This amount is to be paid by Defendants separate from and in addition to the Class Settlement Fund.

(4) Class Administration Defendants will also pay Mountain State Justice, Inc., \$15,000.00 to administer the Class Settlement. This amount will be paid separate from and in addition to the Class Settlement Fund.

(5) Dismissal and Release Any Class Member who fails to opt-out of the Class within the time allowed by the Court will be deemed to have completely and globally released and waived any and all claims asserted or which may have been asserted in the pending lawsuit against Defendants or any of their clients arising from actions or failures to act alleged in the Lawsuit, or which could have been so alleged, which occurred at any time between January 1, 2011 and January 31, 2018. Any Class Member who fails to opt-out of the Class within the time allowed by the Court will be forever barred from suing Defendants on any such claim, even if you fail to complete and submit a claim form. The only way to avoid releasing your claims is to **opt-out** of the Class by signing the attached form on the "Opt out" line and returning it within the time provided.

(6) Other Terms. The release of claims includes giving up any right a Class Member might have to sue a creditor or collection agency represented by Defendants with respect to the

Settled Claims. **If more than 10% of Class Members receiving this Notice opt out of the Settlement, the Settlement may be nullified and the litigation reinstated.**

E. THE COURT’S FAIRNESS HEARING.

The Circuit Court of Kanawha County, West Virginia will hold a fairness hearing on **Thursday, September 26, 2019 at 1:30 P.M.** in the Courtroom of the Honorable Tera Salango, Kanawha County Courthouse, 6th Floor, 111 Court St, Charleston, WV 25301. This hearing will determine whether the Settlement will be finally approved, determine which Class Members have submitted valid claims, identify all Class Members who have timely opted out of the Settlement, and consider or rule upon any objections made to the terms of the proposed Settlement.

Class Members do not need to attend the hearing to have their claim approved and receive a share of the Settlement Fund, or to opt out of the Class. The hearing date and time may be delayed without further notice other than as posted with the Kanawha County Circuit Clerk and at <https://mountainstatejustice.org/Baker Class Action>. If you wish to attend the hearing, you should call the Claim Administrator in advance to confirm the day and time.

F. WHAT ARE YOUR OPTIONS?

(1) Remain in the Class and Accept the Settlement. If you want to agree to the Settlement and receive a share of the Settlement Fund, fill out the attached form, sign it on the “File a Claim” line and return it to the Claim Administrator by mail, personal delivery, fax, or email by **Friday, September 5, 2019**. If your claim is approved, a check will be mailed to you once a Final Approval Order is entered by the Court. **If you change your address or phone number, make certain to tell the Claim Administrator so it can get your check to you. If it can’t find you when the checks are issued, your share will not be paid to you.**

(2) To “Opt Out” or Exclude Yourself from the Class and the Settlement. You may “opt out” and exclude yourself from the Class and the Settlement to avoid being bound by the Dismissal and Release terms of the Settlement if it is otherwise approved by the Court. If you opt out, you will not receive any cash payment, and you will not release any claims you may have against Defendants or any party these defendants represented. If you opt out, you may pursue whatever legal rights you may have by filing your own lawsuit at your own risk and expense. **To opt out, you must fill out the paragraph on the attached form headed “I want to opt out of the Settlement,” sign it, and return it to the Claim Administrator by mail, personal delivery, fax, or email by Friday, September 5, 2019.**

(3) Objections In addition to filing a claim, you may also object to the Settlement if you disagree with any of its proposed terms. If you object to the Settlement, you must submit your objection in writing to the Claim Administrator at the address stated on the attached form explaining your objections. You must **sign your objections, and deliver them to the Claim Administrator by mail, personal delivery, fax, or email by Friday, September 5, 2019.** Your objections should include your full name, current address, and telephone number; state that you object to the settlement; set forth the reasons for your objection and provide any documents that you believe supports your objection. Your objection should state it relates to the case *Baker v. E. J. Hagan Associates, P.C., et al.*, Case No. 15-C-164. Any Class Member who has timely objected may appear at the fairness hearing and be heard (individually or through his or her own counsel). The Court will review and consider your objection at the fairness hearing even if you do not appear.

G. OPINION OF CLASS COUNSEL.

Class counsel considers this Settlement to be in the best interest of the Class in light of the potential recovery, Defendants’ defenses, and the uncertainties of continued litigation. Class

counsel believes Class Members will be best off by agreeing to the settlement and submitting a claim form unless they have more valuable claims against the creditor or collection agency Defendants represented in its dealings with that Class Member.

By Order of the Circuit Court of Kanawha County, West Virginia.

Claim Administrator
MOUNTAIN STATE JUSTICE, INC.
325 Willey St.
Morgantown WV 26505
Phone: (304) 326-0188 (9:00 – 4:30 M-F)
Fax: (304) 326-0189

Website: <https://mountainstatejustice.org/get-help>
(then click on document link under Baker Class Action)

Email: BakerClassAction@msjlaw.org

CLASS MEMBER CLAIM OR OPT OUT ELECTION FORM

Baker v. E. J. Hagan Associates, P.C., et al., Kanawha County Circuit Court Case No. 15-C-164

Fairness Hearing to Approve Settlement September 26, 2019 at 1:30 P.M.

Kanawha County Circuit Court Judge Salango

Your Full Name: _____

List All Other Names Used Since 2010: _____

Your Current Address: _____

Phone No(s). _____
Home Work Cell

Last 4 Social Security No.: _____

Your Date of Birth: _____

Name and Phone Number for Friend or Relative Not in Your Home Who will Always Know How to Find You

You must elect **ONE** of the following:

- I have read the Class Notice. I agree to the proposed Settlement, choose to remain in the Class, and claim a share of the Settlement Fund. If the Settlement is finally approved, I understand I am agreeing to release Settling Defendants and Released Party from all Settled Claims as defined in the Class Action Settlement Agreement arising from January 1, 2011 through January 31, 2018.
- I have read the Class Notice. I do **NOT** choose to remain in the Class and hereby **OPT OUT** of the proposed Settlement. I understand this means I am not eligible to receive a share of the Settlement Fund but I retain all my legal rights against Defendants or their clients.

Date

Your Signature

In addition or instead, you may object to the proposed Settlement. If you wish to object, mark this box

and attach your objection as explained in section (F)(3) of the Class Notice.

You must return this form to the Claim Administrator by mail, personal delivery, fax, or email by September 5, 2019. If you fail to return this form

within the time set by the Court, you may lose the right to claim a share of the Settlement Fund, or to opt out of the Settlement, and will be bound by the Settlement if it is finally approved.

Return this Form to

**Claim Administrator
MOUNTAIN STATE JUSTICE, INC.
325 Willey St.
Morgantown WV 26505
Phone: (304) 326-0188 (9:00 – 4:30 M-F)
Fax: (304) 326-0189**

Website: <https://mountainstatejustice.org/BakerClass>

Email: BakerClassAction@msjlaw.org

**MAKE YOUR ELECTION NOW!!
DO NOT DELAY RETURNING THIS FORM!!**