

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

DANIEL SCHUCHARDT and  
MICHELLE MUGGLI, *on behalf of  
themselves and others similarly situated,*

Plaintiffs,

vs.

LAW OFFICE OF RORY W. CLARK,  
A PROFESSIONAL LAW CORPORATION,

Defendant.

Case No.: 3:15-cv-01329-JSC

**You have been identified as a member of the Class.  
You are not being sued.**

**If you received a debt collection letter from Law Office of Rory W. Clark,  
A Professional Law Corporation between June 1, 2014 and June 1, 2015,  
you may benefit from the settlement of this class action lawsuit.**

*This case is titled Daniel Schuchardt and Michelle Muggli v. Law Office of Rory W. Clark,  
A Professional Law Corporation, Case No. 3:15-cv-01329. A federal court authorized this notice.  
This is not a solicitation from a lawyer.*

This is a class action lawsuit about whether Law Office of Rory W. Clark, A Professional Law Corporation (hereinafter “Clark”) violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.*, by sending improper debt collection letters to consumers in California. Your legal rights are affected whether you act or don’t act. Please read this notice carefully.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:</b>	
<b>DO NOTHING AND STAY IN SETTLEMENT</b>	If you do nothing, you will receive \$10.00 but will give up your right to sue Clark over the claims at issue in this lawsuit.
<b>ASK TO BE EXCLUDED</b>	Get no payment. This allows you to sue Clark over the claims resolved by this lawsuit.
<b>OBJECT</b>	Write to the Court about why you don’t agree with the settlement.

These rights and options—**and the deadlines to exercise them**—are explained in this notice. The Court in charge of this case still has to decide whether to approve the settlement. If it does, and after any appeals are resolved, money will be distributed to those who qualify. Please be patient.

### **1. Why did I get this notice?**

A Court authorized this notice to be sent to you because you have a right to know about a proposed settlement of this class action, and about all of your options, before the Court decides whether to give “final approval” to the settlement. If the Court approves the parties’ Settlement Agreement, and after any appeals are resolved, payments will be made to everyone who qualifies. This notice explains the lawsuit, the settlement, your legal rights, what benefits are available, who may be eligible for them, and how to get them.

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

The lawsuit claims that Clark violated the Fair Debt Collection Practices Act by sending improper debt collection letters to consumers in an attempt to collect debts on behalf of Bank of America, N.A. Clark has denied all of these allegations and maintains that it did not act wrongfully or unlawfully.

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

In a class action, one or more people called a “Class Representative” sue on behalf of themselves and others who have similar claims. All these people are a “Class” or “Class Members.” One court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

### **4. Why is there a settlement?**

Both sides agreed to settle to avoid the cost, risk, and delay of litigation. The Court did not decide in favor of Plaintiffs or Clark. By settling, the parties avoid the cost and risk of a trial, and the people who qualify will get compensation. The Class Representatives and their attorneys think the settlement is best for all Class Members.

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

The Class includes all persons in California to whom Law Office of Rory W. Clark, A Professional Law Corporation mailed an initial debt collection communication that stated: “If you notify this firm within thirty (30) days after your receipt of this letter, that the debt or any portion thereof, is disputed, we will obtain verification of the debt or a copy of the judgment, if any, and mail a copy of such verification or judgment to you,” between June 1, 2014 and June 1, 2015, in connection with the collection of a consumer debt on behalf of Bank of America, N.A.

According to Clark’s records, you are a Class Member.

### **6. What can I get from the settlement?**

Each person who does not exclude himself or herself will receive **\$10.00**.

Additionally, Clark has agreed to change its collection practices moving forward to notify consumers in its initial debt collection letters as follows: “If you notify this firm in writing within thirty (30) days after your receipt of this letter, that the debt or any portion thereof, is disputed, we will obtain verification of the debt or a copy of the judgment, if any, and mail a copy of such verification or judgment to you.”

### **7. I want to be a part of the settlement and receive these benefits. What do I need to do?**

Nothing. Unless you take steps to exclude yourself from the settlement, you will receive these benefits.

### **8. What am I giving up to get a payment or stay in the Class?**

Unless you exclude yourself, you remain in the Class, which means that you can’t individually sue Clark, or continue a lawsuit based on the claims settled in this case. If you stay in the Class, you will agree to “release and discharge” Clark as described in the Settlement Agreement.

**9. How do I get out of the settlement?**

If you don't want a payment from this settlement, but you want to keep the right to individually sue Clark about the issues in this case, then you must take steps to get out of the settlement. To exclude yourself from the settlement, you must send a request by U.S. mail or electronic mail saying that you want to be excluded from *Daniel Schuchardt and Michelle Muggli v. Law Office of Rory W. Clark, A Professional Law Corporation*. You must include the case number (3:15-cv-01329), your full name, address, telephone number, email address (if available), and your signature. You must also include a clear statement that you wish to be excluded from the settlement class. If by electronic mail, you must send your exclusion request to aradbil@gdrllawfirm.com **on or before April 18, 2016**. If by U.S. mail, you must send your request for exclusion postmarked **no later than April 18, 2016** to:

*Schuchardt v. Law Office of Rory W. Clark* Notice Administrator  
P.O. Box 40007  
College Station, TX 77842-4007

Submitting a timely and valid exclusion request in writing, whether by U.S. mail or electronic mail, is the only way to voluntarily exclude yourself from the settlement.

**10. If I don't exclude myself, can I sue for the same thing later?**

No. Unless you exclude yourself, you give up any right to individually sue Clark or continue a lawsuit for the claims that this settlement resolves.

**11. If I exclude myself, can I get a payment from this settlement?**

No. If you exclude yourself, you will not receive any payments, but you will have the right to sue Clark over the claims raised in this lawsuit, either on your own or as part of a different lawsuit.

**12. Do I have a lawyer in this case?**

The Court appointed Aaron D. Radbil of Greenwald Davidson Radbil PLLC to represent you and other Class Members as "Class Counsel." You do not have to pay Class Counsel. If you want to be represented by your own lawyer, and have that lawyer appear in court for you in this case, you may hire one at your own expense.

**13. How will the lawyers and Class Representative be paid?**

Class Counsel will ask the Court for up to \$55,000.00, to be paid separately from monies paid to Class Members, to cover attorneys' fees and reimbursement of their expenses. The Court may award less than this amount. Consistent with *In re Mercury Interactive Corp. Sec. Litig.*, 618 F.3d 988 (9th Cir. 2010), Class Counsel will submit their petition for attorneys' fees and expenses in advance of the exclusion and objection deadline so that Class Members may consider Class Counsel's request before seeking exclusion or lodging an objection to the settlement. Class Counsel will submit their petition for attorneys' fees and expenses no later than March 21, 2016. Class Members must submit any objections or requests for exclusion no later than April 18, 2016.

Separately, Clark will pay the Class Representatives \$1,000.00 each.

**14. How do I tell the Court if I don't agree with the settlement?**

If you don't want the Court to approve the settlement, you must file a written objection with the U.S. District Court for the Northern District of California and send a copy by electronic mail or U.S. mail to Class Counsel and Counsel for Clark, as noted below. You must include the name of the case and the case number, along with your full name, address, and telephone number; the specific reasons why you object to the settlement; whether you intend to appear at the fairness hearing on your own behalf or through counsel; and a list of any legal authority you intend to present at the fairness hearing. If you have a lawyer file an objection for you, he or she must follow all the rules of the U.S. District Court for the Northern District of California, and you must list the attorney's name, address, bar number and telephone number in the written objection filed with the Court.

To object:

File the objection with the Clerk of the Court at the address below <b>on or before April 18, 2016.</b>	Mail or email a copy of the objection to Class Counsel and Defense Counsel at the following addresses so that the correspondence is postmarked <b>no later than April 18, 2016.</b>
<b>Court</b>	<b>Plaintiffs' Counsel</b>
<b>U.S. District Court for the Northern District of California San Francisco Courthouse 450 Golden Gate Avenue San Francisco, CA 94102</b>	<b>Aaron D. Radbil, Esq. Greenwald Davidson Radbil PLLC 106 East Sixth Street, Suite 913 Austin, TX 78701 aradbil@gdrllawfirm.com</b>
	<b>Clark's Counsel</b>
	<b>Matthew J. Kumar, Esq. Law Office of Rory W. Clark, A Professional Law Corp. 30699 Russell Ranch Road, Suite 215 Westlake Village, CA 91362 matthew@rwclarklaw.com</b>

**15. What's the difference between objecting and asking to be excluded?**

Objecting is simply telling the Court that you don't like something about the settlement. You can object only if you stay in the Class. If you object, and the Court approves the settlement anyway, you will still be legally bound by the result. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

**16. When and where will the Court decide whether to approve the settlement?**

The Court has scheduled a settlement approval hearing ("Settlement Approval Hearing") at **9:00 a.m.** on **April 28, 2016** at the U.S. District Court for the Northern District of California, San Francisco Courthouse, Courtroom F – 15th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them.

**17. Do I have to come to the hearing?**

No. Class Counsel will answer any questions that the Court may have. But, you are welcome to appear at your own expense.

**18. What happens if I do nothing at all?**

You will receive a settlement check for \$10.00. You will be bound by the terms of the settlement.

**19. How do I get more information about the settlement?**

This notice is only a summary of the proposed settlement of this lawsuit. All pleadings and documents filed with the Court, including the class action settlement agreement, may be reviewed or copied in the office of the Clerk of Court, United States District Court for the Northern District of California.

In addition, relevant pleadings will be available on Class Counsel's website, [www.gdrllawfirm.com](http://www.gdrllawfirm.com).

**Please do not call the Judge about this case.** *Neither the Judge, nor the Clerk of Court, will be able to give you advice about this case. Furthermore, Clark's attorneys do not represent you and cannot give you legal advice. Please do not contact Clark about this lawsuit or settlement. If you have any questions, please contact Class Counsel.*