

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

Rodney Neeley, individually and on behalf of all others similarly situated,)	
)	
Plaintiff,)	
v.)	No. 1:15-cv-1283-RLY-MJD
Portfolio Recovery Associates, LLC, a Delaware limited liability company,)	
)	
Defendant.)	

NOTICE OF CLASS ACTION

To: All persons similarly situated in the State of Indiana from whom Defendant attempted to collect a debt owed originally to Sears National Bank, by sending a form collection letter similar to the letters Defendant sent to Plaintiff, and as to which, according to Defendant’s records, the letter was sent more than six years after the date of the last payment, the date of charge off and the date of delinquency, from one year before the date of the Complaint to the present.

NOTICE IS HEREBY GIVEN THAT, by an order of the United States District Court for the Southern District of Indiana (the "Court"), dated August 2, 2017, it was determined that the lawsuit may proceed on behalf of a class of persons (the "Class") pursuant to Fed. R. Civ. P. 23(b)(3), which is defined as set forth above.

YOU HAVE NOT BEEN SUED IN THIS MATTER. This letter is a notice that you have been identified as a member of the Class. You have been identified from the records of Portfolio Recovery Associates, LLC (the "Defendant"), as being a potential member of the class who received a collection letter similar to the letters Plaintiff received. If you received a collection letter from Defendant, similar to the letters Defendant sent to Plaintiff, your rights may be affected by this lawsuit. Copies of the letters at issue are attached.

This Notice is given to inform you about this lawsuit so that you may choose whether you wish to be a party or whether you wish to opt out.

NATURE OF THIS LAWSUIT

A. Summary of the Litigation

Plaintiff, Rodney Neeley, filed his Complaint – Class Action in this matter on August 13, 2015. This Complaint claimed that the form of Defendant’s collection letters violated § 1692e, and § 1692f of the Fair Debt Collection Practices Act ("FDCPA"), because, Defendant attempted to collect a time-barred debt and the letters stated "Because of the age of your debt, we will not sue you for it and we will not report it to any credit reporting agency."

Plaintiff's lawsuit seeks to obtain a finding that Defendant's letters violate the FDCPA, and to recover actual and statutory damages, costs and attorneys' fees and costs from Defendant. The lawsuit was filed on behalf of Mr. Neeley and everyone else in the state of Indiana who was sent the same form collection letter, which is about 2,500 persons. This is known as a class action. On August 2, 2017, the Court ruled that this lawsuit may proceed as a class action.

Defendant denies that their collection letter violates the FDCPA. Nothing in this Notice should deem to constitute an admission by Defendant that it violated any law. In fact, Defendant denies that it has any liability to Plaintiff or the Class whatsoever, and further denies that any letter sent by Defendant violated the FDCPA in any manner. Defendant further denies that Plaintiff and the class members are entitled to the damages sought in this action and specifically deny that actual damages can be recovered by the class in this lawsuit.

The description of Plaintiff's claims and Defendant's response is general and does not cover all of the claims and contentions of the parties. For a complete statement of all the contentions and proceedings in this case, you should consult the files relating to this lawsuit, which are available for your inspection at the Clerk of the United States District Court for the Southern District of Indiana, 46 E. Ohio Street, Room 105, Indianapolis, Indiana, 46204.

The class in this matter consists of about 2,500 persons in Indiana who received the same attached form collection letter. The damages that are being sought from Defendant is based upon being able to recover up to 1% of Defendant's net worth, up to a maximum of \$500,000. Here, Defendant is subject to up to the maximum statutory damages of \$500,000. The lawsuit also seeks actual damages, namely the return of any money paid by the class members on the debts at issue.

B. Certification of the Class

This Court has certified a class, pursuant to Fed. R. Civ. P. 23(b)(3), defined as set forth above, and has appointed Plaintiff, Rodney Neeley, as representative of the Class, and his attorneys, David J. Philipps, Mary E. Philipps and Angie K. Robertson of Philipps & Philipps, Ltd., and John T. Steinkamp, as Counsel for the Class.

C. Your Options

Do nothing and upon conclusion of the case, if there is a monetary recovery, you may be entitled to receive your portion of the recovery from any amount that is recovered in this matter. You should, however, let Plaintiff's Counsel know if this notice was sent to an old address or if your address changes. If the lawsuit is unsuccessful you will receive nothing. In either event you will be bound by whatever happens and may not be able to file your own lawsuit.

You have the right to hire your own attorney who may file their appearance in this matter on your behalf.

You have the right to bring your own individual action. However, there is no guarantee that a court will award you damages whether you file an individual action or remain a member of the class.

You also have the right to exclude yourself from the class action by sending a written request for exclusion to Class Counsel at the address listed below. The request for exclusion must be received by December 18, 2017, and must contain your name, address, and the name and number of this case. It is your responsibility to make sure that your request for exclusion is timely delivered. If you exclude yourself from this action, then you are not bound by the orders of the court, nor would you be entitled to a portion of any recovery, if there is one.

Class Counsel:
David J. Philipps
Philipps & Philipps, Ltd.
9760 S. Roberts Road
Suite One
Palos Hills, Illinois 60465

Defendant's Counsel:
Jennifer W. Weller
Hinshaw & Culbertson, LLP
222 N. LaSalle Street
Suite 300
Chicago, Illinois 60601

Questions concerning this class action litigation should be directed to Philipps & Philipps, Ltd., 9760 S. Roberts Road, Suite One, Palos Hills, Illinois 60465, (708) 974-2900.

**PLEASE DO NOT CALL, OR OTHERWISE CONTACT, THE JUDGE OR
THE COURT CLERK**

ENTER:
/s/ Judge Richard L. Young
JUDGE RICHARD L. YOUNG,
United States District Court

DATED: November 2, 2017