

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

Paula Rhodes, individually and on )  
behalf of all others similarly situated, )  
 )  
Plaintiff, )  
v. )  
Enhanced Recovery Company, LLC, a )  
Delaware limited liability company, )  
 )  
Defendant. )

No. 1:17-cv-4297-SEB-TAB

NOTICE OF CLASS ACTION

**To:** All persons similarly situated in the State of Indiana from whom Defendant attempted to collect a defaulted consumer debt from November 16, 2016 to the present issuing the same form collection letter that Defendant sent to Plaintiff, which identified the "creditor" as "Kohl's Department Store, Inc." and the "original creditor" as "Chase Bank USA, N.A." when the creditor was actually Capital One.

**NOTICE IS HEREBY GIVEN THAT,** by an order of the United States District Court for the Southern District of Indiana (the "Court"), dated October 19, 2018, 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 Enhanced Recovery Company, LLC ("Defendant"), as being a potential member of the class who received a collection letter similar to the letter Plaintiff received. If you received a collection letter from Defendant, similar to the letter Defendant sent to Plaintiff, your rights may be affected by this lawsuit. A copy of the letter at issue is 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, Paula Rhodes, filed her initial Complaint – Class Action in this matter on November 16, 2017 and her Second Amended Complaint – Class action on May 9, 2018. The complaints asserted that the form of Defendant's collection letter violated §§ 1692g, 1692e and 1692f of the Fair Debt Collection Practices Act ("FDCPA"), because Defendant's letter failed to effectively or correctly identify the names of the original and current creditors.

Plaintiff's lawsuit seeks to obtain a finding that Defendant's letter violates the FDCPA, and to recover statutory damages, costs and attorneys' fees from Defendant. The lawsuit was filed on behalf of Ms. Rhodes and everyone else in the state of Indiana who was sent the same form collection letter, which is about 509 persons. This is known as a class action. On October 19, 2018, the Court ruled that this lawsuit may proceed as a class action.

Defendant denies that its 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 also denies Plaintiff and the class members are entitled to any damages.

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 may access the court file relating to this lawsuit, which is available for your inspection at the office of 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 509 persons in Indiana whom it is believed received the same attached form collection letter. The damages that are being sought from Defendant are based upon a recovery of up to 1% of Defendant's net worth, not to exceed a maximum of \$500,000. Here, Defendant may be liable up to the maximum statutory damages of \$500,000.

#### **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 Paula Rhodes as representative of the Class, and her 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 outdated address or if your address changes while this lawsuit is pending. 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 an 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 May 16, 2019, 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:  
Larissa G. Nefulda  
Lewis, Brisbois, Bisgaard & Smith, LLP  
633 W. 5<sup>th</sup> Street  
Suite 4000  
Los Angeles, California 90071

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 DIRECTLY CONTACT, THE  
JUDGE OR THE COURT CLERK**

ENTER:

/s/Honorable Sarah Evans Barker,  
Senior Judge, United States District Court,  
Southern District of Indiana

DATED: February 25, 2019



June 28, 2017

Creditor: Kohl's Department Stores, Inc.

Original Creditor: Chase Bank USA, N.A.

Re: Your Kohl's Credit Card Account: [REDACTED]

Amount of Debt: [REDACTED]

Reference Number: [REDACTED]

Settlement Amount: [REDACTED]

SETTLEMENT OPPORTUNITY

Our records indicate that your balance with Kohl's Department Stores, Inc. remains unpaid; therefore your account has been placed with ERC for collection efforts. We are willing to reduce your outstanding balance by offering a discounted payoff amount of \$ [REDACTED]

Upon receipt and clearance of \$ [REDACTED] your account will be closed and collection efforts will cease.

We are not obligated to renew this offer.

Unless you dispute the validity of the debt, or any portion thereof, within thirty (30) days after your receipt of this notice, the debt will be assumed to be valid by us.



View statements, pay your balance, and manage your account online at [www.payerc.com](http://www.payerc.com).



Telephone: (800) 497-3803 Toll Free. All calls are recorded and may be monitored for training purposes.



Send correspondence to: ERC, P.O. Box 57610, Jacksonville, FL 32241



Office Hours (Eastern Time): Mon-Thurs: 8:00 am-11:00 pm, Fri: 8:00 am-10:00 pm, Sat: 8:00 am-8:00 pm

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

NOTICE - SEE REVERSE SIDE FOR IMPORTANT NOTICES AND CONSUMER RIGHTS



Please do not send correspondence to this address.

P.O. BOX 1259, Dept 98696  
Oaks, PA 19456



June 28, 2017

Reference Number [REDACTED]

Amount of Debt \$ [REDACTED]

ERC

P.O. Box 23870

Jacksonville, FL 32241-3870



IN [REDACTED]