

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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		: Case No.: 4:20-cv-1186-JAR
TIMOTHY MILES, on behalf of himself and		:
others similarly situated,		:
		:
	Plaintiff,	:
		:
vs.		:
		:
MEDICREDIT, INC.,		:
		:
	Defendant.	:
		:
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WEBSITE Q & A NOTICE

**This is a notice of a settlement of a class action lawsuit.
This is not a notice of a lawsuit against you.**

If you are a person to whose cellular telephone number Medicredit, Inc. (“Medicredit”) placed a call, in connection with which it used an artificial or prerecorded voice, from December 16, 2017 through July 7, 2022, and you did not have an account in collections with Medicredit, you may be entitled to compensation as a result of the settlement in the class action lawsuit captioned:

Timothy Miles v. Medicredit, Inc., No. 4:20-cv-00186-JAR (E.D. Mo.)

**A federal court authorized this notice.
This is not a solicitation from a lawyer.**

**Please read this notice carefully.
It explains your rights and options to participate in a class action settlement.**

What are your legal rights and options?

SUBMIT A TIMELY CLAIM FORM:	If you are a class member and you submit a timely, valid claim form you will receive a proportionate share of the \$1.95 million settlement fund after expenses are deducted, and you will release claims you may have against Mediacredit related to this case. It is estimated that each claimant will receive between \$50 and \$100.
DO NOTHING:	If you are a class member and you do nothing, you will <u>not</u> receive a share of the settlement fund, but you will release claims you may have against Mediacredit related to this case.
EXCLUDE YOURSELF:	If you are a class member and you exclude yourself from the settlement, you will <u>not</u> receive a share of the settlement fund, and you will <u>not</u> release any claims you have against Mediacredit.
OBJECT:	If you are a class member, you may object to the settlement.

Why is this notice available?

This is a notice of a proposed settlement in a class action lawsuit. The settlement would resolve the lawsuit Timothy Miles filed against Mediacredit. Please read this notice carefully. It explains the lawsuit, the settlement, and your legal rights, including the process for receiving a settlement check, excluding yourself from the settlement, or objecting to the settlement.

What is this lawsuit about?

Mr. Miles filed a class action lawsuit against Mediacredit, alleging that it violated the Telephone Consumer Protection Act (“TCPA”) by placing calls, in connection with which it used an artificial or prerecorded voice, to cellular telephone numbers assigned to persons who do not have accounts in collections with Mediacredit. In other words, Mr. Miles filed a lawsuit against Mediacredit, alleging that Mediacredit violated the TCPA by placing calls to consumers, in connection with which it used an artificial or prerecorded voice, at wrong cellular telephone numbers—in that the subscriber to the telephone number called was different from the party that Mediacredit was trying to reach. Mediacredit denies the allegations. The parties have agreed to a settlement.

Why is this a class action?

In a class action, one or more people called “class representatives” file a lawsuit on behalf of people who have similar claims. All of these people together are a “class” or “class members.”

The Court accordingly resolves claims for all class members, except for those who exclude themselves from the class.

Why is there a settlement?

Mr. Miles, on the one hand, and Mediacredit, on the other, have agreed to settle the lawsuit to avoid the time, risk, and expense associated with it, and to achieve a final resolution of the disputed claims. Under the settlement, class members will obtain a payment in settlement of the claims that Mr. Miles raised in the lawsuit. Mr. Miles and his attorneys think the settlement is best for all class members.

How do you know if your claims are included in the settlement?

This settlement resolves claims on behalf of the following class:

All persons in the United States who (a) received a call from Mediacredit, Inc. between December 16, 2017 and July 7, 2022 on their cellular telephone, (b) with an artificial or prerecorded voice, (c) for which Mediacredit, Inc.’s records contain a “WN” designation and an “MC” and/or “MD” notation.

Mediacredit has identified a universe of approximately 303,600 unique telephone numbers to which it placed a call, during the class period, for which its records contain a “WN” designation and an “MC” and/or “MD” notation.

What does the settlement provide?

Mediacredit will establish a settlement fund in the amount of \$1,950,000.00. Out of the settlement fund, Mediacredit will pay:

- a. Settlement compensation to the class members;
- b. The costs and expenses of administering the class action settlement;
- c. An award of attorneys’ fees, subject to the Court’s approval;
- d. Costs and expenses incurred litigating this matter, subject to the Court’s approval; and
- e. An incentive award to Mr. Miles, subject to the Court’s approval.

Each class member who submits a timely and valid claim form will be entitled, subject to the provisions of the settlement agreement, to his or her equal share of the settlement fund as it exists after deducting:

- a. Costs and expenses of administering the class action settlement, which will not exceed \$285,000;
- b. Attorneys’ fees in an amount not to exceed one-third of the settlement fund, subject to the Court’s approval;

c. Costs and litigation expenses not to exceed \$15,000, subject to the Court's approval; and

d. An incentive award for Mr. Miles, not to exceed \$10,000, subject to the Court's approval.

How can you get a payment?

You must mail a valid claim form to the *Miles v. Mediacredit* Settlement Administrator, c/o Kroll Settlement Administration, P.O. Box 5324, New York, NY 10150-5324, postmarked by [date], 2022. Or you must submit a valid claim through www.MilesTCPASettlement.com.

When will you be paid?

If the Court grants final approval of the settlement, settlement checks will be mailed to class members who timely mailed or submitted valid claim forms no later than 45 days after the judgment in the lawsuit becomes final. If there is an appeal of the settlement, payment may be delayed.

What rights are you giving up in this settlement?

Unless you exclude yourself from the settlement, and if you meet the class definition, you will be considered a member of the class, which means you give up your right to sue or continue a lawsuit against Mediacredit over the released claims. Giving up your legal claims is called a release. Unless you formally exclude yourself from the settlement, you will release your claims against Mediacredit.

For more information on the release, released parties, and released claims, you may obtain a copy of the class action settlement agreement from the Clerk of the United States District Court for the Eastern District of Missouri, or on the settlement website, www.MilesTCPASettlement.com.

How can you exclude yourself from the settlement?

You may exclude yourself from the settlement, in which case you will not receive a payment. If you wish to exclude yourself from the settlement, you must mail a written request for exclusion to the claims administrator, at the addresses set forth below, postmarked by [**date**], **2022**. You must include in your request for exclusion your:

- a. Full name;
- b. Address;
- c. Cellular telephone number called by Mediacredit demonstrating that you are a member of the Class; and

d. A clear and unambiguous statement that you wish to be excluded from the settlement, such as “I request to be excluded from the settlement in the Miles v. Medicredit action.”

You must sign the request personally. If any person signs on your behalf, that person must attach a copy of the power of attorney authorizing that signature.

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

The Court will hold a final fairness hearing on **[date]**, at **[time]**. The hearing will take place in the United States District Court for the Eastern District of Missouri, Thomas F. Eagleton U.S. Courthouse, 111 South 10th Street, St. Louis, Missouri 63102. At the final fairness hearing, the Court will consider whether the settlement is fair, reasonable, and adequate and, if so, whether final approval of the settlement should be granted. The Court will hear objections to the settlement, if any. The Court may make a decision at that time, postpone a decision, or continue the hearing.

Do you have to attend the hearing?

No. You are not required to attend the hearing. But you are welcome to attend the hearing at your own expense. You cannot speak at the hearing if you have excluded yourself from the class settlement. Once you have excluded yourself, the class settlement does not affect your legal rights.

What if you want to object to the settlement?

If you do not exclude yourself from the settlement, you can object to the settlement if you do not believe it is fair, reasonable, and adequate. If you wish to object, you must mail a written notice of objection, postmarked by **[date], 2022**, to class counsel, Medicredit’s attorneys, and to the Court, at the following addresses:

Class Counsel:

Michael L. Greenwald
Greenwald Davidson Radbil
PLLC
5550 Glades Rd., Suite 500
Boca Raton, FL 33431

Defendant’s Counsel:

Maura K. Monaghan
Debevoise & Plimpton LLP
919 Third Avenue
New York, NY 10022

Court:

U.S. District Court for the
Eastern District of Missouri
Thomas F. Eagleton U.S.
Courthouse
111 South 10th Street
St. Louis, MO 63102

You must include in your objection your:

- a. Full name;
- b. Address;
- c. Cellular telephone number called by Medicredit to demonstrate that you are a member of the Settlement Class;
- d. A statement of the specific objection(s);

- e. The grounds for the objection(s);
- f. Identification of any documents to show that you are a member of the Settlement Class or which you desire the Court to consider; and
- g. A statement noting whether you intend to appear at the fairness hearing.

By when must you enter an appearance?

Any class member who objects to the settlement and wishes to enter an appearance must do so by **[date], 2022**. To enter an appearance, you must file with the Clerk of the Court a written notice of your appearance and you must serve a copy of that notice, by U.S. mail or hand-delivery, upon class counsel and Medcredit's attorneys, at the addresses set forth below.

What if you do nothing?

If you do nothing and the Court approves the settlement agreement, you will not receive a share of the settlement fund, but you will release any claim you have against Medcredit related to the allegations in this case. Unless you exclude yourself from the settlement, you will not be able to sue or continue a lawsuit against Medcredit over the released claims.

What will happen if the Court does not approve the settlement?

If the Court does not finally approve the settlement or if it finally approves the settlement and the approval is reversed on appeal, or if the settlement does not become final for some other reason, you will receive no benefits and the lawsuit will continue.

Who are Mr. Miles's attorneys?

Mr. Miles's attorneys are:

Michael L. Greenwald
Aaron D. Radbil
Greenwald Davidson Radbil PLLC
5550 Glades Rd., Suite 500
Boca Raton, FL 33431

The Court has appointed Mr. Miles's attorneys to act 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 must hire one at your own expense.

Who are Medcredit' attorneys?

Medcredit' attorneys are:

Maura K. Monaghan
Jacob W. Stahl

Debevoise & Plimpton LLP
919 Third Avenue
New York, NY 10022

Scott J. Dickenson
Megan D. Meadows
Spencer Fane LLP
1 N. Brentwood Blvd., Suite 1000
St. Louis, MO 63105

Before what Court is this matter pending?

Mr. Miles filed his class action lawsuit in the following Court:

United States District Court for the Eastern District of Missouri
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street
St. Louis, MO 33401

Where can you get additional information?

This notice is only a summary of the settlement. All documents filed with the Court, including the full class action settlement agreement, may be reviewed or copied at the United States District Court for the Eastern District of Missouri. In addition, pertinent case materials, including the settlement agreement, are available at the settlement web site, www.MilesTCPASettlement.com.

If you would like additional information about this matter, please contact:

**Miles v. Medigred Settlement Administrator
c/o Kroll Settlement Administration
P.O. Box 5324
New York, NY 10150-5324**

Telephone: 833-512-2310

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, neither Medigred nor Medigred's attorneys represent you, and they cannot give you legal advice.