

If You Received Wrong-Number Calls From Rash Curtis & Associates, A Class Action Lawsuit May Affect Your Rights

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

- A lawsuit has been filed against Rash Curtis & Associates (“Defendant” or “Rash Curtis”), claiming that they placed wrong-number calls using an autodialer and/or an artificial or prerecorded voice to individuals without prior consent in violation of the Telephone Consumer Protection Act (“TCPA”). The Court has allowed the lawsuit to be a class action on behalf of all persons who received a call on their cellular telephones from June 17, 2012 through April 2, 2019 (the “Class Period”) from Rash Curtis’ autodialers or who received a prerecorded message or robocall whose telephone number was obtained by Rash Curtis through skip tracing. Excluded from the class are all persons who provided their cellular telephone in an application for credit to a creditor that has opened an account with Defendant in such debtor’s name prior to Defendant first placing a call using an automatic telephone dialing system and/or prerecorded voice, in addition to entities related to Defendant, Defendant’s agents and employees, and any judge or magistrate judge to whom this action is assigned.
- After a trial in May 2019, a jury found that Rash Curtis was liable for making 534,698 calls in violation of the TCPA. On September 9, 2019, the Court entered judgment in favor of the Plaintiff and class members in the amount of \$267,359,000. However, Rash Curtis has appealed the jury’s verdict, and the appeal remains pending.
- On October 25, 2019, the Court granted the lead Plaintiff’s motion to approve the October 11, 2019 assignment of Rash Curtis’s rights against its insurance company, Indian Harbor Insurance Company, in exchange for Plaintiff’s covenant not to execute the judgment against Rash Curtis. As a result of the assignment, the lead Plaintiff filed the “Bad Faith” lawsuit against the insurance company, called *Perez v. Indian Harbor Insurance Company*, Case No. 4:19-cv-07288-YGR, pending in the Northern District of California.
- The purpose of this notice is to tell you that the lawyers who brought the lawsuit (“Class Counsel”) and the Bad Faith lawsuit have settled the Bad Faith lawsuit for \$75,600,000 and are proposing to use those funds to satisfy the judgment in the TCPA lawsuit. Class Counsel have requested an award of attorney’s fees of \$25,200,000 (which is 33.33% of the \$75,600,000 recovery) and the lead Plaintiff has sought a service award of \$25,000 for his efforts of bringing and litigating the case. The lawyers have also asked to be reimbursed \$5,856,525.80 for the costs and expenses they incurred to pursue the lawsuit. In the alternative, they have asked for a fee award of \$30,500,000, and for a costs and expenses award of \$556,525.80. The lawyers have also proposed that the proceeds from the \$75,600,000 recovery are distributed amongst class members *pro rata* (after subtracting attorney’s fees, costs and expenses, and service awards) based on the number of phone calls received by each Class Member out of the 534,698 calls found to be in violation of the TCPA.

**Questions? Visit www.rashcurtislawsuit.com
or contact Class Counsel at info@bursor.com**

- The Court will decide how much to award Class Counsel and the Plaintiff, and the method of allocation of the proceeds of the lawsuit. Any award will reduce your payment amount.
- You have the right to object to Class Counsel’s request for attorney’s fees and expenses and to the Plaintiff’s service award. You also have the right to object to the proposed plan or allocation and distribution. Objections must be in writing, signed, and postmarked by September 20, 2021.

YOUR LEGAL RIGHTS AND OPTIONS	
WHAT IS THIS?	<p>The Court has certified this lawsuit as a class action. The Plaintiff and class members won a jury trial, and have since recovered \$75,600,000 to satisfy the judgment. The lawyers litigating the case are seeking 33.33% of the judgment as attorney’s fees, and the Plaintiff is seeking \$25,000 as a service award. The lawyers have also asked to be reimbursed \$5,496,994.94 for the costs and expenses they paid to pursue the lawsuit. In the alternative, they have asked for a fee award of \$30,500,000, and for a costs and expenses award of \$556,525.80. The Plaintiff has proposed that all proceeds remaining after the payment of attorney’s fees, costs and expenses, the service award, and administration expenses are distributed amongst Class Members <i>pro rata</i> based on the number of phone calls received by each Class Member out of the 534,698 calls found to be in violation of the TCPA.</p>
DO NOTHING	<p>Stay in the lawsuit. Do not object to Class Counsel’s request for attorney’s fees, costs and expenses, Plaintiff’s request for a service award, and Plaintiff’s proposed plan of distribution.</p> <p>By doing nothing, you stay in the lawsuit and keep the possibility of getting money or benefits that may be distributed from this lawsuit. But, you give up any right to object to Class Counsel’s requests for attorney’s fees, cost and expenses, the Plaintiff’s request for a service award, and Plaintiff’s proposed plan of distribution.</p>
OBJECT	<p>Object to Class Counsel’s request for attorney’s fees, expenses and costs, Plaintiff’s request for a service award, and Plaintiff’s proposed plan of distribution.</p> <p>If you object, you stay in the lawsuit and keep the possibility of getting money or benefits that may be collected and distributed from this lawsuit. But, by objecting, the Court will consider your objection and may alter or deny Class Counsel’s request for</p>

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	attorney’s fees, costs and expenses, the Plaintiff’s request for a service award, and the Plaintiff’s proposed plan of distribution.
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- Your options – and the deadlines to exercise them – are explained in this notice. To object, you must act before **September 20, 2021**.
- If money or benefits are to be distributed, you will be notified of your options for receiving such money or benefits.

BASIC INFORMATION

1. Why did I get this notice?

This notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. The lawsuit is known as *McMillion, et al. v. Rash Curtis & Associates*, Case No. 16-cv-03396-YGR (the “TCPA” lawsuit). The “Plaintiff” in this case won a jury trial in May 2019 on behalf of himself and other class members. A jury found that Rash Curtis was liable for making 534,698 calls in violation of the TCPA. On September 9, 2019, the Court entered judgment in favor of the Plaintiff and class members in the amount of \$267,359,000. However, Rash Curtis has appealed the jury’s verdict, and the appeal remains pending.

On October 25, 2019, the Court granted the lead Plaintiff’s motion to approve the October 11, 2019 assignment of Rash Curtis’s rights against its insurance company, Indian Harbor Insurance Company, in exchange for Plaintiff’s covenant not to execute the judgment against Rash Curtis. As a result of the assignment, the lead Plaintiff filed the “Bad Faith” lawsuit against the insurance company, called *Perez v. Indian Harbor Insurance Company*, Case No. 4:19-cv-07288-YGR, pending in the Northern District of California.

The lead Plaintiff has since recovered \$75,600,000 from the Bad Faith lawsuit that he has proposed be used to satisfy the judgment in the TCPA lawsuit. Class Counsel have requested an award of attorney’s fees of \$25,200,000 (which is 33.33% of the \$75,600,000 recovery) and the lead Plaintiff has sought a service award of \$25,000 for his efforts of bringing and litigating the case. The lawyers have also asked to be reimbursed \$5,496,994.94 for the costs and expenses they paid to pursue the lawsuit. In the alternative, they have asked for a fee award of \$30,500,000, and for a costs and expenses award of \$556,525.80. The lawyers have also proposed that the proceeds from the \$75,600,000 recovery are distributed amongst class members *pro rata* (after subtracting attorney’s fees, costs and expenses, service awards, and administration expenses) based on the number of phone calls received by each Class Member out of the 534,698 calls found to be in violation of the TCPA.

You can read [Plaintiff’s Motion for the Court to Approve the Proposed Plan of Distribution](#) <link> at www.rashcurtislawsuit.com. The Court will decide how much to award Class Counsel and the Plaintiff, and how to allocate and distribute funds to Class Members.

You have legal rights and options that you may exercise before the Court decides how much to award Class Counsel and the Plaintiff, and how to allocate and distribute funds. Judge

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Yvonne Gonzalez Rogers of the United States District Court for the Northern District of California, is overseeing this class action.

2. What is this lawsuit about?

The lawsuit alleges Defendant called consumers using an autodialer and/or an artificial or prerecorded voice without prior consent in violation of the TCPA.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called “Class Representatives” (in this case, Ignacio Perez) sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” The named plaintiff who sued – and all the Class Members like them — are called the Plaintiffs. The company they sued (in this case, Rash Curtis & Associates) is called the Defendant. One court resolves the issues for everyone in the Class – except for those people who choose to exclude themselves from the Class.

4. Am I part of this Class?

The Court has allowed the lawsuit to be a class action on behalf of the following classes:

Skip-Trace Class 1: All persons who received a call on their cellular telephones from June 17, 2012 through April 2, 2019 from Rash Curtis’ DAKCS VIC dialer and/or Global Connect dialer whose cellular telephone was obtained by Rash Curtis through skip tracing.

Skip-Trace Class 2: All persons who received a prerecorded message or robocall on their cellular telephones [or] landline phones from June 17, 2012 through April 2, 2019 from Rash Curtis whose telephone number was obtained by Rash Curtis through skip tracing.

Non-Debtor Class 1: All persons who received a call on their cellular telephones from June 17, 2012 through April 2, 2019 from Rash Curtis’ DAKCS VIC dialer and/or Global Connect dialer whose telephone number was obtained by Rash Curtis through skip tracing and for whom Rash Curtis never had a debt-collection account in their name.

Non-Debtor Class 2: All persons who received a prerecorded message or robocall on their cellular telephones [or] landline phones from June 17, 2012 through April 2, 2019 from Rash Curtis whose telephone number was obtained by Rash Curtis through skip tracing and for whom Rash Curtis has never had a debt-collection account in their name.

Excluded from the class are all persons who provided their cellular telephone in an application for credit to a creditor that has opened an account with Defendant in such debtor’s name prior to Defendant first placing a call using an automatic telephone dialing system and/or prerecorded voice, in addition to entities related to Defendant, Defendant’s agents and employees, and any judge or magistrate judge to whom this action is assigned.

5. Why is this lawsuit a class action?

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The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts.

More information about why the Court is allowing this lawsuit to be a class action is in the Court's Order Certifying the Class <link>, which is available at www.rashcurtislawsuit.com.

THE CLAIMS IN THE LAWSUIT

6. What does the lawsuit complain about?

Plaintiff alleges that between June 17, 2012 through April 2, 2019, Defendant made hundreds of thousands of wrong-number phone calls using an autodialer and/or artificial or prerecorded voice without prior consent. You can read Plaintiffs' Class Action Complaint <link> at www.rashcurtislawsuit.com.

7. How does Defendant answer?

Defendant denies any wrongdoing and denies the Plaintiff's allegations. You can read Defendant's answer to the complaint <link> at www.rashcurtislawsuit.com.

8. Has the Court decided who is right?

The Court presided over a jury trial in this case in May 2019. On May 13, 2019, the jury found in Plaintiff's favor and found that the Defendant made 534,698 calls in violation of the TCPA. On September 9, 2019, the Court entered judgment in favor of class members in the amount of \$267,349,000. The Court entered an amended judgment on May 4, 2020.

9. What are the Plaintiffs asking for?

At trial, Plaintiffs asked Defendant for \$500 per wrong-number call placed to parties without prior consent. On May 13, 2019, the jury found that the Defendant made 534,698 calls in violation of the TCPA. On September 9, 2019, the Court entered judgment in favor of the class members in the amount of \$500 per unlawful call, for a total award of \$267,349,000.

Plaintiff has since recovered \$75,600,000 that can be used to satisfy the judgment. If the Court approves the plan of distribution, you will be notified of your options to obtain your share.

YOUR RIGHTS AND OPTIONS.

10. What happens if I do nothing at all?

You don't have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing, you are staying in the Class. If the Court approves the plan of distribution, you will be notified of your options to obtain your share of

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the \$75,600,000 recovered by Plaintiff.

However, if you do nothing now, you give up any right to object to Class Counsel's requests for attorney's fees, costs and expenses, the Plaintiff's request for a service award, and Plaintiff's proposed plan of distribution.

11. How do I tell the Court if I do not like Class Counsel's request for attorney's fees, costs, and expenses, Plaintiff's request for a service award, or Plaintiff's proposed plan of distribution?

If you are a Class Member but do not like Class Counsel's request for attorney's fees, cost and expenses, Plaintiff's request for a service fee, or Plaintiff's proposed plan of distribution, you may object. Objecting is simply telling the Court that you don't like something about the requests. The Court will consider your views. You can ask the Court to deny Class Counsel's and the Plaintiff's requests by filing an objection, or request that the Court award Class Counsel and the Plaintiff smaller awards than they are seeking.

Any objection must be in writing. All written objections and supporting papers must be *postmarked no later than September 20, 2021*, to:

Rash Curtis TCPA Litigation
c/o KCC Class Action Services
P. O. Box 404121
Louisville, KY 40233-4121

Your written objection *must* include:

- (1) Your full name;
- (2) Your current address;
- (3) A written statement of your objection(s) and the reasons for each objection;
- (4) Your signature;
- (5) Your telephone number;
- (6) Details regarding any calls you believe you received from Rash Curtis, including the dates of any such calls and a description of what occurred on such calls;
- (7) The case name and case number *McMillion, et al. v. Rash Curtis & Associates.*, Case No. 16-cv-03396-YGR.

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in this case?

The Court appointed the law firm of Bursor & Fisher, P.A. to represent the Plaintiff and all Class Members as "Class Counsel." More information about this law firm, their practices, and their lawyers' experience is available at www.bursor.com.

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13. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel are working on your behalf. But, if you want your own lawyer, you will be responsible for paying that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

GETTING MORE INFORMATION

14. Are more details available?

Visit the website, at www.rashcurtislawsuit.com, where you will find the [Court's Order Certifying the Class](#) <link>, the [Court's Summary Judgment Order](#) <link>, the [Plaintiffs Class Action Complaint](#) <link>, [Defendant's Answer](#) <link>, [Plaintiff's Motion for an Award of Attorney's Fees, Costs and Expenses, and Service Award for the Class Representative](#) <link>, [Declaration of Scott A. Bursor in Support of Plaintiff's Motion for an Award of Attorney's Fees, Costs and Expenses, and Service Award for the Class Representative](#) <link>, [Declaration of Ignacio Perez in Support of Plaintiff's Motion for an Award of Attorney's Fees, Costs and Expenses, and Service Award for the Class Representative](#) <link>, [Final Judgment](#) <link>, the [Class Action Verdict Form](#) <link>, [Plaintiff's Ex Parte Request for Stay of Briefing on All Pending Motions](#) <link>, [Plaintiff's Notice of Motion and Motion to Approve the October 11, 2019 Assignment](#) <link>, [Order Granting Motion to Advance Hearing Date and Motion to Approve the October 11, 2019 Assignment](#) <link>, [Related Case Order](#) <link>, [Order: \(1\) Granting in Part, Denying in Part Motion to Alter Judgment or Amend the Judgment in Favor of Defendant; \(2\) Denying Motion to Reduce, Reconsider, Amend, or Vacate the Judgment's Unconstitutionally Excessive Damages; \(3\) Denying Motion to Vacate the Judgment and for Terminating Sanctions Based Upon Misconduct of Counsel, or, in the Alternative, for New Trial, or Further Relief as Determined by the Court; \(4\) Granting in Part and Denying in Part Motion for an Award of Attorneys' Fees, Costs, and Expenses and Service Award for the Class Representative](#) <link>, [Order \(1\) Granting Motion to Dismiss for Lack of Jurisdiction; \(2\) Denying Motion to Dismiss Complaint and/or Stay Case; \(3\) Granting in Part and Denying in Part Motion to Strike Portion of Complaint and Exhibits re: Mediation Materials \(in *Bad Faith* case\)](#) <link>, [Amended Complaint \(in *Bad Faith* case\)](#) <link>, [Order Denying Motion to Certify the Court's May 11, 2020 Order for Interlocutory Appeal Under 28 U.S.C. § 1292 \(in *Bad Faith* case\)](#) <link>, [Discovery Order \(in *Bad Faith* case\)](#) <link>, [Bill of Costs](#) <link>, [Case Management and Pretrial Order \(in *Bad Faith* case\)](#) <link>, [Order Finding Summary Judgment Pre-Filing Conference Premature \(in *Bad Faith* case\)](#) <link>, [Order Denying Motion for Reconsideration of Order on Motion to Stay \(in *Bad Faith* case\)](#) <link>, [Plaintiff's Notice of Motion and Motion for the Court to Approve the Proposed Plan of Distribution](#) <link>, and other important case documents.

You may also contact the class notice administrator by email at info@rashcurtislawsuit.com, or by writing to: Rash Curtis TCPA Litigation, c/o KCC Class Action Services, P. O. Box 404121, Louisville, KY, 40233-4121.

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**PLEASE DO NOT CALL OR WRITE TO THE COURT FOR INFORMATION OR
ADVICE.**

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