

In the Circuit Court of Pulaski County, Arkansas

Brittany Smith, on behalf of herself
and others similarly situated

Plaintiff

v.

Case No. 60CV-18-8245

Mid-South Adjustment Co., Inc.

Defendant

Notice of Pendency of Class Action

*A court authorized this notice – This is not a solicitation from a lawyer.
Do not be alarmed, you are not being sued.*

**According to Mid-South Adjustment Co, Inc., it sent you a collection letter.
A sample copy of the collection letter appears at the end of this Notice.**

**A pending class action lawsuit concerning these letters may affect your
rights.**

It is important that you read this Notice.

**If you do *not* want to be part of the Class, you must mail a request, in
writing, to be excluded NO LATER THAN FEBRUARY 20, 2024.**

- An Arkansas resident sued Mid-South Adjustment Co., Inc. (Mid-South Adjustment”) alleging deceptive collection practices based on a form letter.
- The Court has allowed the lawsuit to be a class action on behalf of all Arkansas residents who were sent letters which were not returned undeliverable by the U.S. Post Office in an attempt to collect a delinquent balance on Jacksonville Water Works bill between December 2, 2017, and December 1, 2018.
- The Court has not yet decided whether the Mid-South Adjustment did anything wrong. There is no money available now, and no guarantee there ever will be. However, your legal rights are affected and, therefore, you have a choice to make now:

Your Legal Rights and Options in this Lawsuit

Do Nothing	Stay in this lawsuit. Await the outcome and possibly receive a monetary award. Give up certain rights. By doing nothing, you keep the possibility of receiving money that may come from a trial or settlement. But, you give up your right to sue Mid-South Adjustment separately about the same legal claims in this lawsuit.
Ask to be Excluded	Get out of this lawsuit. Get no benefits from it. Keep rights. If you ask to be excluded and money is later awarded, you won't share in the award. But, you keep your right to sue the Mid-South Adjustment separately about the same legal claims in this lawsuit.

- Your options are explained in this Notice. To ask to be excluded, *you must act by* February 20, 2024.
- Lawyers must prove the claims against Mid-South Adjustment. If money or benefits are obtained from Mid-South Adjustment and you have not asked to be excluded, your share will be sent to you.
- **Any questions? Read on.**

What this Notice Contains

Basic Information	Page 4
1. Why did I get this notice?	Page 4
2. What is this lawsuit about?	Page 4
3. What is the class action and who is involved?	Page 4
4. Why is this lawsuit a class action?	Page 5
5. What does the lawsuit complain about?	Page 6
6. What is the Mid-South Adjustment's answer?	Page 6
7. Has the Court decided who is right?	Page 6
8. What is the Plaintiff asking for?	Page 7
9. Is there any money available now?	Page 7
Who is in the Class	Page 8
10. Am I part of this Class?	Page 8
Your Rights and Options	Page 8
11. What happens if I do nothing at all?	Page 8
12. Why would I ask to be excluded?	Page 9
13. How do I exclude myself from the Class?	Page 9
The Lawyers Representing You	Page 10
14. Do I have a lawyer in this case?	Page 10
15. Should I get my own lawyer?	Page 10
16. How will the lawyers be paid?	Page 10
The Trial	Page 10
17. How and when will the Court decide who is right?	Page 11
18. Do I have to come to the trial?	Page 11
19. Will I get more money after the trial?	Page 11
Getting More Information	Page 11
20. Are more details available?	Page 11
Sample Letter	Page 12

Basic Information

1. Why did I get this Notice?

This Notice explains that the Court has allowed this lawsuit to continue as a class action that may affect you. The lawsuit was filed against the Mid-South Adjustment. The individual who brought the lawsuit alleged claims because the Mid-South Adjustment used certain form collection letters.

According to the Mid-South Adjustment's records they mailed you the same form collection letters that are at issue in this lawsuit. A sample of the Mid-South Adjustment's collection letters are at the end of this Notice.

You have legal rights and options that you may exercise *before* the Court holds a trial. For more information about the trial, see "The Trial" section (below).

The trial is to decide whether the legal claims being made against Mid-South Adjustment on your behalf are correct. Circuit Court Judge Tim Fox of the Circuit Court of Pulaski County, Arkansas – Sixth Division is overseeing this class action.

The case is known as: *Smith v. Mid-South Adjustment Co., Inc., Case No. 60CV-18-824, In the Circuit Court of Pulaski County, Arkansas.*

2. What is this lawsuit about?

This lawsuit is about whether Mid-South Adjustment violated an Arkansas statute which regulated debt collection practices. The Arkansas statute is called the Arkansas Fair Debt Collection Practices Act (AFDCPA). Details of the AFDCPA claims against Mid-South Adjustment are discussed under Question 5.

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

In a class action lawsuit, the individual who brought the case is called the Plaintiff. In this lawsuit, Brittany Smith is the Plaintiff. The company and she sued is called Mid-South Adjustment. Mid-South Adjustment is the Defendant in the lawsuit.

The Plaintiff files a class action lawsuit because she wants to act on behalf of all others who have similar claims and recover damages for those persons. When the Court

agrees the claims are similar, it “certifies” the case as a class action lawsuit. The people who have similar claims are together called the “Class” or the “Class Members.”

After certifying the class action, the Court appoints a “Class Representative,” who is often the Plaintiff. The Court also appoints “Class Counsel,” who often are the Plaintiff’s attorney.

In this case, the Court certified the lawsuit as a class action and appointed Ms. Smith as the Class Representative and her attorneys as Class Counsel. ***You are a member of the Class.***

In a class action, one court resolves the legal claims for everyone in the Class—except for those people who choose to exclude themselves from the Class. The Court has set February 20, 2024, as the last day for Class Members to exclude themselves from the Class. For more information about how to exclude yourself, see Question 14.

The Court will decide who wins this lawsuit sometime *after* February 20, 2024.

4. Why is this lawsuit a class action?

On October 21, 2021, the Circuit Court of Pulaski County, Arkansas decided this lawsuit will proceed as a class action because the lawsuit meets all of the requirements to be a class action. On December 29, 2022, the Arkansas Supreme Court affirmed the Circuit Court of Pulaski County, Arkansas’ decision. On October 20, 2023, the Circuit Court of Pulaski County, Arkansas entered an Amended Order and found that:

- The Class is so numerous that joinder of all Members of the Class Members is impracticable.
- The Class Representative’s claims are typical of the claims of Members of the Class.
- Ms. Smith and her lawyers will fairly and adequately represent the Class’s interest.
- The common legal questions and facts are more important than questions that affect only individual Members of the Class.
- The class action will be more efficient than having many individual lawsuits.

More information about why the Court is allowing this lawsuit to be a class action is in the Court’s Order certifying the Class.

5. What does the lawsuit complain about?

In her Amended Class Action Complaint, the Plaintiff alleges Mid-South Adjustment violated the AFDCPA. She claims Mid-South Adjustment's template collection letter failed to provide required information and was otherwise false, deceptive, and misleading to unsophisticated consumers. You may obtain a copy of the Plaintiff's Amended Class Action Complaint and other information by following the instructions under Question 20.

Plaintiff's lawsuit contends that:

- Mid-South Adjustment is a debt collector who was hired to collect a debt for Jacksonville Water Works.
- In an attempt to collect those debts, the Mid-South Adjustment mailed you the Sample Letter for the Class.
- The Sample Letter fails to disclose (i) the debt was barred by the statute of limitations, (ii) the date the water bill became past due, and (iii) any payment towards the debt revives the debt from the statute of limitations under Arkansas law.
- The Sample Letter violates the AFDPCA, Ark. Code Ann. §§ 17-24-506(a), 17-24-506(b)(2), 17-24-506(b)(5), 17-24-506(b)(10), and 17-24-507(a).

6. What is Mid-South Adjustment's Answer?

Mid-South Adjustment denies it did anything wrong. Mid-South Adjustment contends the Sample Letter does not violate the AFDCPA.

7. Has the Court decided who is right?

No. The Court hasn't decided yet whether Plaintiff is correct. By certifying the Class and issuing this Notice, the Court is not suggesting the Plaintiff will win or lose the lawsuit.

The Plaintiff must still prove his claims at trial. For more information about the trial, see "The Trial" section below.

8. What is the Plaintiff asking for?

The AFDCPA permits the Court to enter a judgment in an amount of money for damages when a debt collector unlawfully attempts to collect a debt. There are two types of damages allowed when there is a violation of the AFDCPA.

One type of damages pays you for the harm caused by the debt collector. Those are called "compensatory damages." Plaintiff's lawsuit does not seek compensatory damages because, according to Mid-South Adjustment, no one was harmed by receiving their letter.

The AFDCPA also allow the Court to award a limited amount of damages when a debt collector acts unlawfully. Those are called "statutory damages." The limits are different for the Class Representative and the Class. The limits are:

- Up to \$1,000 to the Class Representative; and
- Up to 1% of the debt collectors' net worth or \$500,000, whichever is less, to be shared equally by the Class Members who do not exclude themselves.

When a jury decides the amount of statutory damages, the AFDCPA requires it consider five factors: (1) the frequency and persistence of noncompliance, (2) the nature of such noncompliance, (3) the resources of the debt collector, (4) the number of persons adversely affected, and (5) the extent to which the debt collector's noncompliance was intentional.

If a jury concludes Mid-South Adjustment violated the AFDCPA, it will then decide whether to award damages, and, if so, how much.

If a jury concludes Mid-South Adjustment did not do anything wrong, then no damages will be awarded.

9. Is there money available now?

No money or benefits are available now because the Court has not yet decided whether Mid-South Adjustment did anything wrong, and the Parties have not settled the case. There is no guaranty money or benefits will be obtained. If you do not exclude yourself and the Court awards statutory damages, you will be sent your share of the damages awarded.

Who is in the Class

You are a member of the Class. You need to decide whether you want to remain a member of the Class.

10. Am I part of the Class?

Circuit Judge Tim Fox decided the Class consists of all individuals in Arkansas to whom Mid-South Adjustment sent a letter which (i) identified Jacksonville Water Works as a Client (ii) sought to collect a debt on which the last payment was made more than three years prior to the letter, and (iii) which was sent on over after December 2, 2017, and not returned undeliverable by the U.S. Post Office.

You are receiving this Notice because Mid-South Adjustment identified you as a Member of the Class

Your Rights and Options

You have to decide whether to stay in the Class, or ask to be excluded, and you have to decide this now.

11. Is there money available now?

You don't have to do anything now if you want to keep the possibility of receiving money or benefits from this class action lawsuit. By doing nothing, you are staying in the Class.

If you stay in and the Plaintiff obtains money or benefits, either as a result of the trial or a settlement, you will be notified about receiving your share.

Keep in mind that if you do nothing now, regardless of whether the Plaintiff wins or loses the trial, you will not be able to sue, or continue to sue Mid-South Adjustment-as part of any lawsuit-about the same legal claims that are the subject in this lawsuit. This means that if you do nothing, you will not be able to sue the Mid-South Adjustment for violations of the AFDCPA based on the letter at issue in this lawsuit. You will also be legally bound by all Orders the Court issues and judgments the Court makes in this class action.

12. Why should I ask to be excluded?

You must decide whether you want to be legally bound by the Court's judgment in this class action.

If you do not want to be bound, then you must exclude yourself from the Class. If you exclude yourself from the Class -which means remove yourself from the Class-you won't get any money or benefits from this lawsuit even if the Plaintiff obtains them as a result of the trial or from any settlement (that may or may not be reached) between Mid-South and the Plaintiff. You also will not be bound if Mid-South Adjustment wins.

You may want to exclude yourself if you already have your own lawsuit or want to file one against Mid-South Adjustment. If you file your own lawsuit after you exclude yourself, you'll have to hire your own lawyer or you'll have to prove your claims. If you exclude yourself to file your own lawsuit against Mid-South Adjustment, you should talk with your own lawyer soon because your claims may be subject to a statute of limitations.

13. How do I exclude myself from the Class?

To exclude yourself from the Class, you **MUST** mail a letter to the court-appointed Third-Party Class Administrator.

DO NOT WRITE THE COURT.

Your letter **MUST** include:

- a) your name,
- b) your address, and
- c) your request that you want to be excluded from the Class in *Smith v. Mid-South Adjustment Co., Inc.*

Please address the envelope to the Administrator as follows:

Smith v Mid-South Adjustment
P.O. Box 23369
Jacksonville, FL 32241-3369

You **MUST** mail your letter no later than February 20, 2024.

The Lawyers Representing You

14. Do I Have a Lawyer in this Case?

Yes. The Court has decided that the Corey D. McGaha of Corey D. McGaha PLLC, and Todd M. Turner of Turner and Turner, P.A. are qualified to represent you and all Members of the Class. They are called "Class Counsel," and they are experienced in handling similar cases against debt collectors.

15. 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 may do so. For example, you can ask him or her to appear in Court for you if you want someone other the Class Counsel to speak for you.

16. How will the lawyers be paid?

If Plaintiff is successful in proving Mid-South Adjustment violated the AFDCPA, the Class Counsel is permitted to ask the Court for fees and expenses. You won't have to pay these fees and expenses. If the Court grants Class Counsel's request, all fees and expenses will be paid separately by Mid-South Adjustment.

If the Court awards statutory damages to either the Plaintiff or to the Class, no portion of those damages will be used to pay Class Counsel's fees or expenses.

The Trial

The Court has scheduled a trial commencing at 9:00 am on August 20, 2024, in Pulaski County Courthouse, 401 W. Markham, Courtroom 210, Little Rock, Arkansas 72201.

17. How and when will the Court decide who is right?

As long as this lawsuit isn't resolved by a settlement, Class Counsel will have to prove the Plaintiff's claims at trial.

18. Do I have to come to the trial?

No. You do not need to attend the trial. Class Counsel will present the case for the Plaintiff, and Mid-South Adjustment will present its defenses. You, or your own lawyer, are welcome to come at your own expense.

19. Will I get money after the trial?

You will be notified if the Plaintiff obtains money or benefits as a result of a trial or settlement. We do not know how long this will take.

Getting More Information

20. Are more details available?

Yes. Do not contact the Court for legal questions or advice-**the Court and its staff are not allowed to answer your questions.** You may obtain additional information about this lawsuit in several ways.

Copies of important documents filed in this case which are public records may be:

- Reviewed during regular business hours at the Pulaski County Circuit Court Clerk's Office, 401 West Markham Street, Little Rock, Arkansas 72201. You will need to provide the name of the lawsuit and the docket number: *Smith v. Mid-South Adjustment Co., Inc.*, Case No. 60CV-18-8245.
- View and downloaded at www.SmithAFDCPAClassAction.com.
- Provided by Class Counsel by calling (501) 205-4026 or by writing to: **Smith v Mid-South Adjustment, P.O. Box 23369, Jacksonville, FL 32241-3369**

Sample Letter



200 E 11th Suite K
Pine Bluff, AR 71601
Phone: (870) 536-9600

Office Hours: Monday-Friday 8:00am - 5:00pm

Client: JACKSONVILLE WATER WORKS
Account #: [REDACTED]
Total Balance: [REDACTED]



Dear Brittany Smith,

Your account with JACKSONVILLE WATER WORKS has been referred to Mid-South Adjustment Co., Inc. for collection.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice that you dispute the validity of this debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request this office in writing within 30 days after receiving this notice this office will provide you with the name and address of the original creditor, if different from the current creditor.

**This communication is from a debt collector.
This is an attempt to collect a debt, any information obtained will be used for that purpose.**

Please direct any questions, or payment to:

Mid-South Adjustment Co., Inc.
200 E 11th Suite K
Pine Bluff, AR 71601
Phone: (870) 536-9600

MIDS/21 686010440937 5221000005211000000017 *** Detach Lower Portion And Return With Payment ***

200 E 11th Suite K
Pine Bluff, AR 71601-4217

Account #: [REDACTED]
Total Balance: [REDACTED]

Amount Enclosed: \$ _____

[REDACTED ADDRESS]

Mid-South Adjustment Co., Inc
200 E 11th Suite K
Pine Bluff, AR 71601-4217

SMITH v MID-SOUTH ADJUSTMENT (720)
c/o American Legal Claim Services, LLC
PO Box 23369
Jacksonville, FL 32241-3369



Fname lname
Addrline1
City, state zip

Notice ID: noticeid
PIN: pin