

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN

NOTICE OF CLASS ACTION SETTLEMENT

VanderKodde, et al. v. Mary Jane M. Elliott, P.C., et al.

No. 1:17-cv-203

A court authorized this Notice. It is not a solicitation from a lawyer. You are not being sued.

A class action lawsuit is pending in the United States District Court for the Western District of Michigan (“the Court”) against Mary Jane M. Elliott, P.C.; Midland Funding, LLC; Midland Credit Management, Inc.; Encore Capital Group, Inc.; and LVNV Funding, LLC (together, the “Defendants”). The lawsuit alleges the Defendants violated United States federal and Michigan state law by applying unlawfully high interest rates to debt collection judgments. The Defendants deny any wrongdoing.

The Court decided that this lawsuit should proceed as a class action on behalf of “Classes,” or groups of people, that could include you. Two classes have been certified by the Court:

1. **Elliott/Midland Class. A class comprising: (a) every natural person; (b) against whom a money judgment, in a civil action to collect a debt incurred for personal, family, or household purposes, was entered by a Michigan court in favor of Midland Funding, LLC; (c) where the judgment was not rendered on a written instrument or promissory note; and (d) from whom Mary Jane M. Elliott, P.C. collected a judgment balance by communicating to any person, during the period from April 11, 2011 to the date of class certification, that the judgment debtor owed an amount that included judgment interest calculated at a rate that exceeded the rate allowed by MCL 600.6013(8).**
2. **Elliott/LVNV Class. A class comprising: (a) every natural person; (b) against whom a money judgment, in a civil action to collect a debt incurred for personal, family, or household purposes, was entered by a Michigan court in favor of LVNV Funding, LLC; (c) where the judgment was not rendered on a written instrument or promissory note; and (d) from whom Mary Jane M. Elliott, P.C. collected a judgment balance by communicating to any person, during the period from April 11, 2011 to the date of class certification, that the judgment debtor owed an amount that included judgment interest calculated at a rate that exceeded the rate allowed by MCL 600.6013(8).**

The parties to the lawsuit have proposed that the lawsuit be settled. A hearing on the fairness of the proposed settlement is set for Monday, April 13, 2026, at 9:30 a.m., in Room 137 of the Federal Building, 410 W. Michigan Ave., Kalamazoo, Michigan 49007. At this hearing, presiding Judge Paul L. Maloney will rule upon whether the settlement agreement proposed by the parties is fair and reasonable.

YOUR RIGHTS AND OPTIONS IN THIS LAWSUIT

<i>Do Nothing</i>	<p>Stay in the lawsuit, share in the benefits if the proposed settlement is approved by the Court. Give up certain rights.</p> <p>By doing nothing, you are choosing to stay in the Class and accept the benefits of the proposed settlement. You will give up your rights to sue the Defendants in a separate lawsuit for the claims made in this class action.</p>
<i>Ask to be Excluded</i>	<p>Get out of this lawsuit. Get no benefits, but keep your rights.</p> <p>If you opt out of the Class (meaning you say in writing that you do not want to be included in this lawsuit), you will <u>not</u> be entitled to any benefits of the proposed settlement, but you will <u>not</u> be bound by any past or future rulings against the Defendants. You will be free to pursue your own claims against the Defendants on your own or as part of a different lawsuit.</p>
<i>Object to the Proposed Settlement</i>	<p>Ask the Court not to approve the settlement.</p> <p>You may choose to stay in the class, but object to the proposed settlement. If the Court does not approve the settlement, the case may proceed in court or settle on different terms. If the Court approves the settlement despite your objection, you may share in the benefits of the settlement, or appeal the Court's approval of the settlement.</p>

THESE RIGHTS AND OPTIONS AND THE DEADLINES TO EXERCISE THEM ARE EXPLAINED IN THIS NOTICE

BASIC INFORMATION ABOUT THE LAWSUIT

1. Why did I get this Notice?

Records indicate that a judgment was entered against you in favor of Midland Funding, LLC or LVNV Funding, LLC, that Mary Jane M. Elliott P.C. applied interest to the judgment at a rate exceeding the rate allowed under MCL 600.6013(8), and that some amount was collected against the judgment. This Notice explains that the Court has preliminarily approved a class action settlement that may affect you. You have

legal rights and options that you may exercise. Judge Paul L. Maloney of the United States District Court for the Western District of Michigan is overseeing this class action. The case is known as *VanderKodde v. Mary Jane M. Elliott, P.C.*, Civil Action No. 1:17-cv-203 (the "Action").

2. What is the lawsuit about?

This lawsuit is about whether the Defendants violated federal and state laws regulating debt collection practices when they applied interest to judgment debts and then collected against the

judgments. Plaintiffs allege that Defendants violated the federal Fair Debt Collection Practices Act and Michigan debt collection laws. The Defendants deny any wrongdoing.

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 Daniel VanderKodde and Anita Beckley), sue on behalf of themselves and other people who have similar claims. These people and entities together are called a “Class” or “Class Members.” Daniel VanderKodde, Anita Beckley, and all the Class Members are called Plaintiffs. The companies the Plaintiffs sued, Mary Jane M. Elliott, P.C.; Midland Funding, LLC; Midland Credit Management, Inc.; Encore Capital Group, Inc.; and LVNV Funding, LLC, are called the Defendants. One court resolves the issues for all Class Members—except those who choose to exclude themselves.

4. What has happened in the lawsuit?

On April 10, 2017, Class Representatives Daniel VanderKodde and Anita Beckley filed, on behalf of a putative class, a complaint against Defendants alleging that Defendants had violated the Fair Debt Collection Practices Act and Michigan debt collection laws.

On March 1, 2024, the Court certified classes of persons against whom judgments were entered in favor of Midland Funding, LLC and LVNV Funding, LLC, Mary Jane M. Elliott, P.C. calculated interest at rates exceeding

those provided in MCL 600.6013(8), and Mary Jane M. Elliott, P.C. collected money against those judgments.

On June 18, 2025, the Class Representatives and Defendants reached an agreement to settle the case.

5. What is the current status of the lawsuit?

The parties have proposed a class action settlement, and the Court has preliminarily approved the terms of that settlement.

6. What would I get from the settlement?

To settle this case, the Defendants have agreed to: (1) reduce the balance of each Class Member’s judgment to reflect interest calculated at the rates specified in MCL 600.6013(8), (2) reduce the balance of each class Member’s judgment by an additional \$500.00, and (3) pay each Class Member whose judgment balance is eliminated through these reductions and who files a claim the amount of \$150.00. Defendants have also agreed to pay the administrative costs of the settlement, pay Daniel VanderKodde and Anita Beckley incentive awards of \$10,000.00 each, and pay up to \$1,500,000.00 in attorney fees. These amounts are subject to the approval of the Court at the hearing scheduled for April 13, 2026. Class counsel will present a petition for the approval of these amounts for consideration at that hearing, and which time the Court will decide whether the awards of these amounts are fair and reasonable.

IF THE SETTLEMENT IS APPROVED, YOU, AS A MEMBER OF THE CLASS, WILL RECEIVE REDUCTIONS IN YOUR JUDGMENT BALANCE AND, IF YOU ARE ELIGIBLE, A PAYMENT OF \$150.

This proposed settlement is subject to final approval by the Court. Payments would be mailed approximately six (6) weeks after the final fairness hearing.

DETERMINING IF YOU ARE A MEMBER OF THE CLASS

7. How do I know if I am a Class Member?

You are a member of a Class if a judgment was entered against you in favor of Midland Funding, LLC or LVNV Funding, LLC; Mary Jane M. Elliott added interest to the judgment at a rate exceeding the rate allowed under MCL 600.6013(8); and Mary Jane M. Elliott collected money from you against the judgment.

YOUR OPTIONS AS A CLASS MEMBER

8. What are my options as a Class Member?

You must decide whether to stay in the Class or opt out of it. In addition, if you do not choose to opt out of the class, you may choose whether or not to object to the settlement.

9. What happens if I choose to stay in the Class?

If you stay in the Class, and the settlement is approved, you will receive

the balance reductions explained in paragraph 6 above. If the balance reductions eliminate the judgment balance and you file a claim, you will receive a payment of \$150.00. But you give up any rights to sue Defendants separately about the same legal claims in this lawsuit.

10. How do I stay in the Class?

You do not have to do anything to stay in the Class.

11. What happens if I opt out of the Class?

If you opt out of the Class (by stating in writing that you do not want to be included in the Class in this Action), you will give up the right to receive the benefit of the settlement. But you will keep any rights you may currently have to sue Defendants regarding the legal claims at issue in this lawsuit.

12. How do I opt out of the Class?

If you do not want to remain a member of the Class, **you must send** a written "Request to Opt Out," which references the case name "**VanderKodde v. Mary Jane M. Elliott, P.C.**" to the following address:

VanderKodde v MJE (881)
c/o Settlement Administrator
PO Box 23309
Jacksonville, FL 32241

If you wish to opt out of the Class, your Request to Opt Out must be postmarked by March 9, 2026.

13. What happens if I do not do anything?

By doing nothing, you are choosing to stay in the Class. You don't have to do anything now if you want to stay in the Class. If you stay in the class, you will receive the benefit of the settlement in reductions to your judgment balance and, if your balance is eliminated, you will be entitled to submit a claim to be paid \$150.00. You will not be able to sue the Defendants as part of any other lawsuit about the same legal claims that are the subject of this lawsuit.

14. How do I object to the settlement?

If you believe the settlement is not fair or adequate for the Class, you can submit a written objection. This objection must be filed with the court, by mailing a copy of a written objection to the Clerk of the Court, United States District Court for the Western District of Michigan, Federal Building, 110 Michigan St. NW, Grand Rapids, Michigan 49503, on or before March 9, 2026. You must also serve your written objection upon the attorneys listed above, no later than March 9, 2026. You may, but are not required to, attend the fairness hearing to be held on April 13, 2026 in order to discuss your objection with the Court.

15. What is a Fairness Hearing?

The Court will hold a public hearing to decide whether the settlement is fair and adequate to the Class Members on Monday, April 13, 2026, at 9:30 a.m., in Room 137 of the Federal Building, 410 W. Michigan Ave., Kalamazoo, Michigan 49007. You do not have to attend this

hearing in order to obtain a recovery from the settlement or to discuss your objection to it, if any, but you are welcome to attend this hearing if you wish.

THE LAWYERS REPRESENTING YOU

16. As a Class Member, do I have a lawyer representing my interests in this Class Action?

Yes. The Court has appointed lawyers to represent you and other Class Members. These lawyers are called Class Counsel. The following lawyers are representing the Class:

<p>Theodore J. Westbrook, Esq. Westbrook Law PLLC Centennial Plaza, Suite 205 2851 Charlevoix Dr. SE Grand Rapids, MI 49546 (616) 288-9548</p>
<p>Phillip C. Rogers, Esq. Centennial Plaza, Suite 205 2851 Charlevoix Dr. SE Grand Rapids, MI 49546 (616) 776-1176</p>

17. How will the lawyers be compensated, and will the Class Representatives receive compensation?

The settlement agreement states that, subject to Court approval, Class Counsel will receive up to \$1,500,000.00, paid by Mary Jane M. Elliott, to compensate them for the costs of bringing this action and for attorneys' fees. The Class Representatives will each receive a \$10,000 incentive award for their role in

bringing and maintaining the lawsuit and negotiating the settlement.

18. Should I get my own lawyer?

You do not need to hire your own lawyer, because Class Counsel is working for you. However, you are welcome to hire your own lawyer at your own expense. If you hire a lawyer to speak for you or to appear in Court, your lawyer must file a Notice of Appearance.

19. Where do I get more information?

This Notice contains a summary of relevant court papers. Complete copies of public pleadings, Court rulings and other filings are available for review and copying at the Clerk's office. The address is 110 Michigan Street NW, Grand Rapids, MI 49503. You may also contact the settlement administrator via email, info@vanderkoddeclassaction.com, or call (800) 843-3150.

GETTING MORE INFORMATION

Please do not contact the Court or presiding judge. They cannot answer any questions or discuss the Action.

DATED: January 26, 2026

**BY ORDER OF THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**