

CUYAHOGA COUNTY COURT OF COMMON PLEAS

**If You Purchased a Vehicle from Hyundai of Bedford in the
State of Ohio, You Could Get Benefits From a
Class Action Settlement.**

The Cuyahoga County Court of Common Pleas authorized this class action notice.

This is not a solicitation from a lawyer.

- ❖ The Settlement resolves a lawsuit of the practices of Hyundai of Bedford (“HOB”) regarding the advertisement and sale of certain vehicles.
- ❖ The Settlement avoids costs and risks to the parties from continuing the lawsuit, pays money to class members who purchased a vehicle from HOB when the advertised price may have been less than the purchase price.

Your Legal Rights and Options in This Settlement	
Accept the Settlement Benefits	You will receive the benefits under the Settlement automatically if the Court approves the Settlement. You don’t have to do anything. If you are a member of the Settlement Class, in accepting the benefits of the Settlement, you give up any rights to sue HOB or anyone else about your contract and the legal claims that were made or could have been made in this lawsuit.
Object to the Settlement	Write to the Court about why you don’t like the Settlement.
Opt Out of the Class	Get no Settlement benefits. This option allows you to bring your own lawsuit, at your own expense, for the same legal claims in this lawsuit

- ❖ The two sides disagree on how much money could have been won if the Class won at trial or if the Class would have won at all.
- ❖ In addition to providing you with benefits, this Settlement affects your legal rights, as described below. Read this notice carefully.
- ❖ Your rights and options are explained in this notice (the “Notice”). To opt out or object, you must act before June 13, 2023.
- ❖ The Court still has to decide whether to approve the Settlement. Payments as described in this Notice will be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.
- ❖ Any questions? Read on.

Basic Information

1. Why did I get this Notice?

HOB’s records show that you purchased or leased a vehicle from HOB in the state of Ohio between December 29, 2017 and December 29, 2021, and was charged a price higher than the advertised price of the vehicle.

The Court ordered that you be sent this notice because you have a right to know about the proposed Settlement and your options before the Court decides whether to approve the Settlement. If the Court approves the Settlement, and after any objections and appeals are resolved, HOB will make the payments and issue a certificate provided for by the Settlement.

This notice explains the lawsuit, the settlement, your legal rights, what benefits are available, and how to get them. The Court in charge of the case is the Cuyahoga County Court of Common Pleas, and the case is known as *Maria Mack v. Migdal 1 LLC d/b/a Hyundai of Bedford*, Case No. CV 21 957774.

2. What is this lawsuit about?

HOB sold vehicles in the state of Ohio for more than the advertised price. Ms. Mack alleges that this practice did not comply with Ohio Law. However, HOB alleges that the sales were in compliance with Ohio law.

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

In a class action, one or more people called a “Class Representative” (in this case, Ms. Mack) sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” One court resolves the issues for everyone in the Class. Judge Ashley Kilbane (the “Judge”) is the judge in charge of this class action.

4. Why is there a Settlement?

The Court has not decided in favor of Ms. Mack or HOB. Ms. Mack believes she would have won at trial and HOB thinks it would have won, but there was no trial. Instead, both sides have agreed to settle this matter. Settlement is favored to avoid the costs of trial and ensure that the Class will be compensated. The Class Representative and Class Counsel think the Settlement is best for all Class Members.

Who is in the Settlement?

5. How do I know if I am part of the Settlement?

You were sent this notice because HOB’s records show that you fit the definition of a Class Member.

You are in the class if: You purchased a vehicle from HOB between December 29, 2017 and December 29, 2021 for more than the advertised price.

You are *not* in the class if: You have already reached an agreement with HOB regarding the payment of the account or a reduction of the balance; you are subject to an existing release or judgment that would include the claims at issue; you have filed for bankruptcy after buying the vehicle and obtained a discharge; you are a debtor in a pending bankruptcy; or you send a request for exclusion that is **timely** received.

The Settlement Benefits – What You Get

6. What does the settlement provide?

HOB has agreed to establish a fund of \$224,875.00 (the “Settlement Fund”) to pay class members, a class representative incentive payment to Ms. Mack, and attorneys’ fees awarded by the Judge to Class Counsel.

HOB will send a cash payment of \$175.00 to each class account, AND;

HOB will also issue a one-time-use certificate for \$750.00 to each class account which can be applied to \$750.00 off a new or used vehicle or 50% off service, parts, labor, or accessories up to \$750.00 at the HOB location.

The Lawyers Representing You

7. Do I have a lawyer in this case?

The Court has decided that the following lawyer is qualified to represent you and all Class Members. This lawyer is referred to as “Class Counsel” in this Notice:

Ronald Frederick
Frederick & Berler LLC
767 East 185th Street
Cleveland, Ohio 44119

He is experienced in handling similar cases. More information about this attorney, his practice, and his experience is available at www.clevelandconsumerlaw.com.

The Settlement Benefits – What You Get

8. How will the lawyers be paid?

Class Counsel has been litigating this case since 2021 and has incurred substantial legal fees to date. Class Counsel will ask the Court to approve payment of an amount not greater than \$132,500.00 to him for attorneys’ fees and expenses, and payment of \$7,500.00 to Ms. Mack for her services as Class Representative. On or before July 19, 2023, Class Counsel will file a Motion and Memorandum in Support detailing their fee request. These pleadings will be available for your review on the Court’s docket at <https://cpdocket.cp.cuyahogacounty.us>. The fees would pay Class Counsel for

investigating the facts, litigating the case, and negotiating the Settlement. No fees and expenses are payable unless the Court finds them reasonable. The fees, expenses, and payments that the Court awards will be paid from the Settlement Fund established by HOB. HOB has agreed not to oppose an award of Class Counsel's fees and expenses up to this amount.

Objecting to the Settlement

9. How do I tell the Court I don't like the Settlement?

To object, you must send a letter saying that you object to the proposed HOB settlement in *Maria Mack v. Migdal 1 LLC d/b/a Hyundai of Bedford*, Case No. CV 21 957774. Be sure to include the case name, case number, your full name, address, telephone number, and a notarized written statement with your signature stating the reason you object to the Settlement along with any legal support for the objection. With your objection, provide copies of any papers, briefs, or other documents upon which your objection is based. Also state whether you or your own counsel intend to appear at the Fairness Hearing. You must also provide a list of all cases where you and/or your counsel have filed objections to class action settlements in the last five years. Any objection must be received by the Court no later than June 13, 2023. Mail the objection to these four different places:

Court	Class Counsel	Defense Counsel	Settlement Administrator
Cuyahoga County Court of Common Pleas 1200 Ontario St., 1 st Floor Cleveland, OH 44113	Ronald Frederick Frederick & Berler LLC 767 East 185 th St. Cleveland, OH 44119	Bryan Kostura Flannery Georgalis, LLC 1375 E. 9 th St, 30 th Floor Cleveland, OH 44114	Mack v Migdal c/o Settlement Administrator P.O. Box 23698 Jacksonville, FL 32241

Opting Out of the Settlement

You can opt out of the Settlement.

10. How do I opt out of the Settlement?

If you do not want to be part of the Settlement, you must send a letter saying that you want to be excluded from the HOB Settlement Class in *Maria Mack v. Migdal 1 LLC d/b/a Hyundai of Bedford*, Case No. CV 21 957774. You must include your full name, current

mailing address, and telephone number. The letter must be personally signed by you and include the statement: “I/we request to be excluded from the proposed HOB class settlement in *Maria Mack v. Migdal 1 LLC d/b/a Hyundai of Bedford*, Case No. CV 21 957774.” Your request to be excluded must be received by June 13, 2023. You cannot opt out by phone or email. If you request to be excluded, any co-obligor on your account will also be deemed to be excluded. You must send your opt-out notices to the following four places:

Court	Class Counsel	Defense Counsel	Settlement Administrator
Cuyahoga County Court of Common Pleas 1200 Ontario St., 1 st Floor Cleveland, OH 44113	Ronald Frederick Frederick & Berler LLC 767 East 185 th St. Cleveland, OH 44119	Bryan Kostura Flannery Georgalis, LLC 1375 E. 9 th St, 30 th Floor Cleveland, OH 44114	Mack v Migdal c/o Settlement Administrator P.O. Box 23698 Jacksonville, FL 32241

The Court’s Fairness Hearing

The Court will hold a hearing to decide whether to approve the Settlement. You may attend, but you don’t have to.

11. When and where will the Court decide whether to approve the Settlement?

The proposed Settlement must be finally approved by the Court to go into effect. On August 3, 2023, at 1:00 p.m. in the Cuyahoga County Court of Common Pleas, a hearing will be held on whether the proposed Settlement should be approved as fair, reasonable, and adequate. The Court is located at 1200 Ontario Street, Cleveland, OH 44113. If there are objections, the Court will consider them. The Fairness Hearing will be limited to argument by counsel for the Parties and argument by any objector or objector’s counsel who have submitted an objection in compliance with this Agreement and the Preliminary Approval Order. The Court may decide how much to pay to Class Counsel. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

12. Do I have to come to the hearing?

No, you do not have to come to the hearing. Class Counsel will answer questions Judge Ashley Kilbane may have. But you are welcome to come. If you send an objection, you don't have to come to court to talk about it. As long as your written objection was received on time and complies with the requirements in this notice, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

If You Do Nothing

13. What happens if I do nothing at all?

If you do nothing and the Settlement is approved by the Court, you will receive the cash payment and certificate as described in this Notice. By accepting these benefits, you release your right to bring a lawsuit against HOB relating to your account or vehicle contract or bring a lawsuit against anyone else about the legal issues in this case.

Getting More Information

14. Additional Information.

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement from the Settlement Administrator's website at MigdalSettlement.com. Questions or requests for information should **NOT** be directed to the Court. Should you have questions that are not answered by this notice, contact Class Counsel at 216-502-1055.