

Notice of Proposed Class Action Settlement

Jeffrey A. Long, et al. v. Falls Motor City, Inc.

Summit County, Ohio, Court of Common Pleas, Case No. CV-2018-01-0004

If, during the period January 2, 2016 to January 2, 2018, you purchased a new vehicle from Falls Motor City, Inc., a class action lawsuit will affect your rights.

THIS NOTICE AFFECTS YOUR RIGHTS. PLEASE READ THIS NOTICE CAREFULLY.

- Jeffrey E. Long, Jonathan G. Harrison, Sarah E. Harrison, and Byron Foxx have sued Falls Motor City, Inc. (“FMC”) alleging that FMC violated Ohio law by selling or leasing vehicles to them where they charged a price over the advertised price and/or did not include the advertised discount.
- The parties in the Litigation have negotiated a Settlement Agreement to resolve the Litigation.
- The Court concluded that the Settlement Agreement falls within the range of possible approval and therefore is preliminarily approved as being sufficient. Accordingly, the Court has authorized the dissemination of notice to each Settlement Class Member.
- The Court has not found that FMC did anything wrong. It has certified a class for settlement purposes only. The Court has conditionally approved a settlement, and FMC’s records show that you may be entitled to receive notice of the lawsuit and to receive an award under the settlement.
- Your legal rights are affected, and you have a choice to make now.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT

- (1) **DO NOTHING** – By doing nothing, you will be included in the settlement and will receive a cash payment of \$125.00 dollars for each transaction entered into and a non-transferrable, one-time use Discount Certificate to use at FMC, valued at (A) \$500 toward the purchase of any vehicle or (B) twenty percent (20%) off any purchase of parts or service up to total of \$500. The Discount Certificate can be combined with any coupon or other promotion and shall be valid for a period of twelve months from the date of distribution.
 - (2) You will be losing your right to separately sue FMC, as set forth in greater detail below.
 - (3) **ASK TO BE EXCLUDED** – If you ask to be excluded, you will not receive a discount certificate or a cash payment. However, you keep any rights to sue FMC separately about the same legal claims in this lawsuit.
- Your options are explained in this notice. To protect your legal rights, you must act before **AUGUST 30, 2022**.

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BASIC INFORMATION

1. Why did I get this notice?

The Settlement Class in this case includes all people who during the period January 2, 2016 to January 2, 2018, purchased a new vehicle from Falls Motor City.

FMC's records show that you are a person who falls within the definition of the Settlement Class. This notice explains that the Court has conditionally approved a class action settlement that may affect you. You have legal rights and options that you may exercise. The lawsuit is known as *Jeffrey A. Long, et al. v. Falls Motor City, Inc.*, Summit County, Ohio, Court of Common Pleas, Case No. CV-2018-01-0004 (the "Litigation").

2. What is the Litigation about?

The Litigation involves claims that FMC violated Ohio law by selling or leasing vehicles to consumers where they charged a price over the advertised price and/or did not include the advertised discount.

FMC denies all these claims. The parties have agreed to resolve this matter in order to avoid the uncertainty and high cost of litigation.

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

In a class action lawsuit, one or more people called a "Class Representative(s)" (in this case, Jeffrey E. Long, Jonathan G. Harrison, Sarah E. Harrison, and Byron Foxx) sue on behalf of other people whom they believe have similar claims. The people together are a "Settlement Class" and are made up of Settlement Class Members. You are a member of the Settlement Class in this case. The people who sued – and all the Settlement Class Members – are called the Plaintiffs. The company they sued (in this case, FMC) is called the Defendant. One court resolves the issues for everyone in the Settlement Class – except for those people who choose to exclude themselves from the Settlement Class.

THE SETTLEMENT

4. What has FMC agreed to pay or do?

FMC has agreed to pay a total of \$860,250.00 and distribute discount certificates. The money that FMC has agreed to pay is called the "Monies Available for Settlement." The Monies Available for Settlement shall be paid to Plaintiffs' Counsel in the form of attorneys' fees, costs, and expenses, to Jeffrey E. Long, Jonathan G. Harrison, Sarah E. Harrison, and Byron Foxx in the form of incentive payments, and if you participate in the settlement, you will receive a cash payment and a discount certificate as explained in paragraph 5, below.

5. What can I receive?

Plaintiffs' Counsel have assessed the likelihood of successfully pursuing the Litigation. Defendant believes it would prevail on all claims. If the Judge approves the settlement, all Settlement Class Members who do not file a timely Opt-Out Request ("Participating Settlement Class Members") will receive (a) a cash payment of \$125, and for each transaction entered into, a non-transferrable, one-time use Discount Certificate to use at FMC, valued at (A) \$500 toward the purchase of any vehicle or (B) twenty percent (20%) off any purchase of parts or service up to total of \$500. The Discount Certificate can be combined with any coupon or other promotion and shall be valid for a period of twelve months from the date of distribution.

The Monies Available for Settlement and the discount certificates will not be distributed if the Court does not approve the Settlement or if a court of appeals reverses the approval and it may not be made if 1% or more of the potential class members decide to opt out of the Settlement.

6. Does the Class Representative receive any additional payment?

Yes. Plaintiffs' Counsel will request that the Court authorize a payment of \$5,000 to each of the Class Representatives in recognition of their service as Class Representatives, in addition to a cash payment of \$125, to be distributed from the Monies Available for Settlement, as well as a Discount Certificate.

CLAIMING MY DISCOUNT CERTIFICATE

7. How do I receive my cash payment and discount certificate?

If you do nothing in response to this Notice, you will receive a check in the amount of \$125, as well as a discount certificate at the same address to which this Notice has been mailed.

8. What if my address changes before the cash payments or discount certificates are distributed?

If you change your address, or if this Notice was not mailed to your correct address, you should immediately provide your current address to the Settlement Administrator by letter or website to ensure that you receive future communications about the Litigation. If the Settlement Administrator does not have your correct address, you might not receive notice of important developments in the Litigation and you might not receive your cash payment or discount certificate.

YOUR RELEASE OF CLAIMS

9. What claims are included in the term Settled Claims?

Settled Claims means any alleged failure of Defendant or any of the Released Parties to comply with any federal, state, or local law or any other law, rule, or regulation that have been, could have been, or should have been asserted by the Class Representatives in connection with any purchase of a new vehicle from Falls Motor City, where they were charged a price over the advertised price and/or did not receive the advertised discount, during the period January 2, 2016 to January 2, 2018.

The Released Parties are FMC, and its past or present subsidiaries, divisions, affiliates, parents, successors or assigns, and the past or present officers, directors, members, shareholders, partners, agents, employees, advisors, insurers, attorneys, representatives, trustees, heirs, executors, administrators, and predecessors or successors or assigns of any of the foregoing.

10. What does this release mean to me?

This release means that you could not bring a lawsuit against FMC, or any of the Released Parties, for any reason relating to the Settled Claims. You would still be able to enforce other rights not related to the Settled Claims, and you would be able to enforce your rights under the Settlement Agreement, if necessary.

THE LAWYER REPRESENTING YOU

11. Do I have a lawyer in this case?

The Court decided that Ronald Frederick of Frederick & Berler LLC is qualified to represent you and all Class Members. Mr. Frederick is referred to as "Plaintiffs' Counsel." He is experienced in handling similar cases.

12. Should I get my own lawyer?

You do not need to hire your own lawyer because Plaintiffs' Counsel is working on your behalf. If you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Plaintiffs' Counsel to speak for you.

13. How will Plaintiffs' Counsel and the Settlement Administrator be paid?

At the Final Hearing, or at such other time as the Court may direct, Plaintiffs' Counsel intends to apply to the Court for an award of attorneys' fees and costs in the amount of up to \$400,000 to be distributed from the Monies Available for Settlement.

The parties also have agreed that American Legal Claims will serve as the Settlement Administrator of the settlement. The fees and costs of the Settlement Administrator will be paid by FMC.

ALTERNATIVES

You have alternatives to participating in the Settlement and accepting Settlement Funds.

14. May I choose not to participate in the settlement?

Yes, you may **CHOOSE NOT TO BE A MEMBER** of the Settlement Class. To do so, you must follow the procedure below to exclude yourself from the Settlement Class, that is "opt-out," if you do not wish to be a member of the Settlement Class. If you opt-out, you will not receive any of the benefits under the settlement, but your rights, if any, to sue the Released Persons on the Settled Claims will not be barred by the settlement. If you decide to opt-out, you must send a letter saying so to the **FALLS MOTOR CITY LITIGATION**, c/o Settlement Administrator, P.O. Box 23369, Jacksonville, FL 32241. You must also send a copy of the letter to Plaintiffs' Counsel, Ronald Frederick, Frederick & Berler LLC, 767 E. 185th Street, Cleveland, Ohio 44119; and to FMC's Counsel, Matthew C. Miller, Weston Hurd LLP, 1300 E. 9th Street, Suite 1400 Cleveland, Ohio 44114.

15. What must the opt-out letter include?

The opt-out letter must (a) contain a reference to "*Jeffrey A. Long, et al. v. Falls Motor City, Inc.*, Summit County, Ohio, Court of Common Pleas, Case No. CV-2018-01-0004"; (b) include the name, address, and telephone number of the person seeking to be excluded from the class; (c) include a statement that the person wishes to be excluded from the class; (d) be signed personally by the person who seeks to be excluded from the class; and (e) be postmarked by **AUGUST 30, 2022**.

16. May I submit an opt-out request on behalf of others?

No. No Settlement Class Member may opt out by having a request to opt out submitted by an actual or purported agent or attorney acting on his or her behalf. No opt out request may be made on behalf of a group of members of the Settlement Class.

17. May I oppose the settlement without opting-out?

Yes, you may **OPPOSE OR OBJECT** to the proposed settlement of the Litigation or any aspect of it that you think is unfair. **The Court will hold a hearing on October 7, 2022 at 10:00 a.m. to determine whether the proposed settlement of the Litigation should be approved.** Each Class Member who wishes to object to the fairness, reasonableness or adequacy of the Settlement Agreement or the proposed settlement, or to the award of Attorneys' Fees and Expenses or any incentive award to the Settlement Class Representative, shall provide to Plaintiffs' Counsel and Defendants' Counsel and file with the Court no later than **AUGUST 30, 2022**, a written statement of the objection, as well as the specific reasons, if any, for each objection, including any legal support he or she wishes to bring to the Court's attention and any evidence he or she wishes to introduce in support of his or her objections.

18. What does my objection need to include?

All written objections must be hand-signed under penalty of perjury by the Settlement Class Member and must include: (1) his or her name, address and telephone number; (2) a statement of the objection(s) and any supporting evidence he or she wishes to introduce; and (3) the case name and number of the Litigation.

GETTING MORE INFORMATION

19. Are more details available?

Yes, if you believe that you need more details in order to make a decision, you have several alternatives, explained below.

20. Can I examine the Court's file?

Yes, you may **EXAMINE THE COURT'S FILE** in the clerk's office at the Summit County Common Pleas Court, 209 S. High Street, Akron, OH. 44308.

21. Can I speak to Plaintiffs' Counsel?

Yes, for more complete details about the Litigation and the proposed settlement, you may **WRITE, EMAIL or TELEPHONE** Plaintiffs' Counsel:

Ronald Frederick
Frederick & Berler LLC
767 E. 185th Street
Cleveland, OH 44119

Telephone: 216-502-1055
Facsimile: 216-566-9400
E-mail: ronf@clevelandconsumerlaw.com

22. Can I speak to the Settlement Administrator?

Yes, for more complete details about the Litigation and the proposed settlement, you may **EMAIL** the Settlement Administrator, at INFO@LONGCSPACTION.COM or visit WWW.LONGCSPACTION.COM.

PLEASE DO NOT CONTACT THE JUDGE

Jeffrey A. Long, et al. v. Falls Motor City, Inc.