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| STATE OF INDIANA |) | ALLEN COUNTY CIRCUIT COURT |
| |) SS: | |
| ALLEN COUNTY |) | CAUSE NO. 02C01-1806-PL-000218 |
| STEVEN D. GUYSE, on behalf of |) | |
| himself and all others similarly situated, |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| FORT FINANCIAL CREDIT UNION, |) | |
| Defendant. |) | |

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

You may be entitled to receive a settlement payment and to have your credit report modified in connection with a class action settlement with Fort Financial Credit Union.

You have been identified as a person who had a vehicle repossessed by Fort Financial Credit Union from June 21, 2008 through October 16, 2020.

*An Indiana Court has authorized this notice.
This is not a solicitation from a lawyer.
You are not being sued.*

- **You do not need to take any action to receive the benefits of the settlement. Read this notice carefully.**
- This settlement resolves a lawsuit over whether Fort Financial Credit Union (“Fort”) sent borrowers proper notice of their rights after vehicle repossession.
- Fort disputes the claims asserted in the Litigation. The parties disagree about whether any money (and if so, how much) could have been awarded to you if the Plaintiff were to prevail at trial. The settlement avoids the costs and risks to members of the Class like you from continuing with the lawsuit, and provides relief to the Class.
- This settlement will: (a) provide a gross fund of \$2,100,000 to be distributed to Class Members after payment of administrative costs, Class Counsel fees and expenses, and a service award to Plaintiff; and (b) require Fort to request that the credit reporting agencies delete the credit reporting of your vehicle loan history, all in accordance with the proposed Class Action Settlement Agreement.¹
- Your rights are affected whether you act or not.

¹ Capitalized terms not defined herein shall have the meaning set forth in the Class Action Settlement Agreement and Release, a copy of which is available on the website, www.FortRepoClassAction.com.

| Your Legal Rights and Options in this Settlement: | |
|---|--|
| Do Nothing | If the settlement is approved by the Court as presented, Fort will request the credit reporting agencies to delete your vehicle loan history from your credit report. You will also be paid a proportionate share of the net settlement proceeds. You will also be giving up any claims relating to the financing or repossession of your vehicle. |
| Object | Write to the Court about why you don't like the settlement and do not want it approved. Act by June 29, 2023. |
| Go to the Hearing | Ask to speak in Court about the fairness of the settlement on August 24, 2023. |

- These rights and options – **and the deadlines to exercise them** – are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the settlement. Payments will be made if the Court approves the settlement and after any appeals are resolved. Please be patient.
- For more information or to review key documents or the class action settlement agreement, you can visit www.FortRepoClassAction.com.

1. Why did I get this notice?

The Court approved this notice because you have a right to know about a proposed settlement of a class action lawsuit, and about all of your options, before the Court decides whether to approve the settlement. If the Court approves it, and if objections and appeals (if any) are resolved, then the payments and other benefits of settlement will proceed.

The case is pending in the Allen County Circuit Court, Indiana, and the case is known as *Steven D. Guyse, on behalf of himself and all others similarly situated v. Fort Financial Credit Union*, Cause No. 02C01-1806-PL-000218. The person suing (the Plaintiff) is Steven D. Guyse. He is also called the “Class Representative.” The company being sued, Fort Financial Credit Union, is called the Defendant, or “Fort.”

This case was earlier certified as a class action and Notice was previously mailed to you. You are now being advised of a proposed settlement of this case.

Fort's records reflect that you and any co-borrower on your vehicle loan were sent one or more notices from Fort following the repossession of your vehicle between June 21, 2008 and October 16, 2020. Fort's alleged conduct post-repossession, including its use of these notices forms the basis for this lawsuit.

2. What is this lawsuit about?

This lawsuit is about whether Fort provided consumers with proper notice of their rights after repossession of the consumer's vehicle and again after any auction sale of the vehicle. This lawsuit does not concern itself with the reasons for any default such as a failure to make payment under the loan agreement.

Fort denies that it violated any law, and Fort asserts that it satisfied all of the legal requirements as to its notices. The Court, however, has determined that Fort's notices violate the law. Fort also asserts other defenses. Fort further contends that many of the members of the Class owe Fort money for balances still due on their accounts following the sale of their repossessed vehicles at auction, called a "deficiency." Fort has filed a Conditional Counterclaim for its claimed deficiencies, totaling to approximately \$3.7 million. This settlement would also resolve Fort's Conditional Counterclaim, meaning that no Class Member would owe a deficiency balance.

3. Why is there a settlement?

Plaintiff believes the Class might have won more money than the settlement amount had the case gone to trial, but substantial delays and risks would have occurred. Fort believes that the claims asserted in the case are without substantial merit, and that the Plaintiff may have recovered substantially less if there had been a trial. But, there has been no trial. Instead, both sides agreed to a settlement. That way, they avoid delay and the cost of a trial and appeal, and class members like yourself will get compensation and other settlement benefits promptly. The Class Representative and his attorneys think the settlement is best for all Class Members.

THE SETTLEMENT BENEFITS – WHAT YOU GET

4. What does the settlement provide for me?

- Cash Component:
 - Fort has agreed to create a Settlement Fund of \$2,100,000.00. Administrative costs, Class Counsel fees and expenses, and a service award for the Class Representative, as approved by the Court, will be paid from that fund. The Net Fund that remains will be distributed to the members of the Class.
 - If the Court approves the Settlement as requested, all class members will be entitled to a payment unless there were multiple borrowers in which case you will share this amount equally with the co-borrower.
- Credit Reporting Relief: Fort will request that the credit reporting agencies update your credit report to remove any tradeline – that is any reference to the Fort vehicle loan contract or repossession. Details about how and when this will be done, and limits on Fort's obligation to provide credit reporting relief, are spelled out further in the Class Action Settlement Agreement and Release.

5. Do I need to do anything to get a payment or the credit reporting benefit?

No. You do not need to do anything further to remain in the Class. You will get a payment and any credit reporting benefit automatically, assuming court approval of this Settlement.

6. How will the lawyers and Representative Plaintiff be paid?

As part of the class settlement, Plaintiff will ask the court to approve a \$12,500 service award to Plaintiff for his time and effort in bringing this case. Plaintiff will ask the Court to approve a

payment out of the settlement fund in the amount of \$840,000 for Class Counsel fees and up to \$100,000 for reimbursement of expenses. The fees would pay Class Counsel for investigating the facts, litigating the case, filing legal papers with the Court, appearing in Court, negotiating settlement, and oversight of future implementation of the settlement, including fielding inquiries from Class Members. Class Counsel has not been paid for its time or services since this case was originally filed in June 2018. The Court could award less than this amount.

7. How do I tell the Court that I don't like the settlement?

You can object to the settlement if you don't like any part of it. You should state why you object and why you think the Court should not approve the settlement. The Court will consider your views. To object, you must file an objection, or send a letter saying that you object to the settlement in *Steven D. Guyse v. Fort Financial Credit Union*, Cause No. 02C01-1806-PL-000218. Please be sure to include your name, address, email address (if available), telephone number, your signature, and the reasons you object to the settlement. Mail and file the objection with the Allen Circuit Court, 715 S. Calhoun St., Room 300, Fort Wayne, IN 46802, and you must send copies of your objection, along with any supporting documents, to all three places listed in below, postmarked no later than June 29, 2023.

Settlement Administrator

Fort Repo Class Action
c/o American Legal Claims Service
P.O. Box 23698
Jacksonville, FL 32241

Class Counsel

R. William Jonas, Esq.
MAY OBERFELL LORBER
4100 Edison Lakes
Parkway, Suite 100
Mishawaka, IN 46545

Defense Counsel

Kevin J. Mitchell, Esq.
MITCHELL LITIGATION &
ADVOCACY
111 W. Berry St. Suite 211
Ft. Wayne, IN 46802

THE COURT'S FAIRNESS HEARING

8. When is the hearing on final approval of the proposed settlement?

The Court will hold a hearing on August 24, 2023, at 9:00 A.M. at the Allen Circuit Court, 715 S. Calhoun St., Room 300, Fort Wayne, IN 46802 to decide whether to approve the settlement. If the Court approves the settlement after hearing, there may be appeals. You may attend and you may ask to speak, but you don't have to, and attendance is not required or expected unless you advise that you intend to appear or have your lawyer appear. It is always uncertain whether there will be an appeal and if so, when it will be resolved. Resolving an appeal can take time, often well more than a year. Please be patient.

In the event that the Final Hearing cannot be held at the date, time or place stated above because of unforeseen events such as an increase in COVID-19 cases, then the Settlement website will be updated to identify the location, time and manner of the Final Hearing. The Court may elect to hold the Final Hearing virtually via a computer link using a Zoom or Microsoft Teams platform. In this event, the Settlement website shall be updated to explain how you can attend the Final Hearing using a Zoom or Microsoft Teams link on your computer. Please check the Settlement

website at www.FortRepoClassAction.com to confirm the time, place and manner of the Final Hearing.

9. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But you are welcome to come at your own expense. If you file an objection, you don't have to come to Court to talk about it, but you may. As long as you properly mailed (or electronically filed) your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, if you wish.

10. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you or your lawyer must send a letter stating that it is your "Notice of Intention to Appear in *Steven D. Guyse v. Fort Financial Credit Union*, Cause No. 02C01-1806-PL-000218." Your Notice of Intention to Appear must be filed or mailed so as to be filed with the Court no later than June 29, 2023, and be sent to the addresses specified in Section 7.

GETTING MORE INFORMATION

11. Are there more details about the settlement?

This notice summarizes the proposed settlement. The pleadings and other records in this litigation, including a copy of the Settlement Agreement, may be examined at any time during regular office hours at the Allen Circuit Court, 715 S. Calhoun St., Room 300, Fort Wayne, IN 46802. These documents will also appear on a website created for this case: www.FortRepoClassAction.com.

You may visit the Court's website at <https://public.courts.in.gov/> or the case website www.FortRepoClassAction.com and search for any opinions or significant orders issued in the case. If you have further questions or need a copy of a document filed in the case, you may contact Plaintiff's counsel:

R. William Jonas, Jr.
MAY OBERFELL & LORBER
4100 Edison Lakes Parkway, Suite 100
Mishawaka, IN 46545
Tel: 574-243-4100

IF YOU HAVE QUESTIONS, PLEASE CALL CLASS COUNSEL.

DO NOT ADDRESS ANY QUESTIONS ABOUT THE CASE TO THE CLERK OF THE COURT, TO THE JUDGE, OR TO DEFENSE COUNSEL.