

CUYAHOGA COUNTY COURT OF COMMON PLEAS

If Your Vehicle Was Repossessed and Sold by Mazda Financial Services 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 over the practices of Mazda Financial Services (“MFS”) regarding the repossession and sale of vehicles and the notices relating to those repossessions.
- ❖ The Settlement avoids costs and risks to the parties from continuing the lawsuit, pays money to class members who paid money to MFS after the repossession and sale of their vehicle, and also relieves class members the obligation to pay the balance remaining on their accounts.

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. The attachment to this notice will inform you if you are a member of the Settlement Class. If you are a member of the Settlement Class, in accepting the benefits of the Settlement, you give up any rights to sue MFS 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 December 05, 2023.
- ❖ The Court still has to decide whether to approve the Settlement. Payments and account balance waivers 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?

MFS’ records show that your vehicle was repossessed and sold by MFS in the state of Ohio after September 6, 2016, and a balance remained on your account after the sale of your vehicle. In connection with the repossession and sale of the vehicle by MFS you were sent certain post-repossession notices that were the subject of this class action.

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, MFS will make the payments and ensure that the balance eliminations provided for by the Settlement are made.

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 *Herman Ragland v. Mazda Financial Services*, Case No. CV 22 968540. Herman Ragland (“Mr. Ragland”) is the individual who filed the class action counterclaim lawsuit.

2. What is this lawsuit about?

MFS took assignment of automobile financing contracts of consumers made with automobile dealers. Consumers who failed to timely pay the amounts due to MFS and had their vehicles repossessed and sold by MFS in the state of Ohio received notices regarding the repossession and sale of the vehicle. Mr. Ragland alleges that these notices regarding the repossession and sale of the vehicles, sent by MFS to the consumers, did not comply with Ohio law. However, MFS alleges that the notices were sufficient and 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, Mr. Ragland) sued 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 Deena R. Calabrese (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 Mr. Ragland or MFS. Mr. Ragland believes he would have won at trial and MFS 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 MFS’ records show that you fit the definition of a Class Member.

You are in the class if: Your vehicle was repossessed and sold by MFS in Ohio between after September 9, 2016 and you were sent post-repossession notices in connection with the repossession and sale of the vehicle and a balance remained on your account after the sale of your vehicle.

You are *not* in the class if: You have already reached an agreement with MFS 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 redeemed your vehicle after repossession for the time period identified; 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?

MFS has agreed to establish a fund of \$138,000.00 (the “Settlement Fund”) for the benefit of class members to pay a class representative incentive payment to Mr. Ragland, and attorneys’ fees awarded by the Judge to Class Counsel.

MFS will waive its right to collect any balance you currently owe to MFS, reducing your account balance to \$0, and you will no longer be obligated to pay MFS.

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.

8. How will the lawyers be paid?

Class Counsel has been litigating this case since 2022 and has incurred substantial legal fees to date. Class Counsel will ask the Court to approve payment of an amount not greater than \$130,500 to him for attorneys’ fees and expenses, and payment of \$7,500 to Mr. Ragland for his services as Class Representative. On or before December 1, 2023, Class Counsel will file a Motion and a 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 MFS. MFS has agreed not to oppose an award of Class Counsel’s fees and expenses up to this amount.

Objecting to the Settlement

You can tell the Court that you don’t agree with the Settlement or some part of it.

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 MFS settlement in *Herman Ragland v. Mazda Financial Services*, Case No. CV 22 968540. 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 December 5, 2023. Mail the objection to these four different places:

Court	Class Counsel	Defense Counsel	Settlement Administrator
Cuyahoga County Court of Common Pleas 1200 Ontario Street, 1 st Floor Cleveland, OH 44113	Ronald Frederick Frederick & Berler LLC 767 East 185 th Street Cleveland, Ohio 44119	Judith Mercier Holland & Knight LLP 200 South Orange Avenue Suite 2600 Orlando, Florida 32801	Ragland v Mazda Financial Settlement Administrator PO Box 23369 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 MFS Settlement Class in *Herman Ragland v. Mazda Financial Services*, Case No. CV 22 968540. 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 MFS class settlement in *Herman Ragland v. Mazda Financial Services*, Case No. CV 22 968540." Your request to be excluded must be received by December 5, 2023. You cannot opt out by phone or by 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 Street, 1 st Floor Cleveland, OH 44113	Ronald Frederick Frederick & Berler LLC 767 East 185 th Street Cleveland, Ohio 44119	Judith Mercier Holland & Knight LLP 200 South Orange Avenue Suite 2600 Orlando, Florida 32801	Ragland v Mazda Financial Settlement Administrator PO Box 23369 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 December 15, 2023, 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 Deena R. Calabrese 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 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, your account balance will be eliminated, and the three main credit reporting agencies will be asked to delete any reference to a balance owed to MFS. By accepting these benefits, you release your right to bring a lawsuit against MFS 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 www.raglandvmfssettlement.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 the Settlement Administrator at info@raglandvmfssettlement.com or Class Counsel.