

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON**

ERIC MACCARTNEY and LUANNE  
MUELLER, individually and on behalf of all  
others,

Plaintiffs,

v.

GORDON, AYLWORTH, & TAMI, P.C., and  
VISION INVESTIGATIVE SERVICE, LLC,

Defendants.

Case No. 3-18-cv-00568-AC

**DECLARATION OF  
JENNIFER M. KEOUGH REGARDING  
NOTICE ADMINISTRATION**

I, JENNIFER M. KEOUGH, declare and state as follows:

1. I am the President of JND Legal Administration (“JND”). This Declaration is based on my personal knowledge, as well as upon information provided to me by experienced JND employees, and if called upon to do so, I could and would testify competently thereto.

2. JND is serving as the Class Administrator<sup>1</sup> in the above-captioned litigation (“Action”) for the purposes of administering the Class Action Settlement Agreement (“Settlement Agreement”) preliminarily approved by the Court in its Order granting preliminary approval (“Preliminary Approval Order”) dated October 27, 2021.

3. I previously submitted the Declaration regarding the Notice Plan (dated September 13, 2021). This additional Declaration is being filed to report on the implementation of the notice plan and administration of the Settlement.

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<sup>1</sup> Capitalized terms used and not otherwise defined herein shall have the meanings given such terms in the Class Action Settlement Agreement.

**CAFA NOTICE**

4. In compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, JND compiled a CD-ROM containing the following documents:

- a. Class Action Allegation Complaint, filed on April 3, 2018;
- b. Class Action Allegation Amended Complaint, filed on June 22, 2018;
- c. Class Action Allegation Second Amended Complaint, filed on July 20, 2020;
- d. Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Settlement and Certification, filed on September 13, 2021;
- e. Class Action Settlement Agreement, filed on September 13, 2021, along with the postcard notice and long form notice;
- f. Proposed Order Granting Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Settlement and Certification, filed on September 13, 2021;
- g. Proposed Order Granting Final Approval and Final Judgment, filed on September 13, 2021;
- h. List of Class Members by State;
- i. Proportionate Share of Class Members by State.

5. The CD-ROM was mailed on September 23, 2021, to the appropriate Federal and State officials identified in the attachment with an accompanying cover letter, a copy of which is attached hereto as **Exhibit A**.

**CLASS DATA RECEIVED**

6. On September 22, 2021, counsel for the Defendant provided JND an electronic file containing the names and mailing addresses of individuals identified as potential Class Members. The file contained a total of 273 records.

7. Prior to commencing the Postcard Notice mailing, JND updated 67 addresses using data from the United States Postal Service’s National Change of Address (“NCOA”) database.<sup>2</sup>

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<sup>2</sup> The NCOA database is the official United States Postal Service (“USPS”) technology product which makes change of address information available to mailers to help reduce undeliverable mail pieces before mail enters the mail

The Class Member data was then promptly loaded into a secure database established for this Action.

### **POSTCARD NOTICE MAILING**

8. On November 24, 2021, JND mailed the Court-approved Postcard Notice via first-class U.S. mail to the 273 Class Member records from the data. A representative copy of the Postcard Notice is attached as **Exhibit B**.

9. As of February 11, 2022, of the 273 Postcard Notices mailed, 34 Postcard Notices were returned as undeliverable. One (1) of the Postcard Notices was promptly forwarded to the updated address provided by USPS. Of the undeliverable Postcard Notices that were not returned with updated address information, JND conducted advanced address skip-trace research and received updated address information for 21 Class Member records. JND re-mailed the Postcard Notice to the 21 Class Member records accordingly.

### **TOLL-FREE TELEPHONE NUMBER**

10. On November 24, 2021, JND activated a case-specific toll-free telephone number, 1-844-929-4696, for Class Members to call to obtain information about the Settlement. Callers have the option to listen to the Interactive Voice Response (“IVR”) system, or to speak with a live agent during business hours. The toll-free number is accessible 24 hours a day, seven days a week.

11. As of February 11, 2022, JND has received seven (7) calls to the toll-free number.

### **SETTLEMENT WEBSITE**

12. On November 24, 2021, JND established a dedicated, case-specific Settlement Website ([www.VisionClassSettlement.com](http://www.VisionClassSettlement.com)), which hosts copies of important case documents (including, but not limited to, the Class Notice, Postcard Notice, Second Amended Complaint, Settlement Agreement, and Preliminary Approval Order), answers to frequently asked questions,

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stream. This product is an effective tool to update address changes when a person has completed a change of address form with the USPS. The address information is maintained in the database for 48 months.

and includes contact information for the Class Administrator. A representative copy of the Class Notice is attached as **Exhibit C**.

13. As of February 11, 2022, JND has tracked 112 unique visitors who registered 363 pageviews.

**EXCLUSIONS RECEIVED**

14. The Class Notice states that any Class Member who would like to exclude themselves from the Settlement was required to submit a timely postmarked exclusion letter to JND no later than January 25, 2022.

15. As of February 11, 2022, JND has not received any exclusion requests.

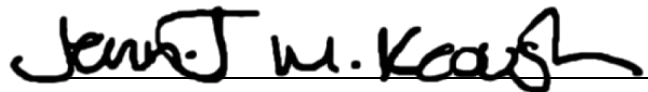
**OBJECTIONS RECEIVED**

16. The Class Notice states that any Class Member could submit an objection by sending a timely postmarked objection letter to the Court by January 25, 2022.

17. As of February 11, 2022, JND has not received any objection letters.

I declare under the penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed on February 14, 2022, at Seattle, Washington.

A handwritten signature in black ink, appearing to read "Jennifer M. Keough", written over a horizontal line.

JENNIFER M. KEOUGH

# EXHIBIT A



September 23, 2021

The Appropriate Federal and State Officials  
Identified in Attachment A

**RE: CAFA Notice of Proposed Class Action Settlement**

Dear Sir or Madam:

This Notice is being provided to you in accordance with the Class Action Fairness Act ("CAFA"), 28 U.S.C. § 1715 on behalf of Gordon, Aylworth & Tami, P.C. and Vision Investigative Service, LLC ("Defendants"), in the below-referenced class action ("the Action"). A Class Action Settlement Agreement was submitted for approval to the Court on September 13, 2021. The Court has scheduled a Telephone Status Conference on September 28, 2021. As of the date of this Notice, the Court has not scheduled a preliminary approval hearing.

**Case Name:** *Chase, et al. v. Gordon, Aylworth & Tami, P.C., et al.*  
**Case Number:** *3:18-cv-00568-AC*  
**Jurisdiction:** *United States District Court for the District of Oregon*  
**Date Settlement filed with Court:** *September 13, 2021*

Copies of all materials filed in the above-named actions are electronically available on the Court's Pacer website found at <https://pcl.uscourts.gov>. Additionally, in compliance with 28 U.S.C. § 1715(b), the enclosed CD-ROM contains the following documents filed in the Action:

**01 - Class Action Complaint.pdf**

Class Action Allegation Complaint, filed on April 3, 2018

**02 - Amended Class Action Complaint.pdf**

Class Action Allegation Amended Complaint, filed on June 22, 2018

**03 - Second Amended Class Action Complaint.pdf**

Class Action Allegation Second Amended Complaint, filed on July 20, 2020

**04 - Motion for Preliminary Approval.pdf**

Plaintiffs' Unopposed Motion for Preliminary Approval of Class Settlement and Certification, filed on September 13, 2021

**05 - Settlement Agreement.pdf**

Class Action Settlement Agreement, filed on September 13, 2021, attaching the proposed postcard notice and long form notice

**06 - [Proposed] Preliminary Approval Order.pdf**

Proposed Order Granting Plaintiffs' Unopposed Motion for Preliminary Approval of

Class Settlement and Certification, filed on September 13, 2021

**07 - [Proposed] Final Approval Order.pdf**

Proposed Order Granting Final Approval and Final Judgment, filed on September 13, 2021

**08 - List of Class Members by State.pdf**

**09 - Proportionate Share of Class Members by State.pdf**

There are no other settlements or agreements made between Counsel for the parties related to the class defined in the proposed Settlement, and as of the date of this Notice, no Final Judgment or notice of dismissal has been entered in this case.

If you have any questions regarding the details of the case and settlement, please contact Defense Counsel's representative at:

Xin Xu  
Xin Xu Law Group  
5285 Meadows Rd., Ste. 181  
Lake Oswego, OR 97035  
Email: [xin@xinxulaw.com](mailto:xin@xinxulaw.com)  
Telephone: (503) 542-8299

For questions regarding this Notice, please contact JND at:

JND Class Action Administration  
1100 2nd Ave, Suite 300  
Seattle, WA 98101  
Phone: 800-207-7160

Regards,

JND Legal Administration

Encl.

Steve Marshall  
Attorney General's Office  
501 Washington Ave  
Montgomery, AL 36104

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Office of the Attorney General  
2005 N Central Ave  
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215 N. Sanders  
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Ellen F. Rosenblum  
Oregon Department of Justice  
Justice Building  
1162 Court St NE  
Salem, OR 97301

Ken Paxton  
Office of the Attorney General  
300 W. 15th St  
Austin, TX 78701

Bob Ferguson  
Office of the Attorney General  
1125 Washington St SE  
Olympia, WA 98501

Patrick Morrissey  
Office of The Attorney General  
State Capitol, 1900 Kanawha Blvd E  
Building 1 Rm E-26  
Charleston, WV 25305

Merrick Garland  
Office of the U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave NW  
Washington, DC 20530



# EXHIBIT B

Legal Notice

***You may be entitled to a payment under a class action settlement.***

*This notice may affect your legal rights. Please read it carefully.*

This is an official court notice from the U.S. District Court for the District of Oregon in the matter *MacCartney, et al. v. Gordon, Aylworth & Tami, P.C., et al.* (Case No. 3:18-cv-00568-AC).

*GAT Class Administrator*  
c/o JND Legal Administration  
P.O. Box 91398  
Seattle, WA 98111

**«Barcode»**

Postal Service: Please do not mark barcode

Claim #: XXX- «ClaimID» - «MailRec»  
«First1» «Last1»  
«co»  
«Addr1» «Addr2»  
«City», «St» «Zip»  
«Country»

You have been identified as a potential member of a class action lawsuit filed against Gordon, Ayerworth & Tam, P.C. (“GAT”) and Vision Investigative Service, LLC (“Vision”) (collectively “Defendants”) related to Defendants’ collection of service fees in alleged violation of federal and state consumer protection laws. The current Representative Plaintiffs, Eric MacCartney and Luanne Mueller, and Defendants have reached an agreement to settle the lawsuit.

As part of the proposed Settlement, Defendants will provide a settlement fund to the Class Administrator who will then make a settlement payment to each eligible Class Member (who does not request to be excluded) in the amount of \$245. Class Members were identified using the following class definition: (a) All individual consumers with Oregon addresses; (b) Who GAT filed a lawsuit against to collect a consumer debt on behalf of its clients on or after April 3, 2017; (c) Who were served by Vision prior to January 1, 2018; (d) Who had lawsuits filed against them in which GAT submitted a statement for costs and disbursements claiming Vision’s service fees were billed directly to the client and not overhead expenses, the service fees reflected the actual costs of the service, or the expedited service was necessary, and those requested costs for Vision’s service fees were awarded by the Court; and (e) Who paid Vision’s service fees. **For details regarding the Settlement, please go to [www.VisionClassSettlement.com](http://www.VisionClassSettlement.com) or call 1-844-929-4696.**

If you want to exclude yourself from this Settlement, you must send a written request specifically stating that you request exclusion from the Settlement to GAT Class Administrator, c/o JND Legal Administration, P.O. Box 91398, Seattle, WA 98111 postmarked no later than **January 25, 2022**.

If you remain a Class Member, you may object to the Settlement by writing to the Court no later than **January 25, 2022**. Full details on how to object or exclude yourself can be found at **[www.VisionClassSettlement.com](http://www.VisionClassSettlement.com)**.

The Court will hold a hearing on **April 19, 2022, at 9:30 a.m.** to consider whether to approve the Settlement and award attorneys’ fees and expenses to Class Counsel as requested. You or your lawyer may ask to appear and speak at your own expense. A more detailed Notice is available at **[www.VisionClassSettlement.com](http://www.VisionClassSettlement.com)**. The website also explains the Settlement terms in more detail. You may also write to GAT Class Administrator, c/o JND Legal Administration, P.O. Box 91398, Seattle, WA 98111 to request a copy of the more detailed Notice.

# EXHIBIT C

**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON**  
**(PORTLAND DIVISION)**

**You May Be Entitled to a Payment Under a Class Action Settlement Relating to Service Fees Collected from You in Debt Collection Lawsuits Filed by Gordon, Aylworth & Tami, P.C.**

*The United States District Court for the District of Oregon authorized this Notice.  
This is not a solicitation from a lawyer.*

- A class action lawsuit alleges that, among other things, law firm Gordon, Aylworth & Tami, P.C. (“GAT”) misrepresented its right and authority to collect a \$45 service fee charged by its alter ego sister entity Vision Investigative Service, LLC. (“Vision”), in violation of the Fair Debt Collection Practices Act (FDCPA), Oregon’s Unlawful Trade Practices Act (“UTPA”), and Oregon’s Unlawful Debt Collection Practices Act (OUDCPA), and was unjustly enriched, thereby causing the plaintiffs and other similarly situated Class Members who paid the service costs actual damages and statutory damages provided by these consumer protection statutes. The case is known as *MacCartney, et al. v. Gordon, Aylworth & Tami, P.C., et al.* (Case No. 3:18-cv-00568-AC) (D. Or.).
- GAT and Vision (collectively “Defendants”) deny any liability in the lawsuit.
- For settlement purposes, the Court certified the class action lawsuit on behalf of: (a) All individual consumers with Oregon addresses; (b) Who GAT filed a lawsuit against to collect a consumer debt on behalf of its clients on or after April 3, 2017; (c) Who were served by Vision prior to January 1, 2018; (d) Who had lawsuits filed against them in which GAT submitted a statement for costs and disbursements claiming Vision’s service fees were billed directly to the client and not overhead expenses, the service fees reflected the actual costs of the service, or the expedited service was necessary, and those requested costs for Vision’s service fees were awarded by the Court; and (e) Who paid Vision’s service fees.
- This Notice informs you that the Class has been conditionally certified for settlement purposes by the Court, and that you may be a member of the Class, and also that the parties have reached an agreement to settle the lawsuit. As a Class Member, you may be entitled to receive a payment under the Settlement.
- Under the proposed Settlement, Defendants will pay each eligible Class Member \$245, at or close to, the maximum that could have been awarded if the case had proceeded all the way through trial.
- Class Counsel will also ask the Court to separately issue an award of attorneys’ fees and costs, which will be paid by Defendants. This award will not affect the \$245 payment to each eligible Class Member.
- Defendants also will also separately pay the costs to administer the Settlement. This amount will not affect the \$245 payment to each eligible Class Member.
- **Your legal rights are affected whether you act or don’t act. Please read this Notice carefully.**

**Questions? Call toll-free at 1-844-929-4696 or Visit [www.VisionClassSettlement.com](http://www.VisionClassSettlement.com)**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>	
<b>EXCLUDE YOURSELF BY JANUARY 25, 2022</b>	Get no payment under the Settlement. This is the only option that allows you to be part of any other lawsuit against Defendants about the legal claims in the case.
<b>OBJECT BY JANUARY 25, 2022</b>	Write to the Court about why you don't like the Settlement. You can do this only if you don't exclude yourself.
<b>GO TO THE HEARING ON APRIL 19, 2022</b>	Ask to speak in Court about the fairness of the Settlement. You can do this only if you don't exclude yourself.
<b>DO NOTHING</b>	You will receive a payment under the Settlement if you are an eligible Class Member and are giving up your rights to assert any claims against Defendants about the legal claims in the case.

- This Notice explains these rights and options—**and the deadlines to exercise them**. The Court must decide whether to approve the Settlement as part of the process described in this Notice. Payments will be made if the Court approves the Settlement.

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Questions? Call toll-free at 1-844-929-4696 or visit [www.VisionClassSettlement.com](http://www.VisionClassSettlement.com)

## **BASIC INFORMATION**

### **1. Why did I get a Notice?**

You may have received a postcard notice by mail to the last known address that GAT had for you. The postcard notice referred you to an informational website which included this more detailed Notice. The postcard notice also referred you to a toll-free telephone number that you can call for more information.

The Court ordered that a Notice be sent to you because you have been identified as a potential Class Member of a certified settlement class in a class action lawsuit, and also because you have a right to know about the proposed Settlement of the class action against Defendants, and about your options, before the Court decides whether to approve the Settlement. If the Court approves it, a Class Administrator will authorize the payments that the Settlement allows.

This Notice explains the lawsuits, the Settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them. Please read this Notice carefully.

The United States District Court for the District of Oregon (Portland Division) has jurisdiction over this proposed Settlement. The persons who sued are called the Plaintiffs, and the companies they sued (GAT and Vision) are called the Defendants.

### **2. What is the lawsuit about?**

GAT is a debt collection law firm that sues consumers to collect debts owed to its clients. Vision is a company that was operated out of the same location as GAT, which GAT used to serve legal documents on consumers, including summons and complaints alleging that consumers owed debts to GAT's clients.

Representative Plaintiffs filed a proposed class action lawsuit against Defendants under the caption *Chase, et al. v. Gordon, Aylworth & Tami, P.C. et al.* (Case No. 3:18-cv-00568-AC) (D. Or.) (The "Action"). In the Action, Representative Plaintiffs claimed, among other things, that GAT misrepresented its right and authority to collect a \$45 service fee charged by its alter ego sister entity Vision Investigative Service, LLC. ("Vision") in violation of the Fair Debt Collection Practices Act (FDCPA), Oregon's Unlawful Trade Practices Act ("UTPA"), and Oregon's Unlawful Debt Collection Practices Act (OUDCPA), and was unjustly enriched, thereby causing the plaintiffs and other similarly situated Class Members who paid the service costs actual damages and statutory damages provided by these consumer protection statutes. Defendants deny all allegations of wrongdoing and have asserted defenses in the Action. The proposed Settlement is not an admission of wrongdoing.

### **3. Why is this a class action?**

In a class action, one or more people, called Representative Plaintiffs, sue on behalf of people who have similar claims. In this case, the current Representative Plaintiffs are Eric MacCartney and Luanne Mueller. One of the original Representative Plaintiffs, Carlton Chase, was dismissed as a Representative Plaintiff during the litigation. One court resolves the issues for all Class Members, except those who exclude themselves from the Class. The Court has certified the class action, and you have been identified as a member of the Class because GAT filed a lawsuit against you to collect a consumer debt on behalf of its clients on or after April 3, 2017. The Court has jurisdiction over the case in which the parties have submitted this Settlement for approval.



**4. Why is there a settlement?**

The Court did not decide in favor of Plaintiff or Defendants. Instead, both sides agreed to a settlement. That way, they avoid the cost of a trial as well as the risk that Defendants might prevail at a trial, and settlement benefits go to the Class Members. The Representative Plaintiffs and their attorneys think the Settlement is best for the Class Members.

**WHO IS IN THE SETTLEMENT?**

To see if you may qualify for payment from this Settlement, you first have to determine whether you are a Class Member.

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

The Court has decided that everyone who fits this description is a Class Member: (a) All individual consumers with Oregon addresses; (b) Who GAT filed a lawsuit against to collect a consumer debt on behalf of its clients on or after April 3, 2017; (c) Who were served by Vision prior to January 1, 2018; (d) Who had lawsuits filed against them in which GAT submitted a statement for costs and disbursements claiming Vision's service fees were billed directly to the client and not overhead expenses, the service fees reflected the actual costs of the service, or the expedited service was necessary, and those requested costs for Vision's service fees were awarded by the Court; and (e) Who paid Vision's service fees.

**6. Who is not included in the Class?**

Among others, the Class does *not* include Defendants, any entity that has a controlling interest in either Defendant, Defendants' current or former directors, officers, counsel, and their immediate families. The Class also does not include any persons who validly request exclusion from the Class.

**7. I'm still not sure if I am included.**

If you are still not sure whether you are included, you can visit the Settlement Website, [www.VisionClassSettlement.com](http://www.VisionClassSettlement.com), for more information. You may also call the Class Administrator toll-free at 1-844-929-4696.

**THE SETTLEMENT BENEFITS — WHAT YOU GET**

**8. What does the Settlement provide?**

As part of the settlement, Defendants agree to fund a settlement fund comprised of \$245 payments to each Class Member. That settlement fund will be distributed by the Class Administrator, according to the terms of the Settlement Agreement.

If you are an eligible Class Member, you will receive a payment from the settlement fund if you remain in the Class.

**9. What can I get from the Settlement?**

If you are an eligible Class Member, you will receive a payment of \$245. If you were one of the few individuals who were sued multiple times by GAT during the one-year period in the class definition, you will receive a \$245 payment for each such instance.

## **HOW YOU GET PAYMENT**

### **10. How can I get payment?**

If you are a Class Member, a Settlement Payment will be sent to you in accordance with the Court’s Order. You will not need to make a claim or file any papers in order to receive a payment.

### **11. When would I get a payment?**

The Court will hold a hearing on **April 19, 2022, at 9:30 a.m.**, to decide whether to approve the Settlement. If the Court approves the Settlement at or after that hearing, there may be appeals. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. Please be patient.

The proposed Settlement contemplates distributing payments to Class Members no later than 45 days from the date the Settlement becomes final and is not subject to appeal.

### **12. What am I giving up if I remain in the Class?**

Unless you exclude yourself, you stay in the Class as a Class Member, and that means that you can’t sue, continue to sue, or be part of any other lawsuit against Defendants or other related Released Parties about the legal issues in this Action. If the Settlement is approved and becomes final and not subject to appeal, then you and all Class Members release all “Released Claims” against all “Released Parties.”

“Released Claims” means any and all claims or causes of action whether under federal statutory law, federal common law or federal regulation, or the statutes, constitutions, regulations, ordinances, common law, or any other law of any and all states or their subdivisions, that arise out of or relate in any way to the claims in the Action, and could have been brought by any Class Member, on or before the date that this Agreement is executed, but does not include the claims or causes of action of any person or entity who is not a Class Member as defined by this Agreement.

“Released Parties” means Defendants and their respective affiliates, parents, direct and indirect subsidiaries, agents, insurers (including the Professional Liability Fund), and any company or companies under common control with any of them, and each of their respective predecessors, successors, past and present officers, directors, employees, agents, servants, accountants, attorneys, advisors, shareholders, insurers, representatives, partners, vendors, issuers, and assigns.

## **EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you don’t want a payment from this Settlement, and you want to keep any right you may have to sue or continue to sue Defendants or other Released Parties on your own about the Released Claims, then you must take steps to remove yourself from the Class. This is called excluding yourself — and is sometimes referred to as “opting out” of the Class.

**13. How do I get out of the Settlement?**

To exclude yourself from the Settlement, you must send a signed letter by mail stating that you “want to opt out of the GAT Class Settlement.” Please be sure to include your name, address, telephone number, and your signature. You must mail your exclusion request postmarked no later than **January 25, 2022**, to:

GAT Class Administrator  
c/o JND Legal Administration  
P.O. Box 91398  
Seattle, WA 98111

You can’t exclude yourself on the phone or by fax or email.

**14. What is the effect if I exclude myself from this Settlement?**

If you ask to be excluded, you will not get any payment from this Settlement. Also, you cannot object to the Settlement. You will not be legally bound by anything that happens in the Action. You may be able to sue (or continue to sue) Defendants in the future about the legal issues in this case.

**15. If I don’t exclude myself, can I sue Defendants for the same thing later?**

No. Unless you exclude yourself, you give up your right to sue Defendants and the other Released Parties for the claims that this Settlement resolves. You must exclude yourself from *this* Class to pursue your own lawsuit. Remember, your exclusion request must be postmarked on or before **January 25, 2022**.

**16. If I exclude myself, can I get a payment from this Settlement?**

No. If you exclude yourself, you will not get any payment from this Settlement. You may exercise any right you may have to sue, continue to sue, or be part of a different lawsuit against the Defendants and the other Released Parties.

**THE LAWYERS REPRESENTING YOU**

**17. Do I have a lawyer in the case?**

The Court appointed Michael Fuller of OlsenDaines, P.C., Kelly D. Jones of the Law Office of Kelly D. Jones, and Matthew Sutton of the Law Office of Matthew Sutton to represent the Class. These lawyers are called Class Counsel. You will not be charged for these lawyers. The Court will determine the amount of Class Counsel’s fees and expenses, which Defendants will pay separately to Class Counsel. If you want to be represented by your own lawyer, you may hire one at your own expense.

**18. How will the lawyers be paid?**

Class Counsel will request from the Court an award of attorneys’ fees, costs, and expenses that were reasonably incurred, and will continue to be reasonably incurred, to litigate this Action, to secure the Settlement for the Class, and to continue to protect the Settlement and the rights of the Class Members. The amount awarded by the Court for Class Counsel’s attorneys’ fee, costs, and expenses will not detract

from the amounts to be paid to Class Members. You have the right to object to the requested fees and expenses and awards. Defendants will also separately pay the costs to administer the Settlement, above the amount paid to the Class Members.

Class Counsel will file their papers in support of final approval of the Settlement by February 15, 2022, and their application for attorneys' fees, costs, and expenses by December 28, 2021. These papers will also be posted on the Settlement Website, [www.VisionClassSettlement.com](http://www.VisionClassSettlement.com).

### **OBJECTING TO THE SETTLEMENT**

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

#### **19. How do I tell the Court if I don't like the settlement?**

If you are a Class Member, you can object to the Settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a signed letter saying you object to the proposed Settlement in *MacCartney, et al. v. Gordon, Aylworth & Tami, P.C., et al.* (Case No. 3:18-cv-00568-AC) (D. Or.). Be sure to include your name, address, telephone number, statement that you are a Class Member, your signature, and state the reasons why you object to the Settlement. Your objection and any supporting papers must be mailed to the Court at the following address and postmarked no later than **January 25, 2022**.

**Clerk of the Court United States District Court  
Mark O. Hatfield U.S. Courthouse  
1000 S.W. Third Ave.  
Portland, OR 97204**

#### **20. What's the difference between objecting and excluding?**

Objecting is simply telling the Court that you don't like something about the settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object, because the case no longer affects you.

### **THE COURT'S FAIRNESS HEARING**

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

#### **21. When and where will the Court decide whether to approve the Settlement?**

The Court will hold a Fairness Hearing on **April 19, 2022, at 9:30 a.m.** at the Mark O. Hatfield U.S. Courthouse, 1000 S.W. Third Ave., Portland, OR 97204. At this hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing. The Court may also consider how much to pay Class Counsel. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

**22. Do I have to come to the hearing?**

No. Class Counsel will answer questions the Court may have. You are welcome to come at your own expense. If you send an objection, you don't have to come to Court and talk about it. As long as your written objection is received on time, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary. Finally, you may seek to intervene in the Action, but you don't need to do so.

**23. May I speak at the hearing?**

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear" in "*MacCartney, et al. v. Gordon, Aylworth & Tami, P.C., et al.* (Case No. 3:18-cv-00568-AC) (D. Or.)." Be sure to include your name, address, telephone number, a statement that you are a Class Member, and your signature. Your Notice of Intention to Appear must be mailed to the Clerk of the Court, at the address listed in Question 19, and postmarked no later than **January 25, 2022**. You cannot speak at the hearing if you exclude yourself.

**IF YOU DO NOTHING**

**24. What happens if I do nothing at all?**

If you do nothing, you will remain a member of the Class and you will receive a payment. If you do not exclude yourself from the Class, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendants or the Released Parties about the legal issues in this case, ever again.

**GETTING MORE INFORMATION**

**25. Are there more details about the Settlement?**

This Notice summarizes the proposed Settlement. More details appear in the Class Action Settlement Agreement (the "Settlement Agreement"). Copies of the Settlement Agreement and the pleadings and other documents relating to the case are on file at the United States District Court for the District of Oregon (Portland Division) and may be examined and copied at any time during regular office hours at the Office of the Clerk, Mark O. Hatfield U.S. Courthouse, 1000 S.W. Third Ave., Portland, OR 97204. The Settlement Agreement is also available on the Settlement Website, [www.VisionClassSettlement.com](http://www.VisionClassSettlement.com).

**26. How do I get more information?**

You can visit the Settlement Website at [www.VisionClassSettlement.com](http://www.VisionClassSettlement.com), where you will find answers to common questions about the Settlement, plus other information, including a copy of the Settlement Agreement. You may also call this toll-free number for more information: 1-844-929-4696. You may also write to: GAT Class Administrator, c/o JND Legal Administration, P.O. Box 91398, Seattle, WA 98111. **You should not direct questions to the Court.**

Dated: October 27, 2021

By Order of the Court  
CLERK OF THE COURT