

## NOTICE OF PAYMENT AND CLASS ACTION SETTLEMENT

*Burks v. Gotham Process Inc., et. al.*, No. 20 Civ. 1001  
United States District Court for the Eastern District of New York



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- Good news! **YOU WILL GET A PAYMENT OF AT LEAST \$200** if you follow the instructions in this notice and this class action Settlement is approved by the Court.
  - You are receiving this Notice because you are part of a proposed Settlement of a class action lawsuit.
  - This lawsuit was brought by the New York Legal Assistance Group, a non-profit provider of free legal services to New Yorkers. You can learn more about us at [www.nylag.org](http://www.nylag.org) or look at the enclosed flyer.
  - This lawsuit is about a case filed against you to collect on a consumer debt, like a credit card debt, hospital bill, or ambulance bill.
  - You might not have ever heard of this debt collection case filed against you! But it is in the Court records, called: <<Plaintiff>> v. <<Defendant>>, Index Number <<Index Number>>, in New York City Civil Court, <<County>> County.
  - Our class action lawsuit asserts that thousands of New Yorkers, including you, were not properly notified of the debt collection cases filed against them, and that it was illegal to not properly notify all of you about those cases.
  - Our class action lawsuit asserts that although process servers claimed that they went to people's homes and handed the court papers to their relatives, they did not actually hand court papers to anyone and instead made up names of the relatives, so many people did not get the court papers at all and did not learn about the cases filed against them.
  - Court records show that a process server swore that he came to your home on <<Service Date>> and handed court papers to your relative named "<<Relative>>" at this address: <<Service Address>>.
  - **If you think that this is not true—then that's exactly what our lawsuit is all about!** That's why we think you deserve to get a \$200+ payment and other important protections from our class action Settlement.
  - **Money Settlement:** Although Defendants strongly deny that they engaged in any wrongdoing, and the Court has not decided whether Plaintiffs' claims have merit or that Defendants did anything wrong, in order to avoid the cost of additional litigation Defendants together have agreed to pay a total of **\$1.35 MILLION**

**DOLLARS.** Class Members are eligible to receive some of this money as long as the Administrator receives their Claim Forms by October 26, 2023.

- **Stopping Collections:** The Law Firm involved has also agreed to (1) permanently stop collecting on the debt and (2) as long as it gets consent from the companies that own the debts and judgments, take steps to dismiss the case and, if you had a judgment entered against you, vacate (cancel) or satisfy (consider fully paid) the judgment. The result of these is that it is likely that collections on your debt or judgment will stop forever. Gotham Process Inc. has agreed to change certain practices regarding service of process.
- The lawyers representing the Class Members think this is a good Settlement because you will get a payment from the Settlement, plus other benefits like stopped collections.
- Please read this Notice carefully because your rights are affected whether you act or do nothing.
- Records show that you did not pay any money to the Law Firm, called Mullooly, Jeffery, Rooney, & Flynn, LLP, in connection with this case. If you think you *did* pay money, please call 1-888-233-2228 because you may be entitled to a full or partial refund of what you paid, *in addition to* your \$200 payment.
- If you have questions about this Settlement, visit [www.GothamSettlement.com](http://www.GothamSettlement.com) or call 1-888-233-2228.

**SUBMIT CLAIM FORM HERE:**

**<<Unique QR Code>>**

**OR**

**SUBMIT CLAIM FORM AT  
[www.GothamSettlement.com/claim-form-login](http://www.GothamSettlement.com/claim-form-login)**

**Login Credentials:**

**Claimant ID: <<claimant ID>>**

**Last Name: <<last name>>**

**MORE INFORMATION HERE:**  
[www.GothamSettlement.com](http://www.GothamSettlement.com)

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT**

You May	What This Means	Due Date
<b>Submit a Claim Form</b>	<b>This is the only way for you to get money from the Settlement!</b> If you submit a valid Claim Form and the Settlement is approved, you will get a \$200+ payment and the Law Firm defendant will stop collecting on your case/judgment. <i>But</i> , you will give up your rights to sue all of the Defendants about your case/judgment. If the company that owns your debt/judgment consents to the Law Firm discontinuing your case, or vacating or satisfying the judgments entered against you and other Class Members in connection with the Settlement, you will also give up your rights to sue that company about your case/judgment.	<b>October 26, 2023</b>
<b>Opt Out</b>	You will not get any money from the Settlement. Defendants may keep collecting your judgment. But you could sue the Defendants on your own, at your own expense.	<b>October 26, 2023</b>
<b>Object</b>	You must tell the court, in writing, what you do not like about the Settlement. Even if you object, you will get the benefits described above, as long as you submit a Claim Form and do not opt out.	<b>October 26, 2023</b>
<b>Do Nothing</b>	<i>You will not get any money from the Settlement</i> , and you will give up all your rights to sue all of the Defendants about your case/judgment. If the company that owns your debt/judgment consents to the Law Firm discontinuing your case or vacating or satisfying the judgments entered against you and other Class Members in connection with the settlement, you will also give up your rights to sue that company about your case/judgment. But, Defendants will stop collecting on your debt/judgment.	<b>None</b>

## 1. Why am I getting this Notice?

You are part of a Class Action Settlement in a case brought by four consumers against the law firm Mullooly, Jeffery, Rooney, & Flynn, LLP (the “Law Firm”), a process serving company called Gotham Process, Inc., and individual process servers, Carl Bouton and Bassem Elashrafi (the “Defendants”). This case is on behalf of all consumers like you who:

- had a case filed against them in 2016 or later in New York City Civil Court by the Law Firm on behalf of a company that asserted you owed money to it, and
- in that case Carl Bouton or Bassem Elashrafi said that he handed the court papers to your relative.

This case is about whether Defendants’ actions were lawful or unlawful. Both sides have agreed to a Settlement. Right now, the lawyers are *proposing* the Settlement. After hearing from Class Members like you, the Court will decide whether to *approve* the Settlement. You are getting this Notice so that you may decide what steps you wish to take with the proposed Settlement.

## 2. If the Settlement is approved and I don’t opt out, what would I get?

**Money:** You will get a payment of at least \$200 if you file a Claim Form. The exact amount of money that you will get depends on how many Class Members respond to this Notice.

**Refund:** If you paid money to the law firm Mullooly, Jeffery, Rooney, & Flynn, LLP in connection with your case, you will get a partial or full refund of your payments *in addition to* the \$200 payment. The exact amount of refund that you will get depends on how many Class Members respond to this Notice and how much money, if any, was collected from you. Please look at the first two pages of this Notice to see whether records show any money was collected from you and, if so, how much.

**No More Collections from the Law Firm:** The Law Firm has agreed to stop collecting on your case and (if applicable) the judgment that was entered against you— forever.

**Other Relief is Likely:** The company that owns your debt/judgment will probably stop collecting from you (but if that doesn’t happen, you keep all your rights to challenge that collection). Plus, it is likely that the Law Firm will take steps to end the case against you or vacate (cancel) or satisfy (consider fully paid) the judgment against you—but if that doesn’t happen, you keep all your rights to dismiss the case or vacate the judgment.

The lawyers representing the Class believe that this is a good settlement and will give valuable benefits to you and the other Class Members.

## 3. How much money would I get?

If you submit a Claim Form by October 26, 2023 and do not opt out, you will get a payment from the Settlement of **at least \$200**, and possibly substantially more.

First, we will distribute \$200 each to every Class Member who fills out a valid Claim Form. Then, we will take the remaining money and divide it among the Class Members who paid money in connection with their case/judgment. If there is enough money, everyone will get a full refund; if not, then everyone will get a partial refund that is the same percentage of what they paid. If we have given everyone \$200 *and* given everyone who paid money a full refund *and* there is still money left over, then we will divide the remainder evenly among everyone who filled out a valid Claim Form.

- It might take a while to get a payment, perhaps more than a year, because of the legal processes for getting the settlement approved. Please be patient.

The Settlement Fund will also be used to pay: the four consumers who brought this case (up to \$16,000); the costs of administering this Settlement (sending this Notice, processing Claim Forms, etc.) (approximately \$25,000-\$30,000); and the lawyers who brought this case (up to \$450,000).

#### **4. What do I do if I think the records show the wrong amount was collected from me?**

The first two pages of this Notice shows the amount of money, if any, that the law firm's records show was collected from you. We will use this amount to calculate your refund payment. If you think this amount is wrong, or you think that you paid money and the law firm's records show that you did not pay money, please contact 1-888-233-2228.

#### **5. Do I have a lawyer in the case? How will the lawyers be paid?**

The lawyers representing the Class Members are the New York Legal Assistance Group (NYLAG), a non-profit legal services organization. You can learn more about NYLAG by visiting [www.nylag.org](http://www.nylag.org) or reading the attached flyer. You do not have to pay for these lawyers, and you do not need to hire your own lawyer in order to participate as a Class Member. The lawyers have not yet been paid for their work on this case. The lawyers will apply to the Court for an award of up to \$450,000, which is one-third of the settlement amount. The Court will decide whether to pay Class Counsel this full amount. If you want to be represented by your own lawyer, you may hire one at your own expense.

#### **6. Why do those lawyers think this is a good Settlement?**

The lawyers representing the Class Members think this is a good Settlement because Defendants are paying a substantial amount of money—\$1.35 million— most of which will be distributed to Class Members like you. Every Class Member who fills out a Claim Form, including you, will get a substantial payment of at least \$200. Plus, importantly, as part of the Settlement, the Law Firm has agreed that it will not collect any more money from the Class Members, and it is likely that the companies who own the debts/judgments will stop collecting on them and that the cases will be dismissed and judgments will be vacated or satisfied.

Additionally, there are benefits from the lawsuit that would help many New Yorkers. Although the Defendants deny any wrongdoing, the two individual process server defendants have agreed never to serve process again. Gotham Process Inc. has agreed to change certain practices regarding service of process. The Law Firm has ceased and will not resume doing business with Gotham Process Inc, Carl Bouton and Bassem Elashrafi.

If the Parties did not enter this Settlement, it could take years for the case to finish, and Defendants could continue collecting on the cases and judgments during this time.

#### **7. What should I do if someone tries to collect on the judgment against me after the Settlement is finally approved?**

Under the Settlement, the Law Firm, Mullooly, Jeffery, Rooney, & Flynn, LLP, is not allowed to collect on your case or judgment if the Settlement is finally approved. In addition, under the Settlement, the company that owns your debt/judgment will probably stop collecting—but if it does not stop collecting, you would keep all your rights to challenge any future collection.

If someone collects against you in the future and you need help understanding your rights under the Settlement, you may contact the lawyers for the Class, who can advise you at no charge, by calling 1-888-233-2228.

**8. What does it mean that the case against me will *probably* be dismissed, the judgment against me will *probably* be vacated or satisfied, and the owner of my debt or judgment will *probably* stop collecting on me forever?**

If the Settlement is finally approved and you do not opt out, the Settlement will *definitely* provide you some important benefits, including a payment of at least \$200 if you fill out a Claim Form on time, and the law firm Defendant, Mullooly, Jeffery, Rooney, & Flynn, LLP will stop collecting on the case or judgment against you forever.

Additionally, the case against you will *probably* be dismissed or the judgment against you will be vacated or satisfied, and the company that owns the debt/judgment will *probably* stop collections concerning your debt that is the subject of your case/judgment forever. This can only happen if the companies who own your debt and (if you have one) the judgment against you decide to cooperate regarding your case/judgment. We expect that those companies will *want to* cooperate, but, since those companies are not formally part of this lawsuit, the Settlement can't *require* them to cooperate. If those companies insist on keeping the right to collect against you, then you would keep all your rights to challenge that collection against the companies. If you face collection on the case or judgment against you in the future and need help understanding your rights under the Settlement, you may contact the lawyers for the Class, who can advise you at no charge, by calling 1-888-233-2228.

**9. What happens if the Settlement is not approved?**

If the Settlement is not approved, the case will go forward in Court. No one will get any money from the Settlement and Defendants may continue to collect money from Class Members, including you. If the case kept going, the Defendants might win, and Class Members would get nothing at all. Or the Class Members might win, and get more money than what they would get under this Settlement. It is impossible to predict.

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

The Court will hold a Fairness Hearing at the United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, Courtroom N6E on November 16, 2023 at 10:30 AM to decide whether to approve the Settlement. Class Members may also attend the Fairness Hearing virtually, via telephone conference, by calling (646) 828-7666 and using meeting ID 160 890 5477 and Passcode 534073. Any Class Member, including you, can attend the hearing to say what you think. You do not need to attend the Fairness Hearing to benefit from the Settlement or receive a payment, but you can go if you want to. It is completely up to you. If you want to speak at the Fairness Hearing to object to the Settlement, you need to submit a written objection by October 26, 2023 by following the instructions below. If you want to speak about anything else at the Fairness Hearing, you need to sign up by October 26, 2023 by contacting Gotham Settlement, c/o Atticus Administration, PO Box 64053, Saint Paul, MN 55164 or sending an email to [GothamSettlement@atticusadmin.com](mailto:GothamSettlement@atticusadmin.com) and explaining what you want to say. Anyone can attend the Fairness Hearing, and to attend you don't need to sign up in advance.

**11. How do I submit a Claim Form, opt out, or object to the Settlement?**

Submitting a Claim Form is the only way to get money from the Settlement! You can submit a Claim Form online by visiting [www.GothamSettlement.com/claim-form-login](http://www.GothamSettlement.com/claim-form-login) or by using the QR code in this notice. If you want to submit a Claim Form and cannot access the online form, please contact 1-888-233-2228.

To opt out of the Settlement, you must send a letter stating that you want to opt out of the Settlement in *Burks v. Gotham Process Inc., et. al.*, No. 20 Civ. 1001. You must include your name, address, telephone number, email address, and physical or electronic signature. Your opt-out request must

be postmarked no later than October 26, 2023 and sent to the following address: Gotham Settlement, c/o Atticus Administration, PO Box 64053, Saint Paul, MN 55164 or emailed to [GothamSettlement@atticusadmin.com](mailto:GothamSettlement@atticusadmin.com).

To object, you must send a letter with: your name, address, telephone number, email address, and physical or electronic signature; a statement saying that you object to the Settlement in *Burks v. Gotham Process Inc., et. al.*, No. 20 Civ. 1001; the reasons you object; and whether you want to speak at the Fairness Hearing. Your objection must be postmarked no later than October 26, 2023 and sent to the following address: Gotham Settlement, c/o Atticus Administration, PO Box 64053, Saint Paul, MN 55164 or emailed to [GothamSettlement@atticusadmin.com](mailto:GothamSettlement@atticusadmin.com).

## **12. How can I get more information?**

This Notice summarizes the proposed Settlement. More details about the Settlement and the lawsuit are available at [www.GothamSettlement.com](http://www.GothamSettlement.com). If you have any questions about this Notice or the Settlement, you should **not** contact Defendants. Instead, please contact the Settlement Administrator, Atticus Administration, PO Box 64053, Saint Paul, MN 55164, by email at [GothamSettlement@atticusadmin.com](mailto:GothamSettlement@atticusadmin.com) or by phone 1-888-233-2228.