

COMMONWEALTH OF MASSACHUSETTS

County of Suffolk
The Superior Court

Kimberly Pueschel, on behalf of herself and all others similarly situated,

Plaintiff,

v.

Rushmore Loan Management Services LLC,

Defendant.

Civil Docket #: 2184CV00739

NOTICE OF CLASS ACTION SETTLEMENT

A Settlement Agreement has been reached in a class action lawsuit contending that Rushmore Loan Management Services LLC ("Rushmore") violated the law by placing in excess of two telephone calls in a seven-day period to Massachusetts consumers to collect a debt. Rushmore's records show that you may be a Class Member under the Settlement Agreement reached in the case.

A Settlement Fund of \$185,300 has been established to pay valid claims, attorneys' fees, costs, any incentive award to the Class Representative (Kimberly Pueschel) and settlement administration costs. You may be entitled to receive an equal share of the fund. The final cash payment will depend on the total number of valid and timely claims filed by all Class Members. Your legal rights are affected whether you act, or don't act so read this Notice carefully.

YOUR OPTIONS

Table with 2 columns: Option description and Details. Row 1: Option 1: Submit a Claim Form, Deadline: November 28, 2022. Row 2: Option 2: Do Nothing. Row 3: Option 3: Object, Deadline: November 28, 2022.

## **1. What is this lawsuit about?**

The lawsuit is called *Kimberly Pueschel v. Rushmore Loan Management Services LLC*, 2184CV00739, and it is pending in the Superior Court for the County of Suffolk of the Commonwealth of Massachusetts. In the lawsuit, Kimberly Pueschel, the Plaintiff, alleges that Rushmore, the Defendant, violated the Massachusetts Consumer Protection Act, M.G.L. c. 93A § 2, *et seq.* (“MCPA”), and the Massachusetts Debt Collection Regulations, 940 CMR § 7.00, *et seq.* (“MDCR”), by placing in excess of two calls regarding a debt within a seven-day period to Plaintiff and other Massachusetts consumers.

Rushmore denies any wrongdoing, denies that it violated the MCPA, the MDCR or any other law. Both sides have agreed to settle the lawsuit to avoid the cost, delay, and uncertainty of further litigation. You can read Plaintiff’s Complaint, the Settlement Agreement, other case documents, and submit a Claim Form at [www.MassCallSettlement.com](http://www.MassCallSettlement.com).

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

In a class action, a Class Representative (in this case the Plaintiff Kimberly Pueschel) sues on behalf of a group (or a “Class”) of people. Here, the Class Representative sued on behalf of people who have similar claims regarding allegedly excessive debt collection calls.

## **3. Why is there a settlement?**

To avoid the cost, risk, and delay of litigation, the Parties reached a settlement agreement as to Plaintiff’s and the Class’s claims.

## **4. How do I know if I am a part of the settlement?**

For settlement purposes, the Court has certified a Class consisting of all people who meet the following definition:

All persons residing in the Commonwealth of Massachusetts to whom, within the Class Period, Rushmore made in excess of two telephone calls regarding a debt within a seven-day period to their residence, cellular telephone, or other provided telephone number as reflected on the Class List.

“Class List” means a list produced by Rushmore consisting of the names, last known addresses and telephone numbers of the 3,706 Settlement Class Members.

## **5. How do I recover?**

Submit a Claim Form. This is the only way to get a payment. You have the right as a member of the Settlement Class to receive an equal share of the Settlement Fund.

The final cash payment will depend on the total number of valid and timely claims filed by all Class Members. Each claiming Class Member will be entitled to an equal share of the Settlement Fund, after deductions from the fund for administrative costs, attorneys’ fees and expenses, and any incentive award to the Plaintiff.

You can submit a Claim Form online at [www.MassCallSettlement.com](http://www.MassCallSettlement.com).

Or, you can download the Claim Form online and mail it to:

*Pueschel v. Rushmore Loan*  
Settlement Administrator  
P.O. Box 6188  
Novato, CA 94948-6188

All Claim forms must be mailed or filed online no later than **November 28, 2022**.

After all valid Claim Forms are counted, and the settlement is given final approval by the Court, the Settlement Administrator will provide each claiming Settlement Class Member their share of the Settlement Fund after the deductions above. Any excess settlement funds or benefit checks not cashed by Settlement Class Members may be provided to a charitable organization approved by the Court.

#### **6. What am I giving up to receive these benefits?**

You will be considered a member of the Class, which means you give up your right to sue or continue a lawsuit against Rushmore and the Released Parties about the claims or issues in this lawsuit and you will be bound by the Settlement Agreement. Giving up your legal claims is called a release.

For more information on the release, the Released Parties and Released Claims, you may obtain a copy of the class action Settlement Agreement on the settlement website, [www.MassCallSettlement.com](http://www.MassCallSettlement.com).

#### **7. How much will the Class Representative receive?**

The Class Representative will receive her portion of the settlement as a Class Member and an incentive award for having pursued this action. Any incentive payment is subject to Court Approval. The Class Representative will request an incentive award of up to \$7,500.

#### **8. Do I have a lawyer in this case?**

To represent the Class, the Court has appointed attorneys with the law firm of Lemberg Law, LLC, 43 Danbury Road, Wilton, CT 06897 as “Class Counsel.”

Class Counsel will request an award of attorneys’ fees of up to 33% of the Settlement Fund and for reimbursement of expenses. Any attorneys’ fee and expense award is subject to Court Approval. You may hire your own attorney, but only at your own expense.

#### **9. How do I object?**

Any Settlement Class Member may object to the settlement and/or any fee or incentive award petition. In order to exercise this right, you must submit your objection to the Court by the Objection Deadline. Your objection must: (i) set forth the Settlement Class Member’s full name, current address, and telephone number; (ii) contain the Settlement Class Member’s original signature or the signature of counsel for the Settlement Class Member; (iii) state that the Settlement Class Member objects to the Settlement, in whole or in part; (iv) set forth the complete legal and factual bases for the Objection; (v) provide copies of any documents that the Settlement Class Member wishes to submit in support of his/her position; and (vi) state whether the objecting Settlement Class Member intends on appearing at the Fairness Hearing either *pro se* or through counsel and whether the objecting Settlement Class Member plans on offering testimony at the

Fairness Hearing. Any Class Member that fails to object in the manner set forth herein shall be foreclosed from making such objection or opposition, by appeal, collateral attack, or otherwise and shall be bound by all of the terms of this settlement upon Final Approval and by all proceedings, orders and judgments, including but not limited to the Release in the Action.

Objections must be filed with the Clerk of the Court, and delivered or postmarked no later than **November 28, 2022**.

The Court's address is: *Clerk of the Court, Suffolk County Superior Court, 3 Pemberton Square, Boston, MA 02108.*

## **10. What if I do nothing?**

If you do nothing and the Court approves the Settlement Agreement, you will not receive a share of the Settlement Fund, but you will release any claim you have against Rushmore related to the allegations in this case.

### **The Fairness Hearing**

The Court will hold a Fairness Hearing on **January 26, 2023** at Suffolk County Superior Court, 3 Pemberton Square, Boston, MA 02108. The purpose of the hearing will be for the Court to determine whether the proposed settlement is fair, reasonable, and adequate and in the best interests of the Class and to rule on applications for compensation for Class Counsel and an incentive award for the Class Representative. At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed settlement.

YOU ARE **NOT** REQUIRED TO ATTEND THIS HEARING TO BENEFIT FROM THIS SETTLEMENT. The hearing may be postponed to a later date without notice.

### **FOR MORE INFORMATION**

Additional information and documents, including case documents, are available at [www.MassCallSettlement.com](http://www.MassCallSettlement.com), or you can call 888-890-6711.