

By Order of the Circuit Court for Anne Arundel County, Maryland

**If you were sent a collection letter by Michael S. Neall & Associates in the past 3 years, a class action lawsuit may affect your rights.**

A court authorized this notice. This is not an advertisement from a lawyer

- Frankie Almendra sued Michael S. Neall & Associates, P.A. and Michael S. Neall, alleging that they violated state and federal law by making misleading or confusing statements in collection letters and failing to include required information.
- The Court has allowed the lawsuit to proceed as a class action for the purposes of settlement on behalf of:

All individuals to whom Defendants sent any letter or other written communication which included any of the following statements or omissions:

(a) “If we are required to proceed with either of those options, **your balance will increase substantially.**”

(b) “Any such action **will** also have a **serious negative effect on your credit rating.**”

(c) “This lien secures your delinquent assessments and related charges” where the total balance stated is different than the amount of the lien, without separate identification the letter of the true amount of the lien recorded.

(d) Any initial communication that failed to include an accurate statement of the recipient’s rights under 15 U.S.C. § 1692g.

(e) All individuals against whom Defendants recorded a lien purporting to be under the Maryland Contract Lien Act, that purported to include amounts that were not due at the time of recordation.

- The Court has not made a determination in the suit but the Plaintiffs and the Defendants have agreed to a settlement that provides that the Defendants will:
  - Pay \$250,000.00 into a common fund which will pay for:
    - Attorneys’ fees of \$100,000.00, subject to the approval of the court
    - An incentive award of \$5,000.00 for the class representative Mr. Almendra, subject to the approval of the court.
    - An equal payment to all class members, currently estimated to be \$16.00.
  - Pay an additional \$25,000.00 towards the costs of administering the class.
  - Undertake to modify the language in their letters and not to charge individuals in future for information about liens on their property by Defendants.

Your legal rights are affected, and you have a choice to make now:

## Your Legal Rights And Options In This Lawsuit

**DO NOTHING:** If you do nothing, you will receive the benefit of the settlement described above upon final approval of the Court.

**ASK TO BE EXCLUDED:** You can ask to be excluded from the lawsuit by giving a written notice stating that you want to be excluded and delivering a copy to that notice to American Legal Claims Service, LLC no later than May 19, 2023, stating that you want to be excluded. You will need to include your name, address and telephone number. You may be asked to provide documentation that you are a member of the class.

**OBJECT:** You can object to the Class Settlement if you do not ask to be excluded from the Class. Any objection must be filed no later than June 2, 2023.

- Your options are explained in this notice.
- **Any questions? Read on.**

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## BASIC INFORMATION

### 1. Why did I get this notice?

Records show that you were sent a letter covered by this settlement. This notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court enters a final judgment. The lawsuit is known as *Almendra v. Neall*, Case No. C-02-CV-22-000454, which is publicly available through the Court or through the Maryland Judiciary Records Search system.

### 2. What is this lawsuit about?

This lawsuit is about whether the Defendants violated consumer protection laws by making misleading or confusing statements or omitting required information from their collection letters. The Defendants deny that they violated any laws.

### 3. What is a class action and who is involved?

In a class action lawsuit, one or more people called “Class Representatives” (in this case Frankie Almendra) sued on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” Frankie Almendra, who sued, and all the Class Members like him, are called the Plaintiffs. The persons they sued (in this case Michael S. Neall and Michael S. Neall & Associates, P.A.) are called Defendants. The court resolves the issues for everyone in the Class, except for those people who choose to exclude themselves from the Class. In this case there has been no determination, but the parties have agreed to settle the claims.

### 4. Why is this lawsuit a class action?

The Court permitted this case to proceed as a class action for settlement purposes. The court found that the case met the requirements of the Maryland Rules, which govern class actions before Maryland Courts. Specifically, the Court found that:

- There are a sufficient number of people who fell within the definition of the class;
- There are legal questions and facts that are common to each of them;
- Mr. Almendra’s claims are typical of the claims of the rest of the Class;
- Mr. Almendra and his lawyers, Peter A. Holland and Emanwel Turnbull of the Holland Law Firm, P.C., representing the Class, will fairly and adequately represent the Class’s interests;
- The common legal questions and facts are more important than questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

## THE CLAIMS IN THE LAWSUIT

### 5. What does the lawsuit complain about?

In the lawsuit, the Plaintiff says that the Defendants violated consumer protection laws when it filed documents in debt collection lawsuits that were misleading.

### 6. How do the Defendants answer?

The Defendants deny that they did anything wrong.

### 7. Has the Court decided who is right?

The Court hasn’t decided whether the Plaintiff or the Defendants are correct. The Court has certified a class for settlement purposes and has made no determination as to the merits of the claims.

**8. What is the Settlement?**

The Defendants have agreed to:

- Pay \$250,000.00 into a common fund for the following things in this order:
  - Attorneys' fees for the class, in the amount approved by the court.
  - Incentive award for Mr. Almendra's service as class representative, in the amount approved by the court.
  - An equal award of money to each class member
- Pay \$25,000.00 towards the costs of administering the settlement.
- Change their practices to comply with the law.

**WHO IS IN THE CLASS**

You need to decide whether you are affected by this lawsuit.

**9. Am I part of this Class?**

The class consists of all individual homeowners in the State of Maryland, who, were sent a letter containing certain misleading or confusing language, or which did not include information required by law, within the past three years. Excluded from the class are people who were sent letters about investment properties, people who work for Defendants or the Court, or who filed and were discharged from bankruptcy between the letter being sent and this settlement.

**10. I'm still not sure if I'm included.**

If you are still not sure whether you are included, you can get free help by calling or writing to the lawyers in this case at:

Peter A. Holland  
Emanwel J. Turnbull  
The Holland Law Firm, P.C.  
914 Bay Ridge Rd, Ste. 230  
Annapolis, MD 21403  
Telephone: 410-280-6133

**YOUR OPTIONS**

You have to decide whether you want to join in the class or not join the class, and you have to decide this now.

**11. What do I do to be included?**

To be included as a class member you do not have to do anything.

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

You will be included in the class and receive the benefits of the settlement.

**13. What if I do not want to be included?**

If you do not want to be included, then you must provide a written notice setting forth your name, address and a statement that "I do not want to be included." The notice must be sent no later than May 19, 2023 and sent to the Settlement Administrator at:

Almendra v Neall  
c/o Settlement Administrator  
P O Box 23309  
Jacksonville, FL 32241

If you timely elect not to participate, then you may pursue your own claims at your own expense.

**14. How do I object?**

If you timely elect to be included in the class and want to object to the settlement, you will need to file written objections to the settlement signed by you (or your attorney) with the Court no later than June 2, 2023. Your written objection should reference the case of *Almendra v. Neall*, Case no. C-02-CV-22-000454 and be filed in the Circuit Court for Anne Arundel County, Maryland, 8 Church Cir, Annapolis, MD 21401 by this deadline. Documents submitted that do not comply with applicable rules, including local rules of the Court, may be rejected by the Clerk of the Court. You must also mail a copy of any written objections to each of the following counsel:

Peter A. Holland  
Emanwel J. Turnbull  
The Holland Law Firm, P.C.  
914 Bay Ridge Rd, Ste. 230  
Annapolis, MD 21403  
*Counsel for Plaintiffs*

Robert M. Gittins,  
LAW OFFICES OF ECCLESTON AND  
WOLF, P.C., Baltimore-Washington Law  
Center, 7240 Parkway Drive, 4th Floor,  
Hanover, MD 21076  
*Counsel for Defendants*

If you file an objection, you will also need to attend the final hearing or the Court may not consider your objections. The final fairness hearing is set for July 7, 2023 at 1:30pm at the Circuit Court at 8 Church Cir, Annapolis, MD 21401.

## **THE LAWYERS REPRESENTING YOU**

**15. Do I have a lawyer in this case?**

The Court decided that Peter A. Holland and Emanwel J. Turnbull are qualified to represent the Class Members. They are called “Class Counsel.” They can be reached at The Holland Law Firm, P.C., 914 Bay Ridge Rd, Ste 230, Annapolis, MD 21403, Phone Number 410-280-6133. Please reference the *Almendra v. Neall*. The court found that they are experienced in handling similar cases on behalf of consumers.

**16. Should I get my own lawyer?**

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you may hire one who it will be your responsibility to pay. For example, you can ask him or her to appear in Court for you, if you want someone other than Class Counsel to speak for you.

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

Class Counsel will be paid by the Defendants directly.

## **GETTING MORE INFORMATION**

**18. Are more details available?**

You can contact one of the class counsel. Their contact information is set forth in Question No. 15 above. You can also call the Case Information Line at 888-267-0133.