

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

John Fralish, <i>on behalf of himself and others similarly situated,</i>	)	
	)	
Plaintiff,	)	
	)	CASE NO. 3:22-cv-176-DRL-MGG
v.	)	
	)	
Ceteris Portfolio Services, LLC,	)	
	)	
Defendant.	)	
	)	

**WEBSITE Q & A NOTICE**

**This is a notice of a settlement of a class action lawsuit.  
This is not a notice of a lawsuit against you.**

**If you received a ringless voice message or a voice mail box direct drop on your cellular telephone from Ceteris Portfolio Services, LLC (“Ceteris”), between June 1, 2021 and February 1, 2023, and you did not have an account in collections with Ceteris, you may be entitled to compensation as a result of the settlement in the class action lawsuit captioned:**

*John Fralish v. Ceteris Portfolio Services, LLC, No. 3:22-cv-00176-DRL-MGG (N.D. Indiana)*

**A federal court authorized this notice.  
This is not a solicitation from a lawyer.**

**Please read this notice carefully.  
It explains your rights and options to participate in a class action settlement.**

<b>What are your legal rights and options?</b>	
<b>SUBMIT A TIMELY CLAIM FORM</b>	If you are a class member and you submit a timely, valid claim form, you will receive a proportionate share of the \$761,850 settlement fund after expenses are deducted, and you will release claims you may have against Ceteris related to this case. It is estimated that each claimant will receive between \$300 and \$900.
<b>DO NOTHING</b>	If you are a class member and you do nothing, you will <u>not</u> receive a share of the settlement fund, but you will release claims you may have against Ceteris related to this case.
<b>EXCLUDE YOURSELF</b>	If you are a class member and you exclude yourself from the settlement, you will <u>not</u> receive a share of the settlement fund, and you will <u>not</u> release any claims you have against Ceteris.
<b>OBJECT</b>	If you are a class member, you may object to the settlement.

**Why is this notice available?**

This is a notice of a proposed settlement in a class action lawsuit. The settlement would resolve the lawsuit John Fralish filed against Ceteris. Please read this notice carefully. It explains the lawsuit, the settlement, and your legal rights, including the process for receiving a settlement check, excluding yourself from the settlement, or objecting to the settlement.

**What is this lawsuit about?**

Mr. Fralish filed a class action lawsuit against Ceteris, alleging that it violated the Telephone Consumer Protection Act (“TCPA”) by delivering ringless voice messages, or voice mail box direct drops, to cellular telephone numbers assigned to persons who do not have accounts in collections with Ceteris. A ringless voice message, or voice mail box direct drop, is a prerecorded message left on a voicemail without the telephone ringing. In other words, Mr. Fralish filed a lawsuit against Ceteris, alleging that Ceteris violated the TCPA by delivering voice messages to wrong cellular telephone numbers—in that the subscriber to the telephone number was different from the party that Ceteris was trying to reach. Ceteris denies the allegations. The parties have agreed to a settlement.

**Why is this a class action?**

In a class action, one or more people called “class representatives” file a lawsuit on behalf of people who have similar claims. All of these people together are a “class” or “class members.” The Court accordingly resolves claims for all class members, except for those who exclude themselves from the class.

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

Mr. Fralish, on the one hand, and Ceteris, on the other, have agreed to settle the lawsuit to avoid the time, risk, and expense associated with it, and to achieve a final resolution of the disputed claims. Under the settlement, class members will obtain a payment in settlement of the claims that Mr. Fralish raised in the lawsuit. Mr. Fralish and his attorneys think the settlement is best for all class members.

### **How do you know if your claims are included in the settlement?**

This settlement resolves claims on behalf of the following class:

All persons and entities throughout the United States (1) to whom Ceteris Portfolio Services, LLC delivered, or caused to be delivered, a voice mail box direct drop or ringless voice message, (2) between June 1, 2021 and February 1, 2023, (3) to a cellular telephone number Ceteris Portfolio Services, LLC designated with an internal “wrong number” designation at some point during the account history.

Ceteris has identified 8,465 unique cellular telephone numbers with a “wrong number” designation in its records and to which it delivered, or attempted to deliver, a voice mail box direct drop or ringless voice message between June 1, 2021 and February 1, 2023.

### **What does the settlement provide?**

Ceteris will establish a settlement fund in the amount of \$761,850. Out of the settlement fund, Ceteris will pay:

- a. Settlement compensation to the class members;
- b. The costs and expenses of administering the class action settlement;
- c. An award of attorneys’ fees, subject to the Court’s approval;
- d. Costs and expenses incurred litigating this matter, subject to the Court’s approval; and
- e. A service award to Mr. Fralish, subject to the Court’s approval.

Each class member who submits a timely and valid claim form will be entitled, subject to the provisions of the settlement agreement, to his or her equal share of the settlement fund as it exists after deducting:

- a. Costs and expenses of administering the class action settlement, which will not exceed \$65,000;
- b. Attorneys’ fees in an amount not to exceed one-third of the total settlement fund, or 36% of the net settlement fund after deducting costs and expenses and a service award, subject to the Court’s approval;
- c. Costs and litigation expenses not to exceed \$9,500, subject to the Court’s approval; and
- d. A service award for Mr. Fralish, not to exceed \$5,000, subject to the Court’s approval.

### **How can you get a payment?**

You must mail a valid claim form to the *Fralish v. Ceteris Portfolio Services, LLC*, c/o KCC Class Action Services, P.O. Box 6150, Novato, CA 94948-6150, postmarked by **August 2, 2023**. Or you must submit a valid claim through [www.CeterisTCPASettlement.com](http://www.CeterisTCPASettlement.com) by the same date.

### **When will you be paid?**

If the Court grants final approval of the settlement, settlement checks will be mailed to class members who timely mailed or submitted valid claim forms no later than 45 days after the judgment in the lawsuit becomes final. If there is an appeal of the settlement, payment may be delayed.

### **What rights are you giving up in this settlement?**

Unless you exclude yourself from the settlement, and if you meet the class definition, you will be considered a member of the class, which means you give up your right to sue or continue a lawsuit against Ceteris over the released claims. Giving up your legal claims is called a release. Unless you formally exclude yourself from the settlement, you will release your claims against Ceteris.

For more information on the release, released parties, and released claims, you may obtain a copy of the class action settlement agreement from the Clerk of the United States District Court for the Northern District of Indiana, or on the settlement website, [www.CeterisTCPASettlement.com](http://www.CeterisTCPASettlement.com).

### How can you exclude yourself from the settlement?

You may exclude yourself from the settlement, in which case you will not receive a payment. If you wish to exclude yourself from the settlement, you must mail a written request for exclusion to the claims administrator, at the addresses set forth below, postmarked by **August 2, 2023**. You must include in your request for exclusion your:

- a. Full name;
- b. Address;
- c. Cellular telephone number called by Ceteris demonstrating that you are a member of the class; and
- d. A clear and unambiguous statement that you wish to be excluded from the settlement, such as “I request to be excluded from the settlement in the *Fralish v. Ceteris* action.”

You must sign the request personally. If any person signs on your behalf, that person must attach a copy of the power of attorney authorizing that signature.

### When and where will the Court decide whether to approve the settlement?

The Court will hold a fairness hearing on **September 15, 2023, at 10:00 a.m (EDT)**. The hearing will take place in the Robert L. Miller, Jr. Courtroom in South Bend, Indiana. At the fairness hearing, the Court will consider whether the settlement is fair, reasonable, and adequate and, if so, whether final approval of the settlement should be granted. The Court will hear objections to the settlement, if any. The Court may make a decision at that time, postpone a decision, or continue the hearing.

### Do you have to attend the hearing?

No. You are not required to attend the hearing. But you are welcome to attend the hearing at your own expense. You cannot speak at the hearing if you have excluded yourself from the class settlement. Once you have excluded yourself, the class settlement does not affect your legal rights.

### What if you want to object to the settlement?

If you do not exclude yourself from the settlement, you can object to the settlement if you do not believe it is fair, reasonable, and adequate. If you wish to object, you must mail a written notice of objection, postmarked by **August 2, 2023**, to class counsel, Ceteris’s attorneys, and to the Court, at the following addresses:

Class Counsel:

Michael L. Greenwald  
Greenwald Davidson Radbil PLLC  
5550 Glades Rd., Suite 500  
Boca Raton, FL 33431

Defendant’s Counsel:

Richard J. Perr  
Kaufman Dolowich Voluck  
Four Penn Center  
1600 JFK Blvd., Suite 1030  
Philadelphia, PA 19103

Court:

U.S. District Court for the  
Northern District of Indiana  
102 Federal Building  
204 S. Main Street  
South Bend, IN 46601

You must include in your objection your:

- a. Full name;
- b. Address;
- c. Cellular telephone number to which Ceteris delivered a ringless voice message or a voice mail box direct drop to demonstrate that you are a member of the Settlement Class;
- d. A statement of the specific objection(s);
- e. A description of the facts underlying the objection;
- f. A description of the legal authorities that support each objection; and
- g. A statement noting whether you intend to appear at the fairness hearing.

**By when must you enter an appearance?**

Any class member who objects to the settlement and wishes to enter an appearance must do so by **August 2, 2023**. To enter an appearance, you must file with the Clerk of the Court a written notice of your appearance and you must serve a copy of that notice, by U.S. mail or hand-delivery, upon class counsel and Ceteris's attorneys, at the addresses set forth below.

**What if you 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 Ceteris related to the allegations in this case. Unless you exclude yourself from the settlement, you will not be able to sue or continue a lawsuit against Ceteris over the released claims.

**What will happen if the Court does not approve the settlement?**

If the Court does not finally approve the settlement or if it finally approves the settlement and the approval is reversed on appeal, or if the settlement does not become final for some other reason, you will receive no benefits and the lawsuit will continue.

**Who are Mr. Fralish's attorneys?**

Mr. Fralish's attorneys are:

Michael L. Greenwald  
Greenwald Davidson Radbil PLLC  
5550 Glades Road, Suite 500  
Boca Raton, FL 33431

The Court has appointed Mr. Fralish's attorneys to act as class counsel. You do not have to pay class counsel. If you want to be represented by your own lawyer, and have that lawyer appear in Court for you in this case, you must hire one at your own expense.

**Who are Ceteris's attorneys?**

Ceteris's attorneys are:

Richard J. Perr  
Graeme E. Hogan  
Kaufman Dolowich Voluck  
Four Penn Center  
1600 JFK Boulevard, Suite 1030  
Philadelphia, PA 19103

**Before what Court is this matter pending?**

Mr. Fralish filed his class action lawsuit in the following Court:

United States District Court for the Northern District of Indiana  
102 Federal Building  
204 S. Main Street  
South Bend, IN 46601

**Where can you get additional information?**

This notice is only a summary of the settlement. All documents filed with the Court, including the full class action settlement agreement, may be reviewed or copied at the United States District Court for the Northern District of Indiana. In addition, pertinent case materials, including the settlement agreement, are available at the settlement website, **[www.CeterisTCPASettlement.com](http://www.CeterisTCPASettlement.com)**.

If you would like additional information about this matter, please contact:

***Fralish v. Ceteris Portfolio Services, LLC***  
**c/o KCC Class Action Services**  
**P.O. Box 6150**  
**Novato, CA 94948-6150**

Please do not call the Judge about this case. Neither the Judge, nor the Clerk of the Court, will be able to give you advice about this case. Furthermore, neither Ceteris nor Ceteris's attorneys represent you, and they cannot give you legal advice.