

COMMONWEALTH OF MASSACHUSETTS

PLYMOUTH, ss

SUPERIOR COURT DEPARTMENT

Civil Action No.: 2083CV00381A

MARIE COUGHLIN, on behalf of herself and all others similarly situated,

Plaintiff,

v.

HIGHER EDUCATION LOAN AUTHORITY OF THE STATE OF MISSOURI (MOHELA),

Defendant.

NOTICE REGARDING RIGHT TO BENEFIT FROM CLASS ACTION SETTLEMENT

A settlement has been reached in a class action lawsuit alleging that Higher Education Loan Authority of the State of Missouri (“MOHELA”) violated the law by placing in excess of two telephone calls in a seven-day period to Massachusetts consumers to collect student loan debt.

A Settlement Fund of \$600,000 has been established to pay valid claims, attorney’s fees, costs, any incentive award to the Class Representative (Marie Coughlin) and settlement administration costs. If you received in excess of two telephone calls within a seven-day period **to your residence, cellular or other telephone number at some point between March 13, 2016 and December 22, 2021 from MOHELA, 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	
Option 1: Submit a Claim Form Deadline: March 22, 2022	Complete and submit a Claim Form and receive an equal share of the Settlement Fund. By completing and submitting a Claim Form, you may recover an equal share of the Settlement Fund. This is the only way to claim and receive from the fund.
Option 2: Do Nothing	If you do nothing, you will not receive a share of the Settlement Fund, but you will release claims you may have against MOHELA related to this case.
Option 3: Object Deadline: March 22, 2022	Object to the terms of the Settlement Agreement. You may object to the terms of the Settlement Agreement and have your objections heard at the May 3, 2022 Fairness Hearing.

1. What is this lawsuit about?

In the lawsuit, Plaintiff alleges that MOHELA violated the Massachusetts Consumer Protection Act, Mass. Gen. Laws ch. 93A § 1, *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.

MOHELA denies any wrongdoing, and denies that 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.

2. Why is this a class action?

In a class action, a Class Representative (in this case, Plaintiff Marie Coughlin) 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’ 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:

- (a) consumers associated in MOHELA’s records with addresses in the Commonwealth of Massachusetts;
- (b) to whom MOHELA directed in excess of two telephone calls within a seven-day period to their residence, cellular telephone or other provided telephone number between May 13, 2016 and December 22, 2021.

5. What does the settlement provide?

MOHELA will establish a Settlement Fund in the amount of \$600,000. The fund will pay:

- a. Settlement compensation to the Class Members who submit valid and timely claims;
- b. The costs and expenses of administrating the class action settlement;
- c. An award of attorney’s fees, costs and expenses in an amount up to one-third of the Settlement Fund, subject to the Court’s approval; and
- d. An incentive award to the Class Representative in an amount up to \$25,000, subject to the Court’s approval.

Any amounts in the Settlement Fund remaining from uncashed checks following the claims process may be distributed *cy pres* subject to approval by the Court.

6. 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, attorney’s fees and expenses and any incentive award to the Plaintiff.

You can submit a Claim Form online at www.coughlinsettlement.com.

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

Coughlin v. MOHELA Settlement Administrator
P.O. Box 43501
Providence, RI 02940-3501

All Claim Forms must be postmarked or filed online no later than March 22, 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 Class Member his or her share of the Settlement Fund after the deductions above.

Any remaining monies from uncashed settlement awards may be redistributed in a second distribution to Class Members who submitted a valid and timely claim. However, if a second distribution is not economically feasible, the remaining monies may be donated to a *cy pres* recipient subject to Court Approval.

7. What rights am I giving up in this settlement?

You will be considered a member of the class, which means you give up your right to sue or continue a lawsuit against MOHELA over the released claims. Giving up your legal claims is called a release.

For more information on the release, released parties and released claims, you may obtain a copy of the class action Settlement Agreement from the Settlement Website, www.coughlinsettlement.com.

8. 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 \$25,000. This application will be filed with the Court and posted to the Settlement Website by February 22, 2022.

9. 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 attorney’s fees and expenses of up to 33% of the Settlement Fund. This application will be filed with the Court and posted to the Settlement Website by February 21, 2022. Any attorney’s fee and expense award is subject to Court Approval. You may hire your own attorney, but only at your own expense.

10. How do I object?

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 **March 22, 2022**, to Class Counsel, MOHELA’s Counsel, and to the Court, at the following addresses:

Class Counsel:

Sergei Lemberg
Stephen Taylor
Lemberg Law LLC
43 Danbury Road
Wilton, CT 06897

MOHELA’s Counsel:

Ryan P. McManus
Hemenway & Barnes LLP
75 State Street
Boston, MA 02109

Court:

Commonwealth of Massachusetts
Plymouth County
Superior Court
72 Belmont Street
Brockton, MA 02301

You must include in your objection:

- a. Your full name;
- b. Your address;
- c. Your telephone number called by MOHELA to demonstrate that you are a person in the Settlement Class;
- d. A statement of the specific objection(s);
- e. The grounds for the objection(s);
- f. Identification of any documents to show that you are a person in the Settlement Class or which you want the Court to consider; and
- g. A statement noting whether you intend to appear at the Fairness Hearing.

Any Class Member who objects to the settlement and wishes to enter an appearance must do so by **March 22, 2022**. 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 MOHELA's Counsel, at the addresses set forth above.

11. 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 MOHELA related to the allegations.

The Fairness Hearing

The Court will hold a Fairness Hearing on **May 3, 2022** at Plymouth County Superior Court, 72 Belmont Street, Brockton, MA 02301. 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.coughlinsettlement.com, or you can call 1-855-786-1049.