

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

PATRICK LOMBARDO, INDIVIDUALLY)	3:10cv00723 (TPS)
AND ON BEHALF OF ALL OTHERS)	
SIMILARLY SITUATED)	
Plaintiff)	
)	
)	
)	
)	
WINDHAM PROFESSIONALS, INC.)	
Defendant)	
)	

NOTICE OF PENDENCY OF CLASS ACTION,

PROPOSED SETTLEMENT AND HEARING

PLEASE READ THIS NOTICE CAREFULLY.

THIS NOTICE MAY AFFECT YOUR RIGHTS.

This Is NOT An Attempt To Collect Money From You.

This Is NOT A Notice Of A Lawsuit Against You.

You May Benefit From Reading This Notice.

A class action lawsuit has been brought against Windham Professionals, Inc. ("Windham"), and you are a member of the class. The lawsuit was brought by the plaintiff, Patrick Lombardo, against Windham, on May 11, 2010. This notice explains the nature of the lawsuit and informs you of your legal rights.

WHAT THIS LAWSUIT IS ABOUT AND STATUS OF THE LAWSUIT

Patrick Lombardo claims in the class action lawsuit that Windham violated the Fair Debt Collection Practices Act ("FDCPA") by sending collection notices to him and

the other class members in connection with a consumer debt other than a federally guaranteed student loan, in which Windham demanded a collection cost of greater than 15% the amount of which it sought to collect. Windham has denied that it violated the FDCPA. Windham also claims that, even if it did violate the law, it is not liable because it did not intend to violate the FDCPA and any violations were the result of a mistake which, if true, may be a valid legal defense to the claim.

The parties have now reached an agreement to settle the lawsuit (the "Settlement Agreement") and have asked the Court to approve the Settlement Agreement. The Court will approve the Settlement if it determines that the Settlement is fair, reasonable, and adequate to the Class Members.

SUMMARY AND VALUE OF THE PROPOSED SETTLEMENT

Subject to the Court's approval, Windham will pay \$500 to each of the 25 individuals who are in the Class. Windham will also pay attorney's fees in the amount of \$15,000, and Windham will pay \$1,500 to the Plaintiff for his damages and for his services in representing the class as Class Representative.

Although an individual prevailing in an action under the Fair Debt Collection Practices Act may collect up to \$1,000 as statutory damages plus any actual damages, Windham has raised potentially meritorious defenses to the lawsuit, and it is possible that there would be no recovery if the case is not settled. This settlement is the result of serious negotiations and was reached after extended settlement discussions. Class Counsel believes that the settlement is fair, reasonable, and adequate and recommends that the class members participate in the settlement.

SETTLEMENT HEARING

There will be a hearing (the “Settlement Hearing”) on **April 16, 2013 at 10:00 AM**, at the United States District Court, District of Connecticut, at 450 Main Street, Hartford, CT 06103. You are not required to attend this hearing, but you are permitted to do so. At the Settlement Hearing, the Court will determine: (i) whether the Settlement Agreement and the terms and conditions of the Settlement are fair, reasonable, and adequate, and in the best interests of the Class Members; (ii) whether final judgment should be entered dismissing the action as to the Defendant, with prejudice and on the merits as against Plaintiff and all the Class Members; and (iii) whether, if the court approves this Settlement Agreement and the Settlement and enters such final judgment, it should approve of the amount of attorney’s fees Defendant has agreed to pay to Class Counsel, as well as a class representative fee to Plaintiff. At the Settlement Hearing, the Court will also hear any objections and arguments about the Settlement.

The Court has reserved the right to adjourn the Settlement Hearing, including consideration of the application for attorney’s fees and expenses, by oral announcement at such hearing, and without further notice of any kind. The Court also has reserved the right to approve the Settlement Agreement and the Settlement, with or without modifications, to enter its final judgment dismissing the action as to the Defendant with prejudice as against Plaintiff and Class Members, and to order the payment of attorney’s fees and expenses, without further notice of any kind.

RIGHTS OF CLASS MEMBERS

Class Members have two options with respect to this lawsuit:

- *Remain a Class Member and do nothing; or*
- *Exclude yourself from the Class.*

Option 1

Remain a Class Member and do nothing. If you do not exclude yourself and the Settlement is approved, you will receive \$500. If the settlement is not approved, then you will receive any benefits obtained in the Lawsuit, but you will lose the right to pursue any FDCPA claims against Windham, the lenders, or Sallie Mae, Inc., and you will be bound by any judgment of the Court. If you remain a Class Member, you have the right to hire your own attorney (at your own expense) to represent you in this lawsuit or to enter an appearance in this lawsuit yourself and represent yourself. If you do not hire your own attorney or choose to represent yourself, you will be represented in this lawsuit, at no cost to you, by Class Counsel: Attorney Daniel S. Blinn, Consumer Law Group, LLC, 35 Cold Spring Road, Suite 512, Rocky Hill, CT 06067, and Attorney Joshua R.I. Cohen, Law Office of Joshua R.I. Cohen, LLC, 35 Cold Spring Road, Suite 514, Rocky Hill, CT 06067.

Option 2

Exclude yourself from the class. You have a right to exclude yourself from the class (which is called “opting out”). If you exclude yourself from the class, you will not receive any benefits from the Settlement or from a judgment in this Lawsuit. Additionally, you will have the right to file your own Lawsuit and to pursue your claims against Windham separately, but you are not required to do so. If you want to exclude yourself from the class, you must send a letter to Class Counsel: Daniel S. Blinn,

Consumer Law Group, LLC, 35 Cold Spring Road, Suite 512, Rocky Hill, CT 06067.

Your envelope must be postmarked or hand-delivered on or before **March 26, 2013**.

Your letter must state that you wish to exclude yourself or opt-out from the class, and you must mail a copy to Counsel for Defendant: Jonathan Elliot, Zeldes, Needle & Cooper, P.C., 1000 Lafayette Boulevard, Suite 500, Bridgeport, CT 06604.

Class Members Right to Object:

If you want to remain a Class Member but you object to the proposed Settlement (or any of the terms of the proposed Settlement), you must put your objection in writing and file it with the Court at: Clerk, United States District Court, 450 Main Street, Hartford, CT 06103. You must mail copies of your objections to Class Counsel: Daniel S. Blinn, Consumer Law Group, LLC, 35 Cold Spring Road, Suite 512, Rocky Hill, CT 06067 and to counsel for the Defendant, Jonathan Elliot, Zeldes, Needle & Cooper, P.C., 1000 Lafayette Boulevard, Suite 500, Bridgeport, CT 06604. You must include copies of any documents you plan to present to the Court at the hearing. Your objection and supporting documents must be postmarked or hand-delivered on or before **March 26, 2013**. Any person who fails to object to the proposed Settlement as described above will lose the right to object to it later in this or any other legal action. If the proposed Settlement is approved despite your objection, you will still receive the benefits of the Settlement and will be bound by its terms.

If you have any questions, you may contact Attorney Daniel S. Blinn at 860-571-0408.

EXAMINATION OF PAPERS AND INQUIRIES

This Notice does not purport to be a comprehensive description of the Action or

the Settlement Agreement. For a more detailed statement of the matters involved in this litigation, reference is made to the pleadings, the orders entered by the Court, and other papers filed in this litigation, which, unless sealed, may be inspected by contacting the Clerk's Office, United States District Court, District of Connecticut at 450 Main Street, Hartford, CT 06103, during regular business hours of each business day.

ALL INQUIRIES REGARDING THIS LITIGATION SHOULD BE ADDRESSED TO CLASS COUNSEL. PLEASE DO NOT CONTACT THE COURT, THE CLERK'S OFFICE OR THE DEFENDANT'S COUNSEL FOR INFORMATION.

**BY ORDER OF THE UNITED STATES
DISTRICT COURT DISTRICT OF
CONNECTICUT,**

/s/ Thomas P. Smith

**Hon. Thomas P. Smith
United States Magistrate Judge**

Dated: December 11, 2012