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IMPORTANT LEGAL MATERIALS



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NOTICE OF COURT ORDER CERTIFYING CLASS

Doskocz (Plaintiff) v. ALS Lien Services (Defendant)
Contra Costa County Superior Case No. C17-01486

This is a legal notice that the Court has ordered sent to you because you may be a member of the Class the Court has certified in this case (Doskocz v. ALS).

This is not a solicitation from a lawyer. It is not a bill. It does not require you to pay any money.

**YOUR RIGHTS MAY BE AFFECTED BY THIS CLASS ACTION.
PLEASE READ THIS NOTICE CAREFULLY.**

I. WHAT THIS NOTICE IS ABOUT

This is to notify you that the Court in Doskocz v. ALS has certified the case as a class action. You may be a member of the Class and the case may affect your rights. This notice explains your options.

Homeowner Teresa Doskocz filed the Doskocz v. ALS case against defendant ALS Lien Services. Doskocz is challenging ALS's practices in collecting homeowner assessments and other amounts and is requesting money and injunctions on behalf of the Class. Doskocz alleges that ALS has violated the federal Fair Debt Collection Practices Act by committing unlawful debt collection practices. The Court has not yet decided whether ALS violated any laws or whether Doskocz or the Class are entitled to recover any money or receive any other benefits the Court may award the Class.

Doskocz filed the case as a class action on behalf a Class of homeowners whose homeowners associations referred their accounts to ALS for debt collection between April 2, 2011 and the present.

The case is in the Superior Court of California, County of Contra Costa, and is assigned to Judge Edward G. Weil. The Court recently certified the case for class action treatment. The Class is described in **Frequently Asked Question No. 3, below**.

II. WHAT ARE YOUR OPTIONS?

If you are a member of the Class described in **Frequently Asked Question No. 3, below**, you can either **DO NOTHING** or **ASK TO BE EXCLUDED**:

If you DO NOTHING, you stay part of the Class. You have a chance of getting money or benefits that may come from a trial or settlement. But you give up your right to sue ALS separately about the same legal claims as in this case. Class Counsel (listed at the end of this notice) will represent you in the case at no cost to you. But if the case is unsuccessful, you will get nothing and you will give up your rights to sue ALS based on the same claims alleged in the case. **Also see Frequently Asked Question No. 4, below.**

If you ASK TO BE EXCLUDED, you will not be included in the Class and will get no money or benefits from the case. You will keep any rights to sue ALS separately about the same legal claims in this case. You will not be represented by Class Counsel and must retain your own lawyer at your own expense in order to be represented in suing ALS.

BUT YOU MUST TAKE IMMEDIATE ACTION TO BE EXCLUDED: you must sign, mail, and postmark a written request to be excluded to Class Counsel at the addresses listed below on or before March 2, 2020.

Justin T. Berger
Cotchett, Pitre & McCarthy, LLP
840 Malcolm Road
Burlingame, California 94010

Also see **Frequently Asked Question No. 5**, below.

III. FREQUENTLY ASKED QUESTIONS AND ANSWERS

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

ALS's records show that you may be a member of the Class because your homeowners' association account was referred to ALS for debt collection on or after April 2, 2011. If you are a member of the Class described in **Frequently Asked Question No. 3, below**, you have rights and options you have the right to exercise at this time. This notice is to inform you of those rights and options.

2. **What claims is Dorskocz making in this case?**

This case is about whether ALS violated the law in three different ways.

First, Dorskocz argues that ALS has unlawfully applied half of the payments received from HOA members to its own fees and costs first when the HOA members still had assessments owed.

Second, Dorskocz argues that ALS has unlawfully rejected partial payments and/or imposed fees for partial payments.

Third, Dorskocz argues that ALS has unlawfully threatened homeowners with foreclosure when their outstanding assessments did not meet the legal "foreclosure threshold," not more than \$1,800 or more than 12 months delinquent.

3. **Who is included in the Class?**

The Court has certified the following Class:

"All current and former California homeowners whose HOA contracted with ALS for the collection of delinquent HOA fees and where at any time during the period from April 2, 2011 through the date of Judgment in this case ALS either:

- (1) collected a payment from the homeowner and applied that payment to costs of collection before delinquent assessments were paid in full; and/or
- (2) either rejected a partial payment from the homeowner or charged the homeowner a partial payment fee; and/or
- (3) threatened or initiated non-judicial foreclosure on assessment debt below \$1,800, exclusive of fees, and less than twelve months delinquent."

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

If you are a member of the Class described in **Frequently Asked Question No. 3, above**, you don't have to do anything now if you want to keep the possibility of getting money or benefits from this case. By doing nothing, you are agreeing to be part of the Class. You will be represented by Class Counsel at no cost to you. **Also see Frequently Asked Question Nos. 8 & 9, below.** If the case results in the recovery of money or other benefits to the Class, either as a result of the trial or a settlement, you will be notified in the future about whether you are eligible and whether you need to do anything. Regardless of whether Dorskocz wins or loses the case, you will not be able to sue ALS—as part of any other lawsuit—on the same legal claims that are the subject of this case. **If you stay in this case, you will be legally bound by the Orders and Judgment the Court makes in this case.**

5. **How do I exclude myself from the Class?**

If you are a member of the Class described in **Frequently Asked Question No. 3, above**, but you do not want to be included in the Class, you must take immediate action now to exclude yourself from the Class. To be excluded, you must send an

“Exclusion Request” in the form of a letter sent by mail, stating that you want to be excluded from Doskocz v. ALS Lien Services. You must include your name and address, and sign the letter. To be valid, your Exclusion Request must be signed, postmarked, and mailed to the address below no later than **March 2, 2020**:

Justin T. Berger
Cotchett, Pitre & McCarthy, LLP
840 Malcolm Road
Burlingame, California 94010

You need not use a form but you may get an Exclusion Request form from the website, www.cpmlegal.com. **If you submit an Exclusion Request after March 2, 2020 or your Exclusion Request does not comply with the requirements stated above, your Exclusion Request will be denied and you will be treated as a member of the Class (see Frequently Asked Question No. 4, above) and be bound by the Orders and Judgment the Court makes in this case.**

6. What is ALS’s position on the case?

ALS contests Doskocz’s claims and denies that it violated any law or has engaged in any wrongdoing in connection with the claims asserted in the case or in connection with your HOA account.

7. Has the Court decided who is right?

The Court hasn’t decided whether ALS or Doskocz is correct. By certifying the Class and issuing this notice, the Court is not suggesting that Doskocz will win or lose this case. Doskocz must prove the Class claims at a trial, which has not yet occurred. No trial date has been set.

8. Do I have a lawyer in this case?

The Court has appointed attorneys Justin T. Berger of Cotchett, Pitre & McCarthy, LLP, Arthur Levy of the Law Office of Arthur D. Levy, and Gina Di Giusto of Housing and Economic Rights Advocates as Class Counsel to represent the Class described in **Frequently Asked Question No. 3, above**. Their names and contact information are listed at the end of this notice. If you are a member of the Class and remain in the Class, you do not need to hire your own lawyer, but you are free to do so at your own expense. Class Counsel only represent members of the Class on the claims certified in this case. If you have other claims, Class Counsel does not represent you on those, only on the claims certified in this case.

9. How will the lawyers for the Class get paid?

Class Counsel will apply to the Court for an award of attorneys’ fees and expenses if there is a settlement or a successful trial. Their fees and expenses will either be paid directly by ALS or as a percentage of a money fund recovered for the Class. If you are a member of the Class described in **Frequently Asked Question No. 3, above**, you will not be required to pay or contribute toward any fees or expenses of Class Counsel. But if you timely request exclusion from the Class and/or retain your own attorney, you will be solely responsible for paying your own attorney’s fees and expenses.

IV. HOW DO I GET MORE INFORMATION?

- DO NOT CONTACT THE COURT OR ALS’S COUNSEL.
- Read the Frequently Asked Questions and Answers above.
- Go to www.cpmlegal.com, where documents and other information on the case are posted.
- Contact one of Class Counsel as follows:

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