

**COMMONWEALTH OF MASSACHUSETTS**

MATTHEW PERLOW, on behalf of himself  
and others similarly situated,

Plaintiff,

vs.

ABC FINANCIAL SERVICES, INC. and  
SEAS & ASSOCIATES, LLC,

Defendants.

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§ SUPERIOR COURT C.A. NO.1684-CV-  
§ 03611-BLS2  
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**DECLARATION OF MICHELLE J. KOPPERUD**

I, Michelle J. Kopperud, pursuant to 28 U.S.C. § 1746, state as follows:

1. I am over the age of twenty-one. I am competent to give this declaration.
2. I am currently a Project Manager for Analytics Consulting, LLC (hereinafter “Analytics”), located at 18675 Lake Drive East, Chanhassen, Minnesota, 55317. Analytics provides consulting services to the design and administration of class action and mass tort litigation settlements and notice programs. The settlements Analytics has managed over the past twenty-five years range in size from fewer than 100 class members to more than 40 million, including some of the largest and most complex notice and claims administration programs in history.
3. Analytics’ clients include corporations, law firms (both plaintiff and defense), the Department of Justice, the Consumer Financial Protection Bureau, the Securities and Exchange Commission, and the Federal Trade Commission, which since 1998 has retained Analytics to administer and provide expert advice regarding notice and claims processing in its settlements/distribution of funds.
4. Analytics has been engaged in this matter to provide settlement administration services, including the mailing of the Court-approved class notice.

5. In my capacity as Project Manager, I have been responsible for the Settlement Administration for the above-captioned litigation.

6. Analytics received the initial name-and-address data on October 11, 2018 which contained records of 394,236 class member names, physical addresses, and email addresses. Out of those, 138,463 were found to be exact duplicates. Out of the remaining 255,773 unique entries, an email list was created for 208,385 of the class members. There were 44,388 class members with a physical address but no email address or a very partial email address.

7. All addresses referenced in paragraph 6, above, were standardized and updated using the National Change of Address database.

8. On October 27, 2018, Analytics began the email campaign of sending the approved Notice to the 208,385 class members with email addresses. The email campaign was completed on November 1, 2018. On November 1, 2018, Analytics mailed, by first class mail, the approved Summary Notice to the 44,388 class members without an email address. A copy of the Notice, which was sent by e-mail, is attached hereto as **Exhibit 1**. A copy of the Summary Notice, which was sent by mail, is attached hereto as **Exhibit 2**.

9. 23,088 email addresses bounced back to Analytics as non-deliverable.

10. 7,547 Summary Notice postcards were returned to Analytics as undeliverable by the Post Office. Analytics completed skip trace searches for all class members whose Notice Packets were returned as undeliverable via mail only in a further attempt to locate the class members. Analytics was able to locate 3,381 updated addresses and they were re-mailed promptly.

11. 648 Summary Notice Postcard were returned to Analytics by the U.S. Postal Service with a forwarding address. Analytics updated the Class List with each forwarding address that was provided and re-mailed each Summary Notice postcard.

12. A Toll-Free Number of 855-651-4907 was established for the case and, to date, the number has received 1707 calls to the Interactive Voice Recording and 724 to Live Agents.

13. To date, Analytics has received 1 Objection. A copy of the Objection is attached hereto as **Exhibit 3**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 12, 2018

  
Michelle J. Kopperud

# **EXHIBIT 1**

**NOTICE OF CLASS ACTION SETTLEMENT**

*Matthew Perlow v. ABC Financial Services, Inc. and Seas & Associates, LLC*  
Massachusetts Superior Court, Civil Action No. 1684-CV-03611-BLS2

**THIS NOTICE ADVISES YOU OF A CLASS ACTION SETTLEMENT REGARDING ABC FINANCIAL SERVICES, INC. (ABC) AND SEAS & ASSOCIATES LLC (SEAS). THIS NOTICE MAY AFFECT YOUR LEGAL RIGHTS. PLEASE READ IT CAREFULLY.**

**ABC's records indicate that you are: a Massachusetts consumer from whom ABC attempted to or collected a purported debt between November 22, 2012 and July 25, 2018, and you did not pay the alleged debt within five days of ABC's initial communication to you.**

➤ **What is the case about?**

Plaintiff brought this class action against ABC and Seas & Associates, LLC (Seas), alleging that ABC and Seas engaged in unlawful debt collection practices that violated the Massachusetts consumer protection law, claiming that (i) ABC attempted to collect debts from Massachusetts consumers without making timely disclosure of the amount of the debt, and (ii) at times, Seas attempted to collect alleged debts from Massachusetts consumers without a debt collection license. ABC and Seas deny any wrongdoing.

➤ **Am I a class member?**

The Settlement Class is all Massachusetts consumers between November 22, 2012 and July 25, 2018, from whom ABC attempted to or did collect a purported debt and who did not pay the alleged debt within five days of ABC's initial communication to them.

➤ **What are the terms of the Settlement?**

Under the proposed Settlement, Defendants have agreed to pay \$1,800,000 to resolve this action (the "Settlement Amount").

If the Settlement is approved, Settlement Class Members will be prevented from bringing any further claims against Defendants (as well as their present and former subsidiaries, parents, affiliates, successors, predecessors and insurers and each of their present, former, or future officers, directors, employees, representatives, agents, or principals), for economic damages related to the claims actually asserted in the Action by Plaintiff on behalf of the Settlement Class relating to Defendants' debt collection practices in Massachusetts, including allegations that (i) Seas attempted to collect alleged debts from him and other Massachusetts consumers without a debt collection license between May 1, 2013 through August 5, 2014 and from January 1, 2016 through December 31, 2016 in violation of G.L. c. 93, §24A, (ii) ABC facilitated and participated in Seas' unlicensed debt collection activities, and (iii) ABC separately attempted to collect the alleged debts from him and other consumers in Massachusetts without making the mandatory disclosures required by 940 C.M.R. §7.08(1) and/or 209 C.M.R. §18.18(1).

➤ **How is the Settlement Amount being distributed?**

The lawyers for the Class will ask the Court to award them attorneys' fees and expenses of not to exceed \$600,000 from the Settlement Amount. Class Counsel will also ask the Court to award \$10,000 to the plaintiff who brought this lawsuit to compensate him for his efforts in the case, including responding to discovery and giving a deposition, to be paid out of the Settlement Amount. Class Counsel will also ask the Court to allow the costs of providing notice and administering the Settlement to be paid out of the Settlement Amount.

The remaining amount available to be paid to the Settlement Class Members (the "Net Settlement Amount") will be distributed to the Settlement Class Members who made a payment to ABC and received a letter from ABC which did not disclose the amount of the alleged debt. Each Settlement Class Member's share of the Net Settlement Amount will be determined by the number of such letters each Settlement Class Member received in proportion to the number of such letters received by all other Settlement Class Members.

There will be a *de minimis* threshold of \$10 for any payments to the Settlement Class Members under the Settlement. Any Settlement Class Member whose pro rata share results in a distribution amount from the Net Settlement Amount of less than \$10, will not receive a Settlement payment because the cost of administration and processing of such payments would not be economical.

If after distribution of the aforementioned items, as approved by the Court, there is money left over, the Court will decide how to distribute those undistributed funds.

➤ **How can I get my share of the Class Recovery?**

If the Settlement is approved by the Court, your pro rata share of the Net Settlement Amount, if any, will be sent by check to your most recent mailing address. **If you have a more current address, please notify the Settlement Administrator.**

➤ **What if I do not want to be part of the Class?**

Under Massachusetts law, class members do not have the right to exclude themselves from the Settlement Class.

➤ **Who represents the Settlement Class in this case?**

Plaintiff Matthew Perlow and the Settlement Class have been represented throughout this case by the Boston law firm of Shapiro Haber & Urmey LLP ("Class Counsel").

➤ **How will the lawyers be paid?**

Since this case was filed almost two years ago, Class Counsel has not received any payment for any of their legal services they have provided or any reimbursement of any of the out-of-pocket expenses they have incurred in the case. Class Counsel plan to ask the Court to award them up to \$600,000 in attorneys' fees and expenses out of the Settlement Amount.

➤ **Will the Court review the fairness of the Settlement and Class Counsel's fee request?**

The Court will hold a Final Approval Hearing on **December 19, 2018, at 2:00 p.m.** in Courtroom 1017 at Suffolk Superior Court, 3 Pemberton Square, Boston, MA 02108. The Court may re-schedule the hearing without further notice. At the hearing, the Court will consider whether: (a) the Settlement is fair, reasonable and adequate; (b) the Court should approve payment of a \$10,000 service award to Plaintiff

Matthew Perlow; and (c) the Court should approve Class Counsel' request for attorneys' fees and expenses of up to \$600,000 to be paid out of the Settlement Amount.

➤ **What should I do if I object to the Settlement?**

If you are a Settlement Class Member, you may object to any aspect of the Settlement, including the applications for a Service Award to Plaintiff Matthew Perlow and the award of attorneys' fees and expenses to Class Counsel. In order to object, you must, **on or before December, 2018:**

- Submit a written notice to the Suffolk Superior Court, 3 Pemberton Square, Boston, MA 02108, which contains: (a) the case name and number, (b) your name, address and telephone number, (c) a statement setting out your objections and the basis for them, along with any documentation you intend to rely on at the Final Approval Hearing, (d) a statement of whether you intend to appear at the Final Approval Hearing, and (e) a statement indicating the number of times in the past three years you and/or your counsel have objected to a class action settlement, listing each one by name of case, jurisdiction, docket number and outcome of the objection.
- Send copies of all of these materials by first-class mail to counsel at:

Class Counsel

Edward F. Haber  
Shapiro Haber & Urmy LLP  
2 Seaport Lane  
Boston, MA 02210

Defendants' Counsel

Allen N. David  
Peabody & Arnold LLP  
600 Atlantic Avenue  
Boston, MA 02210

➤ **How can a Settlement Class Member get more information?**

This Notice is a summary and does not describe all the details of the Settlement. You are encouraged to read the Settlement Agreement, the Preliminary Approval Order, and other documents. You may obtain a copy of these documents online at [insert website], or you may obtain further information regarding the Settlement by calling the Settlement Administrator toll-free at 855-651-4907, or by emailing questions to the Settlement Administrator at [ABCFinancialSettlement@noticeadministrator.com](mailto:ABCFinancialSettlement@noticeadministrator.com).

You may also contact Class Counsel with any questions by mail at Shapiro Haber & Urmy LLP, 2 Seaport Lane, Boston, MA 02210, by toll-free telephone at (800) 287-8119, or by email at [shu@shulaw.com](mailto:shu@shulaw.com).

**PLEASE DO NOT CALL OR WRITE THE COURT FOR INFORMATION OR LEGAL ADVICE.**

# **EXHIBIT 2**



**Notice of Class Action  
Settlement**

MATTHEW PERLOW

v.

ABC FINANCIAL SERVICES  
AND SEAS & ASSOCIATES,  
LLC

C.A. NO. 1684-CV-03611-BLS2  
(MASS. SUPER. CT.)

**Claim #: 1111111**

Perlow v. ABC Financial  
Services, LLC, et al.  
c/o Analytics LLC  
P.O. Box 2005  
Chanhassen, MN 55317-2005

Postal Service: Please Do Not Mark Barcode

ABC1234567890



JOHN Q CLASSMEMBER  
123 MAIN ST  
APT 1  
ANYTOWN, ST 12345

THIS SUMMARY NOTICE ADVISES YOU OF A CLASS ACTION SETTLEMENT REGARDING ABC FINANCIAL SERVICES, INC. (ABC) AND SEAS & ASSOCIATES LLC (SEAS). **THIS NOTICE MAY AFFECT YOUR LEGAL RIGHTS. PLEASE READ IT CAREFULLY.**

ABC's records indicate that you are: a **Massachusetts consumer from whom ABC attempted to or collected a purported debt between November 22, 2012 and July 25, 2018, and you did not pay the alleged debt within five days of ABC's initial communication to you.**

Plaintiff brought this class action against Defendants ABC and Seas alleging that ABC and Seas engaged in unlawful debt collection practices that violated the Massachusetts consumer protection law, claiming that (i) ABC attempted to collect debts from Massachusetts consumers without making timely disclosure of the amount of the debt, and (ii) at times, Seas attempted to collect alleged debts from Massachusetts consumers without a debt collection license. ABC and Seas deny any wrongdoing.

Under the proposed Settlement, Defendants have agreed to pay \$1,800,000 to resolve this action (the "Settlement Amount"). If the Settlement is approved, Class Counsel (Shapiro Haber & Urmy LLP) will ask the Court to award them attorneys' fees and expenses of not to exceed \$600,000 from the Settlement Amount. Class Counsel will also ask the Court to award \$10,000 to the plaintiff to compensate him for his efforts in the case to be paid out of the Settlement Amount. Class Counsel will also ask the Court to allow the costs of notice and administering the Settlement to be paid out of the Settlement Amount.

The remaining amount available to be paid to the Settlement Class Members (the "Net Settlement Amount") will be distributed to Settlement Class Members who made a payment to ABC and received a letter from ABC which did not disclose the amount of the alleged debt. Your share of the Net Settlement Amount will be determined by the number of such letters you received in proportion to the number of such letters received by other class members. Any share of less than \$10 will not be paid out because the cost of administration and processing of such payments would not be economical. If you are eligible to receive a payment, your allocation will be determined from ABC's records, and your payment, if any, will be sent by check to your most recent mailing address. **If you have a more current address, please notify the Settlement Administrator.**

The Court will hold a Final Approval Hearing on December 19, 2018, at 2:00 p.m. in Courtroom 1017 at Suffolk Superior Court, 3 Pemberton Square, Boston, MA 02108. If you wish to object to any aspect of the Settlement, you must, on or before December 6, 2018, send your written objection to the Court, the Settlement Administrator, Class Counsel and Defendants' Counsel.

This Notice is a summary of the Settlement. A more detailed notice is available at <http://www.shulaw.com/abc-financial-settlement/>. For more information about the case and the settlement, visit <http://www.shulaw.com/abc-financial-settlement/>, or contact the Settlement Administrator at 855-651-4907 or [ABCFinancialSettlement@noticeadministrator.com](mailto:ABCFinancialSettlement@noticeadministrator.com).

# **EXHIBIT 3**

Suffolk Superior Court  
3 Pemberton Square  
Boston, MA 02108

Hello,

This letter is in reference to case name: Matthew Perlow v. ABC Financial Services, Inc. and Seas & Associates, LLC ( Re: 1341163) and Civil Action No. 1684-CV-03611-BLS2. I am writing this letter to object to any aspect of the Settlement. I want to object because I do not feel I was wronged by ABC Financial and therefore do not want to collect any Settlement from them. I do not intend to appear at the Final Approval Hearing and prior to this have not objected to any other class action settlements.

Please feel free to contact me with any further question or concerns.

Thank you,

Kayla Harris  
101 Second St Apt. 1  
Leominster, MA 01453  
978-855-7278  
Kayla9603@gmail.com