

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

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THOMAS CABRAL AND CHERYL PANTANO,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

PHH MORTGAGE CORPORATION AND OCWEN
LOAN SERVICING, LLC,

Defendants.



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**NOTICE REGARDING RIGHT TO BENEFIT FROM
CLASS ACTION SETTLEMENT**

A Settlement Agreement has been reached in a class action lawsuit alleging PHH Mortgage Corporation and Ocwen Loan Servicing, LLC (the “PHH Defendants”) violated the law by placing in excess of two telephone calls in a seven-day period to Massachusetts consumers to collect a debt. The PHH Defendants’ records show that you may be a Class Member under the Settlement Agreement reached in the case.

A Settlement Fund of \$576,500 has been established to pay Class Members, attorneys’ fees, costs, any incentive award to each of the Class Representatives (Thomas Cabral and Cheryl Pantano) and settlement administration costs. If the settlement is approved, Settlement Class Members shall qualify for direct payments from the Settlement Fund. Your legal rights are affected whether you act or don’t act, so read this Notice carefully.

YOUR OPTIONS	
Option 1: Do Nothing	Do nothing and recover from the Settlement Fund. If the Settlement Agreement is approved by the Court, Settlement Class Members will receive direct equal payments from the Settlement Fund. Settlement Class Members do not need to submit any claim to recover.
Option 2: Ask to be Excluded Deadline: November 10, 2021	Get out of this lawsuit and get no benefits from it. You may ask to be excluded from the lawsuit. By excluding yourself, you cannot recover as part of this settlement and you keep a right to sue on your own.
Option 3: Object Deadline: November 10, 2021	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 December 14, 2021, Fairness Hearing. If you object to the Settlement Agreement, you do remain part of the Settlement Class.

1. What is this lawsuit about?

In the lawsuit, the Plaintiffs allege that the PHH Defendants violated the Massachusetts Consumer Protection Act, M.G.L. c. 93A § 2, *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 Plaintiffs and other Massachusetts consumers.

The PHH Defendants deny any wrongdoing, deny that they 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.

You can read Plaintiffs’ Amended Complaint, the Settlement Agreement, and other case documents at www.cabralsettlement.com.

2. Why is this a class action?

In a class action, a “Class Representative” (in this case the Plaintiffs Thomas Cabral and Cheryl Pantano) sues on behalf of a group (or a “Class”) of people. Here, the Class Representatives 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 Plaintiffs’ 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:

All persons residing in the Commonwealth of Massachusetts to whom, within the Class Period, the PHH Defendants may have made in excess of two telephone calls regarding a debt within a seven-day period to their residence, cellular telephone, or other provided telephone number as reflected on the Class List.

There are 10,125 Settlement Class Members on the Class List.

5. How do I recover?

You do not need to do anything to recover. If the Settlement Agreement is approved, the Settlement Fund, minus administrative costs, attorney’s fees and costs and any incentive award to the Class Representatives, will be distributed by a mailed check directly to Settlement Class Members in an equal amount.

If some Settlement Class Members do not cash the Initial Settlement Check, those uncashed funds will be distributed equally in a Second Settlement Check to all Settlement Class Members who did cash their first check.

6. What am I giving up to receive these benefits?

By staying in the Class, all of the Court’s orders will apply to you, and you give a “release” for any claims arising from allegedly excessive telephone calls to you. A release means you cannot sue or be part of any other lawsuit against the PHH Defendants and the Released Parties about the claims or issues in this lawsuit, and you will be bound by the Settlement Agreement.

7. How much will the Class Representatives receive?

The Class Representatives will receive their portion of the settlement as Class Members and an incentive award for having pursued this action. Any incentive payment is subject to Court Approval. The Class Representatives will request an incentive award of \$6,000 each.

8. 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 attorneys’ fees of up to 33% of the Settlement Fund. Any attorneys’ fee and expense award is subject to Court Approval. You may hire your own attorney, but only at your own expense.

9. I don’t want to be part of this case, how do I ask to be excluded?

Answer: Send a Request to Be Excluded.

If you don’t want a payment from this settlement, but you want to keep the right to individually sue the Defendants about the issues in this case, then you must take steps to get out of the settlement. This is called excluding yourself, or “opting out,” of the Settlement Class. To request to exclude yourself, you must send a letter by mail which: (a) contains a caption or title that identifies it as “Request for Exclusion in *Cabral, et al. v. PHH Mortg. Corp.* (Case No. 1:19-cv-12245-ADB)”; (b) includes the Settlement Class Member’s name, mailing and email addresses, and contact telephone number; (c) specifies that he or she wants to be “excluded from the Settlement Class”; and (d) is personally signed by the Settlement Class Member.

You must mail your exclusion request postmarked no later than November 10, 2021, to *Cabral v. PHH Mortgage* Settlement Administrator, P.O. Box 43434, Providence, RI 02940-3434.

10. How do I object?

Any Settlement Class Member who has not requested to be excluded from the Settlement Class may object to the settlement. In order to exercise this right, you must submit your objection to the Court by the Objection Deadline. Your objection must: (a) contain a caption or title that identifies it as “Objection to Class Settlement in *Cabral, et al. v. PHH Mort. Corp.* (Case No. 1:19-cv-12245-ADB)”; (b) include the Settlement Class Member’s name, mailing and email addresses, contact telephone number, and the number(s) for which an objection is being made; (c) set forth the specific reason(s), if any, for each objection, including all legal support the Settlement Class Member wishes to bring to the Court’s attention and all factual evidence the Settlement Class Member wishes to introduce in support of the objection; (d) disclose the name and contact information of any and all attorneys representing, advising, or in any way assisting the Settlement Class Member in connection with the preparation or submission of the objection; and (e) be personally signed by the Settlement Class Member. Any Class Member that fails to object in the manner set forth herein shall be foreclosed from making such objection or opposition, by appeal, collateral attack, or otherwise and shall be bound by all of the terms of this settlement upon Final Approval and by all proceedings, orders and judgments, including but not limited to the Release in the Action.

Objections must be filed with the Clerk of the Court and delivered or postmarked no later than November 10, 2021.

The Court's address is: *Clerk of the Court, District of Massachusetts, 1 Courthouse Way, Boston, MA 02210.*

The Fairness Hearing

The Court will hold a Fairness Hearing on **December 14, 2021, at 10:00 a.m.** before the Honorable Allison D. Burroughs, U.S. Courthouse, District of Massachusetts, 1 Courthouse Way, Boston, Massachusetts 02210. *The hearing will be conducted by video conference. Instructions on how to attend can be found at www.cabralsettlement.com.* 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 Representatives. 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.cabralsettlement.com, or you can call 866-247-4923.