

Tammy C. Richardson vs. McCabe, Trotter & Beverly, P.C.  
Case No. 2016-CP-18-1001

**NOTICE OF PENDENCY OF CLASS ACTION LAWSUIT**

*PLEASE READ THIS NOTICE CAREFULLY.  
YOU HAVE RIGHTS RELATING TO A  
PENDING LAWSUIT. YOU MAY BENEFIT  
FROM READING THIS NOTICE.  
THIS IS NOT A LAWSUIT AGAINST YOU.*

*The Court of Common Pleas Dorchester County South Carolina has authorized this Notice.  
This is not a solicitation from a lawyer.*

- This Notice is to inform you about a class action lawsuit brought against **McCabe, Trotter & Beverly, P.C.**, for alleged violations of the Fair Debt Collection Practices Act 15 U.S.C. § 1692, *et. seq.* and unjust enrichment regarding its actions in the collection of alleged debt owed to homeowner associations.
- This suit was commenced in the Court of Common Pleas, Dorchester County, South Carolina by Tammy C. Richardson. The Court has appointed Ms. Richardson to represent herself and other individuals to whom McCabe, Trotter & Beverly, P.C. sent certain communications regarding debt owed to a homeowner association.

**BASIC INFORMATION**

**1. Why are you receiving this Notice?**

Records of **McCabe, Trotter & Beverly, P.C.**, provided indicate you may be a class member as defined in a Court Order filed on January 18, 2018 and September 10, 2018. The Class is defined as:

All individuals who owned South Carolina real property who were sent a document by McCabe, Trotter & Beverly, P.C. attempting to collect a debt for a homeowner or community association during the following period: November 5, 2014 (representing the date one year prior to the filing of Plaintiff Richardson's Third Party Complaint) through November 5, 2015.

**2. What is this lawsuit about?**

This lawsuit claims that Defendant, **McCabe, Trotter & Beverly, P.C.** was unjustly enriched and violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* Plaintiff claims that Defendant misrepresented amounts that were owed and the legal ability to collect amounts claimed owed during the process of pursuing collections. The Defendant denies it violated any law and denies liability to Plaintiff and the class.

THE COURT HAS MADE NO FINDING OF LIABILITY AGAINST DEFENDANT and **McCabe, Trotter & Beverly, P.C** denies any wrongdoing. Further, if the Court ultimately finds that there was no violation of the law, the class members will receive nothing. This class action and Notice has no impact on any collection activity, including litigation, **McCabe, Trotter & Beverly, P.C** has taken against you, and such activity may be ongoing at this time.

If Plaintiff prevails, you may be entitled to recover statutory and actual damages under the FDCPA. Under the statute, an individual can recover: i) actual damages suffered; ii) statutory damages from \$0-\$1,000; and iii) attorney's fees. In a class action, the class as a whole may recover up to \$500,000 or 1% of the defendant's net worth, whichever is less, plus actual damages. **McCabe, Trotter & Beverly, P.C** estimates that there are approximately 6922 class members in the Class.

### 3. What are your options?

A Judge has determined that this case can proceed as a class action. However, the claim is disputed and **McCabe, Trotter & Beverly, P.C** denies all liability. As a member of the class you have the choice of remaining in or excluding yourself from the class. Please review your options below. Each choice has certain risks and consequences. You have the right to discuss your decision with Class Counsel or your own attorney.

#### a) Remain in the Class.

You do not need to take any further action if you want to remain a member of the class. You will be represented by the law firms that brought this action on behalf of the Plaintiff, which has been designated as the Class Counsel by the Judge. These attorneys are:

Mary Leigh Arnold  
Mary Leigh Arnold, P.A.  
749 Johnnie Dodds Blvd., Suite B  
Mt. Pleasant, S.C. 29464

Justin S. Kahn  
Kahn Law Firm LLP  
P.O. Box 31397  
Charleston, S.C. 29417

info@mccabetrotterclassaction.com (email)

www.mccabetrotterclassaction.com (website)

If you stay in the class, you will be bound by the result of the lawsuit, whether the result is favorable or unfavorable. This means, for example, if the judge enters a judgment against defendant, you might receive money from the lawsuit. On the other hand, if the judge finds no liability on the part of defendant, you would not receive any money.

#### b) Exclude yourself from the class.

If you exclude yourself from the class, you: (i) will not be bound by any judgment or disposition of this case; (ii) will retain any claims you may have against defendant; and (iii) will not share in any recovery that may be awarded by the Court or obtained under any settlement with defendant.

If you elect to be excluded from the class, you may file an individual action or intervene in this action. You also have the right to file an appearance yourself or through an attorney. If you want your own lawyer to represent you in an individual case, the terms of such representation are for you and your lawyer to negotiate.

The statute of limitations, which stopped running on November 5, 2015, when this case was filed, will begin running again upon your filing of request for exclusion. You will have the same number of days to file suit as you had on November 5, 2015. Your request to exclude yourself must be postmarked by September 20, 2019, and sent to class counsel listed above.

#### GETTING MORE INFORMATION

### 4. Who should I ask questions of about the class action?

Any questions you have concerning this notice should be directed to class counsel listed above. One way of obtaining information is to look on the website created to provide information at <http://www.mccabetrotterclassaction.com>. Please include the case name and number (“*Richardson vs. McCabe, Trotter and Beverly, P.C.* Case No. 2016-CP-18-1001”), your name and your address on any letters, and not just on the envelope.

**DO NOT CONTACT THE COURT OR JUDGE FOR INFORMATION. THEY CANNOT RESPOND TO ANY OF YOUR QUESTIONS. ALL QUESTIONS SHOULD BE DIRECTED TO CLASS COUNSEL**

#### **McCabe Trotter Class Action Address Correction**

749 Johnnie Dodds Blvd., Suite B  
Mt. Pleasant, S.C. 29464

If this Notice was sent to you at your current address, you do not have to do anything to receive any further notices concerning this case. If it was forwarded by the postal service, or if it was otherwise addressed to you at an address which is not current, you should immediately send a letter to Class Counsel at the address listed above.

If the person to whom this notice was sent is deceased, kindly send a letter to the same lawyers with this information and include any supporting documentation.