

OFFICIAL COURT NOTICE

JIMMY KASHANIAN, individually and on behalf of all others similarly situated,

Plaintiff,

v.

NATIONAL ENTERPRISE SYSTEMS, INC., an Ohio corporation; and DOES 1 through 10, inclusive,

Defendants.

Superior Court of the State of California
County of Lake – Lakeport Division

Case No. CV416920
Civil Action

**PLEASE READ THIS NOTICE CAREFULLY
IT CONTAINS IMPORTANT INFORMATION ABOUT YOUR RIGHTS
AS A CLASS MEMBER**

The Lake County Superior Court authorized this Notice.

This is not a solicitation from a lawyer.

1. Why Should I Read this Notice?

The Complaint in this litigation has been certified to proceed as a class action in the Santa Clara County Superior Court, entitled *Kashanian v. National Enterprise Systems, Inc.*, Case No. CV416920 (“Lawsuit”). You have been identified as a member of the Class. This Notice explains the nature of the Lawsuit and informs you of your legal rights and obligations. You should read this Notice to learn what this Lawsuit is about and what you need to do if you wish to exclude yourself as a class member or to enter an appearance through your own attorney.

2. What is this Lawsuit About?

Jimmy Kashanian (“Plaintiff”) filed this Lawsuit against National Enterprise Systems, Inc. (“Defendant”), alleging that Defendant sent a first written communication to Plaintiff and other Class Members in an attempt to collect a defaulted consumer debt (Exhibit “1”) which fails to provide the notice required by California Civil Code § 1812.700(a) in the manner required by California Civil Code § 1812.701(b). Defendant denies that it violated California Civil Code § 1812.701(b) in any manner, and has asserted other defenses in this matter.

3. Why is this a Class Action?

Believing that others also received a notice similar to the notice that he received from Defendant, Plaintiff filed the Lawsuit as a class action. A class action is a type of lawsuit in which one or a few individuals represent a group of people who were allegedly harmed by a defendant's conduct. This group of people is referred to as the "Class" or as the "Class Members."

4. Who is a Class Member for this Lawsuit?

You have been identified as a Class Member in this Lawsuit. The Class is defined as:

All persons with addresses in California to whom Defendant sent, or caused to be sent, an initial written communication in the form of Exhibit "1" to the First Amended Class Action Complaint for Statutory Damages in an attempt to collect a defaulted consumer debt originally owed to BANK OF AMERICA, N.A., which were not returned as undeliverable by the U.S. Post Office during the period December 27, 2015, through May 4, 2023.

Excluded from the class are any officers, directors, or legal representatives of National Enterprise Systems, Inc., and any judge, justice, or judicial officer presiding over this matter and the members of their immediate families and judicial staff.

5. How Do I Enter My Appearance in this Lawsuit?

Entering an appearance is **NOT** necessary to participate in this lawsuit. Class Counsel will represent the Class without charge to you or the other Class Members. However, if you wish to do so, you may be represented by your own attorney in this Lawsuit at your own expense.

6. If I Do Not Want to be in the Class, How Do I Exclude Myself?

If you do NOT want to remain a Class Member and wish to exclude yourself from the Lawsuit, you must send a written request to the Class Administrator listed below. The request must be **in writing** and include the name and number of this case (*Jimmy Kashanian v. National Enterprise Systems, Inc., et al*, Case No. CV416920), your name, address, telephone number, and must be dated and signed by you as the Class Member. The request must be sent by first-class mail postmarked no later than September 16, 2023, addressed to:

Claims Administrator
Jimmy Kashanian v. National Enterprise Systems, Inc., et al
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606

Requests for exclusion postmarked after September 16, 2023, will not be effective.

By electing to be excluded from the Class: 1) you will not share in any recovery in the Lawsuit if a recovery is awarded; 2) you will not be bound by orders or judgments entered in the Lawsuit; and 3) you may present any claim you may have against Defendant in your own separate lawsuit at your own expense.

7. If I Remain as a Class Member, Who Represents Me?

Plaintiff, Jimmy Kashanian, has been appointed by the Court as the Class Representative. The Court has also approved Plaintiff's attorneys below to represent the Class. They are called "Class Counsel." You will NOT be charged personally for Class Counsel's services. If you want to be represented by your own lawyer, you may hire one at your own expense.

Fred W. Schwinn
Raeon R. Roulston
Matthew C. Salmonsens
CONSUMER LAW CENTER, INC.
38 West Santa Clara Street
San Jose, California 95113-1806
(408) 294-6100
fred.schwinn@sjconsumerlaw.com

8. How Will My Claims Be Affected If I Am A Member of The Class?

Unless you exclude yourself as a Class Member pursuant to Section 6 above, all of the Court's orders in this case will apply to you. If the Court rules on the claims in this Lawsuit as described above, all members of the class will be governed by the ruling.

9. How Will Class Counsel's Fees and Expenses be Paid?

If Mr. Kashanian is successful in pursuing the Lawsuit, Class Counsel will seek Court approval for an award of reasonable attorneys' fees, costs and expenses from Defendant. All such amounts must be approved by the Court, and would be paid by Defendant.

10. How Will the Costs Associated With the Notice and Administration Be Paid?

The costs associated with the notice and administration of this lawsuit will be paid by Class Counsel. If Mr. Kashanian is successful in this lawsuit, Class Counsel will request that the Court order the Defendant to repay these costs and expenses.

11. Where Can I Obtain More Information About this Lawsuit?

This Notice is only a summary of the proceedings in the Lawsuit. If you want additional information about the Lawsuit, you may contact Class Counsel, using the contact information listed in Section 7, or the Class Administrator using the contact information listed in Section 6. Please include the case name and number of the Lawsuit, and your name and your current address on any letters. You may review the file in this case at the Office of the Clerk, at the Lake County Superior Court, 255 N. Forbes Street, 4th Floor, Lakeport, CA 95453, or the Court's website at: <http://portal.lake.courts.ca.gov/public-portal>.

**PLEASE DO NOT CONTACT THE COURT OR JUDGE.
THEY WILL NOT BE ABLE TO DISCUSS THIS CASE WITH YOU.**