

## NOTICE OF CLASS ACTION

This Notice concerns a lawsuit entitled *Remsnyder, et al. v. MBA Mortgage Services, Inc.*, Civil Action No.: 1:19- cv-00492-JRR, pending in the U.S. District Court for the District of Maryland (the “Lawsuit”). If you were a borrower or co-borrower on a residential mortgage loan from MBA Mortgage Services, Inc. (“MBA”) (including either an originated, brokered, or funded loan) that was closed by All Star Title, Inc. (“All Star”), between 7/1/2009 and 12/31/2015, you may be a borrower affected by the lawsuit.

### **A FEDERAL COURT AUTHORIZED THIS NOTICE. THIS IS NOT A LAWYER SOLICITATION.**

### **PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS**

**What is the Lawsuit about?** The Plaintiffs in the Lawsuit allege that between 7/1/2009 and 12/31/2015, All Star paid kickbacks to MBA employees and/or agents in exchange for their agreement to refer MBA loans to All Star for title and settlement services. Plaintiffs allege that MBA received and accepted kickbacks in the form of more than \$250,000 in monetary payments and other unlawful benefits. Plaintiffs also allege that MBA and All Star agreed to charge borrowers fraudulent title and settlement service charges on MBA loans and used the U.S. mail to solicit borrowers for this purpose. Plaintiffs seek to recover money damages for each borrower affected by MBA’s alleged conduct pursuant to 12 U.S.C. § 2607(d)(2) and 18 U.S.C. § 1964(c). MBA denies the allegations in the Lawsuit and denies that it is or may be liable for any of the claims asserted. On December 6, 2023, a default order was entered against MBA.

**Why did I get this Notice?** You received this Notice because the Court has ruled that the Lawsuit may be maintained as a claim for monetary relief on behalf of the Class and because MBA’s records show that you are a potential member of the Class described below. This Notice is intended to generally describe the nature of the Lawsuit and your legal rights and obligations.

**Who is part of the Class?** The Class includes all individuals in the United States who were borrowers on a mortgage loan obtained from MBA for which All Star provided a settlement service, as identified in Section 1100 on the borrower’s HUD-1 or Closing Disclosure, between July 1, 2009 and December 31, 2015. The RICO Subclass is comprised of all members of the MBA Class. The RESPA Subclass is comprised of all members of the MBA Class who were borrowers on a federally related mortgage loan (as defined under the Real Estate Settlement Procedures Act, 12 U.S.C. § 2602) between July 1, 2009 and December 31, 2015. The Class and Subclasses do not include any person who, during the period of July 1, 2009 and December 31, 2015, was an employee, officer, member, and/or agent of MBA or All Star.

**You are receiving this Notice because you are believed to be a potential member of the Class and at least one Subclass.**

### **YOUR LEGAL RIGHTS AND OPTIONS IN THIS CLASS ACTION**

<b>IF YOU WISH TO REMAIN A CLASS MEMBER</b>	You are not required to do anything at this time. If you choose to remain a Class Member, any claims against MBA for monetary relief arising from MBA’s conduct as alleged by the Plaintiffs will be determined in this case and cannot be presented in any other lawsuit.	
<b>IF YOU WISH TO BE EXCLUDED FROM THE CLASS, YOU MUST MAIL A REQUEST FOR EXCLUSION NO LATER THAN NOVEMBER 1, 2024</b>	This is the only option that allows you to retain your rights to independently sue MBA about the claims in this Lawsuit. In order to exclude yourself from the Class and Subclasses, you must follow the procedure described below and mail your Request for Exclusion to the MBA Class Notice Administrator, The Casey Group PO Box 201, Lightfoot, VA 23090-0201.	The Exclusion Deadline for Requests for Exclusion to be mailed to the Notice Administrator: <b>November 1, 2024</b>

These Rights and Options are explained in more detail below.

#### **1. What is a class action?**

In a class action lawsuit, one or more people called Plaintiffs sue on behalf of others who may have similar claims. For a case to proceed as a class action, a court must certify a class. That is what has happened in this case. This ruling by the Court of a class action does not mean that any monetary relief will be obtained for the class members because these are contested issues that have not been decided. Rather, the ruling means that the final outcome of this lawsuit, whether favorable to Plaintiffs or Defendant, will apply in like manner to every member of the class who do not timely elect to be excluded from the class.

#### **2. How do I know if I am part of the Class and/or Subclasses?**

The Court has decided that everyone who fits this description is a Class Member:

All individuals in the United States who were borrowers on a mortgage loan originated or brokered by MBA Mortgage Services, Inc., for which All Star Title, Inc., provided a settlement service, as identified in Section 1100 on the borrower’s HUD-1 or on the Closing Disclosure between July 1, 2009 and December 31, 2015. Exempted from this class is any person who, during the period of July 1, 2009 through December 31, 2015, was an employee, officer, member and/or agent of MBA Mortgage Services, Inc. or All Star Title, Inc.; any judicial officer who handles this case, and the immediate family members of such judicial officer(s).

The RICO Subclass is comprised of all members of the MBA Class.

The RESPA Subclass is comprised of all members of the MBA Class who were borrowers on a federally related mortgage loan (as defined under the Real Estate Settlement Procedures Act, 12 U.S.C. § 2602).

If your name appears on this Notice, then certain loan records indicate that you are likely a member of the Class and one or both Subclasses.

You may go to [www.AllStarMBAClassAction.com](http://www.AllStarMBAClassAction.com) for more information about the lawsuit and to see certain court documents, including the Complaint, the Court’s Order certifying the MBA Class, a copy of this court approved Class Notice, and the Request for Exclusion form. You may also contact the Notice Administrator, The Casey Group, with questions at 410-885-4038.

You may also contact Class Counsel with any questions at the email or phone numbers listed in Section 6, below.

**3. Who represents the Class and Subclasses in the Lawsuit?**

The Class is represented by Class Representatives, who are Plaintiffs in the Lawsuit. The court-appointed Class and Subclasses Representatives are: Matthew Remsnyder, Kimberly McMillen, Lucy Strausbaugh, Vernon and Crystal Miller, Bonnie Vaughn, Edward and Karen Leech, Jr., Ellen Geiling, Ted and Andrea Doederlein, Randall Taylor, and Edward and Anna Barth, Jr.

The Court has also appointed Plaintiffs’ Counsel to serve as Class Counsel for the Class and Subclasses. Class Counsel for the Class and Subclasses are: Michael Paul Smith and Melissa L. English of the law firm Smith, Gildea & Schmidt, LLC and Timothy F. Maloney and Veronica B. Nannis of the law firm Joseph, Greenwald & Laake, P.A. Class Counsel may be contacted using the information identified in Section 6, below.

If you desire, you may also appear by your own attorney at your own expense. You may also seek to intervene individually and may advise the Court if at any time you consider that you are not being fairly and adequately represented by Plaintiffs and Class Counsel.

**4. What must Class Members do?**

If you wish to remain a member of the class, you do not have to do anything. By remaining a Class and Subclass member, any claims against MBA for monetary relief arising from MBA’s conduct as alleged by the Plaintiffs will be determined in this case and cannot be presented in any other lawsuit. Your participation in any recovery, which may be obtained from MBA through trial or settlement, will depend on the results of this lawsuit. If no recovery is obtained for the Class and Subclasses, you will be bound by that result also.

You may be required as a condition of participation in any recovery through settlement or trial to present evidence respecting your membership in the Class and Subclasses, and the monetary relief to which you are entitled. You should, therefore, collect and preserve documents related to your mortgage transaction with MBA. If you have evidence you believe would be helpful to Counsel, you may communicate with Class Counsel regarding that evidence.

You will be entitled to notice of any ruling reducing the size of the Class and Subclasses in which you are a member and also to notice of, and an opportunity to be heard respecting, any proposed settlement or dismissal of the class claims. For this reason, as well as to participate in any recovery, you are requested to notify Class Counsel of any corrections or changes in your name or address.

**5. How do Class Members exclude themselves from the Class and Subclasses?**

Any member of the Class and/or Subclasses shall have the right to opt-out or exclude themselves from the Class and Subclasses by sending a written Request for Exclusion from the Class to the Notice Administrator at the following address:

MBA – All Star Class Action Litigation, The Casey Group, Ltd, PO Box 201, Lightfoot, VA 23090-0201

An Exclusion Request has been included with this Notice. To be excluded from the Class and Subclasses, the Class Member must complete this Exclusion Request, sign the Exclusion Request, and mail the Exclusion Request to the Notice Administrator **no later than the Exclusion Deadline of November 1, 2024**. A separate request for exclusion should be completed and timely mailed for each person or entity electing to be excluded from the Class and Subclasses. Co-borrowers on a loan must both submit a timely and valid Request for Exclusion to be excluded from the Class.

If you submit a timely and valid Request for Exclusion from the Class, you will not be a part of the Class (or Subclass), will not be eligible to participate in the Lawsuit, will not be bound by any result obtained from this Lawsuit whether or not obtained in favor of Plaintiffs, and will not be precluded from legally pursuing MBA in an individual capacity.

**6. What happens if Class Members request exclusion?**

You will not share in any recovery that might be paid to Class and Subclass members as a result of trial or settlement of this lawsuit.

You will not be bound by any decision in this lawsuit favorable to MBA.

You may present any claims you have against MBA by filing your own lawsuit, or you may seek to intervene in this lawsuit.

If you have questions concerning the Lawsuit, including any corrections or changes of name or address, you should not contact the Court, but should contact, in writing, Class Counsel at:

Class Counsel, MBA – All Star Class Action Litigation, 600 Washington Avenue, Suite 200, Towson, MD 21204

If you decide to remain a member of the Class and wish to communicate with Class Counsel as your attorney in this litigation, you may do so by writing or calling the following:

Michael Paul Smith, Esq.  
Melissa L. English, Esq.  
Smith, Gildea & Schmidt, LLC  
600 Washington Avenue, Suite 200  
Towson, MD 21204  
(410) 821-0070  
Email: mpsmith@sgs-law.com  
Email: menglish@sgs-law.com

Timothy F. Maloney, Esq.  
Veronica B. Nannis, Esq.  
Joseph, Greenwald & Laake, P.A.  
6404 Ivy Lane, Suite 400  
Greenbelt, MD 20770  
(301) 220-2200  
Email: tmaloney@jgllaw.com  
Email: vnannis@jgllaw.com

You may, of course, seek the advice and guidance of your own attorney if you desire and at your own expense. The pleadings and other records in this litigation may be examined and copied at any time during regular office hours at the office of the clerk, U.S. District Court for the District of Maryland, 101 West Lombard Street, Baltimore, Maryland 21201.

Dated: September 17, 2024

Clerk of Court  
United States District Court for the District of Maryland  
101 West Lombard Street  
Baltimore, Maryland 21201

## **EXCLUSION REQUEST**

**Read this enclosed legal notice carefully before filling out this form.**

The undersigned has read the notice of class action, dated, September 17, 2024, and does **NOT** wish to remain a member of the Plaintiffs' Class and Subclasses certified in the case of *Remsnyder, et al. v. MBA Mortgage Services, Inc.*, Civil Action No.: 1:19-cv-00492-JRR in the United States District Court for the District of Maryland.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Typed or Printed name: \_\_\_\_\_

**If you want to exclude yourself from the Class, you must complete and return this form by mailing before November 1, 2024 to:**

Notice Administrator  
MBA – All Star Class Action Litigation  
The Casey Group  
PO Box 201  
Lightfoot, VA 23090-0201

A separate request for exclusion should be completed and timely mailed for each person or entity electing to be excluded from the Class. **Co-borrowers on a loan must each complete and timely mail a request to be excluded from the Class.**