

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JOHN & JAMIE SALVAGNE  
plaintiffs, on behalf of  
and all similarly situated  
persons  
vs.  
FAIRFIELD FORD  
defendant

::  
:: Case No. 1:09cv234  
:: Judge S. Arthur Spiegel  
::  
::  
::

---

**Amended Proposed Notice of Pendency of Class Action Lawsuit**

---

**NOTICE TO CLASS MEMBERS**

**THIS IS TO NOTIFY YOU THAT THE ABOVE LAWSUIT HAS BEEN CERTIFIED AS A CLASS ACTION, THAT YOU HAVE BEEN IDENTIFIED AS A MEMBER OF THE CLASS AND THAT YOU HAVE CERTAIN RIGHTS INCLUDING THE RIGHT TO OPT-OUT OF THE CLASS.**

**THIS NOTICE EXPLAINS:**

- A. The lawsuit,
- B. The relief sought,
- C. Your rights,
- D. Further court proceedings, and
- E. Additional information.

**A. The Lawsuit**

A class action lawsuit was filed by the named Plaintiffs, John and Jamie Salvagne, against the Defendant, **Fairfield Ford**, on May 9, 2009 in the United States District Court for the Southern District of Ohio, Western Division in Cincinnati, Ohio alleging that Defendant violated the federal Truth-in-Lending Act, the Equal Credit Opportunity Act and the Ohio Consumer Sales Practices Act by failing to provide timely material credit disclosure, notices of adverse credit determination and for engaging in unfair and deceptive consumer sales

practices. **Defendant denies each and every allegation.** The Court has conditionally certified the following classes and subclass:

I. The TILA General Class & Subclass

- A. All persons who have signed a retail installment sale contract (RISC) prepared by Defendant and whose signatures were also obtained by Defendant on a form entitled "Limited Right to Cancel-Purchase (Spot Delivery)" or similar document purporting to give Defendant the ability to revoke the RISC under certain circumstances since May 9, 2008.
- B. A subclass of certain persons who belong to the general class described above who were subsequently contacted by the Defendant and required to sign a new retail installment sales contract with different terms and conditions since May 9, 2008.

II. The ECOA Class

- C. All persons who have signed a retail sale installment contract (RISC) prepared by Defendant and whose signatures were also obtained by Defendant on a form entitled "Limited Right to Cancel-Purchase (Spot Delivery)" or similar document purporting to give Defendant the ability to revoke the RISC under certain circumstances who were not provided a written adverse action notice by Defendant pursuant to 15 U.S.C. §§1691, et seq., and/or Regulation B since May 9, 2007.

III- The Ohio Class

- D. All persons who have signed a retail installment sale contract (RISC) prepared by Defendant and whose signatures were also obtained by Defendant on a form entitled "Limited Right to Cancel-Purchase (Spot Delivery)" or similar document purporting to give Defendant the ability to revoke the RISC under certain circumstances since May 9, 2007.

**The court has made no determination as to the merits of the claims or defenses being asserted in this case.**

**B. The Relief Sought for Class Members**

The possible relief available to class members if this lawsuit is successful may include the following all of which are disputed by Defendant:

**For violations of the federal Truth-in-Lending Act** — statutory damages totaling the lesser of \$500,000 or one percent of the net worth of Defendant shared equally by the class members who were subjected to Defendant's federal Truth-in-Lending Act violations. Plus actual damages sustained by each member of the subclass described herein.

**For violations of the Equal Credit Opportunity Act** — statutory damages totaling the lesser of \$500,000 or one percent of the net worth of Defendant shared equally by the class members who were subjected to Defendant's Equal Credit Opportunity Act violations.

**For violations of the Ohio Consumer Sales Practices Act**— Actual Damages sustained by each classmember.

### **C. Your Rights**

To be included as a member of the Class, you need not do anything at all. You also have the right to be excluded from this action and to proceed individually.

#### **How to Be Excluded From the Class:**

If you do not wish to be included in this Class Action, you must write Class Counsel, at the addresses below, within thirty (30) days of the postmark of this notice, and state that you opt-out of the Class. **If you choose to be excluded from the Class, you will be forever barred from making any claim under this Class Action.** However, you will continue to have the right to bring an individual lawsuit on your own behalf against the Defendant if you bring it within the time allowed by law. If you opt-out of this Class, bring your own lawsuit, and win, you might recover a larger amount of money than you would have received in this Class Action. If you were to lose your own lawsuit, however, you will recover nothing.

#### **Your Right to Intervene or File an Appearance**

You have the right to file an appearance or intervene (participate as a Plaintiff) in this case **on your own or through an attorney.** However, it is not necessary to appear or intervene in order to receive your share of any judgment or settlement as a member of the Class. If you do want to intervene or appear through your own attorney, you must do so within thirty days of the postmark of this Class Notice. Otherwise, you will be represented by Plaintiffs' attorneys in all further court proceedings. You will not be charged for this representation. If this Class Action is successful, attorneys' fees will be approved by the Court and be paid by the Defendant.

### **D. Further Court Proceedings**

Further proceedings in this case will be conducted before the Honorable S. Arthur Spiegel, Senior Judge, United States District Court Judge for the United States District Court for the Southern District of Ohio, Western Division. These proceedings may include determination of motions for summary judgment, pretrial proceedings, trial, approval of any proposed settlement, and other aspects of this litigation.

**E. Additional Information**

If you would like more information about this notice or the case itself, you may write or telephone Class Counsel at:

**Steven C. Shane**  
P.O. Box 73067  
Bellevue, Ky. 41073  
(859) 431-7800

**Raymond G. Ingalsbe**  
4400 PGA Blvd.  
Suite 800  
Palm Beach Gardens, FLA 33410  
(561) 775-3505

The court papers filed in this case are available for inspection in the Office of the Clerk, U.S. District Court for the Southern District of Ohio, Potter Stewart U.S. Courthouse, Room 103, 100 E. Fifth St., Cincinnati, Ohio 45202.

**Please do not call the Judge or Clerk of the Court. They will not be able to give you advice about this case.**