

STATE OF INDIANA            )     MARION COUNTY SUPERIOR COURT  
                                      ) SS:  
COUNTY OF MARION        )     CAUSE NO. 49D05-1708-CT-030047

JILLIAN MALONE, INDIVIDUALLY AND     )  
ON BEHALF OF ALL OTHERS SIMILARLY    )  
SITUATED,                                    )  
  )  
  Plaintiffs,     )  
  )  
  )  
  )  
WESTLANE FINANCING, INC.,                )  
AUGUSTA MOTORS, INC., JAMES LOWRY,     )  
NERZ LAW, P.C., C. WARREN NERZ, and     )  
KRISTIN E. NERZ,                            )  
  )  
  )  
  Defendants.     )  
\_\_\_\_\_  
  )

*An Indiana court authorized this notice – This is not a solicitation from a lawyer.*

**THIS IS A NOTICE OF A SETTLEMENT OF A CLASS ACTION LAWSUIT.  
THIS IS NOT A NOTICE OF A LAWSUIT AGAINST YOU.**

You are receiving this notice because you were identified as a person who was sued in small claims court by Westlane Financing, Inc. in Indianapolis after repossession of a vehicle you purchased from Augusta Motors, Inc.

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT**

<b>RETURN A CLAIM FORM BY <u>JULY 5, 2025</u></b>	By returning a completed claim form by <b><u>July 5, 2025</u></b> , you will remain in the Class and you will be entitled to receive a settlement check from the settlement fund, in an amount yet to be determined. You will also have the small claims judgment previously entered against you vacated and set aside.
<b>TAKE NO ACTION</b>	By taking no action, you will not receive a share of the settlement fund and will remain in the Class and be bound by the terms of the settlement. You will still have the small claims judgment previously entered against you vacated and set aside.
<b>EXCLUDE YOURSELF FROM THIS ACTION BY <u>JULY 5, 2025</u></b>	You will receive no benefits, but you will retain any legal claims you may have against the Defendants.
<b>OBJECT TO PARTICIPATION BY <u>JULY 5, 2025</u></b>	You may write to the Court explaining why you don't think this settlement is fair. You may also appear at the fairness hearing.
<b>ATTEND A HEARING</b>	Ask to speak in Court about the fairness of the settlement.

For more information, please call 1-(888)-925-4968 or visit [www.malonevwestlanecclass.com](http://www.malonevwestlanecclass.com).

### 1. What is this lawsuit about?

This lawsuit claims that Augusta Motors, Inc. and Westlane Financing, Inc., along with their attorneys—C. Warren Nerz, Kristin Kresge, and Nerz Law P.C—and owner—James Lowry—violated Indiana commercial laws after Westlane Financing, Inc. repossessed vehicles from Indiana consumers who had defaulted on their loans. Specifically, the lawsuit claims that Westlane Financing, Inc. did not conduct a commercially reasonable sale of the repossessed vehicles and sought to collect—through small claims lawsuits against consumers—moneys they were not entitled to collect.

### 2. Why is this a class action?

In a class action, one or more people called Class Representatives (in this case, Jillian Malone), sue on behalf of a group (or a “Class”) of people who have similar claims against the Defendant.

### 3. Why is there a settlement?

To avoid the cost, risk, and delay of litigation, the Parties to this lawsuit have reached a settlement agreement as to the Plaintiff’s individual claims and the claims of the Class.

### 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 Indiana citizens: (1) who purchased vehicles through a credit-purchase agreement with Augusta Motors, Inc. and/or Westlane Financing, Inc.; (2) whose vehicles were subsequently repossessed by Augusta and/or Westlane; (3) who received a Notice and/or Deficiency Letter from Augusta and/or Westlane regarding the resale of their repossessed vehicle; (4) who were later named as a defendant in a collection action filed by the Nerz Defendants on behalf of Augusta and/or Westlane; (5) who had a judgment entered against them in said collection action and in favor of Augusta and/or Westlane; and (6) who received a pleading in said collection action entitled “Correction of False Evidence” which informed that false evidence had been used by Augusta and/or Westlane and the Nerz Defendants to obtain said judgment.

The following persons, even if they meet each of the criteria above, are excluded from the Class: (1) All named Defendants herein and any of their subsidiaries, affiliates, predecessors, entities with which they might have merged, and immediate family members of any individual Defendant; (2) All persons who make a timely election to be excluded from the Class; (3) All persons who availed themselves of the invitation to seek redress of any claims through the Marion County Superior Court—Pike Township Small Claims Court; (4) The judge to whom this case is assigned and his or her immediate family members; (5) All counsel of record in this action and their immediate family members; and (6) Any consulting or testifying expert retained by either party to this litigation and his or her immediate family.

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There are approximately 597 people in the Class. According to Defendant's records, you are one such person.

## **YOUR BENEFITS UNDER THE SETTLEMENT**

### **5. What can I get from the settlement?**

If you timely submit a claim form, and the settlement is given final approval by the Court, you will receive an equal share of the \$36,750 Settlement Fund, although no individual class member shall receive an amount greater than \$1,000. The actual amount you receive will depend on how many of the 597 class members submit claims. Please be advised that if you receive \$600 or more from this settlement, you will be issued a 1099 by the Class Vendor. You are responsible for any taxes due on any settlement received in this class action.

In addition, all class members who do not exclude themselves from this class settlement will have their small claims judgments set aside and vacated. The total amount of the money judgments to be set aside exceeds \$3,000,000. You do not have to timely submit a claim form to have your judgment set aside and vacated; however, if you exclude yourself from this class, your judgment will not be set aside nor vacated.

### **6. When will I receive these benefits?**

You will receive these benefits approximately 35 days after the Court enters an order granting final approval to the Settlement. Epperly Re:Solutions, P.O. Box 673, Charleston, WV 25323, is the company that will be administering the settlement. Epperly Re:Solutions will be sending you the settlement check.

### **7. I want to participate in the settlement. What do I do?**

To participate in the settlement, you must return a completed claim form by **July 5, 2025**. That will allow you to remain in the Class and be entitled to receive a settlement check from the Settlement Fund.

### **8. What am I giving up if I remain in the settlement?**

By staying in the Class, all of the Court's orders will apply to you. In exchange, you will issue to Defendants a "release." A release means you cannot sue or be part of any other lawsuit against Defendants related to this automobile loan, its repossession, or the small claims lawsuit filed against you.

### **9. How much will the Class Representative receive?**

The Plaintiff, Jillian Malone, has been authorized to receive a payment of \$9,500.00 for her individual damages, which also takes into account her services to the Settlement Class. This payment is subject to the Court's approval.

For more information, please call 1-(888)-925-4968 or visit [www.malonevwestlaneclass.com](http://www.malonevwestlaneclass.com).

## EXCLUDING YOURSELF FROM THE CLASS

If you do not wish to remain in the Class and receive a share of the settlement, and you want to keep your legal claims against the Defendants, then you must take the following steps to exclude yourself from the Class. If you take these steps, you will not have your small claims judgment set aside or vacated.

10. How do I get out of the Class?

To exclude yourself from the Class, you must send a letter by mail stating that you want to be excluded from the Class in the case of *Malone v. Westlane Financing, Inc., et. al.*, Case No. 49D05-1708-CT-030047. Be sure to include your name, address, telephone number, and your signature. You must mail your exclusion request so that it is postmarked **no later than July 5, 2025**, to:

Epperly Re:Solutions  
P.O. Box 673  
Charleston, WV 25323

## DO NOT SEND NOTICES OF EXCLUSION TO THE COURT

11. If I exclude myself, do I still receive benefits from this settlement?

No, you will not receive anything resulting from the settlement.

## THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in this case?

The Court has approved the law firm of Starr Austen & Miller, LLP as the lawyers representing the Class. You will not be charged for these lawyers' services; they will receive a payment from Defendant in an amount to be determined by and approved by the Court. If you wish to be represented by your own lawyer, you may hire one at your own expense.

13. How will the lawyers be paid?

Defendants have agreed to pay Plaintiff's reasonable attorneys' fees and costs, in the court approved amount of \$250,000. This payment of attorneys' fees and costs will be paid separately from the Settlement Fund which Defendants are paying to the Class.

## OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the settlement or some part of it.

14. How do I tell the Court that I do not like the Settlement?

For more information, please call 1-(888)-925-4968 or visit [www.malonevwestlanecclass.com](http://www.malonevwestlanecclass.com).

If you are a Class member, you can object to the Settlement. In order to object to the Settlement, you must send a written objection (such as a letter or legal brief) stating that you object and the reasons why you think the Court should not approve the Settlement. Your objection must be personally signed by you and include: (1) your name, address, telephone number, (2) the name and number of the case: *Malone v. Westlane Financing, Inc., et. al.*, Case No. 49D05-1708-CT-030047; and (3) the factual basis and legal grounds for your objection to the Settlement. If you have a lawyer and your lawyer who intends to appear at the Fairness Hearing, the lawyer must enter a written Notice of Appearance with the Court no later than **July 5, 2025**. You must mail your objection so that it is postmarked no later than **July 5, 2025** to:

Epperly Re:Solutions  
P.O. Box 673  
Charleston, WV 25323

**DO NOT SEND OBJECTIONS TO THE COURT**

**THE FAIRNESS HEARING**

The Court will hold a hearing to decide whether to approve the settlement. You may attend if you wish, but you are not required to do so.

15. Where and when is the fairness hearing?

The Court will hold a fairness hearing on **August 5, 2025**. 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 determine the appropriate amount of compensation for Class Counsel. 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.

**GETTING MORE INFORMATION – CONTACT:**

Class Counsel: Scott L. Starr, Jacob M. O'Brien, Gabriel H. Retz  
STARR AUSTEN & MILLER, LLP  
201 S. 3<sup>rd</sup> Street, Logansport, Indiana 46947

**DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR THE LITIGATION  
TO THE CLERK OF THE COURT OR TO THE JUDGE.**

They are not permitted to answer your questions.

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