

## If You Lost Rent Money Using eRent's Online Rent Payment Services, A Class Action Settlement May Affect You.

*A Colorado Court authorized this notice. This is not a solicitation from a lawyer.*

- Please read this Notice carefully. Your legal rights may be affected whether or not you act.
- This Settlement resolves litigation concerning alleged negligence of eRentPayment, LLC (“eRent”) and Base Commerce, LLC (d/b/a Check Commerce) in the management of funds intended for or directed from the Plaintiffs (the “Landlords”) in the case entitled *Todd Wasulko, et al. v. eRentPayment, LLC, et al. v. Base Commerce d/b/a CheckCommerce*, Case No. 2017-cv-031088 (the “Lawsuit”).
- You may be eligible for payment based on the Settlement of the Lawsuit if you are an eRent customer that (1) agreed to utilize eRent’s online rental payment-collection service to receive or process payments; (2) whose tenant(s) made a payment using eRent’s website between October 3, 2017 and October 12, 2017 (the “Class Period”) or who made payments to tenant(s) using eRent’s website during the Class Period; and (3) did not receive the payment made by the tenant or the tenant did not receive the payment made by the eRent customer.
- If you received a **Claim Statement** addressed specifically to you or your business, then your claim will automatically be processed and you do NOT need to submit a claim. If you qualify as a member of the Settlement Class and your copy of this Notice was not accompanied by a Claim Statement addressed specifically to you or your business, then you will need to fill out and submit a Claim Form which is available at [www.RentalPaymentClass.com](http://www.RentalPaymentClass.com) (see Question 11 below).
- The Court has not expressed any opinion concerning the truth of any allegations or defenses asserted in the Lawsuit. This Notice is solely to advise you of the proposed Settlement of the Lawsuit and of your rights in connection with the Settlement.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THE SETTLEMENT</b>	
<b>IF YOU RECEIVED (by mail or email) A CLAIM STATEMENT ADDRESSED TO YOU WITH THIS DOCUMENT</b>	If you received a Claim Statement, you do <b>not</b> have to submit a Claim; you will automatically receive a payment from the Settlement. If you did not receive a Claim Statement and you are a member of the Settlement Class, then you must submit a completed Claim Form to get a payment.
<b>SUBMIT A COMPLETED CLAIM FORM BY OCTOBER 5, 2020</b>	This is the only way to receive a payment if you did <b>not</b> receive a Claim Statement in the mail showing your name or business name as the intended recipient. If you do nothing, you will not receive a payment from the Settlement.
<b>OBJECT BY OCTOBER 5, 2020</b>	You can file an objection with the Court explaining why you disagree with the Settlement. See Question 16 for specifics.
<b>GO TO THE HEARING ON OCTOBER 23, 2020</b>	Ask to speak in Court about the Settlement. See Questions 17 and 19.
<b>EXCLUDE YOURSELF BY OCTOBER 5, 2020</b>	The only option that allows you to exclude yourself from the settlement and retain your rights against the Defendants. If you exclude yourself you will not receive any funds from the Settlement. See Questions 12 and 13 for specifics.

These rights and options – **and the deadlines to exercise them** – are explained in this Notice. A copy of the Settlement is available online at [www.RentalPaymentClass.com](http://www.RentalPaymentClass.com) or by calling **1-800- 960-7520**.

## BASIC INFORMATION

### 1. What is this Notice about?

This Notice is to inform you about the proposed Settlement (“Settlement”) that has been reached which may affect your rights, including your right to object or to exclude yourself from the Settlement. You have the right to know about the Settlement and about your legal rights and options before the Court decides whether to approve the Settlement.

The Court in charge is the District Court of Larimer County, Colorado. The case is entitled *Todd Wasulko, et al. v. eRentPayment, LLC, et al. v. Base Commerce d/b/a CheckCommerce, Case No. 2017-cv-031088* (the “Lawsuit”). The people that sued are called the Plaintiffs, and the companies they sued are called the Defendants (see Question 6).

### 2. What is the Settlement Class Period?

The Settlement Class Period is the time period commencing as of October 3, 2017, and continuing through October 12, 2017.

### 3. What is the Lawsuit about?

Plaintiffs have asserted claims alleging that Defendants eRent and Check Commerce are liable for a failure to fund payments from tenants to the Landlords or payments from Landlords to tenants directed through eRent’s website between October 3, 2017 and October 12, 2017. eRent and Check Commerce each deny any liability and have compelling legal defenses, including that any failure to transfer funds resulted from the conduct of a bankrupt non-party, eCHECKit.

To avoid the expense, uncertainty, and risks of continued litigation, eRent, Check Commerce, Named Plaintiffs and Plaintiffs’ Counsel consider it desirable to resolve the lawsuit through settlement. Plaintiffs’ Counsel believes that a settlement now provides the most money to the Settlement Class. A proposed settlement has been reached between Plaintiffs and Defendants eRent and Check Commerce in the Lawsuit.

### 4. What is a Class Action?

In a class action, one or more persons or businesses called class representatives sue on behalf of a group or a “class” of others with similar claims. If the Court determines that a case should proceed as a class action, then the group’s claims can be combined into a single proceeding, creating efficiencies for the parties and the courts. In a class action, the court resolves the issues for all class members except those who exclude themselves from the Class.

## WHO IS INCLUDED IN THE LAWSUIT?

### 5. Who are the Named Plaintiffs?

The named plaintiffs (“Named Plaintiffs” or “Class Representatives”) are Todd Wasulko, Rasheda Mayner, Ying Li, and Manish Singh.

### 6. Who are the Defendants?

The Defendants are eRentPayment, LLC (“eRent”) and Base Commerce, LLC (d/b/a Check Commerce).

## 7. How do I know if I am in the Settlement Class?

The “Settlement Class” consists of eRentPayment, LLC (“eRent”) customers that (1) agreed to utilize eRent’s online rental payment-collection service to receive or process payments; (2) whose tenant(s) made a payment using eRent’s website between October 3, 2017 and October 12, 2017 (the “Class Period”) or who made payments to tenant(s) using eRent’s website during the Class Period; and (3) did not receive the payment made by the tenant or the tenant did not receive the payment made by the eRent customer.

You are not a member of the Settlement Class if your tenants did not make any payments through eRent’s website; or if your tenants initially submitted payment through eRent’s website between October 3, 2017 and October 12, 2017, but then had their payment returned to them by reversing the transaction.

## THE SETTLEMENT’S BENEFITS

### 8. What does the Settlement provide?

The proposed Settlement establishes Settlement Funds totaling \$450,000.

The Settlement Funds will be used to pay (1) the Settlement Class members in this Lawsuit; (2) the cost to administer the Settlement; (3) attorneys’ fees; (4) litigation expenses, and (5) payments to the Named Plaintiffs (see Question 9).

The Settlement Agreement and the papers filed in support of the Settlement are available for review and download at [www.RentalPaymentClass.com](http://www.RentalPaymentClass.com) or you can request copies by calling 1-800- 960-7520.

### 9. How much money can I get?

- A. No money will be distributed to the Class yet. The plan of distribution for the Settlement funds will depend on several factors, including the percentage of the Members of the Class who opt out and whether either Defendant exercises its discretionary right to decline to participate in the Settlement because a threshold of Class member participation is not met.
- B. If the number of Class Members who request to be excluded from the Settlement (see Questions 12 & 13) exceeds 15% of the Class or represents in excess of \$100,000.00 in aggregate claims, then either Defendant or both may elect to withdraw from the Settlement. If Defendant Check Commerce withdraws, Settlement Funds will be reduced by \$250,000. If Defendant eRent withdraws, Settlement Funds will be reduced by \$200,000.
- C. If the Court approves the Settlement, each member of the Settlement Class who does not opt-out will receive a distribution from the Settlement.
- D. The amount of your distribution will be calculated based on the Defendants’ records that show the amount of your unpaid payments as described in your Claim Statement. If you disagree with this amount, you can challenge the information by contacting the Settlement Administrator and submitting clear documentary evidence that you are owed a different amount. If you do not challenge the amount of unpaid rent before the deadline provided in the Claim Statement, then the Settlement Administrator will use the amount listed in your Claim Statement to determine your distribution from the Settlement Fund. The Settlement Administrator is authorized to resolve any dispute regarding your unpaid payments, subject to the Court’s review and approval.
- E. Details of the proposed distribution of the Settlement Funds are set forth in the Joint Motion for Approval of Class Settlement (“Joint Motion”), which is posted at [www.RentalPaymentClass.com](http://www.RentalPaymentClass.com). In summary, the Joint Motion provides for distribution of the Settlement Funds as follows:

- (a) \$299,000 to be allocated, as described above, to members of the Settlement Class;
- (b) The Named Plaintiffs shall share an incentive award of \$10,000 as follows: (i) \$3,000.00 for both Rasheda Mayner and Todd Wasulko, and (ii) \$2,000.00 for both Ying Li and Manish Singh, in addition to their settlement payments.
- (c) The expenses of the Settlement Administrator for notice and administration of this Settlement. Such expenses are estimated to be \$19,500 but may be greater. Plaintiffs' Counsel shall seek the Court's review and approval if such expenses exceed \$25,000.
- (d) Plaintiffs' Counsel's fees shall be paid one-time cash payout equal to 27% of the gross Settlement proceeds or \$121,500.

In order to receive a payment you will need to review your Claim Statement carefully. Further information is available at [www.RentalPaymentClass.com](http://www.RentalPaymentClass.com) or by calling **1-800- 960-7520**.

#### 10. When will I get a payment?

**Payments will be distributed if the Court grants final approval to the Settlement and after any appeals are resolved. If the Court approves the Settlement after the hearing on October 23, 2020, there may be appeals. We don't know how much time it could take to resolve any appeals that may be filed.**

### HOW TO GET A PAYMENT CHECK

#### 11. How can I get a payment check?

Members of the Settlement Class who receive a Claim Statement will receive a payment unless you exclude yourself. See Question 12 below about exclusions. Settlement Class members who dispute the amount of unpaid payments listed in their Claim Statement must submit documentation to support their dispute before the deadline provided in the Claim Statement.

Members of the Settlement Class who did not receive a Claim Statement will need to fill out and submit a claim form with their supporting documentation in order to get paid.

Claim forms are available at [www.RentalPaymentClass.com](http://www.RentalPaymentClass.com) or you can obtain a copy by calling, toll free, **1-800-960-7520**, or by writing to The Notice Company at the address below. To be valid, Claim Forms must be mailed and postmarked no later than **OCTOBER 5, 2020**, and addressed to:

Rental Payment Class  
c/o The Notice Company  
P.O. Box 455  
Hingham, MA 02043

Or you may scan your completed Claim Form and send it by email to: [claims@RentalPaymentClass.com](mailto:claims@RentalPaymentClass.com)

## RIGHT TO EXCLUDE YOURSELF

### 12. May I exclude myself from the Settlement?

If you do not wish to participate in the settlement, you have the right to exclude yourself. By excluding yourself from the Settlement you will keep your right to sue any of the Defendants about the claims alleged and settled in this case (see Questions 3 and 8). If you exclude yourself, you will not receive any money from the Settlement.

### 13. How do I exclude myself from the Settlement?

In order to exclude yourself from the Settlement, and keep your individual rights, if any, to sue the Defendants, you must send a written request for exclusion to the Settlement Administrator to the following address:

Rental Payment Class Exclusions  
c/o The Notice Company  
P.O. Box 455  
Hingham, MA 02043

To be valid, your exclusion request must be postmarked by **no later than OCTOBER 5, 2020**. Your request for exclusion must (a) specify your full name and mailing address, (b) be signed and dated, and (c) state that you request to be “Excluded from the Rental Payment Class Settlement (*Wasulko, et al. v. eRentPayment, LLC, et al. v. Base Commerce d/b/a CheckCommerce*, Case No. 2017-cv-031088) in the State of Colorado”. A member of the Settlement Class submitting such a timely request shall be deemed excluded from the Settlement Class and from this Settlement.

Any member of the Settlement Class who does not file a timely written request for exclusion will be bound by the Settlement and all subsequent proceedings, orders and judgments in this lawsuit, even if that member of the Class does not cash their payment or subsequently initiates litigation against the Defendants relating to the matters released. The Court documents describe the released claims in detail, so read them carefully. If you have any questions, you may call the toll-free number and speak to the Settlement Administrator. You may also consult your own lawyer at your own expense. The Court documents are available at [www.RentalPaymentClass.com](http://www.RentalPaymentClass.com).

## THE LAWYERS REPRESENTING YOU

### 14. Do I have a lawyer representing me?

The Court has appointed Ian T. Hicks, The Law Office of Ian T. Hicks, LLC, 6000 East Evans Ave, Bldg. 1, Suite 140, Denver, CO 80222 (email address: [ian@ithlaw.com](mailto:ian@ithlaw.com)), to represent you as “Plaintiffs’ Counsel” for the Settlement Class. You do not have to pay Plaintiffs’ Counsel separately. The attorneys will seek compensation by asking the Court for an award from the Settlement Funds.

### 15. How will the lawyers be paid?

Plaintiffs’ Counsel will ask the Court for 27% of the gross Settlement fund plus reimbursement for costs and expenses in full settlement of attorneys’ fees, costs, expenses, and any other sum to which Plaintiffs’ Counsel may claim entitlement in the Lawsuit.

If you want to be represented by your own lawyer, and have that lawyer appear in court for you in this case, you may hire one at your own expense. Any award of attorneys’ fees, litigation expenses and awards that the Court orders, plus the costs to administer the Settlement, will come out of the Settlement Funds and is subject to Court approval.

**OBJECTING TO OR COMMENTING ON THE SETTLEMENT,  
PLAN OF DISTRIBUTION, ATTORNEYS' FEES AND LAWSUIT EXPENSES,  
AND AWARDS TO NAMED PLAINTIFFS**

**16. How do I object or comment on the Settlement?**

You can ask the Court to deny approval by filing an objection to the Settlement Agreement. If the Court denies approval, no settlement payments will be sent out and the Lawsuit will continue.

You may object to the Settlement Agreement in writing. Written objections should include the following information:

- Your full name, current mailing address, telephone number, and if you are being assisted by a lawyer, the lawyer's name, address and telephone number;
- The case name and number of the Litigation (*Wasulko, et al. v. eRentPayment, LLC, et al. v. Base Commerce d/b/a CheckCommerce*, Case No. 2017-cv-031088);
- A statement establishing your membership in the Settlement Class;
- A brief explanation of your reasons for objecting; and
- Your signature.

An objection must be submitted to the Court either by mailing it to the Clerk at the address below, or by filing it in person at the Courthouse. **To be valid, objections must be filed with the Court or postmarked on or before OCTOBER 5, 2020:**

COURT
Clerk of The Court Larimer County District Court 201 LaPorte Avenue, Suite 100 Fort Collins, CO 80521

**Copies of the objection must be mailed, postmarked on or before OCTOBER 5, 2020, to counsel to the parties and to the Settlement Administrator as follows:**

Plaintiffs' Counsel	Defendants' Counsel	Settlement Administrator
Ian T. Hicks, Esquire The Law Office of Ian T. Hicks, LLC 6000 East Evans Ave, Bldg. 1, Ste 140 Denver, CO 80222	Alice Conway Powers, Esquire Jon J. Olafson, Esquire Shawna M. Ruetz, Esquire Lewis Brisbois Bisgaard & Smith LLP 1700 Lincoln St, Ste 4000 Denver, CO 80203	Rental Payment Class c/o The Notice Company P.O. Box 455 Hingham, MA 02043
	Aaron A. Boschee, Esquire Achieve Law Group, LLC 146 West 11th Avenue Denver, CO 80204	

## THE FAIRNESS HEARING

### 17. When and where will the Court consider the Settlement, the plan of distribution, request for attorneys' fees, litigation expenses, and awards to Named Plaintiffs?

The hearing for Final Approval of the Settlement ("Final Approval Hearing") will be held on October 23, 2020 at 9:00 a.m., before the Honorable Julie Kunce Field, Colorado District Court Judge, at the District Court of Larimer County, 201 LaPorte Avenue, Courtroom 5A, Fort Collins, CO 80521. The Court may adjourn the Settlement Hearing from time to time and without further notice to the Settlement Class, so you should routinely check the website [www.RentalPaymentClass.com](http://www.RentalPaymentClass.com) for current information.

The purpose of the Final Approval Hearing will be to determine: (1) whether the proposed settlement, as set forth in the Settlement Agreement, should be approved as fair, reasonable, and adequate to the Members of the Settlement Class; (2) whether the proposed plan to distribute the Settlement Funds is fair, reasonable, and adequate; (3) whether the application by Plaintiff's Counsel for an award of attorneys' fees and expenses and by the Named Plaintiffs for incentive awards should be approved; and, if so, in what amounts; and (4) whether the stipulation for dismissal described in the Settlement Agreement, should be filed.

### 18. Do I have to come to the hearing?

No. Plaintiffs' Counsel will answer any questions the Court may have. But you are welcome to come at your own expense. If you file an objection or comment, you don't have to come to Court to talk about it. As long as you filed your written objection on time, your objection will be presented to the Court for its consideration. You may also pay another lawyer to attend on your behalf, but it's not required.

### 19. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must file a "Notice of Intent to Appear in *Wasulko, et al. v. eRentPayment, LLC, et al. v. Base Commerce d/b/a CheckCommerce*, Case No. 2017-cv-031088." Be sure to include your name, address, telephone number and your signature. Your Notice of Intent to Appear must be submitted to the Court either by mailing it to the Clerk at the address in Question 16, or by filing it in person at the Courthouse no later than October 5, 2020. You cannot speak at the hearing if you excluded yourself from the Settlement Class.

## GET MORE INFORMATION

### 20. Where can I get more information?

This notice summarizes the Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at [www.RentalPaymentClass.com](http://www.RentalPaymentClass.com).

**ALL INQUIRIES CONCERNING THIS NOTICE SHOULD BE MADE TO THE  
SETTLEMENT ADMINISTRATOR OR TO PLAINTIFFS' COUNSEL.**

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK'S OFFICE.**