

CUYAHOGA COUNTY COURT OF COMMON PLEAS

**If Your Vehicle Was Repossessed and Sold by Avid Acceptance, LLC
in the State of Ohio, You Could Receive Benefits from a Class
Settlement.**

The Cuyahoga County Court of Common Pleas authorized this Settlement Class Notice.

This is not a solicitation from a lawyer.

- ❖ This class settlement (“Settlement”) resolves a lawsuit between Avid Acceptance, LLC (“Avid”) and Ms. Aria Smith, who brings claims on behalf of herself and putative members whose vehicles were repossessed and sold by Avid (the “Settlement Class”). The lawsuit concerned, in part, Avid’s repossession and sale of vehicles and the notices relating to those repossessions.
- ❖ You have been identified as a potential member of the Settlement Class.
- ❖ In the lawsuit, Avid brought claims against Ms. Smith, which Ms. Smith expressly denies. Ms. Smith, on behalf of herself and those similarly situated, brought claims against Avid, which Avid expressly denies. Without admitting to liability, both sides of the lawsuit have agreed to settle their claims.
- ❖ The Settlement avoids costs and risks to the parties, including the Settlement Class, from continuing the lawsuit; secures money for Settlement Class members who paid money to Avid after the repossession and sale of their vehicle; and also relieves Settlement Class members of the obligation to pay the balance remaining on their accounts.

Your Legal Rights and Options in This Settlement

Accept the Settlement Benefits	You will receive the benefits under the Settlement automatically if the Court approves the Settlement. You do not have to do anything. This notice will inform you if you are a member of the Deficiency Balance Subclass or Deficiency Payment Subclass. You can only be a member of one of the subclasses. If you are a member of the Deficiency Balance Subclass or Deficiency Payment Subclass, in accepting the benefits of the Settlement, you give up any rights to sue Avid or anyone else about your contract and the legal claims that were made or could have been made in this lawsuit.
Object to the Settlement	Write to the Court about why you object to the Settlement. The Court will consider such objections when deciding on whether to approve the Settlement.
Opt Out of the Class	Send your Opt-Out Notice as detailed below. You will receive no Settlement benefits. This option allows you to bring your own lawsuit, at your own expense, for the same legal claims in this lawsuit, should you have any.

- ❖ **The two sides of the lawsuit disagree on how much money could have been won if the Settlement Class won at trial, or if the Settlement Class could have won at all. But the parties have mutually agreed to this Settlement as a way to avoid those risks and resolve this lawsuit.**
- ❖ **In addition to providing you with benefits, this Settlement affects your legal rights, as described below. Read this notice carefully.**
- ❖ **Your rights and options are explained in this Settlement Class Notice (the “Notice”). To opt out or object, you must act before March 4, 2026.**
- ❖ **The Court has yet to decide whether to approve the Settlement. Payments and account balance waivers as described in this Notice will be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.**
- ❖ **For further information, see below.**

Basic Information

1. Why did I get this Notice?

Avid’s records show that your vehicle was repossessed and sold by Avid in the state of Ohio after October 13, 2016, and a balance remained on your account after the sale of your vehicle. In connection with the repossession and sale of the vehicle by Avid you were sent certain post-repossession notices that were the subject of this lawsuit.

The Court ordered that you be sent this notice because you have a right to know about the proposed Settlement and your options before the Court decides whether to approve the Settlement. If the Court approves the Settlement, and after any objections and appeals are resolved, Avid will make certain payments according to the terms of the Settlement and ensure that the balance eliminations provided for by the Settlement are made.

This notice explains the lawsuit, the Settlement, your legal rights, what benefits are available, and how to obtain them. The Court in charge of the case is the Cuyahoga County Court of Common Pleas, and the case is known as *Avid Acceptance, LLC v. Aria C. Smith*, Case No. CV-22-969939. Aria Smith (“Ms. Smith”) is the individual who filed the class-action counterclaim in this lawsuit.

2. What is this lawsuit about?

Avid was assigned automobile financing contracts made between automobile dealers and consumers. Consumers who failed to timely pay the amounts due to Avid and had their vehicles repossessed and sold by Avid in the state of Ohio received notices regarding the repossession and sale of the vehicle. Ms. Smith alleges that these notices regarding the repossession and sale of the vehicles, sent by Avid to the consumers, did not comply with Ohio law. However, Avid

alleges that the notices were sufficient and in compliance with Ohio law. At no point has the Court ruled on either party's allegations, and neither party admits to liability as a part of this Settlement.

3. What is a class action and who is involved?

In a class action, one or more people called a "Class Representative" (in this case, Ms. Smith) sued on behalf of other people who the Class Representative contends have similar claims. That group of people together are a "Class" or "Class Members." One court resolves the issues for everyone in the Class. Judge William T. McGinty (the "Judge") is the judge in charge of this Class Settlement.

4. Why is there a Settlement?

The Court has not decided in favor of Ms. Smith or Avid. Ms. Smith believes she would have won at trial and Avid thinks it would have won, but there was no trial. Instead, both sides have agreed to settle this matter. Settlement is favored to avoid the costs of trial, eliminate the parties' risks of losing at trial, and ensure that the Class will be compensated. The Class Representative and Class Counsel believe the Settlement is best for all Class Members.

Who Is in the Settlement

5. How do I know if I am part of the Settlement?

You were sent this notice because Avid's records show that you fit the definition of a Settlement Class Member.

You are in the class if: Your vehicle was repossessed and sold by Avid in Ohio, and you were sent one or more Post-Repossession Notices by or on behalf of Avid between October 13, 2016, and April 30, 2025, in connection with the repossession and sale of the vehicle and a balance remained on your account after the sale of your vehicle.

You are *not* in the class if: You have already reached an agreement with Avid regarding the payment of the account or a reduction of the balance; you are subject to an existing release or judgment that would include the claims at issue; you redeemed your vehicle after repossession for the time period identified; you have filed for bankruptcy after buying the vehicle and obtained a discharge; you are a debtor in a pending bankruptcy; or you send a request for exclusion that is **timely** received.

The Settlement Benefits – What You Receive Under the Settlement

6. What does the Settlement provide?

Avid has agreed to establish a fund of \$325,000.00 (the “Settlement Fund”) to pay Settlement Class Members, a class representative incentive payment to Ms. Smith, and attorneys’ fees awarded by the Judge to Class Counsel.

Deficiency Balance: *Avid will waive its right to collect any balance you currently owe to Avid, reducing your account balance to \$0, if you currently have an outstanding balance on your Avid account after the repossession and sale of your vehicle. Your Deficiency Balance is estimated to be [the amount found on your individual notice].*

Deficiency Payment: *If you paid an amount greater than \$25.00 toward your account balance after repossession and sale of your vehicle, you will receive any such payments back in cash via check. Also, Avid will waive its right to collect the remaining balance owed on your account and your balance will be reduced to \$0. Your Deficiency Payment is estimated to be [the amount found on your individual notice].*

If your Deficiency Payment amount is \$0.00, then you are in the Deficiency Balance subclass. If your Deficiency Payment amount is greater than \$0.00, then you are in the Deficiency Payment subclass.

The Lawyers Representing You

7. Do I have a lawyer in this case?

The Court has decided that the following lawyer is qualified to represent you and all Class Members. This lawyer is referred to as “Class Counsel” in this Notice:

Ronald Frederick
Frederick & Berler LLC
767 East 185th Street
Cleveland, Ohio 44119

Mr. Ronald Frederick, Esq., is experienced in handling similar cases. More information about this attorney, his practice, and his experience is available at www.clevelandconsumerlaw.com.

8. How will the lawyers be paid?

Class Counsel has been litigating this case since 2023 and has incurred substantial legal fees to date. Class Counsel will ask the Court to approve payment of an amount not greater than \$279,701.00 to him for attorneys’ fees and expenses, and payment of \$25,000.00 to Ms. Smith for

her services as Class Representative. On or before March 11, 2026, Class Counsel will file a Motion and a Memorandum in Support detailing their fee request. These pleadings will be available for your review on the Court’s docket at <https://cpdocket.cp.cuyahogacounty.us>. The fees would pay Class Counsel for investigating the facts, litigating the case, and negotiating the Settlement. No fees and expenses are payable unless the Court finds them reasonable. The fees, expenses, and payments that the Court awards will be paid from the Settlement Fund established by Avid. Avid has agreed not to oppose an award of Class Counsel’s fees and expenses up to this amount. Avid’s lawyers will be paid by Avid, and their fees will not be paid from the Settlement Fund.

Objecting to the Settlement

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

9. How do I tell the Court I object to the Settlement?

To object, you must send a letter saying that you object to the proposed Class Settlement in *Avid Acceptance, LLC v. Aria C. Smith*, Case No. CV-22-969939. Be sure to include the case name, case number, your full name, address, telephone number, and a notarized written statement with your signature stating the reason you object to the Settlement along with any legal support for the objection. With your objection, provide copies of any papers, briefs, or other documents upon which your objection is based. Also state whether you or your own independent counsel intend to appear at the Fairness Hearing. You must also provide a list of all cases where you and/or your independent counsel have filed objections to class action settlements in the last five years. Any objection must be received by the Court no later than March 4, 2026. Mail the objection to these four different addresses:

Court	Class Counsel	Defense Counsel	Settlement Administrator
Cuyahoga County Court of Common Pleas 1200 Ontario Street, 1 st Floor Cleveland, OH 44113	Ronald Frederick Frederick & Berler LLC 767 East 185 th Street Cleveland, Ohio 44119	Christopher S. Baxter Sebaly, Shillito + Dyer 220 E. Monument Ave. Suite 500 Dayton, Ohio 45402	Avid v Smith c/o Settlement Administrator PO Box 23459 Jacksonville, FL 32241

Opting Out of the Settlement

You can opt out of the Settlement.

10. How do I opt out of the Settlement?

If you do not want to be part of the Settlement, you must send a letter saying you want to be excluded from the Settlement Class in *Avid Acceptance, LLC v. Aria C. Smith*, Case No. CV-22-969939. You must include your full name, current mailing address, and telephone number. The letter must be personally signed by you and include the statement: “I/we request to be excluded from the proposed Avid class settlement in *Avid Acceptance, LLC v. Aria C. Smith*, Case No. CV-22-969939.” Your request to be excluded must be received by March 4, 2026. You cannot opt out by phone or by email. If you request to be excluded, any co-obligor on your account will also be deemed to be excluded. You must send your opt-out notices to the following four addresses:

Court	Class Counsel	Defense Counsel	Settlement Administrator
Cuyahoga County Court of Common Pleas 1200 Ontario Street, 1 st Floor Cleveland, OH 44113	Ronald Frederick Frederick & Berler LLC 767 East 185 th Street Cleveland, Ohio 44119	Christopher S. Baxter Sebaly, Shillito + Dyer 220 E. Monument Ave. Suite 500 Dayton, Ohio 45402	Avid v Smith c/o Settlement Administrator PO Box 23459 Jacksonville, FL 32241

The Court’s Fairness Hearing

The Court will hold a hearing to decide whether to approve the Settlement. You may attend, but you do not have to.

11. When and where will the Court decide whether to approve the Settlement?

The proposed Settlement must be finally approved by the Court to go into effect. On March 18, 2026, in the Cuyahoga County Court of Common Pleas, a hearing will be held on whether the proposed Settlement should be approved as fair, reasonable, and adequate. The Court is located at 1200 Ontario Street, Cleveland, OH 44113. If there are objections, the Court will consider them. The Fairness Hearing will be limited to argument by counsel for the Parties and argument by any objector or objector’s counsel who have submitted an objection in compliance with this Agreement and the Preliminary Approval Order. The Court may decide how much to pay to Class Counsel. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

12. Do I have to come to the hearing?

No, you do not have to come to the hearing. Class Counsel will answer questions Judge William T. McGinty may have. But you and/or your independent counsel are welcome to come. If you send an objection, you don't have to come to Court to present it. As long as your written objection was received on time and complies with the requirements in this notice, the Court will consider it. You may also pay your own independent lawyer to attend, but this is not necessary.

If You Do Nothing/Accept the Settlement

13. What happens if I do nothing at all?

If you do nothing and the Settlement is approved by the Court, you'll receive the cash payment and/or elimination of your account balance, depending on which subclass you are in as described in this Notice. By accepting the Settlement and its benefits, you release your right to bring a lawsuit against Avid relating to your account or vehicle contract or to bring a lawsuit against Avid or anyone else about the legal issues in this case. This notice informs you if you are a member of the Deficiency Balance Subclass or Deficiency Payment Subclass and the benefit you are to receive under the Settlement.

You can only be a member of one of the subclasses.

Where to Find More Information

14. Additional Information.

This notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement from the Settlement Administrator's website at www.avidsmithsettlement.com. Questions or requests for information should **NOT** be directed to the Court. Should you have questions that are not answered by this notice, contact the Settlement Administrator at info@avidsmithsettlement.com or Class Counsel at (216) 502-1055.