

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT IN
AND FOR PALM BEACH COUNTY,
FLORIDA,

CASE NO.:502017CA003860XXXMB
CIVIL DIVISION: AE

HSBC BANK USA, NATIONAL ASSOCIATION
AS TRUSTEE FOR SG MORTGAGE
SECURITIES TRUST 2005 OPTI
ASSET-BACKED CERTIFICATE SERIES 2005,

Plaintiff Counter Defendant,

vs.

MONIQUE L'ITALIEN, and STEFANIE L'ITALIEN,
etc., et. ux., et al.,

Defendants/Counter Claimants

vs.

HSBC BANK USA, NATIONAL ASSOCIATION
AS TRUSTEE FOR SG MORTGAGE
SECURITIES TRUST 2005 OPTI
ASSET-BACKED CERTIFICATE SERIES 2005,
and OCWEN LOAN SERVICING, LLC.,

Defendants-in-Counterclaim

_____ /

NOTICE OF PENDENCY OF CLASS ACTION

TO: All persons in the state of Florida whose mortgage contracts have been or are being serviced by OCWEN LOAN SERVICING, LLC, acting on behalf of HSBC BANK and for other Notes or mortgage holders from February 15, 2014, until the present, where OCWEN attempted to collect through the mortgage account statements any of the following:

- a. Amounts for service of process for unknown spouse(s) and/or unknown tenant(s) in possession of subject

property or any such reference to unknown spouses or tenants such as “John Doe or “Jane Doe”.

- b. Amounts of attorney’s fees where legal services were not performed, or where there was no proof that any such legal services were performed or how much time was involved in performing said services, such as the legal services alleged to have occurred after the filing of the complaint through service of process.
- c. Amounts for property maintenance where neither OCWEN nor anyone on OCWEN’s behalf provided any maintenance on the property or the amount of registration fee for properties located in West Palm Beach, Florida from 2014 to 2020 where the property owner never vacated or abandoned the property; and
- d. Amounts attributable to attempts to collect mortgage payments that are not yet due.

This Notice is given pursuant to Rule 1.220 of the Florida Rules of Civil Procedure and by Order of the Circuit Court of the Fifteenth Judicial Circuit, in and for Palm Beach County, Florida. The purpose of this Notice is to inform you of a class action lawsuit, now pending in this Court, that has been brought on behalf of all those in the State of Florida who have their mortgages served by OCWEN LOAN SERVICING, LLC, or PHH Mortgage Corp. and who have either paid or have been charged the categories (a-d) listed above.¹

THE LITIGATION

It is alleged that OCWEN on behalf of HSBC and other note and mortgage holders have violated the Florida Consumer Collection (FCCPA), Section 559.55 et seq., the Florida Deceptive Unfair Trade Practices Act (“FDUTPA”), Section 501.21 et seq., and that OCWEN breached the provisions of the mortgage contract and loan modification agreement by attempting to collect improper service of process fees, attorney’s fees for legal work that never took place where OCWEN could not meet the legal burden for the recovery of legal fees from an adverse party, or property maintenance expense where no

¹ On June 1, 2019, Ocwen Loan Servicing, LLC, merged with PHH Mortgage Corp. For purposes of this lawsuit, PHH Mortgage Corp. has always been referred to as OCWEN.

property maintenance was performed, or were charged a registration cost for property in foreclosure located in West Palm Beach from 2014 until 2020, where the property was neither abandoned nor vacant, or attempting to collect mortgage payments that were not due when the payments were demanded.

PLAINTIFF CLASS

By Order dated September 30, 2024 (D.E. 1178). The Court certified the Class as listed above, and has designated as Class Representative, MONIQUE L'ITALIEN. On October 9, 2024, the Defendants appealed the Class Certification Order to the Fourth District Court of Appeal (D.E. 1180).

IMPORTANT NOTICE

CERTIFICATION BY THE COURT OF THIS CLASS DOES NOT MEAN THAT ANY RELIEF WILL BE OBTAINED FOR CLASS MEMBERS, BECAUSE THE ISSUES ARE CONTESTED AND HAVE NOT BEEN DECIDED. RATHER, THE CLASS ACTION RULING MEANS THAT THE ULTIMATE OUTCOME OF THIS LAWSUIT - WHETHER FAVORABLE TO PLAINTIFFS OR TO DEFENDANT - WILL APPLY IN A LIKE MANNER TO ALL CLASS MEMBERS. CLASS MEMBERS WHO DO NOT TIMELY ELECT TO BE EXCLUDED FROM THE CLASS WILL BE BOUND BY THE OUTCOME OF THIS LITIGATION, WHETHER THAT OUTCOME IS FAVORABLE OR UNFAVORABLE TO THE CLASS.

DEFENDANTS

Defendants – OCWEN LOAN SERVICING, LLC, and HSBC BANK

RELIEF SOUGHT FOR CLASS MEMBERS

- a. Refund of any payments made by class members for the improper charges listed above.
- b. Enjoining OCWEN and HSBC BANK from charging the improper fees listed above.

ELECTION BY CLASS MEMBERS

Even though you may be a member of the Class, you may choose whether or not to remain a class member. Your choice will have certain consequences.

If you wish to remain a member of the class, and be part of any potential recovery, and be bound by the outcome of this litigation, then you do not need to do anything at this time. You will be included in the class automatically. By remaining a class member any

claims against HSBC BANK and OCWEN as alleged in the Complaint will be determined in this case and cannot be presented by you in any other lawsuit.

If you **do not** wish to remain a member of the class or classes, you must submit the enclosed Request for Exclusion form **postmarked no later than February 28, 2025**. It must specify your name, address, and telephone number; and a clear statement that you wish to be excluded from the Class. Your Request for Exclusion should be mailed, first-class, to:

LOUIS M. SILBER, ESQUIRE
SILBER & DAVIS
501 S. Flagler Drive, Suite 306
West Palm Beach, Florida 33401
Counsel for Class Plaintiff

who will in turn promptly forward such a form to the Clerk of Court.

By electing to be excluded (1) you will not share in any potential recovery that might be obtained by the class as a result of trial or settlement of this lawsuit; (2) you will not be bound by any decision in this lawsuit favorable to defendant; and (3) you may present any claims you have against the defendant by filing your own lawsuit, or you may seek to intervene in this lawsuit.

RIGHTS AND OBLIGATIONS OF CLASS MEMBERS

If you remain a member of the Class, the Class Representative, MONIQUE L'ITALIEN, and her attorneys will act as your representative and counsel for the prosecution of the claims against OCWEN and HSBC BANK. If you desire, you may appear by your own attorney at your own expense. You may also seek to intervene individually. Your participation in any recovery or other benefit that may be obtained from the defendants through the trial, or the settlement will depend upon the results of this lawsuit.

As a member of the Class, you will not be responsible to Plaintiffs' counsel for any attorneys' fees or costs except that the Court may award fees and costs to the prevailing party pursuant to statutes which govern this Class action litigation. Class counsel may also request from the Court out of pocket costs from any monies achieved on behalf of the Class. If you retain your own attorney, you will be responsible for his or her fees and costs. You will be entitled to notice and an opportunity to be heard respecting any proposed settlement or dismissal of the Class claims.

PLEASE KEEP YOUR ADDRESS CURRENT

If you change your address, or if this Notice was not mailed to your correct address, you should immediately send written notice to the Notice Administrator at:

CLASS REPRESENTATIVE, MONIQUE L'ITALIEN's Notice Administrator
c/o SSI, an Epiq Company
PO Box 2715
Portland, OR 97208-2715
Telephone (833) 419-0985
Email: claims@ssiclaims.com

ADDITIONAL INFORMATION

The filing in this action may be examined and copied at any time during regular office hours, and subject to customary copying fees, at the Clerk of the Court's Office, Circuit Court of the Fifteenth Judicial Circuit, 205 North Dixie Highway, West Palm Beach, Florida 33401.

In addition, on the Silber & Davis website, www.SilberDavis.com there will be a link to this class action, "[OCWEN LOAN SERVICING, LLC v. MONIQUE L'ITALIEN, etc., Class Action Litigation](#)". There you will find the operative Third Amended Complaint, OCWEN's Answer, the Order Granting Class Certification, and the Amended Notice of Pendency of Class Action. The information in this link will be updated as necessary to include other important pleadings and relevant information to the class members. Any questions you have concerning the matters contained in this Notice, or about this litigation may be directed in writing to:

LOUIS M. SILBER, ESQUIRE
SILBER & DAVIS
501 S. Flagler Drive, Suite 306
West Palm Beach, FL 33401
Counsel for Class Plaintiff

DO NOT TELEPHONE THE CLERK OF THE COURT OR THE CLERK'S OFFICE, OR THE JUDGE OR HIS OFFICE IN THIS MATTER.

IMPORTANT INSTRUCTIONS

ANY QUESTIONS THAT ANY CLASS MEMBERS MAY HAVE SHOULD BE DIRECTED TO THE CLASS ADMINISTRATOR OR TO THE SILBER & DAVIS LAW FIRM

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