

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

Jennifer Ford, Eric Beard, and Brian Otters v. Veterans Guardian
VA Claim Consulting, LLC

Ford v. Veterans Guardian · No. 1:23-CV-756 · Decided February 9, 2026

SUMMARY

The United States District Court for the Middle District of North Carolina approves class notices and notice procedures in a consumer protection class action against Veterans Guardian VA Claim Consulting, LLC. The court authorizes email notice with postcard backup for undeliverable emails, requires maintenance of a class website, sets a May 4, 2026 opt-out deadline, and establishes deadlines for effectuating and reporting on notice. The action concerns allegations that Veterans Guardian charged illegal fees and provided veterans' disability-claim assistance without required accreditation, in alleged violation of North Carolina consumer-protection statutes.

CASE DETAILS

COURT	United States District Court for the Middle District of North Carolina
WRITING FOR THE COURT	Catherine C. Eagles
JURISDICTION	United States District Court for the Middle District of North Carolina
DECIDED	February 9, 2026
DOCKET	1:23-CV-756
DISPOSITION	other
PROCEDURAL POSTURE	After certifying three damages classes under Federal Rule of Civil Procedure 23(b)(3), the court considered the parties' joint submission and competing proposals concerning class notice and notice procedures.
STANDARD OF REVIEW	The court evaluated the proposed notice under Federal Rule of Civil Procedure 23(c)(2)(B), requiring the best notice practicable under the circumstances and notice reasonably calculated to reach class members, consistent with due process.
PRECEDENTIAL VALUE	Nonprecedential district court memorandum opinion and order; precedential status is not stated in the source.

PARTIES

Jennifer Ford, Eric Beard, Brian Otters v. Veterans Guardian VA Claim Consulting, LLC

TOPICS

class actions civil procedure consumer protection military law

PRACTICE AREAS

class action procedure civil procedure consumer protection veterans benefits remedies

QUESTIONS PRESENTED

1. What method of notice constitutes the best notice practicable under Federal Rule of Civil Procedure 23(c)(2)(B) for the certified Rule 23(b)(3) classes?
2. Whether the proposed class website, email notice, and postcard backup notice satisfy Rule 23(c)(2)(B) and due-process requirements.
3. What content, opt-out period, and implementation deadlines should govern notice to the certified classes?

HOLDINGS

1. Email notice using Veterans Guardian's available class-member contact information, supplemented by postcard notice for undeliverable emails, constitutes the best notice practicable under the circumstances and satisfies the applicable notice and due-process requirements.
2. The notice administrator may create and maintain a public class website containing substantive case documents and future substantive court orders.
3. The approved notices clearly and concisely state the nature of the action, class definitions, claims and defenses, attorney-appearance rights, exclusion rights, opt-out procedure, and binding effect of a class judgment; a 45-day opt-out period is sufficient.

KEY QUOTATIONS

“Email notice is “the best notice that is practicable under the circumstances.”” (Section III.C)

“The Court finds that the attached notices provided by email with postcard backup for undeliverable emails and website (a) constitute the best notice practicable under the circumstances; (b) are reasonably calculated, under the circumstances, to reach class members; (c) describe the nature of the case, certified class, claims, attorney representation, opt-out procedure, and effect of judgment; (d) are reasonable and constitute due, adequate, and sufficient notice to all persons entitled to receive such notice; and (e) satisfy all applicable requirements of the Federal Rules of Civil Procedure, the Due Process Clause of the United States Constitution, and all other applicable law and rules.” (Section VI)

FACTUAL BACKGROUND

The named plaintiffs are disabled military veterans who retained Veterans Guardian to assist them in obtaining or increasing VA disability compensation. They allege that Veterans Guardian provided claims-related services for fees without required VA accreditation and that its fees violated federal and North Carolina consumer-protection and debt-collection laws. Veterans Guardian's records contained email contact information for members of the certified classes, and the parties disputed whether notice should be sent by email alone, by email with postcard backup, or by both methods to every class member.

PROCEDURAL HISTORY

The plaintiffs brought a putative class action alleging that Veterans Guardian charged unlawful fees for assisting veterans with VA disability-compensation claims and violated federal and North Carolina law. The court previously granted class certification and certified three classes. After the parties submitted agreed and disputed proposals regarding notice, the court approved the attached email, postcard, and website notice plan and issued implementation deadlines; the defendant's Rule 23(f) interlocutory appeal petition had been denied.

DISPOSITION

other

CASES CITED

- Krakauer v. Dish Network, LLC, 925 F.3d 643, 655 (4th Cir. 2019)
- Phillips Petroleum Co. v. Shutts, 472 U.S. 797, 811–12 (1985)
- Lewis v. Equityexperts.org, LLC, No. 22-CV-302, 2025 WL 2264491, at *2 (E.D.N.C. Aug. 7, 2025)