

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 COUNTY OF SAN MATEO
3 COMPLEX CIVIL LITIGATION

4 MICHAEL FERGUSON, RON WILLIAMS,) CASE: CIV-514119
5 IRENE TINIO, ROBERT SEYMOUR,)
6 MICHAEL MALLON, BETTY SUE) CLASS ACTION
7 LUKINS, ROBERT TILLMAN, ERLE) COMPLEX MATTER - ASSIGNED FOR
8 DELFIN, SHARON ANN WASHINGTON,) ALL PURPOSES TO HON. MARIE S.
AND SANDRA MCGEE, individually and) WEINER, DEPT 2
on behalf of all persons similarly situated)
9) NOTICE TO CLASS OF PENDENCY OF
10 PLAINTIFFS,) ACTION
11 vs.)
12)
13 MARYMOUNT GATEWAY)
14 APARTMENTS, LLC; MARYMOUNT)
SUMMIT, LLC; DEFENDANT DAVID)
WALIA; AND DOES 1-100,)
15 DEFENDANTS.) Complaint Filed: May 24, 2012
16)

17 **NOTICE TO CLASS OF PENDENCY OF ACTION**

18 *A court authorized this notice. This is not a solicitation from a lawyer.*

19 TO ALL PAST AND PRESENT RESIDENTS OF MARYMOUNT GATEWAY AND SUMMIT
20 APARTMENTS, LLC, 405 to 476 GATEWAY DRIVE, PACIFICA, CALIFORNIA 94044,
21 WHO signed a lease at the MARYMOUNT GATEWAY OR SUMMIT APARTMENTS:
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23 1. You are receiving this notice because you may be an eligible class member of a
24 certified class action lawsuit.

25 2. The named Plaintiffs in the certified class action lawsuit are MICHAEL FERGUSON,
26 RON WILLIAMS, IRENE TINIO, ROBERT SEYMOUR, MICHAEL MALLON, BETTY SUE
27 LUKINS, ROBERT TILLMAN, ERLE DELFIN, SHARON ANN WASHINGTON, AND
28 SANDRA MCGEE (the "Named Plaintiffs"), and they are current or previous tenants of the

1 Marymount Gateway or Marymount Summit Apartment complexes (“The Marymount
2 Apartments”).

3 3. The Plaintiffs have filed a class-action lawsuit in the San Mateo County Superior Court
4 (Case No. CIV-514119) on behalf of themselves and

5 A. All persons who signed a lease at The Marymount Apartments and whose rent
6 was raised after January 21, 2008, but before March 23, 2015 (the “Raised Rent
7 Class”); and/or

8 B. All persons who signed a lease at The Marymount Apartments who voluntarily
9 moved out of The Marymount Apartments after December 15, 2008, but before March
10 23, 2015, and were not paid moving expenses (the “Moving Expense Class”).

11 4. The lawsuit was filed against Marymount Gateway Apartments, LLC, Marymount
12 Summit, LLC and David Walia (“Defendants”) who at all relevant times owned and operated The
13 Marymount Apartments as one apartment complex. The lawsuit is referred to as *Ferguson et al.,*
14 *vs. Marymount Gateway Apartments, LLC et al.*

15 5. Plaintiffs contend that Defendants failed to comply with the rent restrictions and tenant
16 benefits requirements of the Residential Condominium Conversions Article of the Pacifica
17 Municipal Code in connection with their application to convert the Marymount Apartments from
18 apartments to condominiums (the “Condominium-Conversion”).

19 6. The Defendants have denied liability and have denied all allegations in Plaintiffs'
20 Complaint. No decision on the validity of Plaintiffs' claims has yet been made by the Court.

21 7. On December 12, 2014, the Court certified the case as a class action and authorized the
22 Named Plaintiffs to proceed with their claims on behalf of the class.

23 8. This Notice is given to you in the belief that you may be a Class Member of the above
24 class whose rights may be affected by this lawsuit. This Notice is not an expression of any opinion
25 by the Court as to the merits of any of the claims or defenses asserted by either side in this
26 litigation. The sole purpose of this Notice is to inform you of the lawsuit so that you can make an
27 informed decision as to whether you should remain in or opt out of this class-action lawsuit.

28 9. You DO NOT need to do anything further at this time to be included in the class.

1 However, you have the right to be excluded (to "opt out") from the class, which means you will
2 NOT share in the benefits or award at trial, if any, and you will NOT be bound by any judgment
3 that may be rendered in this case. Instead, you may individually pursue any claims you may have
4 against the Defendants. If you choose to "opt out" from the class, you must do so within 60
5 calendar days of the date of this Notice.

6 10. If you stay in this case, you will be bound by the judgment entered in the case, whether
7 the Plaintiffs win or lose. The judgment will apply to all Class Members who did not exclude
8 themselves. If you stay in the case and the Plaintiffs win, you may recover damages. In the event
9 that Plaintiffs win, you must then file a claim and prove that you are a member of the class.
10 However, if Plaintiffs lose, you would no longer be able to file your own lawsuit against the
11 Defendants based on the same claims that the Plaintiffs brought in this case.

12 11. If you DO NOT WISH to be a part of the class, you MUST send a letter or postcard
13 asking to be excluded. The letter must be postmarked no later than 60 calendar days from the date
14 of this Notice, and sent to:

15 OPT OUT
16 HOOSHMAND LAW GROUP
17 c/o Mark Hooshmand, Esq.
22 Battery Street, Suite 610
San Francisco, CA 94111

18 You may either mail or hand deliver the letter or postcard. It must clearly state your full name and
19 that you wish to be excluded (opt out) from the *Ferguson et al., vs. Marymount Gateway*
20 *Apartments, LLC, et al*, class-action lawsuit. Persons who timely mail or deliver a letter or
21 postcard will not be bound by the judgment in this case but will not share in any settlement or
22 award at trial.

23 10. If you do not exclude yourself from the case, you will be represented by the
24 lawyers appointed as counsel for the Class. The appointed counsel is:

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26 HOOSHMAND LAW GROUP
27 c/o Mark Hooshmand, Esq.
22 Battery Street, Suite 610
28 San Francisco, CA 94111
Telephone: (415) 318-5709

1 You also have the right to appear in this action in person or through a lawyer of your choice. If
2 you or your lawyer file any papers with the Court, copies should be mailed to the lawyers listed
3 above, who in turn have agreed to supply copies to Counsel for Defendants.

4 11. It is IMPORTANT that you keep any records you may have concerning your
5 residency at The Marymount Apartments.

6 12. The pleadings and other papers filed in this action are available for inspection at the
7 office of the San Mateo County Superior Court, 400 County Center, Redwood City, CA 94063.

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10 Date of Class Notice: _____

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