

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO**

ACTION REQUIRED

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

The records of tenancy indicate that YOU are owed a rent reimbursement (based on individual rent paid) for over payments of rent at the Marymount Gateway or Marymount Summit Apartments. Please read this Notice because it contains information related to YOUR recovery of that rent.

NOTICE OF SETTLEMENT OF CLASS ACTION

TO ALL PAST AND PRESENT RESIDENTS OF MARYMOUNT GATEWAY AND SUMMIT APARTMENTS and whose rent was raised after January 21, 2008, but before March 23, 2015 (the "Raised Rent Class"):

1. The lawsuit in this matter is referred to as *Ferguson et al., vs. Marymount Gateway Apartments, LLC et al.* and it was filed in the San Mateo County Superior Court (Case No. CIV-514119). The case proceeded to trial and the Court rendered a tentative decision in favor of the tenants as to the Raised Rent Class. After the Court's ruling, the Defendants' agreed to pay the amount the Court awarded plus an amount for attorneys fees. You are receiving this notice because you may be eligible to claim funds.

2. The lawsuit was filed against Marymount Gateway Apartments, LLC, Marymount Summit, LLC and David Walia ("Defendants") who at all relevant times owned and operated The Marymount Apartments.

3. The proposed statement of decision by Judge Marie Weiner indicated an award to the Raised Rent Class for \$355,080.00. The Defendants have paid these funds. These funds are to be used to reimburse the members of the Raised Rent Class whose rent was increased after January 21, 2008, but before March 23, 2015. The amount of funds to be paid to each Raised Rent Class member will be the amount of the Class Member's rent increase multiplied by the number of

1 months the increased rent was paid, ending March of 2015. For example, if a Class Member's rent
2 was raised \$50 on March 1, 2013, they may recover \$1,200 (March 1, 2013 until March 1, 2015 =
3 24 months x \$50 = \$1,200).

4 4. The total amount the Defendants agreed to pay for attorneys fees and costs as they
5 relate to the Raised Rent Class is \$126,360.00.

6 5. The name Plaintiffs in the case, Irene Tinio, Robert Seymour, Michael Mallon, Betty
7 Sue Lukins, and Sandra McGee, are also requesting a service fee of \$2,000 each to compensate for
8 their involvement in the litigation of this case. Any service fee award authorized would be funded
9 by monies not claimed by class members. If you claim your settlement funds, the service fee
10 award will in no way diminish your award. If no funds remain after each class member claims
11 their award, the named Plaintiffs will not receive a service fee.

12 6. If any funds remain following the claim period and distribution of service fees, if any,
13 the remaining funds will be awarded to Legal Aid Society of San Mateo, a non-profit dedicated to
14 protecting the legal rights of individuals living in San Mateo County. This award is authorized by
15 law, under the Cy Pres Doctrine. If you claim your settlement funds, the Cy Pres award will in no
16 way diminish your award.

17 7. This case also involves another sub-class concerning moving expenses. You may be a
18 part of that class as well if you signed a lease at The Marymount Apartments and voluntarily
19 moved out of The Marymount Apartments after December 15, 2008, but before March 23, 2015,
20 and were not paid moving expenses (the "Moving Expense Class"). The Moving Expense Class
21 class has not been resolved and this Notice does not impact your eligibility to collect funds or be a
22 member of the Moving Expense Class.

23
24 **OBJECTION TO SETTLEMENT**

25 8. You may object to this settlement. To do so, you must file your objection in writing,
26 with the Clerk of the Court, Superior Court of the State of California, County of San Mateo, 400
27 County Center, Redwood City, CA 94063. Your objection must include proof of Class
28 membership. Copies of your objection must also be served on Plaintiffs counsel at

1 HOOSHMAND LAW GROUP – Marymount Class Action, c/o Mark Hooshmand, Esq., 22
2 Battery Street, Suite 610, San Francisco, CA 94111.

3 9. All objection papers must be filed with the Court and served no later than December
4 13, 2016. (A form objection is attached).

5 10. If you do not file and serve an objection, you are deemed to have waived such
6 objection and shall be foreclosed from making any objection to the fairness or adequacy of the
7 Raised Rent Class or award of attorneys' fees and expenses.

8 11. Unless individuals timely object, they will be sent their portion of the settlement funds.

9 12. **Objections forms must be postmarked by December, 13, 2016, to be eligible.**

10 13. Untimely objections will not be accepted. (A form objection is attached).

11 14. On January 13, 2017 at 9:00 a.m., the final approval hearing will be held at the San
12 Mateo Superior County Superior Court, Courtroom 2E, 400 County Center, Redwood City,
13 California. The court will consider whether to grant final approval of the proposed settlement and
14 any objections thereof, the request for payment of attorneys' fees and costs to plaintiffs' class
15 counsel, the request for incentive awards to the named plaintiffs, and the approval of a cy pres
16 charity for undistributed settlement funds. You are not required to appear at the hearing, even if
17 you filed an objection. On the other hand, you are permitted to appear if you so desire and to be
18 represented by counsel of your choice at your own expense if you want to contest the settlement of
19 the payment of fees, costs, or incentive awards.

20 **CLAIMING SETTLEMENT FUNDS**

21 15. NO ACTION IS REQUIRED TO CLAIM FUNDS. If you do not object to the
22 settlement, your award will be sent to your last known address.

23 16. To confirm that you will receive your funds, or update your contact information, you
24 *may* send or deliver a letter, postcard, or email to at least one of the following:

25 Letter or Postcard:

26 HOOSHMAND LAW GROUP – Marymount Class Action
27 c/o Mark Hooshmand, Esq.
28 22 Battery Street, Suite 610
San Francisco, CA 94111

1 Email:
2 marymountclassaction@lawmmh.com

3 17. Your contact letter, postcard, or email should include the following information (a
4 form is attached):

5 17.1. Your name;

6 17.2. When you lived at the Marymount Gateway or Summit Apartments;

7 17.3. The unit you lived in at Marymount Gateway or Summit Apartments; and

8 17.4. Your current address.

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

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CLASS MEMBER CONTACT FORM

- My name is: _____
- I lived at the Marymount Gateway or Summit Apartments from: _____, to _____.
- I lived in Unit _____ at the Marymount Gateway or Summit Apartments; and
- My *current* address is _____.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: _____

Full Name

Signature

Please send or deliver this form, or a letter, postcard, or email to at least one of the following:

Letter or Postcard:

HOOSHMAND LAW GROUP – Marymount Class Action
c/o Mark Hooshmand, Esq.
22 Battery Street, Suite 610
San Francisco, CA 94111

Email:

marymountclassaction@lawmmh.com

