

1 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
2 **COUNTY OF SAN FRANCISCO**

3 ***ACTION REQUIRED***

4 *A court authorized this notice. This is not a solicitation from a lawyer.*
5

6 YOU may be entitled to money damages if you were forced to leave the Fairfax Hotel in
7 San Francisco before staying for 32 consecutive days. Please read this Notice because it
8 contains information related to YOUR recovery of those funds.
9

10 **NOTICE OF SETTLEMENT OF CLASS ACTION**

11 TO ALL PAST or CURRENT OCCUPANTS of the Fairfax Hotel, a residential hotel located
12 at 420 Eddy St, San Francisco, CA 94109. If you stayed at the Fairfax Hotel and were required to
13 move, or check out or reregister, before the expiration of 30 days of occupancy, between August
14 14, 2013 and May 31, 2014, PLEASE READ THE FOLLOWING, AS THIS NOTICE
15 CONTAINS INFORMATION THAT MAY IMPACT YOUR RIGHTS:
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17 1. The lawsuit in this matter is referred to as *McDonald, et al. v. Patel, et al.* and it
18 was filed in the San Francisco County Superior Court (Case No. CGC-14-541163). The
19 lawsuit was filed against Jashvant M. Patel and Hansaben J. Patel (“Defendants”) who at
20 all relevant times owned and operated The Fairfax Hotel.
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22 2. Plaintiffs in this case sought to recover damages stemming from allegations that
23 Defendants required certain occupants to move out of the Fairfax Hotel prior to obtaining
24 tenant rights.

25 3. The Plaintiffs and Defendants agreed to a settlement on behalf of the class. You
26 are receiving this notice because you may be eligible to claim funds or you may withdraw
27 from the class or object to the settlement.

28 4. The total settlement amount is three hundred and fifty thousand dollars
 (\$350,000.00). Costs and attorney's fees will be removed from the total class settlement

1 and the remaining funds will be distributed to class members who make timely claims.
2 Plaintiffs counsel is requesting up to \$25,000 in costs and forty percent (40%) of the
3 settlement total after costs are first deducted. These amounts are to be approved by the
4 Court at the Final Approval Hearing. Each Class member may claim \$2,000 from the settlement if a timely
made.

5 5. The class representatives in the class are Ronnie Fields, Cindy Castillo, Darnell
6 Carter, Ruth Barnett, Charity Owens, Jose Granillo. They are requesting an incentive
7 service fee of two thousand dollars (\$2,000) each to compensate for their involvement in
8 the litigation of this case. Any service fee award authorized would be funded by monies
9 not claimed by class members. If you claim your settlement funds, the class representative
10 service fee award will in no way diminish your award. If no funds remain after each class
11 member claims their award, the class representatives will not receive a service fee.

12 6. Any funds that remain following the claim period and distribution of service
13 fees, if any, will be awarded to the San Francisco Tenants Union, Housing Rights
14 Committee, Eviction Defense Collaborative, Tenants Together, Causa Justa, and Consumer
15 Action, in equal amounts. Each cy pres recipient is a non-profit dedicated to protecting the
16 legal rights of individuals living in San Francisco, some which have a dedicated focus on
17 tenant rights. This award is authorized by law, under the Cy Pres Doctrine. If you claim
18 your settlement funds, the Cy Pres award will in no way diminish your award.

19 **OBJECTION TO SETTLEMENT**

20 7. You may object to this settlement. To do so, you must file your objection in
21 writing, with the Clerk of the Court, Superior Court of the State of California, County of
22 San Francisco, 400 McAllister St, San Francisco, CA 94102. Your objection must include
23 information establishing Class membership. Copies of your objection must also be served
24 on Plaintiffs counsel at HOOSHMAND LAW GROUP – Fairfax Class Action, c/o Mark
25 Hooshmand, Esq., 22 Battery Street, Suite 610, San Francisco, CA 94111.

26 8. All objection papers must be filed with the Court and served no later than
27 September 15, 2017. (A form objection is attached).

28 9. If you do not file and serve an objection, you are deemed to have waived such

1 objection and shall be foreclosed from making any objection to the fairness or adequacy of
2 the Class settlement or the award of attorneys' fees and expenses.

3 **10. The Final Approval Hearing will take place on September 29, 2017 at 9:00**
4 **a.m.** The final approval hearing will be held at the San Francisco County Superior Court,
5 400 McAllister St., San Francisco, CA 94102. The Court will consider whether to grant
6 final approval of the proposed settlement and any objections thereto, the request for
7 payment of attorneys' fees and costs to plaintiffs' class counsel, the request for incentive
8 awards to the named plaintiffs, and the approval of the cy pres recipients and awards for
9 undistributed settlement funds. You are not required to appear at the hearing, even if you
10 filed and objection. On the other hand, you are permitted to appear if you so desire and to
11 be represented by counsel of your choice at your own expense if you want to contest the
12 settlement of the payment of fees, costs or incentive awards.

13 **CLAIMING SETTLEMENT FUNDS**

14 **11. ACTION IS REQUIRED TO CLAIM FUNDS.** If you do not object to the
15 settlement, you must submit a claim form or contact Plaintiffs Counsel to receive funds. A
16 claim form is attached to this notice.

17 **12.** To confirm that you will receive your funds, or update your contact information,
18 as a member of the Class, you **MUST** send or deliver a claim form, letter, postcard, or
19 email to at least one of the following:

20 Letter or Postcard:

21 HOOSHMAND LAW GROUP – Fairfax Class Action
22 c/o Mark Hooshmand, Esq.
23 22 Battery Street, Suite 610
24 San Francisco, CA 94111

25 Email:

26 Fairfaxclass@lawmmh.com

27 **13.** Your claim letter, postcard, or email should include the following information,
28 made under the penalty of perjury (a form is attached):

13.1. Your name;

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13.2. When you lived at the Fairfax;

13.3. The unit(s) you lived in at Fairfax;

13.4. Your current address, email address and phone number; and

13.5. Your social security number

14. **Claim forms MUST be postmarked by November 30, 2017, to be eligible.**

15. Untimely claim forms cannot be accepted.

16. Claim forms received after all funds are distributed cannot be accepted.

17. The pleadings and other papers filed in this action are available for inspection at the office of the San Francisco County Superior Court, 400 McAllister St, San Francisco, CA 94102

1 **CLAIM FORM**

2 ***Fields et al., vs. Fairfax et al. S.F. County Superior Court (Case No. CGC-14-541163)***

- 3 • My name is: _____
- 4 • I lived in Unit(s) # _____ at the Fairfax Hotel from: _____ [date], to
- 5 _____ [date].
- 6 • My current address is _____
- 7 • My social security number is _____. (Your social security
- 8 number **will be kept confidential** and is needed only for tax purposes in the event you are
- 9 awarded money. You may also call the Hooshmand Law Group to provide your social
- 10 security number in lieu of using this form.)

11

12

13 I declare under penalty of perjury under the laws of the State of California that the

14 foregoing is true and correct.

15

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17 Date: _____

18

19

20 _____

21 Full Name

Signature

22 **You MUST send or deliver this form SIGNED, by mail or attached to an email to at least one**

23 **of the following:**

24 **Mail:**

25 **HOOSHMAND LAW GROUP – Fairfax Class Action**

26 **c/o Mark Hooshmand, Esq.**

27 **22 Battery Street, Suite 610**

28 **San Francisco, CA 94111**

Email: Fairfaxclass@lawmmh.com

OBJECTION FORM

Fields, et al. v. Patel, et al. S.F. County Superior Court (Case No. CGC-14-541163)

- My name is: _____
- My current address is _____.
- My current telephone number is _____.
- I lived at the Fairfax Hotel from: _____, to _____.
- I lived in Unit(s) # _____ at the Fairfax Hotel.
- I object to the proposed class settlement, or the proposed attorney fees or costs for the following reasons: [use additional pages if necessary]

- Please circle one: I am represented by counsel [or] I am not represented by counsel.
(provide contact information for counsel if represented): _____
_____.

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

Full Name

Signature

Date: _____

Objections MUST be filed with the Clerk of the Court, Superior Court of the State of California, County of San Francisco, 400 McAllister St, San Francisco, CA 94102. Copies of objections must also be served on Plaintiffs' counsel at: HOOSHMAND LAW GROUP – Fairfax Class Action, c/o Mark Hooshmand, Esq., 22 Battery Street, Suite 610, San Francisco, CA 94111.

CERTIFICATE OF SERVICE BY MAIL (C.C.P. §1013)

The undersigned certifies, under penalty of perjury, that: I am employed in the city and County of San Francisco, California, am over the age of 18 years, and am not a party to the within action. I served the attached **Order for Preliminary Approval of Class Action Settlement** by enclosing a true copy thereof in an envelope(s) addressed as shown below and placing the envelope(s) for collection and mailing on **June 30, 2017** in San Francisco, California following the Court's ordinary practices. I am readily familiar with the Court's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

Mark Hooshmand
Tyson Redenbarger
Hooshmand Law Group
505 14th Street, Suite 320
Oakland, CA 94612

Thomas S. Gelini
Bennett, Samuelsen, Reynolds,
Allard, Copperwaite & Gelini, a PC
1301 Marina Village Parkway, Suite 300
Alameda, CA 94501-1084

Kurt D. Bridgman
Joshua K. Bart
Low Ball & Lynch
505 Mointgomery Street, 7th Floor
San Francisco, CA 94111-2584

Dated: June 30, 2017

By:



R. Michael Diles
Deputy Court Clerk