United States District Court

*Laura Hettinger v. Bozzuto Management Company*

Case No. 1:23-cv-03687-JEB

# Class Action Notice

## *Authorized by the U.S. District Court*

**Did you rent an apartment managed by Bozzuto Management Company in Washington, D.C. and pay a service fee or variable utility charges, or pay for water and sewer at per-1,000 gallon rates greater than the rates in D.C. regulations, at any time since December 5, 2020?**

**A court has allowed a class action lawsuit against Bozzuto to move forward.**

**Your legal rights may be affected.**

**To protect your rights, you should:**

**Read this notice.**

**Decide whether to stay in or opt out by**

**January 6, 2027.**

### Important things to know:

- If you take no action, you will remain in the class, be bound by any judgment, and give up any right you may have to sue Bozzuto on your own about the same issues.
- You can learn more at: www.BMCFeesClassAction.com.

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# About This Notice

## Why did I get this notice?

A federal court authorized this notice to inform you that this class action may affect your rights. This notice tells you about a class action lawsuit, *Hettinger v. Bozzuto Management Company,* brought on behalf of people who were charged certain utility fees, or charged for water or sewer service at per 1,000 gallon rates greater than the regulatory rates, while renting an apartment at a Bozzuto-managed Washington, D.C. apartment building. **You are receiving this notice because Bozzuto's records identify you as a current or former tenant who may be a member of the group of people affected, called the "class."** This is not a settlement. This notice summarizes the lawsuit, explains what rights class members have, and helps class members make informed decisions about what action to take.

## What do I do next?

Read this notice to understand the lawsuit and to determine if you are a class member. Then, decide if you want to:

| Options | More information about each option |
|---|---|
| **Do Nothing (Stay in the Class)** | You do not need to do anything. You will remain in the class, be represented by Class Counsel, and be bound by any judgment. If the class wins or the case is later resolved, you may be eligible for money. |
| **Opt Out** | Ask the Court to exclude you. You will get no money from this case, will not be bound by any judgment, and will keep any right you may have to sue Bozzuto on your own about the same issues. |

Read on to understand the specifics of the lawsuit and what each choice would mean for you.

## What are the most important dates?

Your deadline to ask to be excluded (opt out): January 6, 2027.

# Learning About the Lawsuit

## What is this lawsuit about?

A class action lawsuit was filed against Bozzuto Management Company. The lawsuit was brought on behalf of tenants at Bozzuto-managed Washington, D.C. properties. It claims that Bozzuto (1) failed to disclose the utility service fee and variable utility charges it would bill each month in its rental applications, in violation of the District of Columbia Rental Housing Act and the District of Columbia Consumer Protection Procedures Act, and (2) charged some tenants for water and sewer service at per-1,000 gallon rates greater than the regulatory rates, also in violation of the Consumer Protection Procedures Act.

Bozzuto denies that it did anything wrong.

## What is a class action?

In a class action, one person — called the "Class Representative" (here, Laura Hettinger) — sues on behalf of herself and other people who have similar claims. Everyone with similar claims is a "class member," except those who exclude themselves. One case decides the common issues for the whole class, instead of each person suing separately.

## What is the Consumer Protection Procedures Act?

The District of Columbia Consumer Protection Procedures Act (CPPA) is a D.C. consumer-protection law. It lets consumers recover damages for unlawful trade practices — measured, as relevant here, as treble (three times) any unlawful amounts charged, or $1,500 per violation, whichever is greater.

## Has the Court decided who is right?

The Court has allowed the case to move forward as a class action.

The Court has not decided this case in favor of either side on all issues, and no money is available at this time.

## What happens next in this lawsuit?

The case will continue toward trial. The Court has directed that this notice be sent to class members so that each member can decide whether to stay in the class or ask to be excluded.

If the class wins at trial, or the case is later resolved, the Court will decide what money, if any, class members receive. There is no guarantee of any recovery. If the class does not win, class members who stay in the class will receive nothing and will be bound by that result.

The schedule may change without further notice to members of the class. To learn more, go to www.BMCFeesClassAction.com.

## What is the class asking for?

This is not a settlement, and no money is available now. If the class's claims are successful, the class will ask the Court to award money damages to class members for the fees Bozzuto is alleged to have charged unlawfully. Under the District of Columbia Consumer Protection Procedures Act, damages may be measured as treble (three times) any unlawful amounts charged, or $1,500 per violation, whichever is greater. The Court has not decided whether class members are entitled to any damages, or in what amount.

If the class wins, the Court will determine how any damages are calculated and distributed. There is no guarantee of any recovery.

## How do I know if I am part of this case?

The Court certified two classes. You are a class member if you fall within either definition:

**Drip-Pricing Class:** All current and former residential tenants at a Bozzuto-managed property who filed a rental application while Bozzuto managed that property and who were charged or paid a Service Fee or variable utility charges between December 5, 2020, and August 27, 2025.

**Overcharge Class:** All current and former residential tenants of the Properties at a Bozzuto-managed property in the District of Columbia who were charged or paid a per-1,000 gallon rate for water or sewer service greater than the operative Multi-Family rates set out in D.C.M.R. Title 21, § 4100.3 (water) and § 4101.1 (sewer), as amended, at any point since December 5, 2020.

## How much money could I receive?

No money is available at this time, and no amount has been determined. If the class prevails at trial or the case is otherwise resolved in the class's favor, the amount available to each class member will depend on the Court's rulings and on Bozzuto's billing records. The measure of damages the class seeks under the Consumer Protection Procedures Act is treble (3x) any unlawful amounts charged, or $1,500 per violation, whichever is greater (D.C. Code § 28-3905(k)).

You do not need to do anything now, and there is no claim form. If the class wins and money becomes available, the Court will approve a process for distributing it, and you may be contacted at that time. You can securely update your mailing address, email address, or telephone number at www.BMCFeesClassAction.com. Keeping your contact information current will help ensure that you receive future communications about the case.

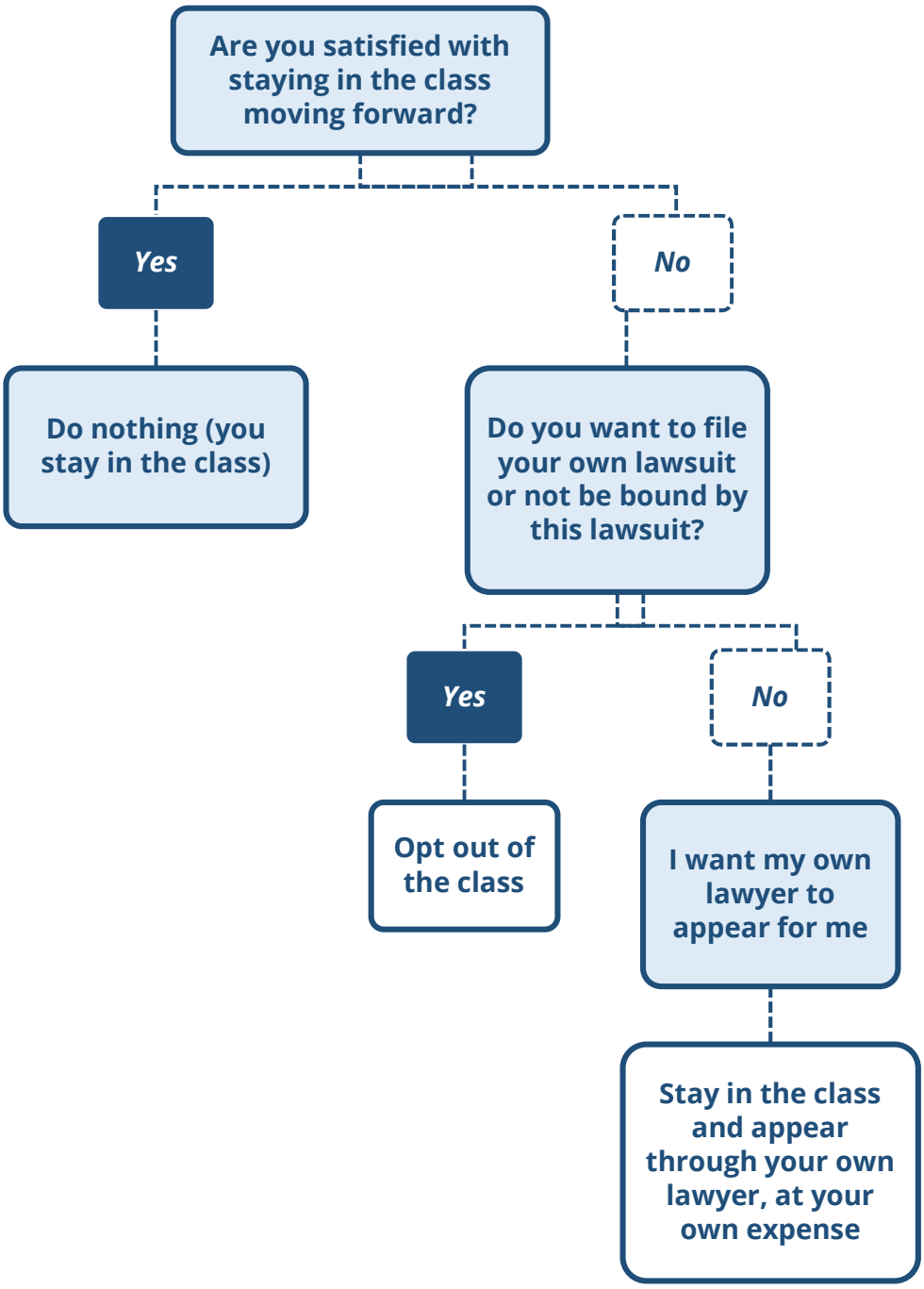
# Deciding What to Do

## How do I weigh my options?

You have two choices. You can do nothing to stay in the class, or you can opt out (ask the Court to exclude you). This chart shows the effects of each choice:

| | Do Nothing (Stay In) | Opt Out | What this means |
|---|---|---|---|
| **Could I become eligible for money if the class wins if I . . .** | YES | NO | Only class members can share in any class recovery. |
| **Am I bound by the result of this lawsuit if I . . .** | YES | NO | Opting out frees you from the judgment, favorable or unfavorable to the class. |
| **Can I pursue my own case if I . . .** | NO | YES | Staying in gives up any right you may have to sue on your own. |
| **Will Class Counsel represent me if I . . .** | YES | NO | If you opt out, you may hire your own lawyer. |

## What is the best path for me?




*If you are satisfied to let the case go forward, do nothing and stay in the class. If you want to keep any right you may have to sue Bozzuto on your own, opt out by the deadline.*

# Class Counsel

## Do I have a lawyer in this lawsuit?

In a class action, the Court appoints a class representative and lawyers to work on the case and represent the interests of all the class members. The Court has appointed the following.

**Class Representative:** Laura Hettinger.

**Your lawyers (Class Counsel):** Hassan Zavareei and Peter Silva of Tycko & Zavareei LLP, and Jason Rathod and Randy Chen of Migliaccio & Rathod LLP. These are the lawyers appointed by the Court to represent the class.

If you want to be represented by your own lawyer, you may hire one at your own expense.

## Do I have to pay the lawyers in this lawsuit?

**You will not have to pay Class Counsel directly.** In a class action, Class Counsel are generally paid only if the case succeeds. To date, your lawyers have not been paid any money for their work or the expenses they have advanced in this case.

If the class recovers money, or if the Court otherwise orders, your lawyers will ask the Court to award attorneys' fees and reimbursement of their out-of-pocket expenses. Any fees and expenses will be paid only if and as approved by the Court as fair and reasonable, and will not reduce any recovery except as the Court allows.

Your lawyers may also ask the Court to approve a service award to the Class Representative, Laura Hettinger, for her time and effort on behalf of the class, subject to Court approval.

# Opting Out

## What if I don't want to be part of this case?

You can opt out (ask the Court to exclude you). If you opt out and the class's claims are successful, you will not receive any money from this case. However, you will not be bound or affected by anything that happens in this lawsuit, and you will keep any right you may have to file your own case against Bozzuto about the same issues, at your own expense. If you want to bring your own lawsuit, you should consult a lawyer promptly, because legal deadlines may apply.

### How do I opt out?

To opt out, you may either (1) complete and submit the exclusion request through the case website at www.BMCFeesClassAction.com by January 6, 2027, or (2) print, sign, and mail the Exclusion Form available at the case website so that it is postmarked by January 6, 2027 and sent to:

Hettinger v. Bozzuto Management Company
Notice Administrator
P.O. Box 58220
Philadelphia, PA 19102
(877) 720-4372

Your request must include your full name, address, and telephone number; the Bozzuto property (and unit, if known) or the email address you used on your rental application; and a clear statement that you want to be excluded, such as "I request to be excluded from the class in Hettinger v. Bozzuto Management Company." You must sign the request personally. If someone signs for you, that person must attach a power of attorney authorizing the signature.

## Appearing Through Your Own Lawyer

### Can I appear through my own lawyer?

Yes. If you stay in the class, you do not need to do anything, and Court-appointed Class Counsel will represent you at no cost to you. You do not need your own lawyer.

If you prefer, you may enter an appearance in the case through your own lawyer, at your own expense. This lets your own lawyer participate on your behalf while you remain a class member. It is not the same as opting out—if you appear through your own lawyer but do not opt out, you remain in the class and will be bound by any judgment.

To appear through your own lawyer, you or your lawyer must file a notice of appearance with the Court. Your lawyer can direct any filing to the Court at the address below.

United States District Court
District of Columbia
Office of the Clerk
333 Constitution Avenue, N.W.
Washington, DC 20001

# Doing Nothing

## What are the consequences of doing nothing?

If you do nothing, you will remain in the class. Court-appointed Class Counsel will represent you at no cost to you, and you will be bound by all of the Court's orders and any judgment, whether favorable or unfavorable. You will keep the possibility of receiving money if the class wins—whether by summary judgment, settlement, or at trial. But if Bozzuto wins, you will receive nothing, and you will have given up any right you may have to start or continue your own lawsuit against Bozzuto about the issues in this case. You do not need to take any action to stay in the class.

# Key Resources

## How do I get more information?

This notice is a summary of the lawsuit and your rights. The Court's orders and other key documents contain the complete terms. To get copies of the case documents or answers to your questions:

- Contact your lawyer (information below)
- Visit the case website at www.BMCFeesClassAction.com
- Access the Court's electronic case records system (PACER) online or by visiting the Clerk's office of the Court (address below).

| Resource | Contact Information | |
|---|---|---|
| **Case website** | www.BMCFeesClassAction.com | |
| **Notice Administrator** | Hettinger v. Bozzuto Management Company<br>Notice Administrator<br>1650 Arch Street, Suite 2210<br>Philadelphia, PA 19103<br>(877) 720-4372 | |
| **Your Lawyers** | Tycko & Zavareei LLP<br>BozzutoClassAction@tzlegal.com<br>2000 Pennsylvania Ave. NW, Suite 1010<br>Washington, D.C. 20006 | Migliaccio & Rathod LLP<br>info@classlawdc.com<br>412 H St., NE, Suite 302<br>Washington, D.C. 20002 |
| **Court (DO NOT CONTACT)** | United States District Court for the District of Columbia<br>Office of the Clerk<br>333 Constitution Avenue, N.W.<br>Washington, DC 20001 | |

To access the Court's eCourt Public Portal online found at www.pacer.uscourts.gov, you will need to create an account. You can then access documents by clicking on "Searches," on the next page clicking on "Case Number Search," then entering the case number 1:23-cv-03687-JEB and clicking "Search." On the following page, click the link Hettinger v. Bozzuto Management Company. You may then download images of every document filed in the case for a fee. You may also view images of case documents for free at one of the computer terminal kiosks at court locations.