

# CLASS ACTION NOTICE

**This notice affects the rights of approximately 510 individual class members who, as part of a rental agreement, occupied dwelling units managed by The Management Group, Inc. in the State of Oregon, from March 9, 2019 to September 8, 2021.**

If you do **nothing** and you are one of the class members, and this class action settlement is approved by the Court, you will be mailed a check for approximately \$588.

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

- This notice concerns a lawsuit filed by plaintiff Christine Angelique against defendants The Management Group, Inc. and Cycle Homes, LLC, Case No. 21CV21805 (State of Oregon, Multnomah County).
- This class action settlement will completely resolve the lawsuit against the defendants.
- The lawsuit alleges that the defendants failed to provide adequate disclosures and information to tenants pertaining to utility billing, as required by ORS 90.315. Defendants deny all liability.
- After this lawsuit was filed, defendants discontinued the practices alleged to violate ORS 90.315.
- Under the settlement, defendants shall pay \$450,000 to the settlement fund, which will be used to pay class members and to cover attorney fees, costs, and expenses to class counsel.
- If you are a class member, your legal rights are affected whether you act or do not act. Read this notice carefully.
- This notice summarizes the proposed settlement. For the precise terms and conditions of the settlement, and to check if you are a class member, please visit [OregonRentLaw.com](http://OregonRentLaw.com).

**ALL QUESTIONS SHOULD BE DIRECTED TO THE SETTLEMENT ADMINISTRATOR, ANGEION AT 1-888-507-7787 OR BY EMAIL AT [INFO@OREGONRENTLAW.COM](mailto:INFO@OREGONRENTLAW.COM)**

<b>YOUR RIGHTS AND OPTIONS IN THIS SETTLEMENT</b>		<b>DEADLINE</b>
<b>Join the Class, Do Nothing</b>	You will be mailed a check for approximately \$588 if the settlement is approved, and have no right to sue later for the claims released by the settlement.	None
<b>Join the Class, But File an Objection</b>	You will file a written objection asking the Court to deny the proposed settlement terms. If the Court sustains the objection, the case will not settle.	March 22, 2023
<b>Join the Class, But File an Objection and Go to a Hearing</b>	You will speak in Court explaining your written objection asking the Court to deny the proposed settlement terms. If the Court sustains the objection, the case will not settle.	March 22, 2023
<b>Exclude Yourself From the Class</b>	You will opt out of the lawsuit and the settlement. This is the only option that allows you to later sue for the claims released by the settlement.	March 22, 2023

These rights and options—and the deadlines to exercise them—are explained in this notice. The Court in charge of this case still has to decide whether to approve the settlement.

### **Final Approval Fairness Hearing**

On April 21, 2023 at 1pm PST the Court will hold hearings to determine (1) whether the proposed settlement is fair, reasonable and adequate and should receive final approval; (2) whether to grant the applications for attorney’s fees, costs, and expenses brought by class counsel; and (3) whether to grant the application for an incentive payment to the plaintiff who brought the lawsuit. The hearing will be held in the courtroom of Judge Amy Baggio at the Multnomah County Courthouse, Courtroom 13D at 1200 SW 1st Ave, Portland, Oregon 97204. This hearing date may change without further notice to you. Consult the settlement website at [OregonRentLaw.com](http://OregonRentLaw.com) for updated information on the hearing date and time.

### **How Do I Know If I Am Affected By The Litigation and Settlement?**

This case involves allegedly inadequate disclosures and information to tenants pertaining to utility billing, as required by ORS 90.315. For purposes of settlement, the Court has conditionally certified the following settlement class: the class consists of the approximate 510 Oregon individuals, who, as part of a rental agreement, occupied dwelling units managed by The Management Group, Inc. in the State of Oregon, from March 9, 2019 to September 8, 2021. The class does not

include defendants, any non-individual corporate entity, any entity that has a controlling interest in defendants, defendants' current or former directors, officers, counsel, or their immediate families. The class also does not include any individuals who opt out from the class. If the settlement does not become effective (for example, because it is not finally approved, or the approval is reversed on appeal), then this litigation will continue and any order preliminarily certifying the class for settlement purposes will be vacated.

### **What Is The Lawsuit About?**

A lawsuit was originally brought against the defendants by the plaintiff and class counsel. The lawsuit alleges that defendants failed to provide adequate disclosures and information to tenants pertaining to utility billing, as required by ORS 90.315. The Court has not determined whether plaintiff or defendants are correct.

### **Why Is This Case Being Settled?**

This case has been pending since May 2021. Since then, plaintiff and class counsel provided defendants a formal notice under ORCP 32 H and served discovery. From August 2021 to November 2021 the parties engaged in substantive motions practice. The issue subject to the motions practice remained pending at the appellate level, and the parties continued to monitor the status of the issue after November 2021. In August 2022, after nearly a year and a half of private investigation, document review, interviewing witnesses, consulting experts, and confidential document and information exchanges, the parties agreed to attend formal mediation with Eric English with Resolution Strategies® LLP. The case did not immediately settle. After multiple months of continued arms-length negotiations, Mr. English was able to bring the parties together to reach a \$450,000 settlement for the putative class of approximately 510 Oregon individuals. Only after substantive relief for the class members was agreed upon did Mr. English negotiate an incentive award for plaintiff, and that class counsel would apply to be paid through a standard contingency fee of 33% of the common fund.

After taking into account the risks and costs of further litigation, plaintiff and class counsel believe that the terms and conditions of the settlement are fair, reasonable, adequate, and equitable, and that the settlement is in the best interest of the class members.

### **What Is The Settlement?**

This settlement proposes to release the claims of approximately 510 class members based on defendants' alleged failure to provide the statutorily required information in their utility bills, as alleged in the class action complaint filed May 31, 2021. As part of the settlement agreement, defendant shall pay \$450,000 to the class common

fund. Each class member shall be paid approximately \$588, depending on the number of verified class members, unless they opt out. In addition to the \$450,000 payment to the class common fund, defendants shall be responsible for the following additional payments: payment of the costs of class notice and class administration, including costs associated with locating class members and paying settlement funds to them, and the costs of mediation, and payment of any approved incentive award to plaintiff. As negotiated by Mr. English, class counsel will apply for a standard contingency fee of 33% of the common fund.

### **What Can I Get In The Settlement?**

The settlement provides for an approximate \$588 payment to each class member. The exact payment amount will be confirmed once the parties and the administrator determines the exact number of individuals who, as part of a rental agreement, occupied dwelling units managed by The Management Group, Inc. in the State of Oregon, from March 9, 2019 to September 8, 2021.

### **What Do Plaintiff And The Lawyers Get?**

To date, plaintiffs' legal team of five lawyers have not been compensated for any of their work on this case. The plaintiff's lawyers ("class counsel") will petition the Court for a standard contingency fee of 33% of the common fund. The plaintiff in this case may apply to the Court for an incentive award to be paid separately from the common fund of \$5,000. This payment is designed to compensate the plaintiff for the time, effort, and risks she undertook in pursuing this litigation, and for the relief she helped obtain on behalf of the class members. Plaintiff and their lawyers will file a motion with the Court on or before February 24, 2023 in support of their applications for attorneys' fees, costs, and expenses and incentive payment to the plaintiff. A copy of that motion will be available on the settlement website. The Court will determine what amounts of fees, costs, expenses, and class representative payment to award. The award of attorneys' fees, costs and expenses will be paid to class counsel approximately 60 days after the Court's final order and judgment approving the settlement.

### **What Claims Are Released By The Settlement?**

Effective upon final approval, plaintiff, for herself and as the representative of the class, and on behalf of each class member who has not timely opted out and each of their respective agents, successors, heirs, assigns, and any other person who can claim by or through them in any manner, shall have fully and finally released with prejudice all released claims against the released parties.

## **How Do I File a Claim?**

You do not need to file a claim. If you do not opt out, a check will automatically be mailed to you approximately 60 days after the Court's final order and judgment approving the settlement.

## **How Do I Exclude Myself From The Settlement And Litigation?**

You can exclude yourself from the settlement class if you wish to retain the right to sue defendants separately for any monetary claims over claim at issue. If you exclude yourself, you cannot object to the terms of the settlement.

To exclude yourself (or "Opt Out"), you must mail a written request to exclude yourself from the settlement to the claim administrator at Angelique v The Management Group, Settlement Administrator, Attn: Objections / Exclusions, P.O. Box 58220, Philadelphia, PA 19102. The exclusion request must include the following:

- A heading referring to Case Number 21CV21805, pending before the Multnomah County Circuit Court in the State of Oregon, and entitled "Angelique v. The Management Group, Inc.";
- Your name and address;
- A clear statement that you wish to be excluded from the class: "I wish to be excluded from The Management Group, Inc. Class Action Settlement"; and
- Your signature.

Exclusion requests must be postmarked, mailed by first class mail, postage prepaid, no later than March 22, 2023.

## **How Do I Object To The Settlement?**

If you are a class member and do not exclude yourself, you can object to the settlement, or any part of the settlement, for example if you do not think the settlement is fair. You can state reasons why you think the Court should not approve it. The Court will consider your views. To object, you must mail a written statement to the claim administrator at Angelique v The Management Group, Settlement Administrator, Attn: Objections / Exclusions, P.O. Box 58220, Philadelphia, PA 19102. The written statement must include the following:

- A heading referring to the Case Number 21CV21805, pending before the Multnomah County Circuit Court in the State of Oregon and entitled "Angelique v. The Management Group, Inc.";

- Your name and address;
- A detailed written statement of the specific factual and legal basis for each objection;
- If you want to appear at the fairness hearing—which is where the Court will determine whether to approve of the settlement—a statement that you intend to appear, and the grounds or specific reasons for your desire to appear and be heard (you do not have to attend the fairness hearing to object to the settlement);
- A list of and copies of all documents that you may seek to use at the fairness hearing, and a list of the names of any witnesses that you want to present at the fairness hearing; and
- If you are not represented by counsel, your court contact information, including name, a mailing address, a telephone number, and an email address and a facsimile transmission number, if any.

Your objection to the Settlement must be postmarked, mailed by first class mail, postage prepaid, no later than March 22, 2023.

### **When Will The Court Decide If The Settlement Is Approved?**

The Court will hold a hearing on April 21, 2023 at 1pm PST to consider whether to approve the settlement. The hearing will be held in the in the courtroom of the Judge Amy Baggio. This hearing date may change without further notice to you. Consult the settlement website at [OregonRentLaw.com](http://OregonRentLaw.com) for updated information on the hearing date and time.

### **How Do I Get More Information?**

You can contact the settlement administrator, Angeion by calling 1-888-507-7787, writing to Angelique v The Management Group, Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103, by e-mail to [info@OregonRentLaw.com](mailto:info@OregonRentLaw.com), or by visiting [OregonRentLaw.com](http://OregonRentLaw.com). The Court requests that you do not call or contact the Court concerning this notice, the settlement or the lawsuit.