

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION

HANNAH MILLER,)
Individually And As Representative of a Class of)
Similarly Situated Persons,)
)
Plaintiff,)
) Case No. 18 CH 06545
)
vs.)
) Calendar 4
)
1237 FULLERTON LLC &)
THE SCION GROUP LLC,)
)
Defendants.)

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

YOU WILL BENEFIT FROM READING THIS NOTICE

TO: “Those persons who have not executed releases of claims with respect to their rental agreements with either Defendant for an apartment located at 1237 W. Fullerton, Chicago, Illinois 60614, on or after March 15, 2017, through May 22, 2018, and who have claims pursuant to Section 5-12-170 and/or Section 5-12-080 of the Chicago Residential Landlord and Tenant Ordinance (‘RLTO’), against Defendants, including without limitation because those persons did not receive an official and complete version of either the RLTO Summary and/or RLTO ‘Separate Summary’ regarding security deposits when their rental agreements were initially offered or renewed for a dwelling unit located at the subject building and/or did not receive an address with zip code where their security deposit was being held.” (the “Settlement Class”).

IF YOU WISH TO RECEIVE A PORTION OF THE CLASS SETTLEMENT YOU MUST RETURN A CLAIM FORM BY MAIL OR EMAIL POSTMARKED ON OR BEFORE MAY 11, 2020.

If you do not wish to be part of the Settlement, you may submit a written request for exclusion pursuant to the instructions below.

WHAT THIS CLASS ACTION LAWSUIT IS ABOUT

On May 22, 2018, Plaintiff filed a class action complaint in the Circuit Court of Cook County, Chicago, Illinois. Plaintiff’s class action complaint alleged that Defendants violated the Chicago Residential Landlord and Tenant Ordinance (“RLTO”) by failing to attach to leases and renewals the RLTO Summary and Separate Summary containing the security deposit interest rates pursuant to RLTO Section 5-12-170 and by failing to provide an address with zip code where their security deposit was being held pursuant to RLTO Section 5-12-080(a)(3).

The Plaintiff and Defendants have reached a proposed settlement of the lawsuit. The Court has preliminarily approved the Settlement, has appointed Aaron Krolik Law Office, P.A., and Mark Silverman Law Office, Ltd. as counsel for the Class (“Class Counsel”), and has approved this Notice and Claim Form. This Notice explains the nature of the lawsuit and the terms of the Settlement, and informs you of your legal rights and obligations.

THE FAIRNESS HEARING

*YOU ARE NOT OBLIGATED TO ATTEND THIS HEARING BUT MAY DO SO
IF YOU PLAN TO OBJECT TO THE SETTLEMENT.*

A hearing will be held by the Court to consider the fairness of the proposed Settlement and to decide whether to issue a final approval of the Settlement. At the hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed Settlement, including the amount of the attorneys’ fee awarded. The hearing will take place before the **Honorable Judge Alison C. Conlon on June 19, 2020 at 10:30 a.m. in Room 2408 of the Richard J. Daley Center, 50 West Washington Street, Chicago, Illinois 60602.**

THE PROPOSED SETTLEMENT

Summary of the Benefits to YOU Under the Settlement:

1. **\$100.00** per rental agreement or renewal will be paid to each person who was initially offered a rental agreement and/or renewal at 1237 West / Ion apartment building located at 1237 Fullerton Ave, Chicago, IL 60614 between March 15, 2017 and May 22, 2018, inclusive. The payment is in the form of a check mailed to the last known address of that person (i.e. you), as updated by that person in response to the Class Notice, or, as found in the records of Defendants. Each rental agreement or renewal shall be the source of a total recovery of \$100.00, such that multiple individuals under the same rental agreement or renewal shall be treated as one Class Member, and entitled jointly to one total payment of \$100.00 to be divided equally between all of the Claimants who submit claims and who have claims under the same rental agreement or renewal.

2. **The Claim Form is required** for Class Members to file a claim and the Class Notice that advises them that they should update their address to Class Counsel and Defense Counsel. Class Members must file a claim within the notice period, or, submit a written exclusion or objection to both counsel within that same period of time. For a Claim Form, please go to <http://www.depositlaw.com/2018-ch-06545> or email admin@1237FullertonSettlement.com.

3. **WHAT TO DO IF YOU WISH TO RECEIVE MONEY FROM THE SETTLEMENT:** If you wish to obtain the benefits of the Settlement, and you are a Class Member, then you must submit a *completed Claim Form*, by U.S. mail or email, to third-party administrator (TPA) **Miller v. 1237 Fullerton Settlement Administrator, c/o KCC Class Action Services, P.O. Box 43501, Providence, RI 02940-3501** no later than **May 11, 2020.**

If you submit the Claim Form by email, it must be received no later than **May 11, 2020.** The **email of KCC is admin@1237FullertonSettlement.com.**

4. If a Class Member submits a timely signed Claim Form, then Defendants shall, after 30 days after entry of an order granting final approval, mail a check in the amount of \$100.00 per rental agreement or renewal to each Class Member’s address on his/her Claim Form.

5. Checks shall all indicate on their face that they shall be void after 90 days. After checks become void, the funds included in any such checks shall be deemed “unclaimed” funds.

6. Any funds that would have been payable to any Class Members who submit neither a timely Claim Form nor an exclusion shall also be deemed “unclaimed” funds.

7. Recovery to Plaintiff: Subject to Court approval, Plaintiff shall receive \$2,500.00 and a mutual release of any and all claims against her for rent. This agreement reflects both the sums that Plaintiff claimed as a member of the Class as well as an incentive award in connection with Plaintiff’s services as a representative of the Class during the pendency of this litigation.

8. Attorney’s Fees and Costs: Class Counsel Aaron Krolik Law Office P.A. and Mark Silverman Law Office, Ltd. have requested that the Court award reasonable attorneys’ fees and costs payable by Defendants in the amount of \$42,500.00 subject to the Court’s approval, and the costs of administering the Settlement Agreement to be reimbursed or paid by the Defendants. This request is based on the litigation costs incurred and the amount of hours worked by Class Counsel at their normal hourly rate.

9. **Unless you exclude yourself from the Settlement, you will be part of the Class and bound by the Settlement.** Regardless of whether you submit a Claim Form, if you stay in the Class you will release the Defendants for all claims that you may have had, as of the date of Final Approval of this Settlement, which is anticipated to be **June 19, 2020**, arising out of your relationship with Defendants (except for claims of bodily injury).

10. **REPRESENTATION BY CLASS COUNSEL – OR YOUR OWN ATTORNEY:** As a member of the Class, your interests will be represented by the attorneys for Plaintiff without any additional charge to you. If you wish to participate on your own or through your attorney, an appearance must be filed with the Clerk of the Circuit Court, Chancery Division, by **May 11, 2020**. If you participate through your own attorney, it will be at your expense.

11. **WHAT TO DO IF YOU OBJECT TO THE SETTLEMENT:** If you object to the Settlement and do not wish to exclude yourself from the class action, you must submit your objection in writing to the Clerk of the Circuit Court of Cook County, Chancery Division, Richard J. Daley Center, 50 West Washington Street, Chicago, Illinois 60602. The objection must be mailed to the Clerk of the Circuit Court postmarked on or before **May 11, 2020**. **Your objection must include the name and case number. On the same date that you mail your objections to the Clerk of the Court, you must also mail copies of that objection to Class Counsel and Defense Counsel, as follows:**

Class Counsel:

Mark Silverman Law Office, Ltd.
225 W. Washington St.
Suite 2200
Chicago, IL 60606

Aaron Krolik Law Office, P.A.
225 W. Washington St.
Suite 2200
Chicago, IL 60606

Defense Counsel:

Chirag H. Patel and Jamey Hiller
GORDON REES SCULLY MANSUKHANI LLP
One North Franklin, Suite 800
Chicago, IL 60606

Your written objections must include detailed reasons explaining why you contend that the Settlement should not be approved. It is not sufficient to simply state that you object. Provided that you have submitted a written objection, you may also appear at the fairness hearing.

12. **WHAT TO DO IF YOU WISH TO BE EXCLUDED FROM THE SETTLEMENT:** You have the right to **exclude yourself** from both the Class and the Settlement by submitting a written request for exclusion to the Clerk of the Circuit Court, Class Counsel and Defendant at the addresses shown above in section 11, postmarked on or before **May 11, 2020**. Your request for exclusion must state your name, address, former unit number at 1237 Fullerton, and the name and number of the case.

13. **WHAT IF THE SETTLEMENT IS NOT APPROVED?** If the Settlement is not approved, the case will proceed as if no Settlement had been reached. There can be no assurance that, if the Settlement is not approved, the Class will recover more than is provided in the Settlement or, indeed, anything at all.

14. **ADDITIONAL INFORMATION:** The description of the case in this Notice is general and does not cover all of the issues and proceedings thus far. In order to see the complete file, including a copy of the settlement agreement, you may visit the office of the Clerk of the Circuit Court of Cook County, Chancery Division, Richard J. Daley Center, 50 West Washington Street, Chicago, Illinois 60602, Room 802, where you may inspect and/or copy the court file for this case at your own expense. For a Claim Form, please go to <http://www.depositlaw.com/2018-ch-06545> or email admin@1237FullertonSettlement.com.

PLEASE DO NOT CALL THE JUDGE'S CHAMBERS.