

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

DAVID STERN & ANN MONAHAN, ) Case No. 17 CH 17101  
Individually And As Representatives of a Class of )  
Similarly Situated Persons, )  
Plaintiffs, )  
 ) Calendar 14  
vs. )  
LEANING TREE CHUTE LLC & )  
RESIDE LIVING LLC, )  
Defendants. ) Judge Sophia Hall Presiding

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**NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT**

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**YOU WILL BENEFIT FROM READING THIS NOTICE**

TO: Those persons who entered into a lease or a renewal at any property in Chicago owned and/or managed by Defendants on or after December 28, 2015, and who have claims pursuant to Section 5-12-170 of the Chicago Residential Landlord and Tenant Ordinance (“CRLTO”), based on the Landlords’ alleged failure to provide its Chicago Tenants with an official and updated RLTO Summary and/or RLTO Separate Summary which contains current security deposit interest rate disclosures when rental agreements were initially offered or renewed.

**IF YOU WISH TO RECEIVE A PORTION OF THE CLASS SETTLEMENT YOU MUST RETURN THE CLAIM FORM INCLUDED WITH THIS NOTICE. THE CLAIM FORM MUST BE SENT TO THE THIRD PARTY ADMINISTRATOR (“TPA”) BY US MAIL SO THAT IT IS POSTMARKED ON OR BEFORE APRIL 29, 2019, OR SUBMIT THE COMPLETED CLAIM FORM BY EMAIL SO THAT IT IS RECEIVED ON OR BEFORE APRIL 29, 2019.**

**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 December 28, 2017, Plaintiffs filed a class action complaint in the Circuit Court of Cook County, Chicago, Illinois. Plaintiffs’ class action complaint alleged that Defendants violated the Chicago Residential Landlord and Tenant Ordinance (“RLTO”) by failing to attach to leases and renewals the required RLTO Summary and/or Separate Summary containing the security deposit interest rates pursuant to RLTO Section 5-12-170. Defendants did not collect security deposits. The Plaintiffs 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 FINAL FAIRNESS AND APPROVAL 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’ Fees and Costs awarded. The hearing will take place before the **Honorable Judge Sophia Hall** on **MAY 31, 2019 at 11:00 a.m. in Room 2301 of the Richard J Daley Center, Chicago, IL 60602.**

### **THE PROPOSED SETTLEMENT**

#### **Summary of the Benefits to YOU Under the Settlement:**

1. You will receive **\$70** per lease or renewal paid to each person who was initially offered a rental agreement and/or renewal at any affected property under a Defendant’s management within the two (2) year time period before the case was filed. 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 lease or renewal shall be the source of a total recovery of \$70, such that multiple individuals under the same lease or renewal shall be treated as one class member, and entitled jointly to one total payment of \$70 to be divided equally between all of the claimants who submit claims and who have claims under the same lease or renewal. Further, each Class Member will be entitled to a total recovery of \$70 for any and all leases and renewals at any affected property.
2. **The Claim Form (see ATTACHED PAGE 5) 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. Any non-response will be deemed a waiver of your claim.
3. If a Class Member submits a timely signed claim form and provides an address, then Defendants shall, after 30 days after entry of an order granting final approval, mail a check in the amount of \$70 per rental agreement or renewal to each class member’s address on his/her claim form.
4. 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 become deemed “unclaimed” funds.
5. Any funds that would have been payable to any Class Members that submit timely exclusions shall also become deemed “unclaimed” funds.

**Recovery to Plaintiffs:** Subject to Court approval, Plaintiffs shall receive a mutual release of any and all claims against them . This agreement reflects both the sums that Plaintiffs claimed as a member of the Class as well as an incentive award in connection with Plaintiffs’ services as representatives of the class during the pendency of this Litigation.

**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 attorneys' fees and costs payable by Defendants in the amount of \$66,000 subject to the Court's approval. This request is based on the litigation costs incurred and the amount of hours worked by Class Counsel at their normal hourly rate. The costs of administering the Settlement Agreement are to be reimbursed or paid by the Defendants.

**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 Defendant for all claims that you may have had, as of the date of Final Approval of this Settlement, which is anticipated to be **MAY 31, 2019**, arising out of your relationship with Defendant (except for claims of bodily injury).

**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 the Third Party Administrator ("TPA") for the notice, claims, and payment of the Settlement in this Litigation. You can submit by mail to: Stern v. Reside Settlement, c/o Third Party Administrator, PO Box 58201, Philadelphia, PA 19102-8201, or by email to **info@sternsettlement.com**. **If you submit the Claim Form by email, it must be received by the Third Party Administrator no later than APRIL 29, 2019; if you submit the Claim Form by mail it must be postmarked no later than APRIL 29, 2019.**

**REPRESENTATION BY CLASS COUNSEL – OR YOUR OWN ATTORNEY:** As a member of the Class, your interests will be represented by the attorneys for Plaintiffs 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 **APRIL 29, 2019**. If you participate through your own attorney, it will be at your expense.

**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 **APRIL 29, 2019**. **Your objection must include the name and case number and the reasons for your objection. 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:**

Ms. Margaret Fitzsimmons and Mr. Josh Kantrow  
Lewis Brisbois Bisgaard & Smith LLP  
550 West Adams Street  
Suite 300  
Chicago, Illinois 60661

Questions? Visit [www.SternSettlement.com](http://www.SternSettlement.com)

**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 Final Fairness and Approval Hearing.**

**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 by US mail to Stern v. Reside Settlement, c/o Third Party Administrator, PO Box 58201, Philadelphia, PA 19102-8201 so that it is postmarked on or before April 29, 2019, or by email to **[info@sternsettlement.com](mailto:info@sternsettlement.com)** so that it is received on or before APRIL 29, 2019. Your request for exclusion must state your name, address, and the name and number of the case, and a statement stating you wish to be excluded.

**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 what is provided in the Settlement or, indeed, anything at all.

**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.

**PLEASE DO NOT CALL  
THE JUDGE'S CHAMBERS.**