

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**  
*Baker, et al. v. Equity Residential Management, L.L.C., et al.,*  
Docket No. 1:18-cv-11175-PBS

**If you were a tenant or occupant at Walden Park (i.e., 205-225 Walden Street, Cambridge, Massachusetts) between April 12, 2012 and April 24, 2014 or between July 7, 2014 and September 30, 2014, then you may be entitled to a benefit from a class action settlement.**

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

- The Settlement will provide up to \$500,000.00 in financial benefits to members of the Class. Class Members who make valid and timely claims will be eligible to receive payment. The amount of the payment will depend on how many eligible claims are filed and approved, with a maximum payment of up to \$5,000.00 if certain conditions are met.
- **Your legal rights are affected whether you act or don't act. Please read this entire notice carefully.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
<b>RECEIVE SETTLEMENT BENEFITS</b>	<b>You must follow the instructions set forth in this Notice and submit a Claim Form to receive a Settlement benefit of up to \$5,000.00.</b>
<b>EXCLUDE YOURSELF</b>	<b>Get no Settlement benefits and be able to bring your own suit.</b>
<b>OBJECT</b>	<b>Write to the Court about why you don't like the Settlement.</b>
<b>DO NOTHING</b>	<b>Get no settlement benefits and lose your ability to bring your own suit.</b>

- 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. Settlement benefits will become available if the Court approves the Settlement and after the deadline to appeal the settlement approval has expired with no appeals having been filed or after any appeals that have been filed are finished and the settlement approval is affirmed. Please be patient.

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**BASIC INFORMATION**

**1. Why did I get this notice?**

The Court ordered this Notice because you have a right to know about a proposed Settlement of a class action lawsuit of which you may be a Class member, and about your options, before the Court decides whether to approve the Settlement.

If the Court approves the Settlement and after any objections and appeals are resolved, Equity will pay up to \$500,000.00. The Claims Administrator will administer a process by which Class Members who file valid and timely claims will receive cash payments from the Settlement. This Notice explains the lawsuit, the Settlement, your legal rights, the benefits available, who is eligible for them, and how to get them.

The Court in charge of the case is the United States District Court for the District of Massachusetts and the case is entitled *Baker, et al. v. Equity Residential Management, L.L.C., et al.*, C.A. No. 1:18-cv-11175-PBS. Equity Residential Management, L.L.C. and EQR-Walden Park, L.L.C. (referred to here as "Equity" of "Defendants") are the Defendants.

**2. What is this lawsuit about?**

The lawsuit claims that Defendants breached the warranty of habitability and the covenant of quiet enjoyment due to problems with its heat and hot water systems at Walden Park between 2012 and 2014. Equity denies any wrongdoing.

**3. Why is this a class action?**

In a class action, Class Representatives (in this case Rachelle Baker and Jason Dittmann), sue on behalf of people who have similar claims. All these people are a Class or Class Members. One court resolves the issues for all Class Members, except for those who ask to be excluded from the Class. Judge Patti B. Saris is in charge of this class action.

**4. Why is there a Settlement?**

This case has been aggressively litigated by both the Plaintiffs and the Defendants for six years. The Defendants vehemently deny any wrongdoing and intend to seek dismissal at trial and/or an order decertifying the class on appeal. Due to the uncertainties of what could happen at trial and on appeal, the parties explored the possibility of settlement by using a court appointed mediator. This settlement is designed to bring all litigation to an end, while providing substantial financial benefit to members of the Class.

**WHO IS IN THE SETTLEMENT**

**5. How do I know if I am part of the Settlement?**

You are a member of the Class and part of the Settlement if you fall into any one of the following three categories:

- You were a tenant at Walden Park (i.e., 205-225 Walden Street, Cambridge, Massachusetts) on a day between April 12, 2012 to April 24, 2014 in which there was a heat or hot water outage;
- You were a tenant at Walden Park for the period between April 12, 2012 to April 24, 2014; or
- You were a tenant at Walden Park from May 1, 2012 to May 30, 2013; July 1, 2013 to December 31, 2013; and/or July 7, 2014 to September 30, 2014.

## THE SETTLEMENT BENEFITS

### 6. What does the Settlement provide?

If you are a member of the Class and you file a valid and timely claim, you are eligible to receive payment of up to \$5,000.00. The amount of the payment that you receive will depend on how many eligible claims are filed and approved. Payment of Settlement Benefits will be based on two available pools of settlement funds.

**The Settlement Fund:** The Defendants will pay \$200,000.00 to fund the Settlement Fund. If you submit a valid and timely claim to the Claim Administrator, you will receive a pro rata amount of this Settlement Fund, with a maximum payment amount of \$4,000.00.

**The Substantiated Claim Pool:** The Defendants will also make available an additional \$300,000.00 to members of the Class who can substantiate their claim by sending with their valid and timely claim, evidence of a written complaint (which shall include, without limitation, letters, e-mails, text messages, online messages, or other written correspondence) made to Equity about a heat or hot water issue during the period of August 12, 2012 through April 24, 2014. If you can provide this documentation with your claim, you shall also be entitled to a pro rata amount of the Substantiated Claim Pool, with a maximum payment amount of \$1,000.00. This payment shall be in addition to any payment you receive from the Settlement Fund.

Unlike the Settlement Fund, the Substantiated Claim Pool is not a fund that will be automatically deposited with the Claim Administrator in advance of any claims being made. Instead, the Substantiated Claim Pool constitutes a commitment by Defendants, as a Settlement benefit, to pay timely and valid claims by Class Members who can substantiate their claims (as described in the preceding paragraph), up to a total maximum payout of \$300,000.00 for all Substantiated Claims and up to a maximum payment of \$1,000.00 per affected unit for each Substantiated Claim. **Defendants' total payment for the Substantiated Claim Pool is limited by the total value of all valid and timely Substantiated Claims submitted. So, for example, if no Substantiated Claims are submitted by Class Members, then Defendants will not be required to pay out any portion of the \$300,000.00 they have agreed to make available. If there are 100 Substantiated Claims submitted, which (with the \$1,000.00 per claim maximum) would have a maximum collective value of \$100,000.00, then Defendants would not be required to pay more than \$100,000.00 in total for the Substantiated Claims. If there are 300 or more Substantiated Claims submitted, then Defendants would be required to pay the entire \$300,000.00.**

**ASSISTANCE IS AVAILABLE:** If you believe that you have made a written complaint to Equity about heat or hot water issues, as described above, but you do not have any evidence of your complaint to submit with your claim, you can contact Class Counsel, who will check their records (which includes records made available by Defendants). Class Counsel will let you know if they were able to find any complaints for submission with your Proof of Claim within 10 days of your request. If Class Counsel can locate a written complaint you made to Defendants, that evidence will be provided to you, which you can then submit with your Proof of Claim. **IT IS STILL YOUR RESPONSIBILITY TO TIMELY SUBMIT THE EVIDENCE WITH YOUR PROOF OF CLAIM IN ORDER TO RECEIVE PAYMENT FROM THE SUBSTANTIATED CLAIM POOL.** It is important to note, however, that even if you seek such assistance from Class Counsel in documenting your written complaint about heat or hot water issues, your Proof of Claim must still be submitted by the Claim Period deadline, which is November 14, 2019.

**FOR ASSISTANCE PLEASE CONTACT CLASS COUNSEL:** For assistance finding evidence of your written complaint, you can reach attorney Joshua N. Garick, Esq. at (617) 600-7520 or Joshua@GarickLaw.com, or you can reach attorney David Pastor, Esq. at (617) 742-9700 or dpastor@pastorlawoffice.com. **PLEASE CONTACT CLASS COUNSEL NO LATER THAN NOVEMBER 4, 2019 at 3:30 PM.** While Class Counsel will make every effort to locate evidence for you, Class Counsel cannot guarantee that a request submitted after this deadline will be honored in a timely manner.

All payments from the Settlement Fund and from the Substantiated Claim Pool shall be distributed on a pro rata per unit basis. This means that if you had co-tenant(s) living with you, the pro rata amount you will receive will be divided among you and each of your co-tenants who also submits a valid and timely claim.

## HOW YOU GET A PAYMENT—SUBMITTING A CLAIM FORM

### 7. How can I participate in the Settlement?

If you want to receive the monetary benefits offered under this Settlement, then you will need to fill out and sign a valid Proof of Claim. On the Proof of Claim, you will provide your name, complete mailing address, e-mail address and contact telephone numbers, as well as the unit number of the Equity apartment you resided in and the beginning and ending dates of your tenancy or occupancy in the apartment.

If you did not receive a Proof of Claim, you can obtain one by contacting the Claims Administrator at 1-844-961-0320. Proofs of Claim may be submitted by mail to Equity Walden Park Settlement, c/o JND Legal Administration, P.O. Box 91248, Seattle, WA 98111 or completed online at [www.EquityWaldenParkSettlement.com](http://www.EquityWaldenParkSettlement.com). Each and every adult person who lived in the apartment unit may file a separate Proof of Claim in order to receive any distribution from the Settlement. If multiple tenants or

residents lived in the same apartment, such as a group of friends, a couple, a family, etc., each adult may file his or her own Proof of Claim. However, payments from the Settlement will be apportioned equally among you and each of your co-tenant(s) who submits a valid and timely claim.

**To be timely, the Proof of Claim must be submitted online by November 14, 2019 or by mail to the Claims Administrator if postmarked by November 14, 2019.**

If the Court approves the Settlement, the Proof of Claim will be reviewed by the Claims Administrator, and if you are eligible, you will receive a payment. You can check on the progress of the Settlement by visiting the Settlement website at [www.EquityWaldenParkSettlement.com](http://www.EquityWaldenParkSettlement.com).

#### **8. When would I receive my Settlement benefits?**

The Court will hold a hearing on November 4, 2019, at 3:30 PM at the United States District Court for the District of Massachusetts, Courtroom 19, located at One Courthouse Way, Boston, Massachusetts 02210, to decide whether to approve this Settlement.

If the Court approves the Settlement, Settlement Benefits will be mailed to you, unless there is an appeal. It is always uncertain how long it will take to resolve an appeal. You may continue to check on the progress of the Settlement by visiting the website [www.EquityWaldenParkSettlement.com](http://www.EquityWaldenParkSettlement.com). Payment will be made once appeals have concluded.

All checks mailed by the Claims Administrator to members of the Class are valid for 60 days only. Any funds not cashed or redeemed in that time will be returned to Defendants.

#### **9. What am I giving up to stay in the Class and receive a benefit?**

Unless you exclude yourself, you are staying in the Class, and that means that you can't sue, continue to sue, or be part of any other lawsuit against Equity about the legal issues in this case if the Settlement is approved. It also means that all of the Court's orders will apply to you and legally bind you. This is true whether you file a Proof of Claim and receive payment, or you do not file a Proof of Claim and do not receive payment.

As part of the Settlement, the Plaintiffs have agreed to dismiss all claims of the Class Members relating to the alleged heat and hot water issues at Walden Park. This means that all persons who do not opt-out of the Class will be barred from bringing any claims on their own for the conduct that Plaintiffs claim in this lawsuit, even if they do not file a claim or receive any monetary Settlement Benefits.

### **EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you don't want to participate in this Settlement, but you want to keep the right to sue or continue to sue Equity on your own about the legal issues in this case, then you must take steps to get out. This is called excluding yourself and is sometimes referred to as opting out of the Class.

#### **10. How do I get out of the Class?**

To exclude yourself from the Class, you must send a letter by mail saying that you want to be excluded from the Class. Be sure to include your name, address, telephone number, your signature, and refer to the case *Baker, et al. v. Equity Residential Management, L.L.C.*, et al., C.A. No. 1:18-cv-11175-PBS. You must mail your exclusion request postmarked no later than October 21, 2019 to:

Craig M. White, Esq.  
BAKER & HOSTETLER LLP  
One North Wacker Drive, Suite 4500  
Chicago, IL 60606-2841

You can't exclude yourself on the phone or by e-mail. If you ask to be excluded, you will not get any of the Settlement Benefits, and you cannot object to the Settlement. You will also not be legally bound by anything that happens in this lawsuit. You may be able to sue (or continue to sue) Equity in the future.

#### **11. If I don't exclude myself, can I sue Equity for the same thing later?**

No. Unless you exclude yourself, you give up the right to sue Equity for the claims that this Settlement resolves. If you have a pending lawsuit against Equity, speak to your lawyer in that lawsuit immediately. You must exclude yourself from this Class to continue your own lawsuit. Remember, the exclusion deadline is October 21, 2019.

**12. If I exclude myself, can I still benefit from this Settlement?**

No. If you exclude yourself, you cannot seek monetary benefits under the Settlement. But you may sue, continue to sue, or be part of a different lawsuit against Equity.

**THE LAWYERS REPRESENTING YOU**

**13. Do I have a lawyer in the case?**

The Court has appointed the Law Offices of Joshua N. Garick, P.C. and Pastor Law Office, LLP to represent you and the Class. These lawyers are called Class Counsel. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

**14. How will the lawyers be paid?**

The attorneys who brought the case on your behalf are requesting attorneys’ fees in the amount of \$500,000.00, plus reimbursement of out-of-pocket expenses in the sum of \$30,000.00, which must be approved by the Court. The Class Representatives will also seek compensation for their efforts in the amount of \$7,500.00 each, which must also be approved by the Court. Equity has also agreed to pay the Claims Administration expenses to administer this Settlement. All of these amounts will be paid separately by Equity, in addition to the Settlement Benefits made available and/or paid to members of the Class, and will not reduce the funds available to members of the Class in the Settlement Fund or the Substantiated Claim Pool. A motion for these payments will be made by Plaintiff at the appropriate time.

**OBJECTING TO THE SETTLEMENT**

You can tell the Court that you don’t agree with the Settlement or some part of it.

**15. How do I tell the Court that I don’t like the Settlement?**

If you stay in the Class, you can object to the Settlement if you don’t like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter containing all of the following: (1) a caption or title that identifies it as “Objection to Class Settlement in *Baker, et al. v. Equity Residential Management, L.L.C., et al.*, C.A. No. 1:18-cv-11175-PBS; (2) information sufficient to identify you, including your name, address, telephone number, email address, your Equity apartment number and lease or rental period, and the name and contact information for any attorney retained by you in connection with the objection; (3) a clear, concise, and detailed statement of each objection you are making, the facts supporting each objection, the legal basis for each objection, and what you want the Court to do; (4) a statement of whether you intend to appear, either in person or through counsel, at the Final Fairness Hearing; (5) if you object through or intend to appear through counsel, the counsel’s name, address, phone number, email address, state bar(s) to which the attorney is admitted, and any legal authority in support of your objections upon which you will rely; and (6) a list of and copies of all exhibits that you may seek to use at the Final Fairness Hearing.

If your objection does not comply with the above requirements, you will not be able to appear and object to the Settlement, but you will be bound by all of the terms of the Settlement, including the release of all claims, if the Settlement is approved, and you will be legally bound by anything that happens in the lawsuit.

Mail your objection to these three different places postmarked no later than October 21, 2019.

To the Court:	To Class Counsel:	To Equity’s Counsel:
Clerk of Court United States District Court One Courthouse Way Boston, MA 02210	Joshua N. Garick, Esq. 34 Salem Street, Suite 202 Reading, MA 01867 (617) 600-7520 Joshua@GarickLaw.com	Craig M. White, Esq. BAKER & HOSTETLER LLP One North Wacker Drive, Suite 4500 Chicago, IL 60606-2841

**16. What’s the difference between objecting and excluding?**

Objecting is simply telling the Court that you don’t like something about the Settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you don’t want to be part of the Class. If you exclude yourself, you cannot object because the case no longer affects you.

## THE COURT'S FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you don't have to.

### 17. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Hearing on November 4, 2019, at 3:30 PM at the United States District Court, District of Massachusetts, Courtroom 19, One Courthouse Way, Boston, Massachusetts 02210 before the Hon. Patti B. Saris, to consider whether the Settlement is fair, reasonable and adequate. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay Class Counsel. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take. The hearing may be continued without further notice.

### 18. Do I have to come to the hearing?

**No.** Class Counsel will answer questions the Court may have. But you are welcome to come at your own expense. If you send a written objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend.

### 19. May I speak at the hearing?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must include with your objection a statement that you intend to appear, either in person or through an attorney, at the Final Approval Hearing, as stated under Question 15 above.

## IF YOU DO NOTHING

### 20. What happens if I do nothing at all?

If you do nothing at all, you will remain in the Class and will not receive a monetary benefit from the Settlement. For any questions as to how to claim a monetary benefit under the Settlement, see Question 7 above: "How can I participate in the Settlement?"

If you do not exclude yourself and do not return a valid and timely Proof of Claim you will receive no monetary benefit from the Settlement, and you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Equity about the legal issues in this case, ever again.

## GETTING MORE INFORMATION

### 21. Are there more details about the Settlement?

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement by writing to Class Counsel listed under Question 15 above, or you can download a copy online by visiting [www.EquityWaldenParkSettlement.com](http://www.EquityWaldenParkSettlement.com).

### 22. How do I get more information?

You can write to the Claims Administrator, Equity Walden Park Settlement, c/o JND Legal Administration, P.O. Box 91248, Seattle, WA 98111 to ask questions about the Settlement, be able to sign up to be notified if the Settlement is approved, plus other information to help you determine whether you are a Class Member and whether you are eligible for a payment. You may also visit [www.EquityWaldenParkSettlement.com](http://www.EquityWaldenParkSettlement.com) or call 1-844-961-0320 or contact Class Counsel listed under Question 15 above.

**Please do not contact the Clerk of the Court or the Judge with questions.**

BY ORDER OF THE COURT.

DATED: September 9, 2016

HONORABLE PATTI B. SARIS  
UNITED STATES DISTRICT JUDGE