**This is a notice of a lawsuit settlement.**

**You may benefit from this. Please read it carefully.**

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE EASTERN DISTRICT OF MICHIGAN**

|  |  |  |
| --- | --- | --- |
| LAWRENCE M. GARNER, et. al.  Plaintiffs,  v  CITY OF ROSEVILLE, et. al.  Defendants,  and  CORDIA MICHIGAN, LLC, et. al.  Plaintiffs,  v  CITY OF ROSEVILLE, et. al.    Defendants, | )  )  ) ) ) ) ) ) ) ) )  )  )  )  )  )  )  ) | Case No. 16-cv-10760  Hon. Victoria A. Roberts    **CLASS ACTION** |

**NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT WITH ATTACHED CLAIM FORM**

**TO:** Class: All persons and entities who currently own or at one time owned any non-owner occupied residential structures located within the City of Roseville who or which has been issued a misdemeanor ticket for failure to obtain a Certificate of Compliance under the City's Non-Owner-Occupied Housing Ordinance, and subsequently paid a fine at any time since January 1, 2010 through December 15, 2016.

Sub-Class: All persons and entities who were not owners of non-owner occupied residential structures located within the City of Roseville, yet were issued a misdemeanor ticket for failure to obtain a Certificate of Compliance under the City's Non-Owner-Occupied Housing Ordinance from January 1, 2010 through December 15, 2016.

The Court ordered us to send you this Notice because your name is contained on a list of persons/entities to which misdemeanor tickets were issued and you appear to be a member of the Settlement Class defined above.

**A. WHAT IS THIS LAWSUIT ABOUT?** Plaintiffs, Lawrence M. Gamer, Christopher Gamer, William Kaupus, Cordia Michigan, LLC, Rudalev I, LLC and Gamer Properties & Management, Inc. ("Plaintiffs") filed class action lawsuits against City of Roseville, Glenn Sexton, Rodney Browning ("Defendants"), alleging that Defendants violated certain due process rights, as well as allegations of defamation by improperly issuing misdemeanor tickets for failure to obtain a Certificate of Compliance related to non-owner-occupied residential structures, and Defendants denied Plaintiffs' allegations and raised defenses to Plaintiffs' claims. The parties have agreed to settle all claims regarding misdemeanor tickets issued related to non-owner-occupied residential structures from January 1, 2010 through December 15, 2016. This notice informs you of your rights as a member of the Settlement Class as defined above.

**B. WHAT IS THE PROPOSED SETTLEMENT?** Defendants have created a total Settlement Fund of $150,000.00 (the "Settlement Fund") to pay valid Class Member claims, class action settlement administration costs, attorneys’ fees, costs, and expenses, and an incentive award to Plaintiffs. Class Members submitting a valid and timely claim will be reimbursed a pro rata share of the Settlement Fund for fines paid after receiving a ticket described in paragraph A above after amounts are deducted from the Settlement Fund for costs, fees, incentive awards and a $350.00 payment to each valid Sub-Class claim. Sub-Class Members submitting a valid and timely claim will be paid $350.00 from the Settlement Fund. Sub-Class Members may also make a claim for a pro rata share of the Settlement Fund for any fines paid after receiving a ticket described in paragraph A above. A complete copy of the Settlement Agreement is available online at www.aaroncoxlaw.com.

The Court has preliminarily approved the proposed settlement, and certified the Settlement Class, defined above, subject to a final approval hearing that will occur on January 16, 2018, at 9:00 a.m. in Room 226 in the United States District Court for the Eastern District of Michigan, Theodore Levin U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226.

**C. WHAT ARE YOUR OPTIONS?**

1. **Submit a Proof of Claim (attached) to receive a check:** You must submit a Claim Form postmarked, or via facsimile within ninety (90) days after this Notice is sent, (on or before November 20, 2017) to be eligible to receive a settlement check.

**2. Do nothing:** You will be bound by the judgment and, if the Court approves the settlement, you will release your claims. You will not receive a settlement check if you do not submit a Claim Form.

**3. Opt out of the settlement:** You have the right to exclude yourself from both the class action and the settlement by mailing a written request for exclusion. Your request must be postmarked on or before November 20, 2017, and it must list your name, street address, the name and number of this case, and it must state that you wish to be excluded (for example, "Exclude me from the Roseville Settlement."). Mail your exclusion request to the following attorneys, postmarked by that date, and they will notify the Court of your request:

|  |  |
| --- | --- |
| For Class Counsel:  Mark K. Wasvary  Mark K. Wasvary, P.C.  Attn.: Roseville Settlement  2401 W. Big Beaver Rd., Ste 100  Troy, MI 48084 | Defendants’ Attorney:  Carlito H. Young  Johnson, Rosati, Schultz & Joppich, PC  Attn.: Roseville Settlement  27555 Executive Dr., Suite 250  Farmington Hills, MI 48331 |

**4. Object to the settlement:** If you wish to object to the settlement rather than excluding yourself, you must file a written objection with the Civil Clerk's Office, United States District Court for the Eastern District of Michigan, Theodore Levin U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226. Your objection must be postmarked by November 20, 2017, and must refer to the name and number of this case (Lawrence M. Garner, et al v. City of Roseville et al, Case No. 16-CV-10760). You must also serve copies of your objection on Class Counsel and Defendant's attorney (at the addresses above), postmarked by the same date. Your objection must include your name, street address, all attorneys who assisted you in the preparation and filing of your objection, a list of all other class action cases in which you or your counsel have filed objections to settlements, and a statement of the reasons why you believe the Court should find that the proposed settlement is not in the best interests of the Settlement Class. It is not sufficient to simply state that you object; you must state the reasons why you believe the settlement should not be approved. Additionally, if you want the Court to consider your objection, then you must also appear at the final approval hearing in Room 226 in the United States District Court for the Eastern District of Michigan, Theodore Levin U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226, on January 16, 2018, at 9:00 a.m. YOU ARE NOT REQUIRED TO ATTEND THIS HEARING UNLESS YOU OBJECT TO THE SETTLEMENT.

A class member may enter an appearance through an attorney, if the member so desires.

**D. WILL THE COURT APPROVE THE SETTLEMENT?** The Court will hold a final fairness hearing to decide whether to approve the settlement on January 16, 2018, at 9:00 a.m., in Room 226 in the United States District Court for the Eastern District of Michigan, Theodore Levin U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226. At that hearing, the Court will hear any timely and properly-filed objections and arguments about the settlement. You are not required to attend this hearing unless you object to the settlement. The hearing may be continued to a future date without further notice.

**E.** **WHO REPRESENTS THE SETTLEMENT CLASS IN THIS LITIGATION?** Plaintiffs Lawrence M. Gamer, Christopher Garner, William Kaupus, Cordia Michigan, LLC, Rudalev I, LLC and Gamer Properties & Management, LLC are the class representatives. Plaintiffs' attorneys have been appointed as Class Counsel. They are: Aaron D. Cox of Law Offices of Aaron D. Cox, PLLC and Mark K. Wasvary of Mark K. Wasvary, P.C. These attorneys have litigated this matter on a contingency basis. As part of the settlement, Class Counsel will request that the Court award Plaintiffs an incentive award of $2,500.00 each for serving as the class representative and ask the Court to award Class Counsel attorneys’ fees equal to one-third of the settlement fund for their legal services ($50,000.00), plus expenses also from the settlement fund. You will not have to pay any money to Class Counsel.

**F. INQUIRIES:** If you have specific questions, you can write to Class Counsel at the address listed above. Include the case number, your name, your telephone number, and your current street address on any correspondence. You may also call attorney Mark K. Wasvary, one of the lawyers for the Class, at 248-649-5667.

Please do not contact the Clerk of the Court, the Judge, or the Judge's staff, because they cannot answer your questions or give you advice about this settlement.

**BY ORDER OF THE COURT--HONORABLE VICTORIA A. ROBERTS**

**PROOF OF CLAIM**

# *Lawrence M. Garner, et. al. v City of Roseville et. al. Case No, 16-cv-10760*

# *and Cordia Michigan, LLC, et al. v City of Roseville. et al. Case No, 16-cv-10986*

*You Must Complete This Form to Claim a Share of the Settlement Fund*:

**1. You Must Provide Your Contact Information.**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Company: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**2. You Must Verify that You Received a Misdemeanor Ticket from the City of Roseville:**

1. I hereby verify that I received a misdemeanor ticket(s) from the City of Roseville for failure to obtain a Certificate of Compliance under the City's Non-Owner-Occupied Housing Ordinance between the dates of January 1, 2010 and December 15, 2016.

The name on the ticket was \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Person or Business Entity)

The person or entity that received the ticket(s) was/was not (circle one) the owner of the residential property.

**X**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(Sign your name here)

***OR***

1. If you have supporting documentation such as a receipt or cancelled check, please provide same. By submitting this Proof of Claim you authorize Class Counsel to retrieve records from the 39th District Court for the State of Michigan in order to verify the claim.

**3. You Must Return this Claim Form by November 20, 2017:**

a. Mail this Claim Form to: *Garner v City of Roseville*

Class-Settlement.com

PO Box 9009

Hicksville, NY 11802-9009

***OR***

b. Fax this Claim Form to: (877) 828-1382