

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF MICHIGAN

NOTICE OF CLASS CERTIFICATION

A court authorized this Notice. It is not a solicitation from a lawyer. You are not being sued.

A class action lawsuit is pending in the United States District Court for the Eastern District of Michigan ("the Court"), filed by NILI 2011, LLC, EETBL, LLC, Investment Realty Services, LLC, d/b/a SBYC Garner, LLC ("Plaintiffs") against the City of Warren. Plaintiffs allege that the City of Warren violated Constitutional rights through its enforcement of its Property Maintenance Code and its adoption of the International Property Maintenance Code ("IPMC"), by failing to give certain notice requirements under the IPMC and enforcing an ordinance permitting searches without a warrant. Defendant denies any wrongdoing. Defendant maintains that its ordinances governing rental properties are Constitutional and that it has not violated Plaintiff's constitutional rights with enforcement of its ordinances. The City contends that it should prevail in this lawsuit and has filed a motion for summary judgment to dismiss the Complaint in its entirety. The Plaintiffs have filed a response to that motion. The Court has made no rulings concerning the merits of the lawsuit at this time.

The Court decided that this lawsuit should proceed as a class action on behalf of two "Classes" or a group or groups of people that could include you. The Court has approved two classes as follows:

1. All persons and entities who paid rental registration and inspection fees to the City of Warren pursuant to the ordinance permitting searches without a warrant;
2. All persons and entities that currently own or at one time owned any parcel of real property located within the City of Warren for the purpose of renting or leasing a residential structure or multiple family unit on that property who or which has been issued a civil infraction for failing to obtain a certificate of compliance and subsequently paid them, stemming from an inspection under the IPMC and the City Code, at any time since Sept. 28, 2009 and through the date of final judgment, or such longer amount of time as may be allowed by law.

YOUR RIGHTS AND OPTIONS IN THIS LAWSUIT:

DO NOTHING	Stay in the lawsuit and share in possible benefits. Give up certain rights. By doing nothing, you are choosing to stay in the applicable Class (which may be both of the above-described classes herein collectively referred to as the "Class"). You may be permitted to share in any recovery that may result from this lawsuit, but you will give up your rights to sue Defendant in a separate lawsuit for the claims made in this lawsuit. In addition, you will be bound by past and any future court rulings on, or settlement of, the claims made against Defendant.
ASK TO BE EXCLUDED	Get out of this lawsuit. Get no benefits, but keep your rights. If you opt out of the Class (meaning you say in writing that you do not want to be included in this lawsuit), you will not be entitled to any recovery that may result from this lawsuit, but you will not be bound by any past or future court rulings against Defendant. You will be free to pursue your own claims against Defendant on your own or as part of a different lawsuit.

1. Why did I get this notice?

Records indicate that from September 28, 2009 through the present (the "class period"), the City of Warren charged you rental registration and inspection fees for residential rental property under the International Property Maintenance Code, as adopted by the City of Warren. Pursuant to that same code the City of Warren issued civil infractions for those that failed to obtain a Certificate of Compliance and subsequently paid fines. This notice explains that the Court has allowed, or "certified" a class action lawsuit that may affect you. You have legal rights and options that you may exercise. Judge Gershwin A. Drain of the United States District Court for the Eastern District of Michigan is overseeing this class action lawsuit. The case is known as NILI2011, LLC, et. al v The City of Warren, Civil Action No. 2:15-cv-13392.

2. What is this lawsuit about?

This lawsuit is about whether Defendant violated Constitutional Rights due to allegedly conducting warrantless searches of residential rental properties and for violations of due process for allegedly failing to provide a proper notice and a meaningful opportunity to be heard prior to the issuance of civil infractions. Defendant denies any wrongdoing. Defendant maintains that its ordinances governing rental properties are Constitutional and that it has not violated Plaintiffs' constitutional rights with enforcement of its ordinances.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people or entities called "Class Representatives" (in this case, Plaintiffs NILI 2011, LLC, EETBL, LLC, and Investment Realty Services, LLC d/b/a/ SBYC Garner, LLC) sue on behalf of themselves and other people who have similar claims. The entity sued (in this case, the City of Warren) is called the Defendant. In a class action, the Court resolves the issues for all Class members - except those who choose to exclude themselves.

4. What has happened in the lawsuit?

On September 28, 2015, Plaintiffs commenced this lawsuit by filing a class action complaint against Defendant, alleging that Defendant had violated several Constitutional Rights when conducting warrantless searches without any attempt to even obtain a warrant and procedural due process for failure to provide proper notice and a meaningful opportunity to be heard prior to the issuance of civil infractions. Defendant has denied any wrongdoing. On May 23, 2017, the Court entered an Order certifying this lawsuit as a class action. On August 16, 2017, Defendant filed a Motion for Summary Judgment asking that the lawsuit be dismissed as a matter of law. Plaintiffs filed a response to that Motion. The Court has scheduled oral argument on that Motion for November 7, 2017.

5. What is the current status of the lawsuit?

The lawsuit was granted class action status on May 23, 2017. Defendant filed a Motion for Summary Judgment on August 16, 2017 asking that the Court dismiss this lawsuit. Plaintiffs filed a response to that Motion. The Court has scheduled oral argument on that Motion for November 7, 2017.

6. What are the Class Representatives asking for?

The Class Representatives are asking for money to compensate Class Members for damages they allege were caused by Defendant's conduct, as well as pre-judgment and post-judgment interest and their reasonable attorney fees and costs.

7. Is there any money available now?

No money or benefits are available now because the Court has not rendered a final decision on whether Defendant is liable and, if so, the amount of damages to be awarded, if any. There is no guarantee that money or benefits ever will be obtained. If they are, you may be entitled to receive a share.

DETERMINING IF YOU ARE A MEMBER OF THE CLASS

8. How do I know if I am a Class Member?

You are a member of the Class if between September 28, 2009 and the present you paid rental registration and inspection fees to the City of Warren for residential rental housing. You may also be part of the Class if you were issued a civil infraction by the City of Warren for failing to obtain a Certificate of Compliance and subsequently paid a fine stemming from an inspection under the IPMC and City Code at any time since September 28, 2009 through the present.

YOUR OPTIONS AS A CLASS MEMBER

9. What are my options as a Class Member?

You must decide whether to stay in the Class or opt out of it.

10. What happens if I choose to stay in the Class?

If you stay in the Class, you may be permitted to share in a recovery, if any, which may occur in this Action. But you give up any rights to sue Defendant separately for the same legal claims made in this lawsuit. You also will be legally bound by all of the Orders the Court issues and Judgments the Court makes in this class action, even if there is no recovery.

11. How do I stay in the Class?

You do not have to do anything at this time to stay in the Class.

12. What happens if I opt out of the Class?

If you opt out of the Class (by stating in writing that you do not want to be included in the Class in this lawsuit), you will give up the right to participate in any recovery that may occur. But you will keep any rights you may currently have to sue Defendant

regarding the legal claims at issue in this lawsuit. You also will not be bound by the Orders the Court issues and Judgments the Court makes in this lawsuit.

13. How do I opt out of the Class?

If you want to opt out of the Class, you must send a written "Request to Opt Out", which references the case name, "NILI2011, LLC, et. al v City of Warren " to all of the following addresses:

Mark K. Wasvary, Mark K. Wasvary, P.C. 2401 W Big Beaver Rd Ste 100 Troy, MI 48084	John Gillooly Garan Lucow Miller, P.C. 1155 Brewery Park Blvd Ste 200 Detroit, MI 48207
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If you wish to opt out of the Class, your Request to Opt Out must be postmarked by February 26, 2018.

14. What happens if I do not do anything?

By doing nothing, you are choosing to stay in the Class. You don't have to do anything now if you want to stay in the Class. If you stay in the Class and the Class Representatives obtain money or benefits, either as a result of a trial or a settlement, you will be notified about how to apply for a share. Regardless of whether the Plaintiffs win or lose the trial, if you do not opt out of the Class, you will not be able to sue, or continue to sue Defendant as part of any other lawsuit for the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the Orders the Court issues and Judgments the Court makes in this lawsuit.

THE LAWYERS REPRESENTING YOU

15. As a Class Member, do I have a lawyer representing my interests in this Class Action?

Yes. The Court has appointed lawyers to represent you and other Class Members. These lawyers are called Class Counsel. The following lawyers are representing the Class:

Mark K. Wasvary Mark K. Wasvary, P.C. 2401 W. Big Beaver Rd Ste 100 Troy, MI 48084 (248) 649-5667	Aaron Cox The Law Offices of Aaron D Cox, PLLC 23380 Goddard Rd Taylor, MI 48180 (734) 287-3664
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16. How will the lawyers be compensated, and will the Class Representatives receive compensation?

If recovery is obtained for the Class, Class Counsel will request from the Court an award for attorneys' fees and expenses. Class Counsel may also ask the Court to approve a reasonable incentive award for the Class Representatives. If approved, these fees and expenses and incentive awards will either be paid from the recovery obtained for the Class or separately by Defendant.

17. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working for you. However, you are welcome to hire your own lawyer at your own expense. If you hire a lawyer to speak for you or to appear in Court your lawyer must file a Notice of Appearance with the Court.

GETTING MORE INFORMATION

18. Where do I get more information?

This Notice contains a summary of relevant court papers. Complete copies of public pleadings, Court rulings and other filings are available for review and copying at the Clerk's office. The address is 231 W. Lafayette, Detroit, MI 48226.

Additional information regarding lawsuit may be found online at www.aaroncoxlaw.com.

Please do not contact the Court or Judge Drain. They cannot answer any questions or discuss this action.

DATED: November 27, 2017

BY ORDER OF THE UNITED STATE DISTRICT COURT--EASTERN DISTRICT OF MICHIGAN

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