

**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**

NILI 2011, LLC,)	
EETBL, LLC)	Case No. 15-13392
&)	Hon. Gershwin A. Drain
INVESTMENT REALTY SERVICES, LLC)	
d/b/a SBYC GARNER, LLC)	CLASS ACTION
Plaintiffs,)	
v)	
CITY OF WARREN,)	
Defendant.)	

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

- TO:** 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 September 28, 2009 and through the date of final judgment.

The Court ordered us to provide this notice by posting and publication.

A. WHAT IS THIS LAWSUIT ABOUT?

Plaintiffs, NILI 2011, LLC, EETBL, LLC, Investment Realty Services, LLC, d/b/a SBYC Garner, LLC (“Plaintiffs”) filed a class action lawsuit against the City of Warren (“Defendant”), alleging that Defendant violated certain due process rights related to the administration of its Property Maintenance Ordinance and its adoption of the International Property Maintenance Code. 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 infractions and fines. Defendant denied Plaintiffs’ allegations and raised defenses to Plaintiffs’ claims. In an effort to avoid the time and expense of further litigation, the parties have agreed to settle all claims regarding registered residential rental properties from September 28, 2009 through the present. This notice informs you of your rights as a member of the Settlement Class as defined above.

B. WHAT IS THE PROPOSED SETTLEMENT?

Defendant has created a Settlement Fund (the “Settlement Fund”) to pay valid Class Member claims, class action settlement administration costs, attorney’s 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 after amounts are deducted from the Settlement Fund for costs, fees, and incentive award. The maximum amount any Class Member may receive after making a valid claim is \$100.00. Defendant has also agreed to waive residential rental re-inspection fees for a period of four years. The parties have stipulated that the value of this waiver to the Class is \$240,000.00. 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 October 22, 2018 at 11:00 a.m, in Room 712 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 THREE OPTIONS?

1. **Submit a Proof of Claim (attached) to receive a check:** You must submit a Claim Form postmarked, or via facsimile within sixty (60) days after this Notice is sent, (on or before September 21, 2018) 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. **Object to the settlement:** If you wish to object to the settlement, 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 September 21, 2018, and must refer to the name and number of this case (*NILI, 2011, LLC et.al. v. City of Warren*, Case No. 15-cv-13392). You must also serve copies of your objection on Class Counsel and Defendant's attorney (at the addresses below), 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 712 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 October 22, 2018, at 11:00 a.m. **YOU ARE NOT REQUIRED TO ATTEND THIS HEARING UNLESS YOU OBJECT TO THE SETTLEMENT.**

Class Counsel

Mark K. Wasvary
Mark K. Wasvary, P.C.
2401 W. Big Beaver Rd., Suite 100
Troy, MI 48084

Defendant's Counsel

John J. Gillooly
Garan, Lucow, Miller, P.C.
1155 Brewery Park Blvd., Suite 200
Detroit, MI 48207

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

D. COURT APPROVAL PROCESS

The Court will hold a final fairness hearing to decide whether to approve the settlement on October 22, 2018, at 11:00 a.m., in Room 712 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, NILI 2011, LLC, EETBL, LLC, and Investment Realty Services, LLC, d/b/a SBYC Garner, 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 each Plaintiff an incentive award of \$10,000.00 for serving as the class representative and ask the Court to award Class Counsel attorney's fees equal to 37.5% of the settlement fund, plus the value of Defendant's waiver of residential rental re-inspection fees for four years for their legal services (\$371,250.00), 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 Aaron D. Cox, one of the lawyers for the Class, at 734-287-3664.

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

**BY ORDER OF THE COURT
HONORABLE GERSHWIN A. DRAIN**

PROOF OF CLAIM

**NILI 2011, LLC, EETBL, LLC and Investment Realty Services, LLC,
d/b/a SBYC Garner, LLC v City of Warren, Case No. 15-cv-13392**

*You Must Complete All **THREE** Steps to Claim a Share of the Settlement Fund:*

1. You Must Provide Your Contact Information.

Name: _____

Company: _____

Mailing Address: _____

City/State/Zip Code: _____

2. You Must Verify That You Have Registered Residential Rental Property in the City of Warren:

I hereby verify that I have or had registered residential rental property in the City of Warren between the dates of September 28, 2009 and the present.

The name under which the property is registered: _____

(Person or Business Entity)

(Address of Rental Property)

X _____

(Sign your name here)

3. You Must Return this Claim Form by September 21, 2018:

- (a) Mail this Claim Form to: *NILI v City of Warren*
Class-Settlement.com
PO Box 9009
Hicksville, NY 11802-9009

OR

- (b) Submit this Claim Form via facsimile to: **(877) 828-1382**