

*The Court authorized this notice. This is not a solicitation from a lawyer.*

**You may be entitled to money from a class action settlement if you were a tenant at an apartment complex owned or operated by Neveo Mosser, the Mosser Companies, Inc., 553 Sycamore Street Associates, LP, 1428 Jackson Street Associates, LP, Oak 406 Van Buren Ave Property, LLC, Oak-553 Sycamore, LLC, Oak 1425 Harrison Street Property, LLC or Oak-1428 Jackson, LLC any time from May 25, 2017 to October 31, 2023.**

**ATTN: <<EmployeeName>>**

There is a proposed class action settlement (“Settlement”) to resolve a lawsuit alleging that Neveo Mosser, the Mosser Companies, Inc., 553 Sycamore Street Associates, LP, 1428 Jackson Street Associates, LP, Oak 406 Van Buren Ave Property, LLC, Oak-553 Sycamore, LLC, Oak 1425 Harrison Street Property, LLC and Oak-1428 Jackson, LLC (“Defendants”) violated Oakland landlord-tenant laws. The Court has preliminarily approved the Settlement. Payments will only be issued, however, if the Court grants final approval of the Settlement.

**THIS NOTICE IS TO INFORM YOU ABOUT:**

- A PROPOSED SETTLEMENT OF THIS CLASS ACTION LAWSUIT;
- YOUR RIGHT TO RECEIVE A SHARE OF THE SETTLEMENT FUNDS;
- YOUR RIGHT TO CHALLENGE THE DATES USED TO COMPUTE YOUR SHARE;
- YOUR RIGHT TO FILE WITH THE COURT ANY OBJECTIONS YOU MAY HAVE TO THE SETTLEMENT; AND,
- YOUR RIGHT TO OPT OUT OF THE SETTLEMENT.

**1. If I decide to participate and want to receive money, what must I do?**

**You do not have to do anything to receive a payment.** The settlement of class claims automatically includes participants unless they affirmatively exclude themselves from the settlement (“opt out”).

**2. Why did I get this Class Notice?**

**Defendants’ records show that at some point during the period of May 25, 2017, to October 31, 2023, you were a tenant at one of the apartment complexes owned or operated by Defendants.** The Plaintiffs in this lawsuit, Andrew Yen, James Ball, Kaitlin Blanco, and Melina Tessier sued the Defendant owners and operators in state court. The lawsuit is known as *Andrew Yen, et al. v. Neveo Mosser, et al.*, and the case number is RG21-100261.

Plaintiffs’ claims are brought as a class action. The Plaintiffs named above are the “Class Representatives” who filed this class action on behalf of themselves and other tenants who have similar claims. The Plaintiffs and the other tenants together are a “Class” and “Class Members.” The Court will decide the issues for all Class Members, except for those who exclude themselves from the Class. Plaintiff and Defendants have entered into the Settlement to avoid the cost and risk of further litigation. Defendants deny all of the legal claims in the case. The Class Representatives and their lawyers think the Settlement is in the best interests of all Class Members. The Court has preliminarily approved the Settlement. The Court must also grant final approval for the Settlement to be valid.

**3. Who is in the Settlement Class?**

The Settlement Class is defined as follows:

All renters who were tenants of any apartment complexes owned or operated by Neveo Mosser, the Mosser Companies, Inc., 553 Sycamore Street Associates, LP, 1428 Jackson Street Associates, LP, Oak 406 Van Buren Ave Property, LLC, Oak-553 Sycamore, LLC, Oak 1425 Harrison Street Property, LLC and Oak-1428 Jackson, LLC, at any time between May 25, 2017 to October 31, 2023, and who paid Defendants for estimations of water, sewer or garbage removal utility costs and related administrative fees through Yes Energy Management and Yardi Systems.

**4. What are the claims in this lawsuit?**

The claims allege that Defendants re-billed tenants for each building's utility bills, divided between rental units, in violation of the City of Oakland's Rent Adjustment and Tenant Protection Ordinances. The Plaintiffs also allege that these practices violated California's Unfair Competition Law.

### **THE SETTLEMENT BENEFITS—WHAT YOU GET**

#### **5. What does the Settlement provide?**

Defendants have agreed to pay \$975,000 into the settlement fund. The following amounts will be deducted from this settlement fund if approved by the Court: (1) \$12,000 to CPT Group, Inc. for claims administration costs; (2) \$5,000 to each of the named Plaintiffs as incentive payment for their services and risks as the Class Representative; and (3) \$325,000 for Class Counsel's attorney fees and \$18,000 for Class Counsel's costs. Subtracting the Court-awarded deductions from the total settlement amount will result in a net settlement fund of \$600,000, which will be used for payments to those tenants who participate in the Settlement.

#### **6. How much money will I get if I participate in the Settlement?**

If you do not exclude yourself from the Settlement ("opt out"), you will be entitled to a payment of approximately **<<estAmount>>** ("Settlement Payment"). This payment is based on the number of billing cycles that you lived or occupied a rental unit owned or operated by Defendants between May 25, 2017, to October 31, 2023, in which you were unlawfully billed for building utilities divided between rental units owned or operated by Defendants. If there were multiple tenants in your unit, your rental unit's portion of the settlement will be proportionally divided. For example, if your unit had two leaseholders, each leaseholder will be entitled to half of the settlement payment. If your unit had three leaseholders, each leaseholder will receive a third of the settlement. **To dispute your Settlement Payment, please use the Dispute Form included in the envelope.** If you wish to remain in the Class, you will receive a Settlement Payment.

### **HOW TO GET PAYMENT OR EXCLUDE YOURSELF FROM THIS LAWSUIT**

#### **7. How do I get a payment for the claims?**

**To receive payment for the claims, you don't have to do anything.** If you do nothing, you will give up your right to make claims against Defendants in another lawsuit regarding the practice of billing tenants for estimations of their utility costs through Yes Energy Management and Yardi Systems.

#### **8. What rights am I releasing if I participate in the Settlement?**

If the Court grants final approval of the Settlement and you do not opt out of the Settlement, you will be deemed to have released Defendants from claims that were alleged or reasonably could have been alleged in relation to Defendants' practice of billing tenants for estimations of their utility usage between May 25, 2017, to October 31, 2023. Specifically, you will be deemed to release and discharge Defendants and its present and former parent companies, subsidiaries, divisions, affiliates, clients, all related companies, joint ventures, and each of their respective present and former officers, directors, shareholders, agents, employees, insurers, attorneys, accountants, auditors, advisors, representatives, consultants, pension and welfare benefit plans, plan fiduciaries, administrators, trustees, general and limited partners, predecessors, successors and assigns ("Released Parties") of any and all applicable claims, demands, rights, debts, obligations, guarantees, costs, expenses, attorney's fees, wages, liquidated damages, statutory damages, penalties including civil and statutory, liabilities, damages, and/or causes of action which arise out of the facts alleged in the Third Amended Complaint (the lawsuit that was filed by Plaintiffs) which arose during the Class Period of May 25, 2017 to October 31, 2023.

#### **9. When will I get a payment?**

The Court will hold a final approval hearing on, December 3, 2024, at 1:30 p.m., and if the Settlement is approved by the Court, then the Settlement Payment will be sent to the address where you received this notice. If you would like to change the address where your Settlement Payment will be mailed, please contact the Claims Administrator at: *Andrew Yen v. Neveo Mosser, et al.* c/o CPT Group, Inc., 50 Corporate Park, Irvine, CA 92606.

**Please keep the Claims Administrator advised of any change of address.** Checks will be mailed to participating settlement members if and after the Court grants "final approval" of the Settlement. If the Court approves the Settlement after the Final Approval Hearing, there may be appeals. If there are any appeals, resolving them could take some time, so

please be patient. If there are no appeals and the Court grants “final approval” of the Settlement, your payment will be sent out approximately February 3, 2025. You will have 180 days to cash your check from the date of its issuance. Any unclaimed funds will be distributed to Oakland Community Land Trust and Asian Pacific Environmental Network (APEN), 501(c)(3) non-profit organizations that work to create safe and affordable housing in Oakland, as *cy pres* recipients. If you have questions regarding when checks will be mailed, please contact the Settlement Administrator (contact information above) or Class Counsel (see Question # 14).

**10. How do I exclude myself from the Settlement Class?**

If you do not want to participate in the Settlement, you may be excluded (“opt out”) by sending a timely letter in writing to the Claims Administrator. The letter must contain your name, address and telephone number, and state that you do not wish to participate in the Settlement in *Andrew Yen, et al. v. Neveo Mosser, et al.*, case number RG21-100261 (called a “Request for Exclusion”). The Request for Exclusion must be signed, dated, mailed by First Class U.S. Mail, or the equivalent, and postmarked no later than November 8, 2024, to: *Andrew Yen v. Neveo Mosser, et al.* c/o CPT Group, Inc., 50 Corporate Park, Irvine, CA 92606.

The Court will exclude any settlement class member who sends a complete and timely Request for Exclusion as described in the paragraph above. Requests for Exclusion that do not include all the required information and/or that are not timely submitted will be deemed null, void, and ineffective. Any settlement class member who fails to submit a valid and timely Request for Exclusion on or before the above-specified deadline shall be bound by all terms of the Settlement, release and any Judgment entered in the Action if the Settlement receives final approval from the Court.

**If you send a Request for Exclusion, you will not receive money for the claims.**

**11. What happens if I exclude myself from the Settlement Class?**

If you exclude yourself from the Settlement Class, then (1) you will not receive money for the claims from the Settlement; (2) you will not be bound by any further order or judgment entered for or against the Settlement Class; (3) you will not have a right to object to the Settlement or be heard at any hearing scheduled for the Court’s consideration of the Settlement; and (4) you may pursue your own lawsuit concerning the claims in this case. You must exclude yourself to start or continue your own lawsuit.

**OBJECTING TO THE SETTLEMENT**

**12. How do I object to the Settlement?**

Any member of the Settlement Class may object to the proposed Settlement, or any portion of it, by a written objection, which must be mailed to the Claims Administrator no later than November 8, 2024. The Claims Administrator will file any objections with the Court. The address of the Claims Administrator is: *Andrew Yen v. Neveo Mosser, et al.* c/o CPT Group, Inc., 50 Corporate Park, Irvine, CA 92606.

Any member who submits an objection remains eligible to receive monetary compensation from the Settlement. Only Settlement Class members who do not send a Request for Exclusion may object.

**13. What is the difference between objecting and excluding yourself from the Settlement Class?**

Objecting is telling the Court that you do not like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself (“opting out”) is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself from the Settlement Class, then you cannot object because the Settlement will no longer affect you, and you will not receive any money for the claims.

**THE LAWYERS IN THIS CASE**

**14. Do I have a lawyer in this case?**

The following lawyers are Class Counsel for the Settlement Class:

Ethan Silverstein  
**CALIFORNIA CENTER FOR  
MOVEMENT LEGAL SERVICES**  
428 13<sup>th</sup> Street, Eighth Floor  
Oakland, California 94612  
(510) 916-2034

Robert Salinas  
**SALINAS LAW GROUP**  
428 13<sup>th</sup> Street, Eighth Floor  
Oakland, California 94612  
(510) 663-9240

Enrique Martinez  
**LAW OFFICES OF JOHN E. HILL**  
360 Grand Avenue #141  
Oakland, California 94610  
(510) 764-6470

**15. Who are the lawyers representing Neveo Mosser, et al.?**

The following lawyers represent Defendants:

**KAUFMAN DOLOWICH LLP**  
425 California Street, Suite 2100  
San Francisco, CA 94104  
Telephone: (415) 926-7600

**THE COURT'S FINAL APPROVAL HEARING**

**16. When and where will the Court decide whether to approve the Settlement?**

The Court will hold a final approval hearing (also called a fairness hearing) to decide whether to finally approve the Settlement. The hearing will be on December 3, 2024, at 1:30 p.m., in Department 21 at the Superior Court of the State of California, County of Alameda, Civil Division, which is located at 1225 Fallon Street, Oakland, CA 94612.

At the hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. The Court will also decide how much to pay (1) the Claims Administrator for claims administration costs; (2) the Plaintiffs for serving as a Class Representatives; and (3) Class Counsel for attorney fees and costs. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long the Court's decision will take. The Court will hear from any class member who attends the final approval hearing and asks to speak regarding their objection, regardless of whether they also submitted a written objection or a notice of intent to appear at the hearing.

**17. Do I have to go to the hearing?**

No, you do not have to go to the hearing. Class Counsel and Defendants' lawyers will answer any questions the Court may have. But you are welcome to come at your own expense. The hearing may be moved to a different date and/or time, so if you plan to attend, please contact Class Counsel before the hearing to confirm if any changes have taken place. You also have the option to appear by audio or video. You can obtain more information at [www.alameda.courts.ca.gov](http://www.alameda.courts.ca.gov).

**18. How do I get more information?**

This Class Notice provides only a summary of the most important terms of the Settlement. The complete terms of the proposed settlement are stated in the actual Settlement that has been preliminarily approved by and filed with the Court. You can view important documents about this case, including the entire Settlement, at this website: [www.cptgroupcaseinfo.com/mossersettlement](http://www.cptgroupcaseinfo.com/mossersettlement). You may contact Class Counsel (Ethan Silverstein at (510) 916-2034, Robert Salinas at (510) 663-9240, or Enrique Martínez at 510-764-6470, or the Claims Administrator 1-(888) 427-0702 for more information. You may also get copies of the documents from Class Counsel. Please say that you are calling about the Mosser case.

**PLEASE DO NOT CONTACT THE COURT, THE JUDGE, OR DEFENDANTS, WITH INQUIRIES.**