

**NOTICE OF ~~PROPOSED~~ CLASS ACTION SETTLEMENT****YOU AND YOUR FAMILY MAY BE ENTITLED TO RECEIVE MONETARY AMOUNTS DESCRIBED BELOW**

*Dominica Lewis, et al., v. Silvertree Mohave Homeowners Association, Inc., et al.*  
 United States District Court, Northern District Of California  
 Case No. 16-CV-3581

You are receiving this notice because you have been identified as a class member in the above-captioned case, according to the following class definition:

**All persons who currently live or have lived at the Silvertree-Mohave Condominium Complex (“Silvertree-Mohave”) in Fremont, California, at any time from January 1, 2011, through July 16, 2016, and lived there with children under the age of 14, or who were themselves minor children under the age of 14.**

As a member of this class, you and your family may be entitled to receive monetary amounts described below. In this case, Dominica Lewis, Jerrold Lewis and Project Sentinel (Plaintiffs) argued that Defendants systematically and routinely violated state and federal fair housing laws by imposing unreasonably restrictive rules against families with children, and by prohibiting children from playing outside in the common areas of Silvertree-Mohave.

**AS A CLASS MEMBER YOU ARE HEREBY NOTIFIED** that

- Plaintiffs filed a class action lawsuit against Silvertree Mohave Homeowners’ Association, Inc., Carol Lee Adams, Marilyn Black, Tamela Durant, and Anand Bhaskaran, individually and as members of the Board of Directors of Silvertree Mohave Homeowners’ Association, Inc., and Donald Murphy, individually and d/b/a Management Solutions (hereinafter “Defendants”). The Court has preliminarily approved the settlement.
- Plaintiffs, on behalf of themselves and all class members (such as yourself), have reached a ~~proposed~~ settlement with Defendants that will entitle all class members to receive money and non-monetary relief to settle all claims in this case. The attorneys for Plaintiffs and the class may receive attorneys’ fees and expenses from this settlement. The Court will decide how much in fees and expenses the attorneys will receive.
- This notice is to inform you about the settlement so you can make an informed decision about your legal rights.

**YOU HAVE FOUR OPTIONS:** [Revise pursuant to order]

**AGREE WITH THE SETTLEMENT** If you read the notice and decide you agree with the settlement, just fill out the enclosed form with your household information and send it back in the enclosed envelope. If the Court decides that the settlement is fair to all class members (such as yourself), then, by providing proof of membership in the class, you will receive a settlement amount according to the table below, and you and the other class members of your family will be bound by the settlement terms of the settlement agreement, including a release of the claims against Defendants as set forth in the agreement.

**OBJECT** If, after reading this notice, you decide that you do not agree with the proposed class settlement, you can object. In order to object in writing, you will have to send a letter to the attorneys for the Plaintiffs (the Law Foundation of Silicon Valley), explaining why you do not like the settlement generally, or any individual term or terms of the settlement. We explain how to do this below at #9. Objecting to the settlement is not the same as opting out of the settlement (as described below).

**OPT OUT** If you “opt out” of the proposed settlement, you will reserve your individual right to file a separate court case and seek individual relief, separately from the class, for any individual claims you have against one or all of the Defendants relating to the Defendants’ acts or omissions at issue in this class action. If you do not wish to be part of the proposed class settlement and decide to opt out, you will not receive any money from the class settlement.

In order to opt out of the class settlement, send a letter to the attorneys for the Plaintiffs, per the instructions in #8 below.

**GO TO A HEARING** The Court has set a date and time for you to go and tell the Court in person why you don’t think the proposed settlement is fair to the class members. The hearing will be on October 26, 2017 at 8:00 a.m. in Courtroom 8 which is on the 19th floor of the U.S. District Court for the Northern District of California which is located at 450 Golden Gate Ave., San Francisco, CA 94102.

**1. Why are you sending me this notice?**

Federal Law requires us to send you this notice because it is likely the class settlement in this case will affect your legal rights. This notice will tell you about the court case, the proposed class settlement we agreed to, and what to do if you agree or disagree with the settlement. You have a right to get this information and give your opinion before the Court decides whether or not to approve the proposed class settlement. The Court in charge of the case is the United States District Court of the Northern District of California. United States District Court Judge William Alsup is the judge overseeing the case. His court is located in San Francisco.

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

In this case, Dominica and Jerrold Lewis (and their two minor children) and Project Sentinel (Plaintiffs) argued that Defendants imposed unreasonably restrictive rules against families with children and prohibited children from playing in the residential common areas, in violation of fair housing laws.

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

In a class action, one or more people called class representatives sue on behalf of all people who have similar claims (a “class”). The Class Representatives in this case are Dominica Lewis, Jerrold Lewis, and their minor children. Project Sentinel, a local nonprofit organization dedicated to resolving fair housing disputes, is also an individual plaintiff in this case. Usually, class actions happen when the same issue affects a lot of people and it wouldn’t make sense for everyone to file their own lawsuit.

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

The case did not get decided by the Court. Instead, the Plaintiffs and Defendants came to a settlement agreement. This does not mean that Defendants admit that they did anything wrong. The Plaintiffs and their attorneys think the settlement is fair and is in the best interests of everyone.

**5. What are the terms of the settlement?**

**A COPY OF THE PROPOSED CLASS SETTLEMENT AGREEMENT IS LOCATED AT <http://www.lawfoundation.org/silvertreemohavesettlement/>.** In summary, the relief granted class members include the following:

- Defendants will permanently rescind and not enact any rule in the future that prohibits children from playing in the common areas of Silvertree-Mohave.
- Defendants will post signs in the Silvertree-Mohave common areas stating that “Any resident, including children, are permitted to play in common areas of the Complex.” This information will also be published in the Silvertree-Mohave Homeowners Association’s monthly newsletters. The signs and newsletter announcement will be maintained for at least three years from the date of the settlement agreement.
- Defendants will pay the total sum of Eight Hundred Thousand Dollars (\$800,000) to the class, as a whole, as damages to be allocated among the class members ~~by class counsel~~. As described on page 4
- Defendants will pay the sum of Thirty-Five Thousand Dollars (\$35,000) to class representatives Dominica and Jerrold Lewis for their individual damages related to their separate and individual claims, not class claims.
- Defendants will pay Plaintiff Project Sentinel Nineteen Thousand Dollars (\$19,000) for its damages related to its individual claims.
- Lee Adams and Marilyn Black will step down from the Board of Directors of Silvertree-Mohave.
- The current board members and all future board members will receive fair housing training.
- The Board will evaluate the community’s needs for children and their families. [Revise pursuant to order]
- No member of the Association will be assessed directly or indirectly for any of the costs of this lawsuit.

If you do not have access to the internet to obtain a copy of the settlement, you may call the toll free number below to request a copy be mailed to you, or write to the Class Counsel at:

The Law Foundation of Silicon Valley  
Fair Housing Law Project  
Attn.: Silvertree-Mohave Settlement  
152 N. Third Street, 3rd Floor  
San Jose, CA 95112

< **TOLL FREE PHONE NUMBER OF KCC to be provided** >. [Provide full name and contact information]  
We will send a copy of the settlement agreement and the Complaint to you.

**6. How much should I expect to get?**

The cover letter included with this notice specified the amount of damages we expect you to receive based on the information that we have. The amount of damages each class member will receive depends on the total number of class members. Each household will receive a check based upon the number of class members in the household, namely, the number of persons in your family who (1) currently live or have lived at Silvertree-Mohave at any time between January 1, 2011 and July 16, 2016 with children under the age of 14, or (2) who were themselves children under the age of 14 living at Silvertree-Mohave during that time. Based upon the information we currently have, we estimate that there are approximately 334 class members. After deducting the costs of administering the settlement (currently estimated to be just under \$20,000) from the total settlement amount (\$800,000), we estimate that each class member will receive approximately \$2,335.00 per person. This amount may vary slightly depending on whether there are more or less class members after we verify the class. Here are the estimated amounts per household:

<i>Household Size (number of class members)</i>	<i>Expected Settlement Amount (per household)</i>
Five class members (e.g. 2 adults, 3 children < 14)	approximately \$11,675
Four class members (e.g. 2 adults, 2 children < 14)	approximately \$9,340
Three class members (e.g. 2 adults, 1 child <14 or 1 adult and 2 children)	approximately \$7,005
Two class members (e.g. 1 parent, 1 child < 14)	approximately \$4,670

You must fill out the Household Information form to ensure you get the appropriate amount of the settlement. If you are not sure whether you are a class member, you may contact the claims administrator, KCC, at the number listed in section 15 below for more information.

**To assist us in determining the amount of your household’s damages:**

- a. Complete the attached “Household Information Form” and mail it to the address provided on the form.
  
- b. Mail the “Household Information Form” postmarked no later than **September 11, 2017**.  
**Using the enclosed envelope, or to**  
The Law Foundation of Silicon Valley  
Fair Housing Law Project  
Attn.: Silvertree-Mohave Settlement  
152 N. Third Street, 3rd Floor  
San Jose, CA 95112.
  
- c. Carefully follow the instructions on the “Household Information Form,” and complete all the information

**7. What happens if there are any funds left over after all of the settlement disbursements?**

If there are any remaining funds after the disbursements to the known class members, depending on the amount, the remaining money will either be redistributed to the class, or it will be distributed as

“*cy pres*” to a not-for-profit organization to be determined by agreement of counsel for the parties and approved by the Court. If the amount is less than an additional \$25 per class member, the agreement states that the money be distributed as a *cy pres*. *Cy pres* awards are distributions of the remaining funds from class action settlements or judgments that cannot be distributed to class members. *Cy Pres* awards are usually given to not-for-profit organizations.

**8. Can I decide to not be a part of the class settlement?**

Yes. To take yourself out of the class settlement, you must:

- 1) Send a letter to the address below stating that you wish to “Opt out” and provide the names and ages of all members of your household choosing to opt out.
- 2) Be sure that all adult household members sign the letter and state their relationship to any child that is also seeking to opt-out of the settlement.
- 3) Mail the “Opt-Out” letter by first class mail, postmarked no later than **September 11, 2017** to:

The Law Foundation of Silicon Valley  
Fair Housing Law Project  
Attn.: Silvertree-Mohave Settlement  
152 N. Third Street, 3rd Floor  
San Jose, CA 95112.

**9. What if I want to stay a part of the case, but I don’t agree with some parts or all of the proposed class settlement?**

You have a right to tell the Court your opinion on the proposed class settlement. To do this you must:

- 1) Write a letter to the address below stating that you object to the settlement and giving all the reasons you object to the settlement.
- 2) Be sure that all adult household members sign the letter and state their relationship to any child that is also seeking to opt-out of the settlement.
- 3) Send the letter by first class mail, postmarked no later than **September 11, 2017** to:

The Law Foundation of Silicon Valley  
Fair Housing Law Project  
Attn.: Silvertree-Mohave Settlement  
152 N. Third Street, 3rd Floor  
San Jose, CA 95112.

**10. How do I object to the class settlement in person?**

The Court will hold a Fairness Hearing on **October 26, 2017** at **8:00 a.m.**, at the U.S. District Courthouse located at 450 Golden Gate Avenue, San Francisco, CA 94102 (Courtroom 8, 19th Floor). At this hearing, the Court will consider whether the proposed settlement is fair, reasonable and adequate. If there are objections, the Court will consider them. The Court may listen to people who have asked to speak at the hearing. We do not know when the Court will make a decision, following this hearing, on the request to approve the settlement and any amount of attorneys' fees to be awarded to the class.

**11. Do I have to come to the hearing?**

No. You only have to come to the hearing if you want to object to the settlement in person. Remember, you can also submit your objection in writing by taking the steps above.

**12. What happens if I do nothing at all? [Revise pursuant to order]**

If you read the notice and decide you agree with the settlement, you are entitled to receive a damages amount (as estimated above). In order to confirm class membership, simply complete and send in the attached Household Information form in the pre-paid envelope. If the Court decides that the settlement is fair, then you will be bound by the agreement and will receive the money damages discussed above. If you fail to provide the Household Information form, you may receive a check anyways, but only if we have sufficient information to know that there were children under the age of 14 in your household during the class period (Jan. 1, 2011 – July 16, 2016). If you are in the class and receive money, this also means that you cannot sue the Defendants in the future regarding this same fair housing issue. If you are unsure what to do, please call the number listed below.

**13. What are the important dates in this case?**

There are only two dates for you to remember:

- 1) **September 11, 2017** – Deadline to object, opt-out, or submit Household Information forms.
- 2) **October 26, 2017** – Date of the Fairness hearing

**14. Do I have an attorney in this case?**

[Provide attorney contact information here]

The Court has appointed the Law Foundation of Silicon Valley and Winston & Strawn LLP as class counsel, to represent all members of the Class collectively. If you want to be represented individually by your own attorney, you can hire one at your own expense.

**15. How will the attorneys be paid?**

You will not be required to pay class counsel for their work on this case. The Court will decide how much class counsel will get paid. This amount is separate from the \$800,000 in damages awarded to the class and will not be taken from the amount of the settlement to the Class.

**16. Where can I get additional information?**

**If you have questions about this Class Settlement or this Notice, contact KCC LLC, the claims administrator for this lawsuit. KCC's address is <INFORMATION FROM KCC to be provided>. The toll free telephone number is < INFORMATION FROM KCC to be provided >**

The complete terms of the settlement are at: <http://www.lawfoundation.org/silvertreemohavesettlement/>  
There you will find the settlement agreement, this notice, a copy of the Complaint filed in Court and a reminder of important dates.

You can also look the case up on the Court's website here: <https://ecf.cand.uscourts.gov>, or by visiting the office of the Clerk of the Court for the United States District Court for the Northern District of California, ~~at~~ 450 Golden Gate Avenue, San Francisco, CA 94102.

On the 16th floor of  
On weekdays between the hours of 9:00

**17. What if I am still not sure if I am a member of the class? a.m. and 4:00 p.m.**

If you are not sure whether you are a class member you can contact the Claims Administrator KCC LLC at < INFORMATION FROM KCC to be provided >. **The toll free telephone number is < INFORMATION FROM KCC to be provided >.**

**PLEASE DO NOT CALL THE COURT**

## HOUSEHOLD INFORMATION FORM

We are asking every person who receives the Class Settlement Notice to provide the lawyers for the class information about the composition and ages of their household members. We have much of the information, but some of our information is incomplete.

The lawyers for the class need this information in order to verify two things (1) that you and your household are members of the class, and (2) how we should distribute payment to your household. The completed forms, and the information contained in them, shall be kept strictly confidential. Under Federal Law, none of the names of any minor children nor the dates of birth of any minor children may be put into any public court filings. If the Court requires us to provide any further information, the only information that may be disclosed in a public record are children's initials and either their age or year of birth – no personal identifying information of minor children may be put into a public record.

Please provide the following information

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

Address at Silvertree-Mohave (if different): \_\_\_\_\_

Date you moved into Silvertree-Mohave: \_\_\_\_\_

Date you moved out of Silvertree-Mohave: \_\_\_\_\_

Members of your household while you lived at Silvertree Mohave:

- |    |           |               |
|----|-----------|---------------|
| 1. | _____     | _____         |
|    | Full Name | Date of Birth |
| 2. | _____     | _____         |
|    | Full Name | Date of Birth |
| 3. | _____     | _____         |
|    | Full Name | Date of Birth |
| 4. | _____     | _____         |
|    | Full Name | Date of Birth |
| 5. | _____     | _____         |
|    | Full Name | Date of Birth |

---

Completed by (print name)

---

Relationship to Minor children

By signing this document, you are verifying under penalty of perjury that the information on this form is true and accurate to the best of your knowledge

---

Signature

---

Relationship to Minor children



**LAW FOUNDATION of Silicon Valley**  
**FAIR HOUSING LAW PROJECT**

152 North Third Street, 3<sup>rd</sup> Floor

San Jose, California 95112

Fax (408) 293-0106 • Telephone (408) 280-2451 • TDD (408) 294-5667

By FIRST CLASS MAIL

July 24, 2017

John Doe,  
Jane Doe, and family  
<ADDRESS>

**Re: Class Action Notice and Settlement**

*Dominica Lewis, et al., v. Silvertree Mohave Homeowners Association, Inc., et al.*  
United States District Court, Northern District Of California  
Case No. 16-CV-3581

Dear Doe Family:

We are writing to you because we believe you may be a class member in this action. Please carefully read the enclosed Notice and follow the instructions in the Notice. We have information that there are **4** class members in your household. Based on this information, we estimate that your household would receive approximately **\$9,340** from the settlement. Below is the table of what each household in the class may receive in comparison.

<i>Household Size (number of class members)</i>	<i>Expected Settlement Amount (per household)</i>
Five class members (e.g. 2 adults, 3 children < 14)	approximately \$11,675
Four class members (e.g. 2 adults, 2 children < 14)	approximately \$9,340
Three class members (e.g. 2 adults, 1 child <14 or 1 adult and 2 children)	approximately \$7,005
Two class members (e.g. 1 parent, 1 child < 14)	approximately \$4,670

Please read the enclosed materials carefully and respond by **September 11, 2017**.

Sincerely,

Thomas Zito  
Attorney for the Class

enc. Class Notice, Household Information Form