

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN BERNARDINO

ANNE MOULTON, individually and on
behalf of all other persons similarly situated,

Plaintiff,

v.

*UNITED DOMINION REALTY, L.P., UDR,
INC.; and DOES 1-100, inclusive.*

Defendants.

Case No. CIVSB 2123480

DECLARATION OF JESSIE MONTAGUE

1. My name is Jessie Montague, and I am over the age of eighteen (18) years. I make this declaration under the penalty of perjury, free and voluntarily, under no coercion, threat, or intimidation, and without promise of benefit or reward, based on my own personal knowledge. If called to testify, I could and would testify consistent with the matters stated herein.

2. I am the Senior Project Manager for RG/2 Claims Administration LLC (“RG/2 Claims”), whose address is 30 South 17th Street, Philadelphia, PA 19103, the independent third-party settlement administrator retained as Claims Administrator to handle various settlement administration activities in the above-referenced matter, including, but not limited to, mailing of settlement notification packages to Class Members, Claim Form collection and review, claimant correspondence, and distribution.

3. RG/2 Claims is a full-service class action settlement administrator offering notice, claims processing, allocation, distribution, tax reporting, and class action settlement consulting services. RG/2 Claims’ experience includes the provision of notice and administration services for settlements arising from antitrust, data security breach, consumer, civil rights, employment, negligent disclosure, and securities fraud allegations. Since 2000, RG/2 Claims has administered and distributed in excess of \$2 billion in class action settlement proceeds. A profile of RG/2’s background and

capabilities are attached hereto as “**Exhibit A.**”

4. I have been actively involved and responsible for handling the administration of the settlement of the above-referenced matter.

5. RG/2 Claims was retained to, among other tasks, a) prepare, print, mail and email Notices of Settlement to the Settlement Class; b) create and maintain the Settlement website; c) prepare weekly activity reports; d) handle inquiries from and correspondence to Settlement Class Members; e) re-mail Notices; f) skip-trace undeliverable addresses; g) receive and process Claim Forms; h) receive and track Opt-Outs and Objections; i) calculate and issue *pro rata* Settlement payments; and j) conduct such other tasks as the Parties mutually agree or the Court orders RG/2 Claims to perform.

6. On or about November 25, 2024, RG/2 Claims received from Defendants’ counsel an electronic file containing the names and known contact information for the Tenants identified as Settlement Class Members. RG/2 Claims reviewed the electronic file and determined there were 36,005 unique Settlement Class Members with valid contact information. The Settlement Class List includes 10,415 current residents and 25,590 former residents of United Dominion Realty, L.P. and UDR, Inc., (“Defendants”).

7. On December 2, 2024, RG/2 Claims caused to be sent by email, the Short Form Notice of Settlement to 35,286 Settlement Class Members for whom email addresses were provided in the settlement class list. A true and correct copy of the Notice of Settlement is attached hereto as “**Exhibit B**”. Of the email notices sent 5,150 resulted in a “bounce-back” or the email address was invalid and the Notice of Settlement could not be delivered

8. On December 19, 2024, RG/2 Claims caused to be served by First Class U.S. Mail the Short Form Notice of Settlement to the 5,150 Tenants identified as Settlement Class Members whose email notice was not delivered and the 719 Settlement Class Members whose email addresses were not provided. A true and correct copy of the mailed Notice of Settlement is attached hereto as “**Exhibit C**”.

9. Prior to mailing the Notice of Settlement, and in order to provide the best notice practicable and locate the most recent addresses for Settlement Class Members, RG/2 Claims processed

the names and addresses received through the United States Postal Service's ("USPS") National Change of Address database ("NCOA") and updated the data with corrected information.

10. On or about November 27, 2024, RG/2 Claims made available the settlement website at www.residentiallatefeesettlement.com. The website includes the following:

- a. The "Homepage" contains a brief summary of the Settlement and advises the Class of their rights under the Settlement. A copy of the Homepage is attached hereto as **"Exhibit D."**
- b. The "Court Documents" page contains pdf copies of the First Amended Complaint, Answer to Amended Complaint, Stipulation of Settlement and the Order Granting Preliminary Approving of Class Action Settlement.
- c. The "Notice and Claim Form" page contains pdf copies of the Long Form Notice, Short Form Notice, Settlement Claim Form and a link to the online claim filing portal for Settlement Class Members to log in using a login and password to submit the Claim Form electronically.
- d. The "File a Claim" page includes a link to a secure portal where Settlement Class Members can log in using a login and password from the Notice to Settlement to submit the Claim Form electronically.
- e. The "Contact Us" page contains the contact information of the Settlement Administrator and Class Counsel.
- f. The website address is included in the Short Form and Long Form Notice of Settlement. As of February 11, 2025, 4,179 unique users viewed the settlement website 7,828 times.

11. On November 27, 2024, RG/2 Claims arranged for a Toll-Free Interactive Voice Response ("IVR") to be available to Settlement Class Members. The Toll-Free IVR number, 1(844)-979-7403 provides script recordings of information about the Settlement and frequently asked questions. Settlement Class Members also have the option to leave a voicemail message requesting a returned call or

request a Notice or Claim Form.

12. RG/2 Claims also made available Post Office Box 59479 in Philadelphia, PA 19102-9479 to receive and process returned Notices, Claim Forms, Opt Outs, and Objections.

13. On November 27, 2024, RG/2 Claims also made available the email inbox LateFeeSettlement@rg2claims.com to receive and respond to email inquiries from Settlement Class Members.

14. In order to reach additional Settlement Class Members, on January 21, 2025, RG/2 Claims sent by email a reminder notice to 20,695 former tenants who had not submitted a Claim Form. A copy of the reminder notice is attached hereto as “**Exhibit E.**” Of the reminder notices sent, 205 resulted in a “bounce-back” or the email address was invalid. RG/2 Claims promptly mailed a reminder notice to those Settlement Class Members.

15. As of February 11, 2025, the United States Postal Service (“USPS”) returned 1,271 Notices of Settlement as undeliverable. Of the Notices returned, 10 included a forwarding address provided by the USPS, and RG/2 Claims promptly mailed a new Notice to those Settlement Class Members. For the remaining 1,261 Notices, RG/2 Claims performed extensive skip-trace procedures and was able to locate updated addresses for 805 Class Members. A total of 456 Notices remain undeliverable, thus less than 2% of the Notices sent have been deemed unsuccessfully delivered.

16. The Notice of Settlement informed Settlement Class Members of, among other things, their right to opt-out and not participate in the Settlement, provided the request is postmarked by March 3, 2025. As of February 11, 2025, RG/2 Claims has received one (1) Opt-Out request. A copy of the Opt-Out request is attached hereto as “**Exhibit F**”.

17. The Notice of Settlement also informed Class Members of their right to object to the Settlement provided the request is postmarked by March 3, 2025. To date, RG/2 Claims has not received or been advised of any objections to the Settlement, to the request for fees and expenses identified in the Notice, or to the Class Representatives’ requested incentive award.

18. As of February 11, 2025, RG/2 Claims has received and processed 825 Claim Forms.

The deadline to file a claim is March 3, 2025. As the deadline to file a claim has not yet passed, the information provided regarding claims submission is subject to change and is not final.

19. RG/2 Claims has incurred fees and costs associated with the Settlement Administration thus far, and will incur additional costs for claims processing, distribution, calculating payments, and responding to inquiries. RG/2 Claims anticipates that the total cost for the administration of the Settlement through completion of the case will be \$67,561.

20. I declare under penalty of perjury that the foregoing is true and correct. Executed this 14th day of February 2025.



Jessie Montague

EXHIBIT A



SETTING A NEW STANDARD IN CLASS ACTION CLAIMS ADMINISTRATION

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Class Action Experience

High-Quality Service at Competitive Rates

RG/2 Claims seasoned professionals utilize their vast class action experience, tax and financial management resources to deliver high-quality service at competitive rates.

RG/2 Claims is a boutique class action claims administration firm with a nationwide presence founded by seasoned class action practitioners and highly credentialed tax professionals. Our leadership team has a collective 100 years' experience working in the field of class action litigation and settlement administration to leverage for the benefit of counsel. Our team of driven class action attorneys, *highly credentialed CPAs and forensic accountants* approach each matter with a personal goal to shepherd the settlement through the process from settlement negotiations through final approval. Our personal attention and care ensures that the administration is handled in a seamless matter that allows counsel to proceed with the knowledge and confidence that their settlement will receive the attention and care that they demand. In addition, our operations and IT personnel bring individualized innovations to each engagement, driving the notice and settlement administration to conclusion. We have the experience to handle large settlements with the personal attention and care expected from a boutique firm.

RG/2 Claims recognizes that cutting-edge technology is the key to efficient and reliable claim processing. Our IT Group, including an experienced web design team, enables RG/2 Claims to employ technologies used to enhance accuracy, efficiency and interaction of all participants in the claims process. Our approach focuses on analysis of case needs, development of solutions to maximize resources and reduce costs through accurate and efficient data collection and entry, and ongoing maintenance and support. Throughout the entire claims process, our goal is to (1) optimize completeness, accuracy and efficiency of the data management system, including online integration; (2) validate critical fields and data; and (3) track opt-outs and claimant responses. RG/2 Claims' proprietary database application provides a *single source for managing the entire claims administration process and expediting decision making and resource management*. From the initial mailing through distribution of settlement funds and reconciliation of distributed payments, RG/2 Claims' CLEVerPay® system centralizes data, facilitating information sharing and efficient communication.



Cutting-Edge Technology and Skilled Resources

The CLEVerPay® System: A proprietary and revolutionary application developed exclusively by RG/2 Claims.

At RG/2 Claims, we developed a proprietary and customizable database with the goal of providing single-source management throughout the claims administration process, expediting decision making and resource management.

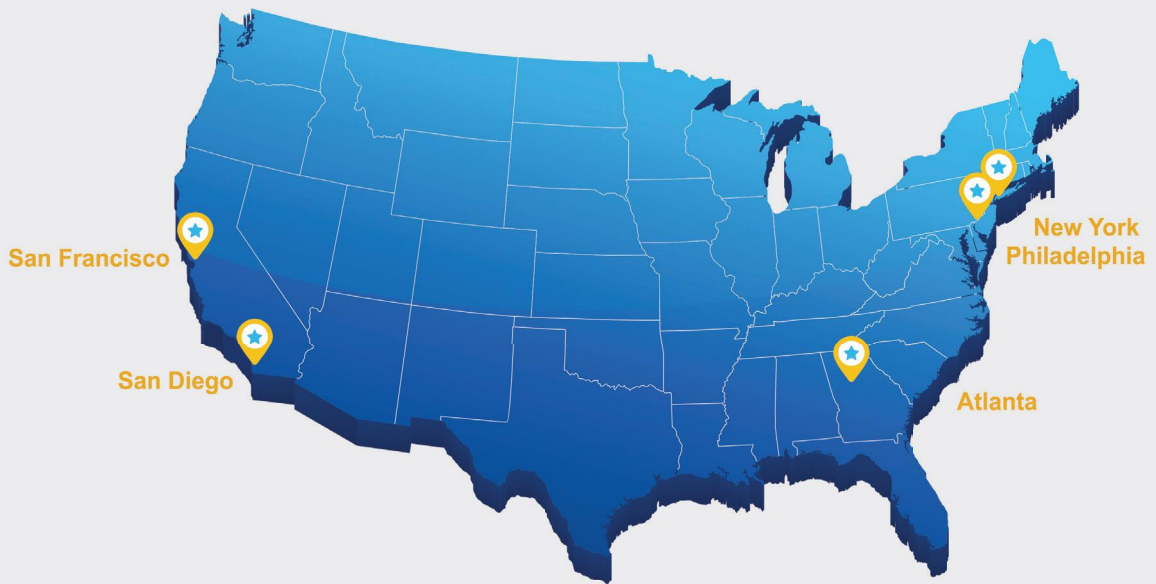
From the initial mailing through distribution of settlement funds and reconciliation of payments, RG/2 Claims' CLEVerPay® system centralizes the entire process while providing information sharing and communications solutions.

Our CLEVerPay® system is a robust and user-friendly resource that can be easily customized to meet your administration and distribution needs. We recognize how essential it is for data to be clean, centralized and readily accessible. RG/2 Claims' CLEVerPay® system has the capacity to assimilate and analyze large amounts of raw data from multiple inputs, to convert that raw data into useful information and to distribute the useful information in a variety of formats.

The integration of these elements results in timely and accurate distribution of secure payments generated from RG/2 Claims' single-source CLEVerPay® system.

For more information, please visit our website to download our CLEVerPay® System Datasheet at: <http://www.rg2claims.com/pdf/cleverPayDatasheet.pdf>.

Locations



PHILADELPHIA

30 South 17th Street • Philadelphia, PA 19103-4196
P 215.979.1620 • F 215.979.1695

NEW YORK

1540 Broadway • New York, NY 10036-4086
P 212.471.4777 • F 212.692.1020

ATLANTA

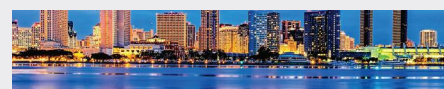
1075 Peachtree Street NE, Suite 2000 • Atlanta, GA 30309-3929
P 404.253.6904 • F 404.253.6905

SAN DIEGO

750 B Street, Suite 2900 • San Diego, CA 92101-4681

SAN FRANCISCO

Spear Tower • One Market Plaza, Suite 2200 • San Francisco, CA 94105-1127
P 415.957.3011 • F 415.957.3090



Full Life-Cycle Support for Your Class Action With You Every Step of the Way

Whether engaged as a court-appointed settlement administrator, claims agent or disbursing agent, RG/2 Claims offers a complete range of claims, settlement administration and investment management services, including but not limited to:

PROFESSIONAL CASE MANAGEMENT CONSULTING

RG/2 Claims provides custom pre-settlement consultation and highly personalized attention throughout the life cycle of settlement administration. Each retention begins with an in-depth consultation concerning the specific needs of the case. Our professionals routinely and proactively identify administrative concerns and identify and propose solutions that avoid delay and remove unpredictability from the equation. We work through a coordinated approach involving a core of specialists that are intimately familiar with the case entrusted to our care. Our retentions result in effective and efficient solutions and greater peace of mind for busy lawyers.

NOTIFICATION PLANNING AND CAMPAIGNS

Whether routine or innovative, RG/2 Claims designs cost-effective and thorough notification plans that will suit your budget whether the settlement is national in scope or highly localized. RG/2 Claims guides you through the array of notice publication options at your disposal in a variety of media formats.

WEBSITE DESIGN

RG/2 Claims can assist in the design and hosting of a website specific to the client's needs to allow for document posting, as well as pertinent information and deadlines about the case. RG/2 Claims can also provide various options for claims filing, which includes an online portal that allows claimants to submit their claims and supporting documentation through the website.

CLAIMS PROCESSING

RG/2 Claims utilizes a proprietary and customizable database that provides a single-source management tool throughout the claims administration process, expediting decision making and resource management. RG/2 Claims' proprietary and sophisticated CLEVerPay® system centralizes the entire process while providing information sharing and communications solutions, from the initial mailing through distribution of settlement funds and reconciliation of payments.

DISTRIBUTION AND TAX SERVICES

RG/2 Claims' in-house tax, accounting and financial services professionals provide disbursement services, including management of checking, sweep, escrow and related cash accounts, as well as non-cash assets, such as credits, gift cards, warrants and stock certificates. RG/2 Claims' in-house CPAs provide a broad array of accounting services, including securing private letter rulings from the IRS regarding the tax reporting consequences of settlement payments, the preparation of settlement fund tax returns and the preparation and issuance of IRS Forms 1099 and W-2.

Range of Services

Offering Unparalleled Value

RG/2 offers a range of quality value-added services for your class action administration.

SECURITIES

RG/2 Claims' highly experienced team uses its various resources to locate beneficial holders of securities, including working with the Depository Trust Company and a proprietary list of nominee firms to identify and mail notices to the class. With RG/2 Claims' CLEVerPay system, claims are processed efficiently and accurately using our proprietary damage grid that calculates class member damages in accordance with a broad array of complex plans of allocation. Claims are automatically flagged through a validation process so RG/2 Claims can communicate with class members concerning their claims and can assist them in filing claims that are complete and properly documented. Once ready for distribution, RG/2 Claims conducts an audit of the claims to insure against calculation errors and possible fraudulent claims. Once the audit is completed, RG/2 Claims calculates distribution amounts for eligible class members in accordance with the plan of allocation and issues checks and any applicable tax documents. RG/2 Claims is also often called upon to act as the Escrow Agent for the Settlement Fund, investing the funds and filing all required tax returns.

ANTITRUST

Because of the high-dollar settlements involved in most antitrust cases and potential large recoveries on behalf of class members, RG/2 Claims understands the importance of accuracy and attention to detail for these cases. RG/2 Claims works with counsel to arrive at the best possible plan to provide notice to the class. With RG/2 Claims' CLEVerPay system, claims filed with a large volume of data, which is common in an antitrust case, can be quickly and easily uploaded into our database for proper auditing. Our highly-trained staff consults with counsel to apply an audit plan to process claims in an efficient manner while ensuring that all claims meet class guidelines. Once ready for distribution, RG/2 Claims calculates check amounts for eligible class members in accordance with the plan of allocation and will issue checks (including wire transfers for large distributions) as well as any necessary tax documents. RG/2 Claims is also available to act as the Escrow Agent for the Settlement Fund, investing the funds and filing all required tax returns.

EMPLOYMENT

With an experienced team of attorneys, CPAs, damage experts and settlement administrators, RG/2 Claims handles all aspects of complex employment settlements, including collective actions, FLSA, gender discrimination, wage-and-hour and, in particular, California state court class and PAGA settlements. RG/2 Claims utilizes technological solutions to securely receive and store class data, parse data for applicable employment information, personalize consents forms or claim forms, collect consents or claims electronically, calculate settlement amounts and make payments through our proprietary CLEVerPay system. Our proprietary database also allows for up-to-the-minute statistical reporting for returned mail, consents or claims received and exclusions submitted. Our CPAs concentrate on withholding and payroll issues and IRC section 468(B) compliance and reporting. Customizable case-specific websites allow for online notification and claims filing capabilities. With Spanish/English bilingual call center representatives on-staff, class members are provided immediate attention to their needs.

CONSUMER

RG/2 Claims handles a wide range of complex consumer matters with notice dissemination to millions of class members and with settlements involving cash, coupons, credits and gift cards. Our experienced claims administrators are available to provide guidance on media, notice and distribution plans that are compliant with the Class Action Fairness Act and the state federal rules governing notice, and that are most beneficial to the class. Our proprietary CLEVerPay system provides a secure and efficient way to track class member data, claims and payments. Integrated with our database, we can provide a user-friendly claims filing portal that will allow class members to complete a static claim form or log-in using user-specific credentials to view and submit a claim personalized just for that user. A similar online portal can be provided as a highly cost-effective method for distribution where the class member can log in to obtain coupons, vouchers or credits as their settlement award.

Effective administration requires proactive planning and precise execution. Before we undertake any matter, we work with you to develop a specific plan for the administration of your case. The service plan is comprehensive, complete and tailored to your specific needs.

RG/2 CLAIMS PROVIDES THE SERVICES SUMMARIZED BELOW:

- Technical consultation during formulation of settlement agreement, including data collection criteria and tax consequences
- Design and development of notice and administration plan, including claim form design and layout
- Claim form and notice printing and mailing services
- Dedicated claimant email address with monitoring and reply service
- Calculation and allocation of class member payments
- Claim form follow-up, including issuing notices to deficient and rejected claims
- Mail forwarding
- Claimant locator services
- Live phone support for claimant inquiries and requests
- Claim form processing
- Claim form review and audit
- Check printing and issuance
- Design and hosting of website access portals
- Online claim receipt confirmation portal
- Ongoing technical consultation throughout the life cycle of the case
- Check and claim form replacement upon request

WE ALSO PROVIDE THE FOLLOWING OPTIONAL SERVICES:

- Periodic status reporting
- Customized rapid reporting on demand
- Issue reminder postcards
- Consultation on damage analyses, calculation and valuation
- Interpretation of raw data to conform to plan of allocation
- Issue claim receipt notification postcards
- Online portal to provide claims forms, status and contact information
- Dedicated toll-free claimant assistance line
- Evaluation and determination of claimant disputes
- Opt-out/Objection processing
- Notice translation
- Integrated notice campaigns, including broadcast, print and e-campaigns
- Pre-paid claim return mail envelope service
- Web-based claim filing
- 24/7 call center support
- Damage measurement and development of an equitable plan of allocation

WE ALSO PROVIDE CALCULATION AND WITHHOLDING OF ALL REQUIRED FEDERAL AND STATE TAX PAYMENTS, INCLUDING:

- Individual class member payments
- Qualified Settlement Fund (QSF) tax filings
- Employment tax filings and remittance
- Generation and issuance of W-2s and 1099s
- Integrated reporting and remittance services, as well as client-friendly data reports for self-filing

**Don't see the service you are looking for?
Ask us. We will make it happen.**



FOR MORE INFORMATION, PLEASE CONTACT:

Phone: 1.866.742.4955 (toll free)

Email: info@rg2claims.com

WWW.RG2CLAIMS.COM



BOUTIQUE ADMINISTRATOR WITH WORLD-CLASS CAPABILITIES

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EXHIBIT B

From: Late Fee Settlement <latefeesettlement@rg2claims.maildel.com>
Sent: Tuesday, November 26, 2024 2:12 PM
To:
Subject: LEGAL NOTICE - Moulton v. United Dominion Realty, L.P., et al., Case No. CIV-SB 2123480

If you were charged or paid a Late Payment Charge to United Dominion Realty, L.P. and/or UDR Inc., (“UDR” or “Defendants”) as a Leasehold Tenant in a UDR property, a class action settlement may affect your rights.

A proposed settlement is pending in a lawsuit challenging the late fees (“Late Fees”) imposed on tenants of UDR’s residential properties (“Tenants”) pursuant to its residential lease agreements (“Lease Contracts”). The lawsuit is pending in the San Bernardino (California) Superior Court, Case No. CIV-SB 2123480.

ARE YOU AFFECTED?

The class in this case includes all California residential tenants who, from August 12, 2017 to October 24, 2024, were charged or paid one or more Late Fees imposed by Defendants (the “Settlement Class”).

WHAT IS THIS CASE ABOUT?

The lawsuit claims that Defendants unlawfully imposed on Leasehold Tenants, and collected from its Leasehold Tenants, Late Fees in violation of California Civil Code § 1671, and, in so doing violated various California consumer protection laws. Defendants deny any wrongdoing, but have agreed to settle the lawsuit, to avoid the cost and expense of further litigation. The Court has not made a decision regarding liability in the case.

WHAT DOES THE SETTLEMENT PROVIDE?

Defendants agree to provide a Settlement Fund of \$3,000,000.00 to compensate Settlement Class Members, pay notice and administration costs, incentive awards to the class representative, and litigation costs and expenses; and to pay attorney’s fees to compensate Class Counsel.

The Settlement Agreement provides that the Settlement Fund, net of deductions approved by the Court, will be allocated to Class Members who were, or are currently, tenants of Defendants at some time during the period from August 12, 2017 through October 24, 2024 (the “Settlement Class Period”) who were assessed Late Fees as reflected in Defendants’ records and who submit a valid Claim Form.

Current tenants are not required to submit a Claim Form to receive their benefit but may still do so. Current tenants will receive their payment by check at their current address after Final Approval of the Settlement, unless they elect a different payment method by submitting a Claim Form. If a current Tenant elects to receive payment in a form other than a check, they may receive payment as a credit to their account with PayPal, Zelle, or Venmo. Current Tenants are current residential lease holders who rent an apartment from any of UDR’s California apartment buildings or residential properties.

Former Tenants must submit a Claim Form to be eligible to receive a portion of the Settlement Fund. Distributions to Former Tenants will be in the form of a check or, at the Settlement Class Member’s option, payment to a specified PayPal, Zelle, or Venmo account. The Court may, however, adjust the manner in which certain Settlement Class Members are paid to better facilitate the delivery of settlement funds to those who are entitled to receive them. A former Tenant is a residential lease holder who rented an apartment from any of UDR’s California apartment buildings or residential properties during the Settlement Class Period, paid a Late Fee to Defendants but is no longer a UDR tenant.

DO I HAVE A LAWYER IN THE CLASS ACTION?

The Court has appointed Bursor & Fisher, P.A. of Walnut Creek, CA, and Gucovschi Rozenshteyn, PLLC, of New York, NY as Class Counsel to represent Plaintiff and all Settlement Class Members.

WHEN WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?

The Court will determine whether to approve the settlement at a fairness hearing to be held on April 2, 2025 (the “Fairness Hearing”). If you filed a valid and timely objection (see below) you or your attorney may appear at the hearing to explain your objection.

WHAT ELSE WILL BE DECIDED AT THE FAIRNESS HEARING?

At the Fairness Hearing, the Court will also decide whether to approve Class Counsel’s applications (a) for an award of attorneys’ fees of not more than \$1,000,000.00, to be paid by Defendants, from the Settlement Fund; (b) for reimbursement from the Settlement Fund of litigation costs and expenses (the “Expenses”); and (c) for payment of an incentive award from the Settlement Fund to the Class Representative not to exceed \$5,000.00 (the “Incentive Award”).

WHAT ARE MY LEGAL RIGHTS?

You have four options:

- **Remain in the Settlement Class (current UDR residential tenants).** If you are a class member and current UDR residential tenant, if you do not exclude yourself from the Settlement Class, you will be bound by the terms of the settlement and give up your right to sue regarding issues in this case. Current leasehold tenants are not required to submit a Claim Form to receive their benefit but may still do so. You will receive a portion of the Settlement Fund by check sent to your current residential address without filing a Claim Form. You can submit a Claim Form if you would prefer to receive payment to Your PayPal, Zelle, or Venmo account. You can submit your Claim Form on the Settlement Website using the login information below.

Login: XXX-XXX-XXX Password: XXXX

- **Submit a Claim Form (former UDR residential tenants).** If you are a Class Member and a former UDR residential tenant, you will need to file a Claim Form to be eligible to receive a portion of the Settlement Fund. The Claim Form must be submitted by **March 3, 2025** and is available at www.ResidentialLateFeeSettlement.com, with instructions on how to submit the Claim Form. You can submit your Claim Form on the Settlement Website using the login information below.

Login: XXX-XXX-XXXX Password: XXXX

- **Request to be Excluded.** The Court will exclude you from the Settlement Class if you mail a request for exclusion to the Settlement Administrator at the addresses below. Requests for exclusion must be postmarked by **March 3, 2025**. You will not get a share of the money recovered in the settlement but will keep any rights to sue Defendants separately.
- **Object to the Settlement, the Attorney’s Fees, the Expenses, and/or the Class Representative Incentive Award.** If you do not exclude yourself from the Settlement Class, you may object to the Settlement, the Attorneys’ Fees, the Expenses, or the Incentive Awards, either by yourself or through an attorney that you hire at your own expense. Objections must be written and mailed to the Court at: Clerk of the Court, San Bernardino County Superior Court, 247 West Third Street, San Bernardino, CA 92415, and Class Counsel and Defense Counsel at their respective addresses below, and must include documentary evidence that you were charged or paid a Late Fee to Defendants during the period from August 12, 2017, through October 24, 2024. Objections that include such evidence and are postmarked by **March 3, 2025** will be considered at the fairness hearing. You will be bound by the terms of the settlement if your objection is rejected.

HOW CAN YOU GET MORE INFORMATION?

If you have questions or want a detailed notice or other documents about this lawsuit and your rights, visit www.ResidentialLateFeeSettlement.com, write to: Moulton v. United Dominion Realty, c/o RG/2 Claims Administration, P.O. Box 59479, Philadelphia, PA 19102-9479, email at LateFeeSettlement@rg2claims.com, or call toll-free 1-844-979-7403. Please do not contact the Court or Defendants concerning this lawsuit.

Class Counsel
L. Timothy Fisher

Bursor & Fisher, P.A.
1990 North California Blvd., 9th Floor
Walnut Creek, CA 94596
Telephone: (925) 300-4455

Adrian Gucovschi
Gucovschi Rozenshteyn, PLLC.
140 Broadway, Suite 4667
New York, NY 10005
Telephone: (212) 884-4230

Defendants' Counsel:
Jeffrey M. Singletary
Snell & Wilmer, L.L.P.
600 Anton Blvd., Suite 1400
Costa Mesa, CA 92626
Telephone: (714) 427-7000

By the Order of the Honorable Joseph T. Ortiz,
Judge of the Superior Court of California.

Footer

[Click here to stop future mailings](#)

EXHIBIT C

LEGAL NOTICE

If you were charged or paid a Late Payment Charge to United Dominion Realty, L.P. and/or UDR Inc., (“UDR” or “Defendants”) as a Leasehold Tenant in a UDR property, a class action settlement may affect your rights.

A proposed settlement is pending in a lawsuit challenging the late fees (“Late Fees”) imposed on tenants of UDR’s residential properties (“Tenants”) pursuant to its residential lease agreements (“Lease Contracts”). The lawsuit is pending in the San Bernardino (California) Superior Court, Case No. CIV-SB 2123480.

ARE YOU AFFECTED?

The class in this case includes all California residential tenants who, from August 12, 2017 to October 24, 2024, were charged or paid one or more Late Fees imposed by Defendants (the “Settlement Class”).

WHAT IS THIS CASE ABOUT?

The lawsuit claims that Defendants unlawfully imposed on Leasehold Tenants, and collected from its Leasehold Tenants, Late Fees in violation of California Civil Code § 1671, and, in so doing violated various California consumer protection laws. Defendants deny any wrongdoing, but have agreed to settle the lawsuit, to avoid the cost and expense of further litigation. The Court has not made a decision regarding liability in the case.

WHAT DOES THE SETTLEMENT PROVIDE?

Defendants agree to provide a Settlement Fund of \$3,000,000.00 to compensate Settlement Class Members, pay notice and administration costs, incentive awards to the class representative, and litigation costs and expenses; and to pay attorney’s fees to compensate Class Counsel.

The Settlement Agreement provides that the Settlement Fund, net of deductions approved by the Court, will be allocated to Class Members who were, or are currently, tenants of Defendants at some time during the period from August 12, 2017 through October 24, 2024 (the “Settlement Class Period”) who were assessed Late Fees as reflected in Defendants’ records and who submit a valid Claim Form.

Current tenants are not required to submit a Claim Form to receive their benefit but may still do so. Current tenants will receive their payment by check at their current address after Final Approval of the Settlement, unless they elect a different payment method by submitting a Claim Form. If a current Tenant elects to receive payment in a form other than a check, they may receive payment as a credit to their account with PayPal, Zelle, or Venmo. Current Tenants are current residential lease holders who rent an apartment from any of UDR’s California apartment buildings or residential properties.

Former Tenants must submit a Claim Form to be eligible to receive a portion of the Settlement Fund. Distributions to Former Tenants will be in the form of a check or, at the Settlement Class Member’s option, payment to a specified PayPal, Zelle, or Venmo account. The Court may, however, adjust the manner in which certain Settlement Class Members are paid to better facilitate the delivery of settlement funds to those who are entitled to receive them. A former Tenant is a residential lease holder who rented an apartment from any of UDR’s California apartment buildings or residential properties during the Settlement Class Period, paid a Late Fee to Defendants but is no longer a UDR tenant.

DO I HAVE A LAWYER IN THE CLASS ACTION?

The Court has appointed Bursor & Fisher, P.A. of Walnut Creek, CA, and Gucovschi Rozenshteyn, PLLC, of New York, NY as Class Counsel to represent Plaintiff and all Settlement Class Members.

WHEN WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?

The Court will determine whether to approve the settlement at a fairness hearing to be held on April 2, 2025 (the “Fairness Hearing”). If you filed a valid and timely objection (see below) you or your attorney may appear at the hearing to explain your objection.

WHAT ELSE WILL BE DECIDED AT THE FAIRNESS HEARING?

At the Fairness Hearing, the Court will also decide whether to approve Class Counsel’s applications (a) for an award of attorneys’ fees of not more than \$1,000,000.00, to be paid by Defendants, from the Settlement Fund; (b) for reimbursement from the Settlement Fund of litigation costs and expenses (the “Expenses”); and (c) for payment of an incentive award from the Settlement Fund to the Class Representative not to exceed \$5,000.00 (the “Incentive Award”).

WHAT ARE MY LEGAL RIGHTS?

You have four options:

- **Remain in the Settlement Class (current UDR residential tenants).** If you are a class member and current UDR residential tenant, if you do not exclude yourself from the Settlement Class, you will be bound by the terms of the settlement and give up your right to sue regarding issues in this case. Current leasehold tenants are not required to submit a Claim Form to receive their benefit but may still do so. You will receive a portion of the Settlement Fund by check sent to your

current residential address without filing a Claim Form. You can submit a Claim Form if you would prefer to receive payment to your PayPal, Zelle, or Venmo account. You can submit your Claim Form on the Settlement Website using the login information below.

Login: «Login» Password: «Password»

- **Submit a Claim Form (former UDR residential tenants).** If you are a Class Member and a former UDR residential tenant, you will need to file a Claim Form to be eligible to receive a portion of the Settlement Fund. The Claim Form must be submitted by **March 3, 2025** and is available at www.ResidentialLateFeeSettlement.com, with instructions on how to submit the Claim Form. You can submit your Claim Form on the Settlement Website using the login information below.

Login: «Login» Password: «Password»

- **Request to be Excluded.** The Court will exclude you from the Settlement Class if you mail a request for exclusion to the Settlement Administrator at the addresses below. Requests for exclusion must be postmarked by **March 3, 2025**. You will not get a share of the money recovered in the settlement but will keep any rights to sue Defendants separately.
- **Object to the Settlement, the Attorney’s Fees, the Expenses, and/or the Class Representative Incentive Award.** If you do not exclude yourself from the Settlement Class, you may object to the Settlement, the Attorneys’ Fees, the Expenses, or the Incentive Awards, either by yourself or through an attorney that you hire at your own expense. Objections must be written and mailed to the Court at: Clerk of the Court, San Bernardino County Superior Court, 247 West Third Street, San Bernardino, CA 92415, and Class Counsel and Defense Counsel at their respective addresses below, and must include documentary evidence that you were charged or paid a Late Fee to Defendants during the period from August 12, 2017, through October 24, 2024. Objections that include such evidence and are postmarked by **March 3, 2025** will be considered at the fairness hearing. You will be bound by the terms of the settlement if your objection is rejected.

HOW CAN YOU GET MORE INFORMATION?

If you have questions or want a detailed notice or other documents about this lawsuit and your rights, visit www.ResidentialLateFeeSettlement.com, write to: Moulton v. United Dominion Realty, c/o RG/2 Claims Administration, P.O. Box 59479, Philadelphia, PA 19102-9479, email at LateFeeSettlement@rg2claims.com, or call toll-free 1-844-979-7403. Please do not contact the Court or Defendants concerning this lawsuit.

Class Counsel

L. Timothy Fisher
Bursor & Fisher, P.A.
1990 North California Blvd., 9th Floor
Walnut Creek, CA 94596
Telephone: (925) 300-4455

Class Counsel

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Defendants’ Counsel:

Jeffrey M. Singletary
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600 Anton Blvd., Suite 1400
Costa Mesa, CA 92626
Telephone: (714) 427-7000

By the Order of the Honorable Joseph T. Ortiz,
Judge of the Superior Court of California.

NUMERIC EQUIVALENT



«First Name» «Last Name»
«Address 1»
«Address 2»
«City», «State», «Zip»

EXHIBIT D

Moulton V. United Dominion Realty, L.P. Et. Al.

Case No. CIVSB 2123480

If you were charged or paid a Late Payment Charge to United Dominion Realty, L.P. and/or UDR Inc., (“UDR” or “Defendants”) as a Leasehold Tenant in a UDR property, a class action settlement may affect your rights.

A proposed settlement is pending in a lawsuit challenging the late fees (“Late Fees”) imposed on tenants of UDR’s residential properties (“Tenants”) pursuant to its residential lease agreements (“Lease Contracts”). The lawsuit is pending in the San Bernardino (California) Superior Court, Case No. CIV-SB 2123480.

ARE YOU AFFECTED?

The class in this case includes all California residential tenants who, from August 12, 2017 to October 24, 2024, were charged or paid one or more Late Fees imposed by Defendants (the “Settlement Class”).

WHAT IS THIS CASE ABOUT?

The lawsuit claims that Defendants unlawfully imposed on Leasehold Tenants, and collected from its Leasehold Tenants, Late Fees in violation of California Civil Code § 1671, and, in so doing violated various California consumer protection laws. Defendants deny any wrongdoing, but have agreed to settle the lawsuit, to avoid the cost and expense of further litigation. The Court has not made a decision regarding liability in the case.

WHAT DOES THE SETTLEMENT PROVIDE?

Defendants agree to provide a Settlement Fund of \$3,000,000.00 to compensate Settlement Class Members, pay notice and administration costs, incentive awards to the class representative, and litigation costs and expenses; and to pay attorney's fees to compensate Class Counsel.

The Settlement Agreement provides that the Settlement Fund, net of deductions approved by the Court, will be allocated to Class Members who were, or are currently, tenants of Defendants at some time during the period from August 12, 2017 through October 24, 2024 (the "Settlement Class Period") who were assessed Late Fees as reflected in Defendants' records and who submit a valid Claim Form.

Current tenants are not required to submit a Claim Form to receive their benefit but may still do so. Current tenants will receive their payment by check at their current address after Final Approval of the Settlement, unless they elect a different payment method by submitting a Claim Form. If a current Tenant elects to receive payment in a form other than a check, they may receive payment as a credit to their account with PayPal, Zelle, or Venmo. Current Tenants are current residential lease holders who rent an apartment from any of UDR's California apartment buildings or residential properties.

Former Tenants must submit a Claim Form to be eligible to receive a portion of the Settlement Fund. Distributions to Former Tenants will be in the form of a check or, at the Settlement Class Member's option, payment to a specified PayPal, Zelle, or Venmo account. A former Tenant is a residential lease holder who rented an apartment from any of UDR's California apartment buildings or residential properties during the Settlement Class Period, was charged or paid a Late Fee to Defendants but is no longer a UDR tenant.

DO I HAVE A LAWYER IN THE CLASS ACTION?

The Court has appointed Bursor & Fisher, P.A. of Walnut Creek, CA, and Gucovschi Rozenshteyn, PLLC, of New York, NY as Class Counsel to represent Plaintiff and all Settlement Class Members.

WHAT ARE MY LEGAL RIGHTS?

If you are a member of the Settlement Class, you have the following options:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT		
ACTION	EXPLANATION	DUE DATE
(CURRENT TENANTS) DO NOTHING	<p>Stay in the lawsuit. Await the outcome. Give up certain rights. If the settlement is approved by the Court, you may be eligible for a payment of money under the settlement.</p> <p>By doing nothing, you remain a part of the Settlement Class. But you give up any rights to sue Defendants separately about the same legal claims that were brought or could have been brought in the lawsuit.</p> <p><i>If you fall within the definition of the Settlement Class and, as of October 24, 2024, you are a current tenant in one of Defendants' apartments, you are eligible to receive a portion of the settlement fund by check to your current residential address, without filing a claim form unless you seek payment in another manner (e.g. PayPal, Zelle, or Venmo).</i></p>	NO DEADLINE

<p>(FORMER TENANTS) SUBMIT A CLAIM FORM</p>	<p><i>If you fall within the definition of the Settlement Class, but as of October 24, 2024, you are no longer a tenant in one of Defendants' apartments, you will need to file a claim form to be eligible to receive a portion of the settlement fund. The claim form must be submitted by March 3, 2025. Claim forms are available here (pdf/UDR_Claim_Form_FINAL.pdf).</i></p>	<p>MARCH 3, 2025</p>
<p>SUBMIT AN OBJECTION</p>	<p>If you do not exclude yourself from the Settlement Class, you may object to the Settlement, Class Counsel's request for an award of attorney's fees and/or the proposed allocation of the net settlement fund. Any such objection must be accompanied by documentary evidence that you were charged or paid a Late Fee to Defendants, and must be filed with the Court on or before March 3, 2025, and served on Class Counsel and Defendants' Counsel, postmarked on or before March 3, 2025. The addresses of Class Counsel and Defendants' counsel are listed in the Notice of Settlement (pdf/UDR_Long_Form_Notice_FINAL.pdf).</p>	<p>MARCH 3, 2025</p>
<p>ASK TO BE EXCLUDED</p>	<p>Get out of the lawsuit. Get no benefits from it.</p> <p>Keep rights. If you ask to be excluded, you won't share in any of the money recovered in the settlement. But you will keep any rights to sue Defendants separately about the same legal claims in this lawsuit.</p>	<p>MARCH 3, 2025</p>

To understand all your options and how your rights will be affected, as well as the deadlines for action on your part, please read all of the **Notice of Settlement** (pdf/UDR_Long_Form_Notice_FINAL.pdf).

WHEN WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?

The Court will determine whether to approve the settlement at a fairness hearing to be held on **April 2, 2025** (the “Fairness Hearing”). If you filed a valid and timely objection you or your attorney may appear at the hearing to explain your objection.

WHAT ELSE WILL BE DECIDED AT THE FAIRNESS HEARING?

At the Fairness Hearing, the Court will also decide whether to approve Class Counsel’s applications (a) for an award of attorneys’ fees of not more than \$1,000,000.00, to be paid by Defendants, from the Settlement Fund; (b) for reimbursement from the Settlement Fund of litigation costs and expenses (the “Expenses”); and (c) for payment of an incentive award from the Settlement Fund to the Class Representative not to exceed \$5,000.00 (the “Incentive Award”).

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EXHIBIT E

From: Late Fee Settlement <latefeesettlement@rg2claims.maidel.com>
Sent: Tuesday, January 21, 2025 10:29 AM
To:
Subject: REMINDER NOTICE: Moulton v. United Dominion Realty, L.P., et al., Case No. CIV-SB 2123480

This email is to inform you that we have not received your claim form for participation in the above referenced settlement. The deadline to file a Claim Form is March 3, 2025. A Claim Form is available at www.ResidentialLateFeeSettlement.com. If you were charged or paid a Late Payment Charge to United Dominion Realty, L.P. and/or UDR Inc., (“UDR” or “Defendants”) as a Leasehold Tenant in a UDR property, a class action settlement may affect your rights.

WHAT ARE MY LEGAL RIGHTS?

You have the following options:

- **Submit a Claim Form (former UDR residential tenants).** Our records reflect you are a former UDR residential tenant, as a former tenant you will need to file a Claim Form to be eligible to receive a portion of the Settlement Fund. **This reminder notice is to inform you that we have not yet received and processed your Claim Form.** The Claim Form must be submitted by **March 3, 2025** and is available at www.ResidentialLateFeeSettlement.com, with instructions on how to submit the Claim Form. You can submit your Claim Form on the Settlement Website using the login information below.

Login: XXX-XXX-XXX Password: XXX

- **Request to be Excluded.** The Court will exclude you from the Settlement Class if you mail a request for exclusion to the Settlement Administrator. Requests for exclusion must be postmarked by **March 3, 2025**. You will not get a share of the money recovered in the settlement but will keep any rights to sue Defendants separately.
- **Object to the Settlement, the Attorney’s Fees, the Expenses, and/or the Class Representative Incentive Award.** If you do not exclude yourself from the Settlement Class, you may object to the Settlement, the Attorneys’ Fees, the Expenses, or the Incentive Awards, either by yourself or through an attorney that you hire at your own expense. Objections must be written and mailed to the Court by **March 3, 2025**.

HOW CAN YOU GET MORE INFORMATION?

If you have questions or want a detailed notice or other documents about this lawsuit and your rights, visit www.ResidentialLateFeeSettlement.com, email at LateFeeSettlement@rg2claims.com, or call toll-free 1-844-979-7403. Please do not contact the Court or Defendants concerning this lawsuit.

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