

If you were charged or paid a late fee on your rent to United Dominion Realty, a class action settlement may affect your rights.

A court authorized this notice. This is not a solicitation from a lawyer.

- Anne Moulton, on behalf of herself and all others similarly situated, has sued United Dominion Realty, L.P. and UDR, Inc. (“Defendants” or “UDR”), alleging that Defendants’ late fees for the late payment of rent (“Late Fees”) were unlawful contractual penalties under California Civil Code § 1671(d), and that Defendants, in charging and collecting them, violated California consumer protection statutes.

The Court has allowed the lawsuit to go forward as a class action on behalf of all California residential tenants who, from August 12, 2017 through October 24, 2024 (the “Settlement Class Period”), were charged or paid one or more Late Fees imposed by Defendants. The class described in this paragraph is called the “Settlement Class.” The parties have proposed a settlement (“Settlement”).

- The Court has not decided whether the Settlement Class’s claims have any merit, but a Settlement of the Settlement Class’s claims has been reached. Your legal rights are affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
(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>
(FORMER TENANTS) SUBMIT A CLAIM FORM BY MARCH 3, 2025	<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. <u>Claim forms are available online at www.ResidentialLateFeeSettlement.com, along with instructions on how to submit them.</u></i></p>

<p>SUBMIT AN OBJECTION BY MARCH 3, 2025</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 below.</p>
<p>ASK TO BE EXCLUDED BY MARCH 3, 2025</p>	<p>Get out of the lawsuit. Get no benefits from it. Keep rights.</p> <p>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>

- Your options are explained in this notice. To ask to be excluded, you must act before March 3, 2025.
- **Any questions? Read on, or visit www.ResidentialLateFeeSettlement.com or contact Class Counsel at info@bursor.com.**

BASIC INFORMATION

1. Why did I get this notice?

If you received a notice by mail or email, you may have been charged or paid a Late Fee to UDR between August 12, 2017 through October 24, 2024. This notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect you and that there is a settlement pending in the case. You have legal rights and options that you may exercise. Judge Joseph T. Ortiz of the Superior Court of California, County of San Bernardino, is overseeing this class action. The lawsuit is known as *Moulton v. United Dominion Realty, L.P., et al.*, Case No. CIV-SB 2123480.

2. What is this lawsuit about?

The lawsuit claims that Defendants violated California consumer protection laws and other state laws by imposing Late Fees on tenants of Defendants’ residential properties. The suit seeks to recover monetary damages, restitution, injunctive, and other relief.

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

In a class action lawsuit, one or more people called “Class Representatives” sue on behalf of other people who have similar claims. The people together are a “Class” or “Class Members.” One court resolves the issues for everyone in the Class – except for those people who choose to exclude themselves from the Class. The companies sued in this case, United Dominion Realty, L.P., and UDR, Inc., are called the Defendants.

4. Who is the Class Representative?

The Class Representative for the Settlement Class is Anne Moulton.

5. Why is this lawsuit a class action?

The Court decided that this lawsuit and the settlement, if approved, can be a class action on behalf of the Settlement Class because it meets the requirements of California Code of Civil Procedure § 382 and California Civil Code § 1781, which govern class actions in California state courts.

More information about why the Court is allowing this lawsuit to be a class action is in the Court's [Order Granting Preliminary Approval of Settlement](#), issued October 24, 2024, which is available at www.ResidentialLateFeeSettlement.com.

THE CLAIMS IN THE LAWSUIT

6. What are the claims in this lawsuit?

In this lawsuit, the Plaintiff alleges, on behalf of the Settlement Class, that Defendants' Late Fees are unlawful contractual penalties under California Civil Code § 1671(d), and that in charging and collecting them, Defendants violated the California Consumers Legal Remedies Act (Civil Code §§ 1750 *et seq.*), the California Unfair Competition Law (Bus. & Prof. Code §§ 17200 *et seq.*), among other provisions of law. You can read the Plaintiff's First Amended Complaint at www.ResidentialLateFeeSettlement.com.

7. How do Defendants answer?

Defendants deny all wrongdoing and deny the Plaintiff's allegations. They contend that all of their actions have been legal and proper. You can read Defendants' Answer at www.ResidentialLateFeeSettlement.com.

8. Has the Court decided who is right?

The Court has not decided who is correct – Plaintiff or Defendants. By issuing this notice, the Court is not suggesting that the Settlement Class would have won or lost this case or that Defendants committed any wrongdoing. This Notice is to inform you about the settlement.

9. What are the terms of the settlement?

The settlement provides for the following relief:

Defendants will create a settlement fund of \$3,000,000.00 (“Settlement Fund”). After deductions for the costs of notice to the class and administration of the settlement (other than internal costs of Defendants which will be borne by Defendants), the Class Representative's incentive award (if authorized by the Court), and reimbursement of attorneys' fees, costs, and

expenses (if authorized by the Court), the remainder of this money will be distributed to (i) Settlement Class Members who were charged or paid Late Fees to Defendants at some point during the Settlement Class Period. Current tenants of Defendants' apartments as of October 24, 2024 who were charged or paid Late Fees will receive a check at their current residential address for their share of the Settlement Fund and do not need to submit a claim form unless they seek payment in another manner (e.g. PayPal, Zelle, or Venmo). Former tenants of Defendants' apartments as of October 24, 2024 who were charged or paid Late Fees will need to submit a claim form to receive a payment from the Settlement Fund.

The benefits conferred by the Settlement are explained in greater detail in the Settlement Agreement, which is available at www.ResidentialLateFeeSettlement.com. All capitalized terms contained in this notice have the same meaning as contained in the Settlement Agreement.

10. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether to approve the settlement. If the settlement is approved, Settlement Class Members who are former tenants of Defendants' apartments as of October 24, 2024 may become eligible to share in the Settlement Fund by submitting a valid and timely Claim Form, which is available at www.ResidentialLateFeeSettlement.com. Settlement Class Members who are current tenants as of October 24, 2024 do not need to submit a claim form unless they wish to receive their payment via PayPal, Zelle or Venmo.

WHO IS IN THE CLASS

You need to decide whether you are affected by this lawsuit.

11. Am I a Member of the Settlement Class?

You are a class member if you were a California residential tenant who was charged or paid one or more Late Fees imposed by Defendants, from August 12, 2017 through October 24, 2024.

THE FAIRNESS HEARING

12. 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 at 1:30 p.m. at the San Bernardino County Superior Court, Department S-17, 247 West Third Street, San Bernardino, CA 92415-0210 (the "Fairness Hearing").

13. What Else Will Be Decided At The Fairness Hearing?

At the Fairness Hearing, the Court will also decide whether to approve the Class

Representative's incentive award of not more than \$5,000.00 and Class Counsel's application for an award of attorney's fees and litigation expenses. Class Counsel will ask the Court to approve an award of attorney's fees and litigation expenses to them, if the Settlement is approved, consisting of (a) not more than \$1,000,000.00 for attorney's fees from the Settlement Fund and, in addition, (b) litigation costs and expenses to be paid from the Settlement Fund. Settlement Class Members will not be required to pay any portion of Class Counsel's attorney's fees or expenses out of their own pockets. Class Counsel will also request the Court to approve a proposed plan of allocation of the net settlement proceeds.

14. What does the proposed plan of allocation of net settlement proceeds provide?

The proposed plan of allocation of net settlement proceeds provides that each Settlement Class Member who is either a current or former tenant shall be entitled to a *pro rata* share of the net Settlement Fund based on the number of Late Fees charged or paid during the Settlement Class Period. Current tenants of Defendants' apartments as of October 24, 2024 who were charged or paid Late Fees will receive a check at their current residential address for their share of the Settlement Fund and do not need to submit a claim form unless they seek payment in another manner (e.g. PayPal, Zelle, or Venmo). Former tenants of Defendants' apartments as of October 24, 2024 who were charged or paid Late Fees will need to submit a claim form to receive a payment from the Settlement Fund.

YOUR RIGHTS AND OPTIONS

You have to decide whether or not to stay in the Settlement Class and participate in the Settlement, and you have to decide this now.

15. What happens if I do nothing at all?

If you do nothing, you will remain a member of the Settlement Class. Current tenants of Defendants' apartments as of October 24, 2024 who were charged or paid Late Fees will receive a check at their current residential address for their share of the Settlement Fund and do not need to submit a claim form unless they seek payment in another manner (e.g. PayPal, Zelle, or Venmo). Former tenants of Defendants' apartments as of October 24, 2024 who were charged or paid Late Fees will need to submit a claim form to receive a payment from the Settlement Fund.

Keep in mind that if you do nothing now and the Settlement is approved, you will not be able to sue or continue to sue Defendants, as part of any other lawsuit, about the same legal claims that are the subject of the claims asserted in this lawsuit on behalf of the Settlement Class. You will also be legally bound by all of the orders or judgments the Court may issue in this case.

16. Why would I ask to be excluded?

If you are a member of the Settlement Class and you already have your own lawsuit against Defendants regarding Late Fees and want to continue with it, you need to ask to be excluded from the Settlement Class. If you exclude yourself from the Settlement Class – which also means to remove yourself from the Settlement Class, and is sometimes called “opting-out” of

the Settlement Class – you won't get any money or benefits from the Settlement. However, you may then be able to sue or continue to sue Defendants over Late Fees. If you exclude yourself, you will not be legally bound by the Court's orders or judgments regarding the Settlement Class's claims in this lawsuit.

17. How do I ask the Court to exclude me from the Class?

To ask to be excluded from the Settlement Class, you must send a letter, postmarked by March 3, 2025, to Moulton v. United Dominion Realty, c/o RG/2 Claims Administration, P.O. Box 59479, Philadelphia, PA 19102-9479, stating that you want to be excluded from the Settlement Class in the *Moulton v. United Dominion Realty, L.P.* Be sure to include your name, address and telephone number, and sign the letter.

18. How Can I Assert an Objection?

If you are a member of the Settlement Class and you do not exclude yourself from it as described in this Notice, you may object to final approval of the Settlement, Class Counsel's request for an award of attorney's fees and expenses, and/or the proposed allocation of the net Settlement Fund. For such an objection to be considered by the Court, the objector must (a) file with the Court a notice of intention to appear at the Fairness Hearing, together with supporting papers, including a detailed statement of the specific objections made; (b) serve the notice of intention and supporting papers on Class Counsel and Defendants' Counsel identified below postmarked on or before March 3, 2025; and (c) provide, with the notice of intention to appear, documentary evidence that the objector was assessed and was charged or paid a Late Fee to Defendants during the Settlement Class Period. No objection will be considered by the Court unless these requirements are met. If you filed a valid and timely objection through an attorney, your attorney may appear at the hearing to explain your objection.

Class Counsel:

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1990 North California Blvd., 9th Floor
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Defendant's Counsel:

Jeffrey M. Singletary
Snell & Wilmer, LLP
600 Anton Blvd., Suite 1400

Costa Mesa, CA 92626-7689
Telephone: (714) 427-7000

THE LAWYERS REPRESENTING YOU

19. Is there a lawyer representing me in this case?

The Court appointed the law firms of Bursor & Fisher, P.A., and Gucovschi Rozenshteyn, PLLC., to represent the Plaintiff and all Settlement Class Members in this case. Together the law firms are called “Class Counsel.” More information about these law firms, their practices, and their lawyers’ experience is available at www.bursor.com, and www.gr-firm.com.

20. Should I get my own lawyer?

If you choose to remain in the Settlement Class, you do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will be responsible for paying that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

21. Who is the lawyer representing the Defendants?

Defendants are represented by Snell & Wilmer, LLP, 600 Anton Blvd., Suite 1400, Costa Mesa, CA 92626-7689.

GETTING MORE INFORMATION

22. Are more details available?

For more information, visit the website, www.ResidentialLateFeeSettlement.com, where you will find the First Amended Complaint, Defendants’ Answer, the Settlement Agreement, the Court’s Order Granting Preliminary Approval of the Settlement, and contact information for Class Counsel. You may also contact Class Counsel by writing to info@bursor.com or: Moulton v. United Dominion Realty, L.P., Bursor & Fisher, P.A., 1990 North California Blvd., 9th Floor, Walnut Creek, CA 94596 or Gucovschi Rozenshteyn, PLLC., 140 Broadway, Suite 4667, New York, NY 10005. Please do not contact the Court or Defendants regarding this Notice or the lawsuit itself.

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