

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.

- **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.
- **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

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