

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

Mary Boehm v. Mid America Management, Inc. et al.
Case No. 06 CH 13814, Judge Martin S. Agran

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT AND FAIRNESS HEARING

**TO: ALL PERSONS WHO LIVED AT CATHERINE COURTS
APARTMENTS FROM 2005 TO PRESENT.**

TO OBTAIN BENEFITS UNDER THIS SETTLEMENT, YOU MUST SUBMIT THE ATTACHED
CLAIM FORM BY NOVEMBER 5, 2008

This notice may affect your legal rights if you leased or renewed a lease for an apartment at Catherine Courts Apartments, located around the intersection of N. Cumberland Avenue and W. Summerdale Avenue in Chicago, Illinois, ("Premises") from 2005 to present. You may be a member of the class described below.

I. WHY ARE YOU RECEIVING THIS NOTICE?

This notice informs you that there is a class action lawsuit and settlement in the above-captioned case, pending in the Circuit Court of Cook County, Illinois. This lawsuit was *not* filed against you. You are receiving this notice because you may be a member of the proposed settlement class, and the resolution of this settlement may affect your legal rights.

II. WHAT IS THIS LAWSUIT ABOUT?

Plaintiff has alleged, among other things, that defendants Catherine Courts Condominium, LLC and Mid-America Management Corp. ("Mid-America") violated the Chicago Residential Landlord Tenant Ordinance by subjecting the security deposits of tenants at the Premises to the claims of their creditors; defendants Catherine Courts Limited Partnership and Mid-America violated CRLTO §5-12-080(c) by failing to pay credit interest on security deposits; defendants Catherine Courts Condominium, LLC and Mid-America violated CRLTO §5-12-170 by failing to provide with the leases a summary of the CRLTO deposit interest rates for 2005, 2004, and 2003; and defendants Catherine Courts Limited Partnership and Mid-America violated CRLTO § 5-12-100 by failing to disclose code violations cited against the Premises within 12 months of Plaintiff and class members entering into their 2002, 2003, and 2004 leases. Defendants vigorously deny these allegations. For two years, the parties have litigated their claims and defenses in this case. Plaintiffs and Defendants have negotiated a settlement of this litigation on a class basis. You may be a member of the class.

III. WHO IS IN THE CLASS?

To be a Class Member, you must meet one of the following class descriptions: (A) tenants who reside or who have resided at the Premises on or since July 15, 2005 and who paid a security deposit; or (B) tenants who reside or have resided at the Premises who entered or renewed leases during 2005 and did not receive notice of conditions affecting habitability during the time Catherine Courts Limited Partnership owned the premises.

IV. WHAT ARE THE POTENTIAL BENEFITS?

Defendants agree to pay Class Members who submit timely and valid Claims ("Claimants"), as detailed below. One fund of \$165,000 has been established for two categories of Claimants, attorneys' fees, and an incentive award for the class representative. If the amount of Claims submitted by Claimants who qualify for relief in each category exceeds the amount of funds in that category, then each Claimant shall receive a *pro rata* share of that fund.

Security Deposit Claims: Claimants who are within Subclass A shall receive from the settlement fund an amount equal to the exact dollar amount that the Settlement Class member deposited as a security deposit, subject to any necessary *pro rata* adjustment specified above.

Notice of Habitability Claims: Claimants who submit a valid claim within Subclass B will receive from the Aggregate Settlement Fund a flat \$50 payout per Claim, subject to any necessary *pro rata* adjustment specified above.

Deadline for Submission of Claims: The deadline for submitting claims will depend on the date the settlement receives final approval as defined in the Settlement Agreement. However, based on the current schedule of proceedings, claims received on or before 30 days after the Fairness Hearing will be timely, which deadline shall be no later than November 5, 2008.

Attorneys' Fees: Upon final approval of the settlement by the Court, Defendants will agree to pay Class Counsel's attorneys fees and expenses in an amount awarded by the Court not to exceed \$55,000.

Plaintiff Fee Award: Mary Boehm shall receive \$3,000 as an incentive award for being the class representative.

V. WHO REPRESENTS THE CLASS AND WHAT IS THE OPINION OF CLASS COUNSEL REGARDING THE VALUE OF THE SETTLEMENT?

The following attorneys represent the named plaintiff and the class ("Class Counsel"):

Daniel A. Edelman
(Case No. 17758)
EDELMAN, COMBS & LATTURNER & GOODWIN, LLC
120 S. LaSalle Street, Suite 1800
Chicago, Illinois 60603
(312) 739-4200 (phone)

If you are a Class Member, Class Counsel represents your interests in this lawsuit and this settlement. You will ***not*** be charged for their services.

Class Counsel have fully analyzed and evaluated the merits of the plaintiffs' claims and Defendants' defenses through the course of litigating the case for approximately two years. Class counsel have evaluated the terms of the settlement as it impacts upon the class, and have concluded that the terms and conditions of this settlement are fair, reasonable, and adequate. Class Counsel recommends that Class Members accept this settlement. If a landlord violates the CRLTO Section 5-12-080, a tenant may recover two times his security deposit as damages. The settlement is not for two times the amount of the security deposit. However, it does provide each Settlement Class Member with an amount equal to one times their security deposit, which is 50% of the statutory damages. If a landlord violates CRLTO Section 5-12-170, the tenant may recover \$100 in damages. If a landlord violates the CRLTO Section 5-12-100, a tenant may recover one month's rent or actual damages, whichever is greater. The settlement is not for one month's rent or actual damages. However, it does provide each Settlement Class Member with a \$50 flat payout per claim.

Class Counsel believes the settlement is fair and adequate, given the risk of protracted litigation, the difficulty of proving the written notice provisions of CRLTO Section 5-12-110(a) and the uncertainty of future recovery.

VI. WHAT CLAIMS WILL BE RELEASED?

If the settlement is approved, in exchange for the benefits provided under the settlement, Class Members will grant Defendants and their affiliates a release of all claims relating to the Premises. The language of the release is contained in the Settlement Agreement on file with the Clerk of the Court. The release may affect your rights if you decide to stay in the Class.

VII. WHAT ARE YOUR OPTIONS?

You have the choice of remaining in, or excluding yourself from, the Class. Each choice has certain benefits, detriments, risks, or consequences. You have the right to discuss your decision with Class Counsel or your own attorney.

1. If you want to be ***INCLUDED*** in the settlement and be eligible for the potential benefits afforded to members of the Class, ***you must timely submit the accompanying Claim Form by November 5, 2008.*** If you wish to ***COMMENT*** upon the settlement, you may do so when submitting your Claim Form.
2. You have the right to ***EXCLUDE*** yourself from the class action and the settlement by filing a request for exclusion with the Clerk of the Court, Circuit Court of Cook County, Daley Center, 50 West Washington, Chicago, Illinois, 60602. The request for exclusion ***must be postmarked to the Clerk of the Court on or before August 11, 2008,*** must refer to the name and number of the case, and must include your name and

address. You also must send a copy of the request for exclusion to each of the attorneys for the plaintiffs and defendant listed below in the section entitled "Address Information" by the same date.

3. If you wish to ***OBJECT*** to the settlement, instead of excluding yourself from the Class, you must submit your objection in writing to the Clerk of the Court, Circuit Court of Cook County, Daley Center, 50 West Washington, Chicago, Illinois, 60602. The objection ***must be postmarked to the Clerk of the Court on or before August 11, 2008***, must refer to the name and number of the case, must include your name and address, and must include a statement of the reasons why you believe that the Court should find the proposed settlement is not in the best interest of the class. You also must send a copy of the objection on each of each of the attorneys for the plaintiffs and defendant listed below in the section entitled "Address Information" by the same date.

IMPORTANT: THE COURT REQUIRES THAT ALL REQUESTS FOR EXCLUSION OR OBJECTIONS BE POSTMARKED TO THE CLERK OF THE COURT BY AUGUST 11, 2008. IF YOU MAIL A REQUEST FOR EXCLUSION OR OBJECTION, YOU BEAR THE RISK OF THE REQUEST FOR EXCLUSION OR OBJECTION NOT BEING RECEIVED BY THE CLERK OF THE COURT BY THE DEADLINE.

VIII. WHEN WILL THE FAIRNESS HEARING OCCUR?

A hearing will be held on the fairness of this proposed settlement. At the hearing, the Court will be available to hear any objections and arguments concerning the fairness of the proposed settlement, including the amount of the award to Class Counsel of costs and attorneys' fees. The hearing will take place on October 7, 2008, at 10:00 a.m. before the Honorable Martin S. Agran in Room 2102 of the Daley Center, Circuit Court of Cook County, 50 West Washington, Chicago, Illinois, 60602. You do ***not*** need to appear at this hearing unless you object to the settlement. If you file an objection and wish it to be considered, you also may appear at the fairness hearing.

IX. ADDRESS INFORMATION

If this notice was forwarded to you by the Postal Service, or if it was sent to you at an address which is not current, you should immediately send a letter to each of the attorneys listed below, stating your past and current address:

<i>Class Counsel:</i> Daniel A. Edelman (Case No. 17758) EDELMAN, COMBS, LATTURNER & GOODWIN LLC 120 S. LaSalle Street, Suite 1800 Chicago, Illinois 60603	<i>Counsel for Catherine Courts Condominium, LLC:</i> John C. Koski SONNENSCHN NATH & ROSENTHAL LLP 7800 Sears Tower 233 South Wacker Drive Chicago, IL 60606
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X. WHO CAN HELP WITH ADDITIONAL INFORMATION?

Any further questions that you or your attorney may have concerning this Notice should be directed to Class Counsel. This description of the case is general and does not cover all of the issues and proceedings thus far. In order to see the complete file, including a copy of the settlement agreement, you should visit the office of the Clerk of the Court, Circuit Court of Cook County, Daley Center, 50 West Washington, Chicago, Illinois, 60602. The Clerk will make the files relating to this lawsuit available to you for inspection and copying at your expense.

PLEASE DO NOT CALL THE JUDGE, THE COURT, THE CLERK OF THE COURT, OR DEFENDANTS REGARDING THIS SETTLEMENT.

**CATHERINE COURTS
CLASS ACTION SETTLEMENT**

**YOU MUST COMPLETE THE DESIGNATED SECTIONS BELOW, AND
RETURN BY NOVEMBER 5, 2008 TO:**

CATHERINE COURTS CLASS ACTION SETTLEMENT
Case Number 17758
EDELMAN, COMBS, LATTURNER & GOODWIN, LLC
120 S. LASALLE STREET, SUITE 1800
CHICAGO, ILLINOIS 60603

PLEASE TYPE OR PRINT CLEARLY.

SECTION A: CLAIMANT INFORMATION

Name of leasee: _____
Address of Catherine Courts Apartment: _____
Apartment Number _____
Current Address (if different from above): _____
Daytime phone number: _____

SECTION B: SECURITY DEPOSIT CLAIMS

- I have lived at one of the Catherine Court Apartments at some point in time from July 15, 2005.
 I gave a security deposit.

SECTION C: NOTICE OF CONDITIONS OF HABITABILITY

- I entered into or renewed a lease at the apartment number listed above in Section A within Catherine Courts Apartments during 2005.

SECTION D: SIGNATURE

I declare under penalty of perjury that:

1. I have read and understand the content of this Claim Form.
2. The statements made in this Claim Form are true and correct.

I HEREBY SUBMIT MYSELF TO THE JURISDICTION OF THE CIRCUIT COURT OF COOK COUNTY AND CERTIFY UNDER PENALTIES PROVIDED IN SECTION 1-109 OF THE ILLINOIS CODE OF CIVIL PROCEDURE, 735 ILCS § 5/1-109 THAT THE STATEMENTS SET FORTH IN THIS CLAIM FORM ARE TRUE AND CORRECT.

Signature _____

Printed Name _____

Dated: ____/____/____