

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF OL MSTED

THIRD JUDICIAL DISTRICT

Case Type: other civil

HOME Line, et al.,

Court File No. 55-CV-22-1874

Plaintiffs,

v.

Monarch Investment and Management Group,
LLC, et. al.,

Defendants

**ORDER (1) PRELIMINARILY
APPROVING CLASS
SETTLEMENT; (2) CERTIFYING
THE SETTLEMENT CLASS FOR
SETTLEMENT PURPOSES;
(3) DIRECTING NOTICE TO THE
CLASS AND APPROVING NOTICE
PROCEDURES; (4) SCHEDULING
A FINAL FAIRNESS HEARING;
AND (5) STAYING LITIGATION
PENDING FINAL APPROVAL**

This matter came before the Court on Plaintiffs' motion under Minn. R. Civ. P. 23.05 for an order granting preliminary approval of a class action settlement between the Plaintiffs and Defendants, certifying a Class for purposes of the settlement, directing notice and approving notice procedures, setting a final hearing, as well as a stay of litigation pending final approval. Along with the Motion, Plaintiffs filed an executed copy of the parties' Settlement Agreement as **Exhibit A** to the Declaration of Andrew Glasnovich.

Based on all the files, records, and proceedings, **IT IS HEREBY ORDERED:**

A. This Court has jurisdiction over the subject matter of this lawsuit and jurisdiction over Plaintiffs, the members of Class, and Defendants in the above-captioned case (the "Parties").

B. The Court finds that for the purposes of settlement and notice the requirements of Minn. R. Civ. P. 23.01 and 23.02 have preliminarily been met, specifically:

1. The Class is so numerous that joinder of all members is impracticable, as the Class numbers more than 40 persons;
2. There are questions of law or fact common to the Class based upon the claims raised in the lawsuit;
3. The claims of the individual Plaintiffs are typical of those of the Class;
4. The individual Plaintiffs will fairly and adequately represent the interests of the Class because they do not have interests that are antagonistic to the Class, and are represented by qualified, knowledgeable and experienced counsel; and
5. For purposes of settlement only, final injunctive relief or corresponding declaratory relief, addressing the Defendants' conduct and actions that are generally applicable to the Class, is appropriate.

C. The Court preliminarily approves the Settlement Agreement.

D. The Court preliminarily certifies the Class as: "All individuals who were tenants of MIMG on or before February 1, 2022 and (i) are or were a party to a lease agreement as a lessee at any property in the state of Minnesota at the time when MIMG owned or acquired ownership of the property, (ii) entered into a lease agreement as a lessee at any property in the state of Minnesota owned by MIMG, which lease terminated before February 1, 2022, (iii) as of February 1, 2022 were a party to a lease agreement as a lessee with MIMG in the state of Minnesota and/or (iv) were parties to a lease agreement with MIMG at Eden Park Apartments or City Limits Apartments (together Eden Park Apartments and City Limits are the "Subclass 2 Properties") before June 1, 2024."

The Court preliminarily certifies two Subclasses as: the “**First Utilities Subclass**” constitutes any individual who qualifies as a member of the Settlement Class and who paid water and/or sewer utilities to MIMG (or to a third party acting on MIMG’s behalf) via a single meter or ratio utility billing (RUB), at any time during the Class Period. A single meter or ratio utility billing (RUB) shall mean when a multiunit rental building with one or more separate residential living units where the utility service measured through a single meter provides service to an individual unit and to all or parts of common areas or other units.

The “**Second Utilities Subclass**” (together the First Utilities Subclass and the Second Utilities Subclass are the “**Subclasses**” and each subclass is a “**Subclass**”) constitutes any individual who (i) qualifies as a member of the Settlement Class, (ii) who was a party to a lease agreement at any of the Subclass 2 Properties with MIMG at any time up to June 1, 2024, and (iii) who paid water and/or sewer utilities to MIMG (or to a third party acting on MIMG’s behalf) via a single meter or ratio utility billing (RUB), at any time up to June 1, 2024. A single meter or ratio utility billing (RUB) shall mean when a multiunit rental building with one or more separate residential living units where the utility service measured through a single meter provides service to an individual unit and to all or parts of common areas or other units.

E. The Court preliminarily approves Stinson LLP as Class Counsel.

F. The Court preliminarily finds that the proposed Settlement is fair, reasonable and adequate and therefore warrants providing notice to the Class, which notice will: (i) describe the essential terms of the Settlement; (ii) indicate the time and place of the hearing to consider final approval of the Settlement, and the method for commenting about or objecting to the Settlement; (iii) explain the procedures for allocating and distributing the Settlement Fund; and (iv) prominently display the address of Class Counsel and the procedure for making

inquiries.

G. The Court schedules a Final Approval Hearing for 02/21/2025, or as soon thereafter as the Court can schedule the hearing, to consider the fairness, reasonableness and adequacy of the proposed Settlement and whether it should be finally approved by the Court.

H. The Court appoints Epiq Systems Inc. as the Notice Agent and Claims Administrator.

I. The Court approves the Class Notice described in the Declaration of Cameron R. Azari and directs the Notice Agent and Claims Administrator to disseminate the Class Notice substantially similar to the class notice program described in the Declaration of Cameron R. Azari (the “Class Notice Program”).

J. The Court finds that the Class Notice Program: (i) is the best practicable notice; (ii) is reasonably calculated, under the circumstances, to apprise the Class of the pendency of this tenant class action and of their right to submit a claim for or to comments about or object to the proposed Settlement; (iii) is reasonable and constitutes due, adequate, and sufficient notice to all persons entitled to receive notice; and (iv) meets all requirements of applicable law.

K. The Court requires Notice Agent and Claims Administrator to file proof of compliance with its obligations under the Class Notice Program no later than 7 Days before the Final Approval Hearing.

L. Any person meeting the definition of a Class member or Subclass member may opt-out of the Class and/or Subclass by completing the opt-out form not later than 7 days prior to the Final Approval Hearing and returning the form to the Noticing Agent pursuant to the Class Notice Program. The Court orders that all Class members and Subclass members who do not

affirmatively opt-out of the Class and/or Subclass will be bound by all proceedings, orders, and judgments of the Court, and the terms of the Settlement Agreement after final approval, including but not limited to the release provisions contained therein, regardless of any individual Class member's or Subclass member's response or lack of response to the Class Notice.

M. The Court requires any Class member or Subclass member who wishes to object to the fairness, reasonableness, or adequacy of this Settlement or Settlement Agreement to timely file with the Court and serve on Class Counsel and Defense Counsel no later than the Objection Date a statement of the objection signed by the Class member.

N. The Court orders that any response by Class Counsel or Defense Counsel to any objection must be filed with the Court no later than 7 Days prior to the Final Approval Hearing.

O. The Court orders that any Class Member who does not file a timely written objection to the Settlement or who fails to otherwise strictly comply with the applicable requirements will be foreclosed from seeking any adjudication or review of this Settlement by appeal or otherwise.

P. The Court requires that any attorney hired or retained by, or who otherwise provided legal assistance to, a Class member for the purpose of objecting to the proposed Settlement or the Attorneys' Fee Award and who intends to make an appearance at the Final Approval Hearing to provide to the Notice Agent and Claims Administrator (who will forward it to Class Counsel and Defense Counsel) and to file with the Clerk of the Court and serve on the Parties' counsel a notice of intention to appear no later than **21 DAYS PRIOR TO THE FINAL APPROVAL HEARING** or as the Court may otherwise direct.

Q. THE COURT ORDERS A STAY OF ANY AND ALL LITIGATION FILED AGAINST DEFENDANTS BY ANY MEMBER OR POTENTIAL MEMBER OF THE PROPOSED CLASS THAT RELATES TO THE ALLEGATIONS RAISED IN THE PLAINTIFFS' SECOND AMENDED COMPLAINT OR THAT ARE PROPOSED TO BE RELEASED UNDER THE SETTLEMENT AGREEMENT UNTIL FINAL APPROVAL OF THE CLASS SETTLEMENT OR SOME EVENT THAT RENDERS THE SETTLEMENT AGREEMENT VOID. FOR THE AVOIDANCE OF DOUBT, THE STAY OF LITIGATION DOES NOT STAY ANY TENANT REMEDY ACTIONS PURSUANT TO MINN. STAT. §§ 504B.395–471 OR PREVENT THE ASSERTION OF ANY DEFENSE IN AN EVICTION ACTION BROUGHT BY ANY OF THE DEFENDANTS.

BY THE COURT:

10/31/2024 11:09:12 AM

Date:



Kathy M. Wallace

Judge of District Court