

# DISTRICT COURT FOR ADAMS COUNTY, COLORADO

**If you lived at a residential property owned or managed by Griffis Group of Companies, LLC (“Griffis”) and paid Late Fees, Notice Fees, Valet Trash Fees, and/or Surcharge Fees, You may be entitled to payment**

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

- A court in Adams County, Colorado preliminarily approved a class action settlement that records show you are likely a part of. The Court has approved this Notice to inform you of your rights in the settlement.
- As described in more detail below, you may:
  - (1) Do nothing, in which case you will receive a Settlement payment, and give up certain legal claims you have;
  - (2) Object to the Settlement;
  - (3) Request to be excluded from the Settlement and not receive a Settlement payment
- Before any money is paid, the Court must first decide whether to grant Final Approval of the Settlement.
- **Please read this notice carefully. Your legal rights are affected whether you act or don’t act.**

## BASIC INFORMATION

### 1. Why was this Notice issued?

A Court authorized this notice because you have a right to know about this class action settlement and about all your options before the settlement is approved. This Notice explains the lawsuit and your rights.

The Lawsuit is known as *Alexander Koch v. Griffis Group of Companies, LLC*, Case No. 2021CV30718 (Dist. Ct. Adams Cnty.). Mr. Koch, the person who sued, is called the Plaintiff/Class Representative. The Defendant is Griffis. The judge overseeing the Lawsuit is the Hon. Sarah E. Stout.

### 2. What is a Class Action Lawsuit?

In a class action lawsuit, also called a class action for short, one or more named plaintiffs called Class Representatives (in this case, Alexander Koch) sues on behalf of a group or a “class” of people who have similar claims. People who fall into the definition of the class are called Class Members. In a class action, the court resolves the issues in the case for all Class Members who don’t exclude themselves from the Class.

### **3. What is this Class Action Lawsuit about?**

This lawsuit alleges that Griffis violated Colorado law when it charged its tenants various fees, including Valet Trash Fees, Late Fees, and Notice Fees.

Griffis denies that it violated any law and maintains that it could have successfully asserted several defenses.

The Parties have engaged in litigation and have exchanged discovery (information related to the claims). In February 2024, the Court certified a Class and a Subclass defined in Section 4 below. That means that if the lawsuit were to proceed, it would go forward on behalf of both the Class and the Subclass.

The Court has not determined who is right at this time. Rather, following the certification order, the Parties then went to mediation and reached an agreement, known as a “settlement.”

The Parties have presented the Settlement to the Court for approval, which is why you are receiving this notice.

### **4. What are the Classes here?**

The Settlement Class is the same as the Classes that the Court certified in its February 2, 2024 Order Re: Plaintiff Alexander Koch’s Motion For Class Certification:

For the Class claims of Breach of Contract and Breach of Implied Covenant of Good Faith based on Defendant Griffis’ charging of the Notice Fee and Late Fee, the Class is defined as: “All persons in the State of Colorado who (1) from the date three years prior to the filing of the Complaint through date notice is sent to the Class; (2) leased a residence from Defendant using Defendant’s Form Lease; (3) who Griffis caused to be charged the Notice Fee or the Late Fee.”

For the Class claim of Breach of Contract based on Defendant Griffis’ charging of an unconscionable Valet Trash Fee, the Subclass is defined as: “All persons in the State of Colorado who (1) from the date three years prior to the filing of the Complaint through date of notice is sent to the Class; (2) leased a residence from Defendant using Defendant’s Form Lease; (3) who Griffis caused to be charged the Trash Valet Fee in an amount of \$42.00 from August 2018 to April 2020 and \$30.00 from May 2020 through June 2021.

## **WHO’S INCLUDED IN THE LAWSUIT?**

### **5. How do I know if I am in the Settlement Class?**

If you received this Notice and it is addressed to you, it is because Griffis’s records indicate that you are a Settlement Class Member. Please verify that you meet the criteria for either or both the Class and the Subclass set forth in Section 4 above.

## **HOW TO GET BENEFITS**

### **6. How do I get any benefits awarded to the Class?**

**If you are a Settlement Class Member, you need not do anything to receive any benefits awarded to the Settlement Class.** You will receive your share of the Settlement Fund after deductions are made for any Court-approved administrative costs, reasonable attorneys’ fees and expenses, and an incentive award

for Koch (known as the “Net Settlement Fund”). The total Settlement Fund, from which all payments (including Settlement Class Member payments, payments for reasonable attorneys’ fees, expenses, the incentive award, and administrative costs) will be made, is \$599,745.

Class Members who do not opt out shall each be due their pro-rata share of 86.63% of the Net Settlement Fund.

Subclass Members who do not opt out shall each be due their pro-rata share of 13.44% of the Net Settlement Fund.

If you do nothing, and the Court grants Final Approval of the settlement, you will be mailed payment reflecting your share of the Settlement Fund (a “Settlement Payment”) and be bound by the Settlement Agreement and its terms, including the Released Claims. If required by law, you may also be sent a 1099 tax reporting form.

## **OBJECTING TO THE LAWSUIT OR REQUEST EXCLUSION**

### **7. How do I object or opt-out?**

If you do not wish to receive your portion of the Settlement Fund, you may request to be excluded from the settlement. To do so, you must request to be excluded from the Settlement Class in writing by a request postmarked on or before **January 28, 2025** or submitted via the portal on the Settlement Website. There is also a form to request exclusion available for download on the Settlement Website as well.

If submitting by mail, a member of the Settlement Class must timely send a written request for exclusion to the Settlement Administrator providing their name and address, the name and number of the case, and a statement that such Person intends to be excluded from the Settlement. A request to be excluded that does not include all of this information, that is sent to an address other than that designated in the Notice, or that is not postmarked within the time specified shall be invalid, and the Person(s) serving such a request shall be a member(s) of the Settlement Class and shall be bound as Settlement Class Members by the Agreement, if approved.

Any Settlement Class Member who elects to be excluded shall not: (i) be bound by any orders of the Final Order; (ii) be entitled to relief under this Settlement Agreement; (iii) gain any rights by virtue of this Agreement; or (iv) be entitled to object to any aspect of this Agreement. The request for exclusion must be personally signed by the Person requesting exclusion. So-called “mass” or “class” opt-outs are not allowed nor may any Person solicit opt outs.

You also have a right to object to the settlement. Any Person who intends to object to this settlement must include in the objection his/her name and address; include all arguments, citations, and evidence supporting the objection (including copies of any documents relied on); state that he or she is a Settlement Class Member; and provide a statement indicating whether the objector intends to appear at the Final Approval Hearing and, if so, whether the appearance will be with or without counsel.

Any Settlement Class Member who fails to timely file a written objection with the Court and notice of his or her intent to appear at the Final Approval Hearing, and at the same time provide copies to designated counsel for the Parties, shall not be permitted to object to this Agreement at the Final Approval Hearing, and shall be foreclosed from seeking any review of this Agreement by appeal or other means and shall be deemed to have waived his, her, or its objections and be forever barred from making any such objections in the Action or any other action or proceeding. To be valid, the objection must be delivered or postmarked

and sent via mail to Plaintiff's Counsel and Griffis's Counsel on or before the Objection/Exclusion Deadline, which is **January 28, 2025**.

## **THE LAWYERS REPRESENTING YOU**

### **8. Do I have a lawyer in the case?**

Yes, Steven L. Woodrow of Edelson PC and Jason Legg of Cadiz Law LLC are representing the Settlement Class. If you want to be represented by your own lawyer in this case, you may hire one at your expense. You may also enter an appearance through an attorney if you so desire, again at your own expense.

### **9. How will the lawyers be paid?**

Settlement Class Counsel may seek, and the Court may award, an amount of reasonable attorney's fees and reimbursement of expenses of up to one-third (33.33%) of the Settlement Fund to be paid from the Settlement Fund.

## **MISCELLANEOUS**

### **10. If I don't exclude myself, can I sue the Defendant for the same thing later?**

No. Unless you exclude yourself, you give up any right to sue Griffis for the claims being adjudicated by this lawsuit.

### **11. If I exclude myself, can I get anything from this Lawsuit?**

No. If you exclude yourself, you will not be able to receive a payment from the Settlement Fund.

### **12. Do I have to come to any hearings?**

No. Settlement Class Counsel will answer any questions the Court may have and will call any necessary witnesses. But you are welcome to come to any Court hearings at your own expense. You may also pay another lawyer to attend, but it is not required.

## **GETTING MORE INFORMATION**

### **13. Where do I get more information?**

This Notice summarizes the Lawsuit. You can request further information by writing the Settlement Class Administrator at P.O. Box 59479, Philadelphia, PA 19102-0479 or by visiting [www.rg2claims.com/Koch.html](http://www.rg2claims.com/Koch.html). You can call the Settlement Class Administrator at 1-866-742-4955 or Settlement Class Counsel at 1-720-741-0076, if you have any questions. Before doing so, however, please read this full Notice carefully.