

COMMONWEALTH OF MASSACHUSETTS

Hampden, ss.

Superior Court Department
No. 2379CV00288

KAITLYN PETERS, individually and on)
behalf of all others similarly situated,)
)
Plaintiff)
)
v.)
)
OLYMPIA BEACON SQUARE, LLC.,)
)
Defendant)

HAMPDEN COUNTY
SUPERIOR COURT
FILED

JAN 11 2024

James Spens
CLERK OF COURTS

~~PRELIMINARY~~ **PRELIMINARY APPROVAL ORDER**

After hearing, and the Court having reviewed the Class Action Settlement Agreement dated 12/19 2023 (the "Settlement Agreement"), and good cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Court adopts all defined terms as set forth in the Settlement Agreement, which are incorporated herein by reference.
2. The Court has jurisdiction over the subject matter of the Action, Plaintiff, the Class Members, and Defendant.
3. The Court preliminarily approves the terms of the Settlement Agreement as being fair, reasonable, and adequate to the Class, subject to further consideration at the Final Approval Hearing described below.
4. The Court preliminarily finds that the Class as defined in the Settlement Agreement ("All persons who were lessees (as tenants or co-tenants) of apartments at the Property [the apartment complex known as Beacon Square, located in Chicopee,

Massachusetts] at any time from June 10, 2019 through March 9, 2023”) meets, for settlement purposes only, the requirements for certification under Massachusetts Rule of Civil Procedure 23. The Court provisionally certifies the Class for the purposes of settlement and without prejudice to the Parties in the event the Settlement is not finally approved or otherwise does not take effect.

5. The Court hereby appoints the named Plaintiff as Class Representative for purposes of entering into and implementing the Settlement. The Court also appoints attorneys Kenneth D. Quat and Jeffrey S. Morneau as Class Counsel as set forth in the Settlement Agreement.

6. The Court finds that the Notices in the forms attached to the Settlement Agreement as Exhibits A and B are reasonably and practicably calculated to notify Class Members of, *inter alia*, the pendency of the Action, the nature of the Action, the relief to be provided, and their rights to object to the Settlement and to appear at the Final Approval Hearing.

7. Defendant is hereby authorized to provide a class list to the Settlement Administrator.

8. The Court finds that dissemination of the Notice in the manner described in the Settlement Agreement is reasonably formulated to reach a substantial percentage of the Class Members and constitutes the best notice practicable under all the circumstances. The Court further finds that dissemination of the Notice in said manner meets the requirements of the Massachusetts Rules of Civil Procedure and the due process requirements of the Constitutions of the Commonwealth of Massachusetts and the United States and any other

applicable law, and shall constitute adequate and sufficient notice to all persons entitled thereto.

9. The Settlement Administrator shall comply with all provisions regarding the substance and delivery of Notice as set forth in Section IV of the Settlement Agreement. No later than ten (10) days prior to the Final Approval Hearing, the Settlement Administrator shall file with the Court and serve on all Counsel an affidavit of compliance with the Notice plan and procedures.

10. No later than the date when the Summary Notice is mailed, the Settlement Administrator will establish a settlement website, the content of which will include the documents and features specified in Section IV.3 of the Agreement.

11. Any Class Member may object to the proposed Settlement by serving on Class Counsel a written statement of objection in accordance with Section VI of the Settlement Agreement. Said objections must be delivered no less than thirty (30) days prior to the Final Approval Hearing. Any Class Member who wishes to appear and be heard at the Final Approval Hearing, either in person or through counsel, must so indicate in the objection. Class Counsel will file a list of any unresolved objections with the Court no later than five (5) days prior to the Final Approval Hearing.

12. The Final Approval Hearing shall be held at 2:00 p.m. on May 28, 2024, at 50 State Street, Springfield, Massachusetts, to finally determine (i) whether the Class should be certified for purposes of the Settlement; (ii) whether the Settlement Agreement should be approved as fair, reasonable and adequate to the Class; (iii) whether Class Counsel should be awarded legal fees and expenses in the amounts requested; (iv) whether Plaintiff, as the Class Representative, should be awarded

a Service Award in the amount requested; and (v) whether the Final Order and Judgment approving the Settlement should be entered. The Motion for Final Approval is to be filed not later than ten (10) days prior to said hearing, supported by Class Counsel's request for attorneys' fees and expenses and Plaintiff's request for a Service Award. The Court may continue or adjourn the Final Approval Hearing without further notice to Class Members.

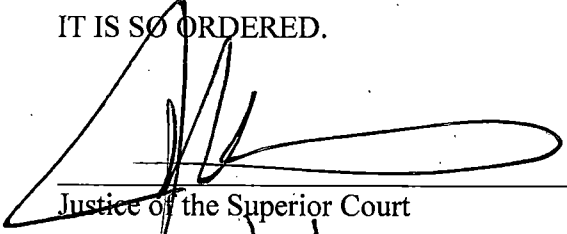
13. Pending determination of final approval of the Settlement, Plaintiff and Class Members are hereby enjoined from asserting, commencing, continuing or prosecuting any of the Released Claims as defined in the Settlement Agreement against Defendant and Defendant's Released Persons in any action, suit or other proceeding. All proceedings in this Action are stayed, other than proceedings related to the Settlement.

14. The Court retains jurisdiction over the Action to consider all further applications, motions, and/or disputes arising out of or connected with the proposed Settlement.

15. The Court hereby directs Plaintiff and Defendant to proceed in strict accordance with the terms of the Settlement Agreement for the purpose of consummating the proposed Settlement and providing Notice thereof, and hereby authorizes them to take all acts reasonably necessary to consummate the Settlement.

16. The Court may for good cause extend any of the deadlines set forth in this Order without further notice to Class Members.

IT IS SO ORDERED.



Justice of the Superior Court

Dated: 1/9/24