

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
TRIAL DIVISION – CIVIL SECTION**

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Theodore Schall and John Brendan Farley	:	COURT OF COMMON PLEAS
	:	OF PHILADELPHIA COUNTY
<i>Plaintiffs</i>	:	
	:	FEBRUARY TERM, 2011, No 1248
v	:	
	:	HON. MARY D. COLINS
WINDERMERE COURT APARTMENTS, et al	:	
	:	CERTIFIED CLASS ACTION
<i>Defendants</i>	:	JURY TRIAL DEMANDED
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**Notice of Final Settlement Approval And Instructions  
To Class Members Regarding Participation In Settlement**

If as of January 10, 2011 you had a lease or sub-lease for an apartment at the Windermere Court Apartments (“Windermere”), or were a tenant, a lawful guest, or an invitee at the Windermere, your rights may be affected by a Class Action Settlement.

On February 11, 2015 the Court of Common Pleas of Philadelphia County granted Final Approval of a settlement of a Class Action on behalf of all individuals who, as of January 10, 2011, were tenants, lease holders, sub-lease holders, and lawful guests or invitees at the Windermere Court Apartments, formerly located at 4800 Walnut Street, Philadelphia, Pennsylvania. This Notice describes how Class Members may participate in the settlement and receive money.

**1. THE LAWSUIT**

The Plaintiffs and Class Representatives are Theodore Schall and John Brendan Farley, former residents at the Windermere. The Defendants are the alleged owners and/or managers of the Windermere. Mr. Schall and Mr. Farley claimed that as a result of the Defendants’ negligence and private nuisance, they suffered property damage and loss, economic harm, displacement from their apartments, loss of the use of their apartments, and other legal harm in connection with the catastrophic fire at the Windermere, starting the night of January 10, 2011 and continuing into the morning of January 11, 2011, and its aftermath. On behalf of themselves and all former residents, tenants, and guests of the Windermere, the Class Representatives sought to recover compensatory and punitive damages from the Defendants. Class Counsel is Thomas More Marrone, Esq., Greenblatt Pierce Engle Funt + Flores, 123 S. Broad Street, 25<sup>th</sup> Floor, Philadelphia, Pennsylvania 19109.

**2. THE CLASS ACTION CERTIFIED BY THE COURT OF COMMON PLEAS**

On February 6, 2013 the Court of Common Pleas certified the following Class:

All tenants, lessees, and sub-lessees who suffered property damage and/or property loss (including loss of or damage to property in their possession in their apartments, but belonging to their guests or invitees), and/or loss of use and enjoyment of land and/or economic loss and/or physical deprivation of, and physical displacement from, the residences as a result of the January 10, 2011, fire at the Windermere; and all lawful guests and invitees present at the Windermere on January 10, 2011, and who suffered property loss or damage as a result of the fire.

Excluded from the class are defendants and their directors, officers, past and present employees, partners, affiliates and subsidiaries.

### **3. THE SETTLEMENT AND HOW YOU CAN RECEIVE COMPENSATION**

The total settlement is \$4,750,000.00. From that amount, Class Counsel's attorney fee and litigation and class administration costs in an amount to be approved by the Court, and Court-approved incentive fees to be paid to the named plaintiffs will be paid, and the remaining amount will be distributed to the Settlement Class *pro rata* for property loss and damage, plus a fixed uniform amount for loss of use of property and apartment. This means that the class members will receive their proportionate fair share of the settlement proceeds.

***In Order To Be Paid You Must Be A Class Member As Defined In The Court's Class Certification Order And You Must Submit The Following Information To Class Counsel No Later Than April 15, 2015:***

- Your name, whether you rented, resided in , or had property located at the Windermere, and which apartment unit you rented, resided in, or had property in;
- A list of every item of personal property that you lost or was damaged so as to be unusable as a result of the Windermere fire and its aftermath. For each item you must make your best effort to list the following:
  - What the item is
  - The age of the item listed
  - the brand of each item listed (if remembered)
  - the quantity of each item listed;
  - where each item was purchased (if remembered);
  - purchase price of each item (if remembered);
  - the condition of each item.
- A signed written statement that you did not have insurance for the lost or damaged items or, if you did have insurance, the amount of any insurance payment you received.

### **4. IMPORTANT ADDITIONAL INSTRUCTIONS**

- **If Class Counsel Does Not Receive Your Information by April 15, 2015 You Will Not Be Permitted To Receive Any Money From The Settlement.**
- **If You Have Already Submitted A Property Loss Inventory To Class Counsel Do Not Submit Another One And Do Not Submit Any Additions To Your Previous Loss Inventory. If You Do It Will Be Disregarded.**

### **5. ADDITIONAL INFORMATION**

If you need any additional information, you should contact Class Counsel Thomas More Marrone, Esq. at [tmarrone@gpeff.com](mailto:tmarrone@gpeff.com) or his Legal Assistant Samantha Griggs at [s.griggs@gpeff.com](mailto:s.griggs@gpeff.com) or 215-735-1600, or write them at Greenblatt Pierce Engle Funt + Flores, 123 S. Broad Street, 25<sup>th</sup> Floor, Philadelphia, Pennsylvania 19109.

**PLEASE DO NOT CALL THE COURT, THE PROTHONOTARY, OR THE DEFENDANTS.  
CONTACT CLASS COUNSEL IF YOU HAVE ANY QUESTIONS.**

BY ORDER OF THE COURT:

/s/ Hon. Mary D. Colins  
Mary D. Colins, J.