



**NOTICE OF FAIRNESS
HEARING TO APPROVE
PROPOSED SETTLEMENT OF
CLASS ACTION LAWSUIT
CONCERNING 2017-2018
HEAT AND/OR HOT WATER
OUTAGES IN NYCHA
HOUSING**

*A New York state court authorized this notice.
This is not a solicitation from a lawyer.*

BACKGROUND

A class action is now pending in the Supreme Court of the State of New York, County of New York, Index No. 153312/2018 which was instituted by A'Seelah Diamond and Ruth Britt ("Named Plaintiffs") on behalf of themselves and all other persons similarly situated who were tenants of record in buildings owned and managed by the New York City Housing Authority ("NYCHA") between October 1, 2017 and May 31, 2018 (the "2017-2018 Heating Season") against NYCHA and Oyeshola Olatoye, in her official capacity as Chairperson and Chief Executive Officer of NYCHA ("Defendants") for damages based on claims that NYCHA breached the warranty of habitability due to heat and hot water outages.

PROPOSED SETTLEMENT

Defendants have agreed to a total Settlement Compensation of \$5,000,000 that will be distributed solely in the form of Rent Credits to be shared among the Settlement Class. The full and complete terms of the proposed settlement are contained in a document entitled Stipulation of Class Action Settlement and General Release ("Stipulation"), which is on file with the Court. A copy of the Stipulation can be accessed at the following link [<https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=6r6vqiAv7zqIp PLUS Egsmdhng==>].

Receipt of this Notice does not mean you are a member of the Settlement Class. You are only a member of the Settlement Class and entitled to a Rent Credit if you meet all of the following criteria:

- You are currently a tenant of record in a NYCHA owned and managed building;
- You were a tenant of record in a NYCHA owned and managed building during the 2017-2018 Heating Season; and
- You experienced at least one heat and/or hot water outage lasting 24 continuous hours or more during the 2017-2018 Heating Season.

THE FAIRNESS HEARING

The Court will hold a Fairness Hearing to decide whether to approve the settlement on August 27, 2024 at 10:00 a.m./p.m., at the Supreme Court of the State of New York, County of New York, 111 Centre Street, New York, NY 10013 in Courtroom 1166.



Please contact Class Counsel identified below prior to appearing as the location and date of the Fairness Hearing may be subject to change. You may attend and you may ask to speak, but you don't have to. If you wish to bring anything to the Court's attention about the settlement in advance of the Fairness Hearing, you should provide it in writing to Class Counsel according to the directions below.

YOUR RIGHT TO EXCLUDE YOURSELF OR OBJECT

If you are a member of the Settlement Class your legal rights may be affected. You have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT OF CLAIMS:	
DO NOTHING	Remain part of the Settlement Class and be entitled to receive a Rent Credit, which will be applied to your rent ledger after the Court has finally approved the settlement.
EXCLUDE YOURSELF	Follow the steps below to exclude yourself from the Settlement Class. Under this option, you do not receive any Rent Credit from this settlement, but you do not release the Defendants from any claims.
STAY IN & OBJECT	Write to Class Counsel about why you object to the settlement and, if applicable, state your intent to speak in Court at the Fairness Hearing. If you exclude yourself from the settlement, you may not object.

Do Nothing: How and when will I get my Rent Credit? What am I giving up?

You do not need to do anything to receive the Rent Credit at this time. The Court will hold a Fairness Hearing to determine whether to approve the settlement. If the Court approves the settlement, there may be appeals after that. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. Please be patient.

If you remain in the Settlement Class, and receive a Rent Credit, this means that you cannot sue, continue to sue, or be part of any other lawsuit against the Defendants about the legal issues in this case and arising under New York laws. It also means that all of the Court's orders will apply to you and legally bind you.

Exclude Yourself: How do I opt out of the settlement?

If you ask to be excluded, you will not get any Rent Credit. You will not be legally bound by anything that happens in this lawsuit and you may not object to it.



To exclude yourself from the settlement, you must send an electronic mail by August 16, 2024 to Diamond_v._NYCHA@willkie.com with the subject: “NYCHA 2017-2018 HEATING SEASON SETTLEMENT.” The electronic mail message must include the Settlement Class Member’s name, address, and telephone number and state: “I opt out of the NYCHA 2017-2018 Heating Season Heat and/or Hot Water Outage Settlement” (or substantially similar clear and unambiguous language).

Settlement Class Members who lack computer access must sign and submit a written request that includes the Settlement Class Member’s printed name, address, telephone number, and the message “I opt out of the NYCHA 2017-2018 Heating Season Heat and/or Hot Water Outage Settlement” (or substantially similar clear and unambiguous language). This written request must be sent via First Class mail postmarked no later than August 16, 2024 and must be mailed to *either* Willkie Farr & Gallagher LLP *or* Freshfields Bruckhaus Deringer US LLP at either of their respective addresses provided below.

Stay In & Object: How do I tell the Court that I don’t like the settlement? What’s the difference between Objecting and Excluding?

If you are a Settlement Class Member, you can object to the settlement if you don’t like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views.

To object, you must send an electronic mail by August 16, 2024 to Diamond_v._NYCHA@willkie.com or send a letter by First Class mail to *either* Willkie Farr & Gallagher LLP *or* Freshfields Bruckhaus Deringer US LLP at either of their respective addresses provided below. The objection must include your name, address, telephone number and the words “I object to the NYCHA 2017-2018 Heating Season Heat and/or Hot Water Outage Settlement.” If you send a letter, it must be postmarked no later than August 16, 2024.

Objecting is simply telling the Court that you don’t like something about the settlement. You can object *only if you stay in the Settlement Class*. Excluding yourself is telling the Court that you don’t want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

I’M NOT SURE IF I AM INCLUDED, HOW DO I GET MORE INFORMATION?

If you are still not sure whether you are included, or have other questions, you can ask for free help. The Court has decided that the lawyers at the law firms of Willkie Farr & Gallagher LLP, Freshfields Bruckhaus Deringer US LLP, and The Legal Aid Society are qualified to represent you and all Class Members in connection with this Action. These lawyers are called “Class Counsel.”



You will not be charged for these lawyers. You do not need to retain your own attorney in order to participate as a Settlement Class Member. If you do not opt out of the Settlement Class and want to be represented by your own lawyer, you may hire one at your own expense. You can contact Class Counsel by submitting an electronic mail to Diamond_v._NYCHA@willkie.com or by sending First Class mail to either of the following:

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DATED: April 5, 2024

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A translation of this document is available on NYCHA's website: www.nyc.gov/nycha and at your Property Management Office.

La traducción de este documento está disponible en el sitio web de NYCHA www.nyc.gov/nycha y la oficina de administración de su propiedad.

紐約市房屋局 (NYCHA) 網站: www.nyc.gov/nycha 和您所居物業管理處辦公室備有文件譯本可供查閱。

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