

**MINNESOTA DISTRICT COURT (HENNEPIN COUNTY)  
FOURTH JUDICIAL DISTRICT**

*Barry Sewall, et al. v. Home Partners Holdings LLC, et al.*  
Court File No. 27-CV-22-10389 (Minn. Dist. Ct.)

**NOTICE OF CLASS CERTIFICATION**

**You may be a Member of a Certified Class if, since March 1, 2016, you paid rent or other fees to Defendants pursuant to a lease you signed for a house within Minnesota.**

*A court authorized this Notice. It is not a solicitation from a lawyer. You are not being sued.*

- A class action lawsuit is pending in Minnesota State District Court, Hennepin County, Fourth Judicial District (“the Court”) against Home Partners Holdings LLC, SFR Acquisitions I LLC, and OPVHHJV LLC d/b/a Pathlight Property Management (“Defendants” or “Home Partners”).
- The lawsuit alleges that Home Partners’ form leases include misleading and unenforceable provisions relating to certain of tenants’ rights, deceptively shift the burden of maintenance and repair to tenants, and illegally charge certain property management and lease administration fees, specifically HVAC filter fees, utility billing service fees, liability coverage fees, and certain attorneys’ fees.
- Defendants deny they have violated any Minnesota law and deny the Plaintiffs’ allegations and claims.
- On October 3, 2023, the Court decided that the lawsuit should proceed as a class action on behalf of a “Class,” or a group of people, that may include you.

This Notice is being provided to you in advance of a final decision by the Court on the merits of the lawsuit. No judge or jury has reached any final decision on the claims and defenses in this lawsuit. If you are a Class Member, however, you have a choice to make now.

**WHAT THE CLASS ACTION LAWSUIT SEEKS**

This class action lawsuit seeks money damages for Class Members who paid rent or certain fees, specifically HVAC filter fees, utility billing service fees, liability coverage fees, and certain attorneys’ fees, pursuant to a lease with Defendants.

**YOUR RIGHTS AND OPTIONS IN THIS LAWSUIT**

**1. Why did I get this Notice?**

Defendants’ records indicate that you may have paid rent or certain fees, specifically HVAC filter fees, utility billing service fees, liability coverage fees, and certain attorneys’ fees, to Defendants

pursuant to a lease you signed for a house located within the State of Minnesota on or after March 1, 2016. For more information, go to: [www.HomePartnersMinnesotaClassAction.com](http://www.HomePartnersMinnesotaClassAction.com).

This Notice explains that the Court has allowed, or “certified,” a class action lawsuit that may affect your legal rights. Specifically, the Court certified a Damages Class defined as “All persons within the State of Minnesota who, since March 1, 2016, paid rent or other fees to Defendants pursuant to a lease”.

You have legal rights and options that you may exercise as a result of the Class being certified. Hennepin County District Judge Christian M. Sande is overseeing this class action lawsuit. The case is captioned as *Barry Sewall, et al. v. Home Partners Holdings LLC, et al.*, Court File No. 27-CV-22-10389 (Minn. Dist. Ct.).

## **2. What is the lawsuit about?**

**What do Plaintiffs allege?** Plaintiffs allege that Home Partners’ form leases include misleading and unenforceable provisions relating to certain of tenants’ rights, deceptively shift the burden of maintenance and repair to tenants, and illegally charge HVAC filter fees, utility billing service fees, liability coverage fees, and certain attorneys’ fees. Plaintiffs seek money damages for Class Members. More information about what Plaintiffs allege is in Plaintiffs’ Second Amended Complaint, which you may view at [www.HomePartnersMinnesotaClassAction.com](http://www.HomePartnersMinnesotaClassAction.com) website.

**What do Defendants say?** Defendants deny they have violated any Minnesota law, deny Plaintiffs’ allegations and claims, and deny that Plaintiffs are entitled to any money damages or any other relief. Defendants deny any wrongdoing and, at this time, no judge or jury has found that Defendants engaged in any illegal or improper conduct. More information about what Defendants say can be found in Defendants’ Answer and Counterclaim, which you may view at [www.HomePartnersMinnesotaClassAction.com](http://www.HomePartnersMinnesotaClassAction.com).

## **3. What is a class action and who is involved?**

In a class action lawsuit, one or more people called “Class Representatives” have sued on behalf of themselves and other people who have similar claims. Collectively, these people are called a “Class” or “Class Members.” The companies the Plaintiffs sued—Home Partners Holdings LLC, SFR Acquisitions I LLC, and OPVHHJV LLC d/b/a Pathlight Property Management—are called the Defendants. In a class action, one court resolves the issues for all Class Members, except for those who choose to exclude themselves from the Class.

## **4. How do I know if I am a Class Member?**

You are a member of the Class if, since March 1, 2016, you paid rent or the other fees described above to Defendants pursuant to a lease you signed for a house in the State of Minnesota.

## **5. What has happened in the lawsuit?**

On July 12, 2022, the Class Representative Barry Sewall filed a complaint alleging the following claims: Minnesota Consumer Fraud Act, Minn. Stat. § 325F.69 (Count I); Minnesota Uniform Deceptive Trade Practices Act, Minn. Stat. §325D.44 (Count II); Covenants of Landlord, Minn.

Stat. § 504B.161(Count III); Interest on and Return of Security Deposits, Minn. Stat. § 504B.178 (Count IV); Late Fees, Minn. Stat. § 504B.177 (Count V); Breach of Duty of Good Faith and Fair Dealing (Count VI); Rescission (Count VII); Unjust Enrichment (Count VIII); and Declaratory and Injunctive Relief (Counts IX and X). The version of the complaint now in effect is the Second Amended Complaint, filed by the Class Representatives Barry Sewall, Shamika Gregory, and Jerome Gregory on February 2, 2023.

On May 15, 2023, Plaintiffs filed a motion for class certification and appointment of class representatives and class counsel and supporting papers.

On June 6, 2023, Defendants filed a notice of motion and motion for partial summary judgment on Plaintiffs' claims.

On October 3, 2023, the Court partially denied Defendants' individual motion for summary judgment on the Class Representative's claims. The Court denied the motion on nine counts of the Second Amended Complaint and granted in part Defendants' motion for summary judgment as to Plaintiffs' claim related to security deposits (Count IV).

Additionally, on October 3, 2023, the Court certified the Damages Class described above.

#### **6. What is the current status of the lawsuit?**

The district court entered the Sixth Amended Scheduling Order on November 20, 2023, ordering that discovery be completed by May 17, 2024, and that pre-trial motions be filed and heard by August 9, 2024. The most recent scheduling orders will be available at [www.HomePartnersMinnesotaClassAction.com](http://www.HomePartnersMinnesotaClassAction.com).

#### **7. What are the Class Representatives asking for?**

The Class Representatives are asking for a monetary recovery for the Damages Class, as well as pre-judgment and post-judgment interest and their reasonable attorneys' fees and costs.

#### **8. Is there any money available now?**

No money is available at this time. No judge or jury has reached any final decision as to whether Defendants have violated any Minnesota law or whether Class Members are entitled to any monetary recovery. There is no guarantee that money will be obtained. If money is obtained through a final judgment, you will receive a notice describing how to make a claim for any funds to which you may be entitled. For more information, go to: [www.HomePartnersMinnesotaClassAction.com](http://www.HomePartnersMinnesotaClassAction.com).

#### **9. Are there exceptions to being included in the Class?**

Yes. You are NOT a Class Member if you are an employee or officer of any of the Defendants, any entity in which any Defendant has a controlling interest, any entity that has a controlling interest in any Defendant, Defendants' legal representatives, Defendants' assigns and successors, any judge, or judicial staff and any immediate family of any judge to whom this case is assigned.

### **10. Are you still not sure if you're included?**

If you are still not sure whether you are included in the Class, you can inquire for more information at: [www.HomePartnersMinnesotaClassAction.com](http://www.HomePartnersMinnesotaClassAction.com), or by contacting the lawyers in this case at the phone numbers or addresses listed.

### **11. What are my options as a Class Member?**

You can decide whether to stay in the Damages Class or opt out of, or exclude yourself from, it. Only those who opt out may litigate the same issues separately.

### **12. What happens if I choose to stay in the Class?**

If you stay in the Damages Class and the Class obtains a monetary recovery, you will be permitted to make a claim for funds to which you may be entitled, if any. However, you would give up any rights to sue any of the Defendants separately concerning the same legal claims alleged in this lawsuit. You also will be legally bound by all Orders and Judgments entered by the Court, even if there is no recovery.

### **13. How do I stay in the Class?**

You do not have to do anything at this time to stay in the Class.

### **14. What happens if I opt out of the Class?**

If you opt out of the Class (by stating in writing that you do not want to be included in the Class), you will give up the right to participate in any monetary recovery that may occur. But you will keep any rights you may currently have to sue the Defendants separately regarding the legal claims at issue in this lawsuit. You also will not be bound by any Orders and Judgments entered by the Court regarding any monetary recovery in this class action.

### **15. How do I opt out of the Class?**

If you do not want to remain a member of the Damages Class, you must send a written "Request to Opt Out" to the Notice Administrator so it is received no later than **June 24, 2024**. Your written request must include:

- Your name, address, and telephone number;
- A statement confirming that you want to opt out of the Class; and
- The case name and number: *Barry Sewall, et al. v. Home Partners Holdings LLC, et al.*, Court File No. 27-CV-22-10389.

Your Request to Opt Out must be sent to the following address: Home Partners Minnesota Class Action Notice Administrator, c/o Atticus Administration PO Box 64053 St. Paul, MN 55164.

### **16. What happens if I do not do anything?**

By doing nothing, you are choosing to stay in the Class. You don't have to do anything now if you want to stay in the Class. If you stay in the Class and the Class Representatives obtain money or

benefits, you will be notified about how to apply for a share. Regardless of whether the Plaintiffs win or lose the trial, you will not be able to sue, or continue to sue any of the Defendants—as part of any other lawsuit—about the same legal claims that are the subject of this lawsuit. You will also be legally bound by all of the Orders and Judgments entered by the Court in this class action.

**17. As a Class Member, do I have a lawyer representing my interests in this Class Action?**

Yes. The Court has appointed lawyers to represent you and other Class Members. These lawyers are called Class Counsel. Class Counsel in this case are: Anne Regan, Nathan Prosser, and Lindsey Larson at Hellmuth & Johnson PLLC; Susan Ellingstad and Joseph Bourne at Lockridge Grindal Nauen P.L.L.P.; and Scott Harris and Michael Dunn at Milberg Coleman Bryson Phillips Grossman PLLC.

**18. How will the lawyers be compensated, and will the Class Representatives receive compensation?**

If a monetary recovery is obtained for the Class, Class Counsel will ask the Court to award reasonable attorneys' fees and expenses. Class Counsel may also ask the Court to approve reasonable service awards for the Class Representatives. If approved, these fees and expenses and service awards will either be paid from the recovery obtained for the Class or separately by the Defendants.

**19. Should I get my own lawyer?**

You do not need to hire your own lawyer because Class Counsel is working on your behalf. However, you can choose to hire your own lawyer at your own expense. If you hire a lawyer to speak for you or to appear in Court, your lawyer must file a Notice of Appearance.

**20. Where do I get more information?**

This Notice contains a summary of relevant court papers. Complete copies of public pleadings, Court rulings and other filings are available for review and copying at the Hennepin County District Court, Civil Clerk's office. The address is: Hennepin County Government Center, 300 South 6th Street, Room #C-332, Minneapolis, MN 55487.

Information is also available at: [www.HomePartnersMinnesotaClassAction.com](http://www.HomePartnersMinnesotaClassAction.com), or by writing to Home Partners Minnesota Class Action Notice Administrator, c/o Atticus Administration PO Box 64053 St. Paul, MN 55164.

**Please do not contact the Court or Judge Christian M. Sande. They cannot answer any questions or discuss the lawsuit.**

DATED: APRIL 10, 2024 BY ORDER OF THE DISTRICT COURT OF MINNESOTA, HENNEPIN COUNTY, FOURTH JUDICIAL DISTRICT.