

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAN MACLEOD, Individually and on behalf of all others similarly situated Plaintiff vs. JENNER'S POND, INC. d/b/a, a/k/a JENNER'S POND RETIREMENT COMMUNITY, Defendant.	No. 2:20-cv-03485-ER
---	----------------------

**PLAINTIFF'S MOTION FOR EMERGENCY RELIEF
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 23(D)**

Pursuant to Rule 23(d) of the Federal Rules of Civil Procedure, Plaintiff by and through counsel hereby moves this Court to make findings and issue relief protecting the interests of members of the proposed class in this matter, as follows:

- (1) Enjoining counsel for Defendant, Defendant, and its employees, agents and representatives from further misleading communications with class members;
- (2) Requiring counsel for Defendant to provide Plaintiff's counsel with contact information for all persons who have been contacted regarding settling the claims in this action;
- (3) Ordering Defendant to identify a corporate representative to be deposed, under Rule 30(b)(6), on any and all matters related to Defendant's communications with class members, within 14 days of the issuance of the Court's order; and
- (4) Directing curative notice, including providing class members the opportunity to rescind all settlement agreements executed by them which purport to release the claims in this action.

In support of the Motion, Plaintiff submits the Memorandum in Support of the Motion and attached Declaration and Exhibits.

Dated: January 25, 2021

Respectfully submitted,

/s/ Richard Shevitz

Elizabeth A. Bailey
**SALTZ, MONGELUZZI, BARRETT, &
BENDESKY, P.C.**
One Liberty Place, 52nd Floor
1650 Market Street
Philadelphia, PA 19103
Telephone: (215) 575-3859
ebailey@smbb.com

Richard E. Shevitz*
Lynn A. Toops *
Natalie Lyons*
COHEN & MALAD, LLP
One Indiana Square, Suite 1400
Indianapolis, IN 46204
(317) 636-6481
rshevitz@cohenandmalad.com;
ltoops@cohenandmalad.com;
nlyons@cohenandmalad.com

Counsel for Plaintiff and the Class

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on January 25, 2021 a true and correct copy of Plaintiff's Motion for Emergency Relief Pursuant to Federal Rule of Civil Procedure 23(d) was served via electronic filing upon the following:

Glenn R. Davis
Kimber L. Latsha
Brian A. McCall
Latsha Davis & Marshall, P.C.
1700 Bent Creek Boulevard, Suite 140
Mechanicsburg, PA 17050
Attorneys for Defendants

Dated: January 25, 2021

By: /s/ Richard Shevitz
Richard Shevitz