

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

Barry Sewall, Shamika Gregory, Jerome Gregory, Frank Richmond, Michael McDermott, Kelley McDermott, Chance Gallo, Sheila Nasilasila, Erin Wise, Michael Curran, Christa Curran, Latrice Jones-Byrd, LaQuita Dasher, Ayoka Durham, Marcus Durham, Donna Sheard, Richard Allen, Gabrielle Todd, Gina Johnson, and Lionel Johnson each individually and on behalf of all others similarly situated,

Court File No.: 1:25-cv-07849

Honorable Sunil R. Harjani
Magistrate Judge Maria Valdez

Plaintiffs,

v.

Home Partners Holdings LLC, and
OPVHHJV LLC, d/b/a Pathlight
Property Management,

Defendants.

**ORDER ON (1) PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY
APPROVAL OF PROPOSED CLASS ACTION SETTLEMENT,
CONDITIONAL CERTIFICATION OF SETTLEMENT CLASS, APPROVAL
OF NOTICE PROGRAM, AND APPROVAL OF SCHEDULE FOR FINAL
APPROVAL, (2) PLAINTIFFS' UNOPPOSED MOTION TO FILE
OVERSIZED BRIEF IN SUPPORT OF MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION SETTLEMENT, (3) PLAINTIFFS'
UNOPPOSED MOTION TO SEAL EXHIBIT 1 TO THE JOINT
DECLARATION OF ANNE T. REGAN, SCOTT C. HARRIS, AND JOSEPH C.
BOURNE, AND (4) THE PARTIES' AGREED MOTION TO STAY
DEFENDANTS' DEADLINE TO RESPOND TO PLAINTIFFS' CLASS
ACTION COMPLAINT AND THE INITIAL STATUS HEARING AND
RELATED DEADLINES**

Before the Court are (1) Plaintiffs' Unopposed Motion for Preliminary Approval
of Class Action Settlement, Conditional Certification of Settlement Class, Approval

of Notice Program, and Approval of Schedule for Final Approval (“Motion for Preliminary Approval”); (2) Plaintiffs’ Unopposed Motion to File Oversized Brief in Support of Motion for Preliminary Approval (“Motion to File Oversized Brief”); (3) Plaintiffs’ Unopposed Motion to Seal Exhibit 1 to the Joint Declaration of Anne T. Regan, Scott C. Harris, and Joseph C. Bourne (“Motion to Seal”) (collectively, “Motions”), for their Settlement with Defendants Home Partners Holdings LLC, and OPVHHJV LLC, d/b/a Pathlight Property Management; and (4) The Parties’ Agreed Motion to Stay Defendants’ Deadline to Respond to Plaintiffs’ Class Action Complaint and the Initial Status Hearing and Related Deadlines.

The Court has considered these Motions, the Settlement Agreement, and all supporting documents, is familiar with and has reviewed the record, and has found good cause for entering the following Order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

Jurisdiction

1. This Court has jurisdiction to enter this Order as it has jurisdiction over the subject matter of this action and over the Defendants and Plaintiffs, including all members of the Settlement Class (defined below).¹

Settlement Class

2. Pursuant to Rule 23(e)(1)(B)(ii) of the Federal Rules of Civil Procedure, the Court holds that it will likely find that the requirements of Federal Rules of Civil

¹ Capitalized terms herein have the definitions ascribed to them in the Settlement Agreement unless otherwise noted.

Procedure 23(a), 23(b)(2), and 23(b)(3) are satisfied for purposes of settlement and judgment on the settlement only. As to the requirements of Rule 23(a) for settlement purposes only, (i) the Settlement Class provisionally certified herein likely exceeds 80,000 individuals, and joinder of all such individuals would be impracticable; (ii) there are questions of law and fact common to the Settlement Class; (iii) the Class Representatives' claims are typical of the claims of the Settlement Class they seek to represent for purposes of settlement; (iv) the Class Representatives are adequate representatives of the Settlement Class; and (v) Class Counsel are adequate. As to the requirements of Rule 23(b)(2), for settlement purposes only, the non-monetary injunctive relief proposed in the Settlement may be certified under Rule 23(b)(2), which permits certification in cases where "final injunctive relief ... is appropriate respecting the class as a whole." Fed. R. Civ. P. 23(b)(2). As to the requirements of Rule 23(b)(3) for settlement purposes only, questions of law and fact common to the Settlement Class predominate over any questions affecting any individual Settlement Class Member, and a class action on behalf of the Settlement Class is superior to other available means of settling and disposing of this dispute.

3. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, the Court confirms, solely for purposes of effectuating the Settlement, the following "Settlement Class":

The Settlement Class is:

All persons in every state and the District of Columbia in which Home Partners has leased homes during the applicable Settlement Class Period, who are or were parties to leases with Home Partners, or who are or were

household members or occupants listed in such leases, and who occupied the home at any time during the applicable Settlement Class Period.

The Settlement Class Periods are:

- For Settlement Class Members in Minnesota homes: March 1, 2016 through the date of Preliminary Approval;
- For Settlement Class Members in Washington homes: September 21, 2016 through the date of Preliminary Approval;
- For Settlement Class Members in Colorado homes: May 1, 2017 through the date of Preliminary Approval; and
- For all other Settlement Class Members: December 22, 2019 through the date of Preliminary Approval.

4. Excluded from the Settlement Class are all persons who submit a timely and valid request to opt out of the Settlement; all persons who entered into a new lease (as opposed to a renewal) with Home Partners on or after January 10, 2025; all persons who are not of the age of majority at the time of Preliminary Approval; governmental entities; Defendants and any of their parents, affiliates, or subsidiaries; and the presiding judge in the Settlement Court or any of the Class Action Matters, and all of their immediate families and judicial staff.

5. Neither this Order nor the Settlement Agreement shall be deemed or construed to be an admission or evidence of any violation of any statute, law, rule, or regulation, or of any liability of, or wrongdoing by, the Defendants, Counterclaim Defendant, or Released Parties, or the truth of any of Plaintiffs' claims or allegations

in this matter, any of the Class Action Matters, or any future matter or proceeding. Neither this Order nor the Settlement Agreement shall be deemed or construed to be an admission or evidence of the Released Parties' defenses.

Preliminary Approval of the Settlement

6. Pursuant to Fed. R. Civ. P. 23(e)(1)(B), based on "the parties' showing that the court will likely be able to: (i) approve the proposal[s] under Rule 23(e)(2); and (ii) certify the class for purposes of judgment on the proposal[s]," the Court hereby preliminarily approves the Settlement, as embodied in the Settlement Agreement between Plaintiffs and the Defendants.

7. Upon review of the record, the Court finds the Settlement was entered into after over three years of hard-fought litigation in separate jurisdictions, extensive discovery, and arm's length negotiations that included mediation before former Chief Magistrate Judge Hon. Sidney Schenkier (ret.) of the Northern District of Illinois. Accordingly, the Court preliminarily finds that the Settlement meets all factors under Rule 23(e)(2) and will likely be granted Final Approval by the Court, subject to further consideration at the Court's Fairness Hearing. The Court finds that the Settlement encompassed by the Settlement Agreement is preliminarily determined to be fair, reasonable, and adequate, and in the best interest of the Settlement Class, raises no obvious reasons to doubt its fairness, and that there is a reasonable basis for presuming that the Settlement and its terms satisfy the requirements of Federal Rule of Civil Procedure 23(c)(2) and 23(e) and due process so that notice of the Settlement should be given to members of the Settlement Class.

8. The Court appoints Barry Sewall, Shamika Gregory, Jerome Gregory, Michael Curran, Christa Curran, Frank Richmond, Michael McDermott, Kelley McDermott, Chance Gallo, Sheila Nasilasila, Erin Wise, Latrice Jones-Byrd, LaQuita Dasher, Donna Sheard, Richard Allen, Gabrielle Todd, Gina Johnson, Lionel Johnson, Ayoka Durham, and Marcus Durham as representatives of the Settlement Class under Rule 23(a)(4).

9. The Court appoints Anne T. Regan of Hellmuth & Johnson, PLLC, Joseph C. Bourne of Lockridge Grindal Nauen, and Scott C. Harris of Milberg LLP as Class Counsel under Rule 23(g).

10. Eisner Advisory Group LLC (“EAG”) is hereby appointed as Settlement Administrator.

11. The Court has reviewed and hereby preliminarily approves the Settlement distribution plan, including without limitation its provisions providing that if any portion of the Settlement Fund remains following disbursement of Court-approved notice expenses, the Fees, Costs, and Expenses Award, and the Service Awards to the class representatives, and after distribution (or redistribution), and is of such an amount that it will result in a *de minimis* distribution to the Class Members, then such remaining funds shall be disbursed to National Legal Aid & Defender Association as a *cy pres* recipient.

12. The Court approves the establishment of a qualified settlement fund (“QSF”) pursuant to Internal Revenue Code Section 468B and the Treasury Regulations promulgated thereunder and retains continuing jurisdiction as to any

issue that may arise in connection with the formation and/or administration of the QSF.

13. Pending further Order of the Court, all litigation activity against the Defendants on behalf of the Settlement Class is hereby stayed, and all hearings, deadlines, and other proceedings related to the Plaintiffs' claims against Defendants, other than those incident to the settlement process, are hereby taken off the Court's calendar. Pending final determination of whether the Settlement should be approved, neither Plaintiffs, nor any Settlement Class Member, either directly, by representation, or in any other capacity, shall commence or prosecute against any of the Released Parties any action or proceeding in any court or tribunal asserting any of the Released Claims. The stay shall remain in effect until such a time that (i) any Defendants or Plaintiffs exercise their right to terminate the Settlement; (ii) the Settlement Agreement is terminated pursuant to its terms; or (iii) the Court renders a final decision regarding approval of the Settlement, and if it approves the Settlement, enters final judgment and dismisses Plaintiffs' claims against the Defendants with prejudice.

14. In the event that the Settlement fails to become effective in accordance with its terms, or if an Order granting final approval of the Settlement and dismissing Plaintiffs' claims against any of the Defendants with prejudice is not entered or is reversed, vacated, or materially modified on appeal, this Order shall be null and void.

15. In the event the Settlement terminates, or is not approved by the Court, or does not become final pursuant to its terms, litigation against the Defendants shall

resume.

Approval of Notice Plan

16. The Court approves, in form and substance, the Claim Form, Email Summary Notice, Long Form Notice, and Short Form Postcard Notice attached as Exhibits A-D to the Settlement Agreement, and publication notice through a case-specific Settlement Website. The class notice plan specified by Plaintiffs and supported by the Declaration of Brandon Schwartz is: (i) the best notice practicable; (ii) is reasonably calculated, under the circumstances, to apprise members of the Settlement Class of the pendency and status of this Action and of their right to participate in, object to, or exclude themselves from the proposed Settlement; (iii) is reasonable and constitutes due, adequate, and sufficient notice to all persons entitled to receive notice of the Fairness Hearing; and (iv) fully satisfies the requirements of Fed. R. Civ. P. 23(e)(1), constitutes due process, and is a reasonable manner of distributing notice to Settlement Class members who would be bound by the Settlement.

17. EAG shall provide notice of the Settlement as required by 28 U.S.C. § 1715.

Approval of Schedule

18. Class Counsel, EAG, and the Defendants shall adhere to the following schedule:

19. Defendants will provide to EAG a list of Settlement Class Members no later than fifteen business days after this Order, and, no later than **September 2,**

2025, EAG shall begin the process of providing notice to the Settlement Class, in accordance with the plan of notice set forth in the Settlement Agreement and in the Declaration of Brandon Schwartz.

20. No later than **October 14, 2025**, Settlement Class Counsel shall file a Motion for Final Approval of the Settlement and Motion for Approval of Service Awards and for a Fees, Costs, and Expenses Award, pursuant to the terms of the Settlement Agreement.

21. By no later than **October 20, 2025**, Settlement Class Members may request exclusion from the Settlement Class or submit any objection to the proposed Settlement or to the proposed distribution plan summarized in the notice, or to Settlement Class Counsel's request for Fees, Costs, and Expenses Award, and/or Service Awards to the Class Representatives. All written objections and supporting papers must be mailed to the Administrator, or mailed or filed in person at any location of the United States District Court for the Northern District of Illinois, and must include the following information: (1) the name of the case (*Sewall, et al. v. Home Partners Holdings LLC, and OPVHHJV LLC, d/b/a Pathlight Property Management*, Case No. 1:25-cv-07849); (2) the individual's full name, address, email, and telephone number, and if represented by counsel, the name, address, and telephone number of counsel; (3) a statement detailing all objections to the Settlement and legal support for the objection (if any); (4) any papers, briefs, or other documents on which the objection is based; (5) a list of all persons who will be called to testify in support of the objection (if any); (6) a statement of whether the Settlement

Class Member intends to appear at the Fairness Hearing; (7) proof of membership in the Settlement Class, or a signed statement attesting, under penalty of perjury, that they are or were a party to a lease with Home Partners, or a household member or occupant listed in such a lease, and occupied the home at any time during the applicable Settlement Class Period; (8) a list of all objections filed by the objector and his or her counsel to class action settlements in the last three years; and (9) the signature of the Settlement Class Member and her or his counsel (if any). All requests for exclusion from the Settlement Class must be in writing, mailed to the Claims Administrator, and include the following information: (1) the name of the case (*Sewall, et al. v. Home Partners Holdings LLC, and OPVHHJV LLC, d/b/a Pathlight Property Management*, Case No. 1:25-cv-07849); (2) the individual's name, address, email, and phone number; (3) be personally signed by the individual and not the individual's attorney or anyone acting on the individual's behalf; and (4) include the statement "I/we request to be excluded from the *Home Partners* class settlement."

22. By no later than **October 27, 2025**, Settlement Class Members may file claims for Repair and Maintenance Cost Reimbursement Payments, as specified in the class notices.

23. The Fairness Hearing shall take place on **December 2, 2025**, at 9:30 a.m. in Courtroom 1925 of the Everett McKinley Dirksen United States Courthouse. Class Counsel must serve responses to objections (if any), no later than fourteen days before the Fairness Hearing.

Approval of Oversized Brief

24. Plaintiffs' Motion to File Oversize Brief in Support of Motion for Preliminary Approval of Class Action Settlement is **GRANTED**.

25. Plaintiffs may exceed the 15-page limitation and file a brief of up to 33 pages in length.

Approval of Sealed Exhibit

26. Plaintiffs' Motion to Seal Exhibit 1, which was filed in redacted form at Doc. 7-1 and provisionally filed under seal at Doc. 8, is **GRANTED**.

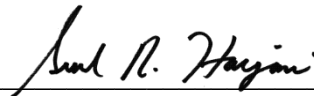
Approval of Stay

27. The Parties' Agreed Motion to Stay Defendants' Deadline to Respond to Plaintiffs' Class Action Complaint and the Initial Status Hearing and Related Deadlines, Doc. 17, is **GRANTED**.

28. Defendants' deadline to respond to the Class Action Complaint (Doc. 1), and the September 25, 2025 initial status hearing and related deadlines (Doc. 13), are hereby stayed to a date to be set by the Court, if necessary, following completion of the Fairness Hearing on the Settlement Agreement.

IT IS SO ORDERED.

DATED: 7/31/2025



Honorable Sunil R. Harjani
United States District Judge