

August 11, 2021

IN THE CIRCUIT COURT OF THE STATE OF OREGON

COUNTY OF POLK

MICHAEL KIM and THAI KIM, on behalf of  
themselves and all others similarly situated within the  
state of Oregon,

Plaintiffs,

v.s.

LUKE BRITTAN, an individual, FORMER  
MEMBERS OF BRIDGE WEST APARTMENTS  
L.L.C., an administratively dissolved Oregon limited  
liability company, and BRIDGE WEST  
APARTMENTS LLC, an Oregon limited liability  
company,

Defendants.

Case No. 17CV52489

**NOTICE OF CLASS ACTION  
SETTLEMENT AND FINAL APPROVAL  
HEARING**

**CLASS WEBSITE NOTICE**

**This Notice of Class Action Settlement and Final Approval Hearing has been provided for you because, if you are a Class Member, your legal rights may be affected by the settlement of a class action lawsuit pending in Polk County Circuit Court. The case is brought against the owners of the Bridgewest Apartment Complex in Salem, Oregon, located at 196 Stoneway Dr. NW, Salem, Oregon, 97304. Those owners are Luke Brittan, Former Members of Bridge West Apartments LLC and Bridge West Apartments LLC. All of those defendants will be referred to collectively in this Notice as “Defendant.” Please read this Notice carefully. The purpose of this Notice is to advise you about a proposed settlement of this lawsuit (the “Settlement”) and how you are affected by the Settlement. The Notice will explain the steps you must take if you want to object to the Settlement. It provides important deadlines for doing so. The Settlement is described in this Notice; the full text of the Settlement Agreement can also be accessed on this webpage.**

**1. Why does this Notice apply to me?**

Records show who is a member of the class of Bridgewest Apartments tenants who are affected by the proposed Settlement of this Class Action Lawsuit. The Class consists of those persons who were signatories to a rental agreement with the Defendant from any time between November 30, 2016 and November 30, 2017, and who were charged one or more utility charges by the Defendant. We gave notice to the members of the Class in 2020 that informed Class Members of the case and their entitlement to object to its formation or exclude themselves from participation.

On August 11, 2021, we mailed notice to Class Members advising them that the Court has preliminarily approved the Settlement.

**2. What is this lawsuit about?**

Michael Kim and Thai Kim were appointed to serve as Class Representative. The Defendants are Luke Brittan, Former Members of Bridge West Apartments LLC and Bridge West Apartments LLC.

This class action lawsuit claims that the Defendant violated Oregon landlord-tenant law by charging tenants utility charges, but (1) failing to bill them in writing within 30 days of having received the providers' bill to the Defendant, (2) failing to provide an explanation of the manner in which the utility provider assessed charges in either the rental agreement or any bill to the tenant, and (3) failing to provide an explanation of the manner in which the utility charge is allocated among the tenants at the apartment complex. Alternatively, the lawsuit claims that the Defendant violated Oregon landlord-tenant law by charging illegal fees under the guise of utility charges.

**3. Has there been a decision on the merits?**

No. the Court has not reached a final conclusion on whether the Defendants did anything wrong or whether any class members are entitled to relief or damages.

**4. What is the proposed settlement?**

Under the proposed settlement, the Defendant will pay a certain amount to members of the Class, including you, as described below. Details of how your payment is calculated are in the Stipulation of Settlement, but you will be entitled to receive an amount between approximately \$132.63 and \$3,691.09, depending on the number of months you were a signatory to a lease/rental agreement (NOT how long you may have lived) at the Bridgewest Apartments, the rent charged for those months and the number of others who were also signatories on the lease/rental agreement during the relevant time (see "How Do I Receive Payment" section below). Defendants will also pay the fees of the attorneys who brought the lawsuit in an amount approved by the court, as described below. The members of the Class will release any claims that were asserted or could have been asserted in the lawsuit, but only arising out of or relating to any matter, fact, or thing alleged in any of the complaints filed in the Lawsuit.

**5. How do I receive payment?**

As a Class member you are entitled to a "share" of the money that Defendant has agreed to pay as part of the Settlement. Your share is based on the number of months you were a signatory to a lease/rental agreement at Carriage Apartments during the relevant class period, the rent charged for those months as well as on how many other tenants were also signatories. The number of months you and every other class member were signatories to a lease at Carriage Apartments during the relevant class period is set out in Exhibit 5 to the Stipulation of Settlement. Please note that, if you shared a tenancy with other Class Members, the number of months you are credited with is reduced to account for the fact that you shared the tenancy with those other Class Members. Exhibit 5 was jointly calculated by the Class Representatives and Defendant.

**If the court gives final approval to the settlement after hearing and considering any objections that may be filed, you will receive this payment and be bound by the terms of the Settlement, including its releases.**

**You will have SIX (6) MONTHS from the date of the check to cash your payment check. After that time period the payment will be void, you will be entitled to no further payment, and you will still be bound by the terms of the Settlement, including its releases**

#### 6. How do I object to this Settlement?

As a class member, you can object to any part of the Settlement, either personally or through legal counsel. To object, you or your counsel must submit a letter or other written document that includes the following:

- a. A heading referring to the Case Number 17CV52489, pending before the Polk County Circuit Court in the State of Oregon and entitled, “*Kim v. Brittan*”;
- b. A detailed written statement of the specific factual and legal basis for each objection, including why you have chosen to object;
- c. If you want to appear at the Final Approval Hearing—which is where the Court will determine whether to approve of the Settlement—a statement that you intend to appear, and the grounds or specific reasons for your desire to appear and be heard (you do not have to attend the Final Approval Hearing to object to the Settlement);
- d. A list of and copies of all documents that you may seek to use at the Final Approval Hearing, and a list of the names of any witnesses that you want to present at the Final Approval Hearing; and
- e. If you are represented by counsel, counsel’s name, address, and telephone number. Any counsel representing you must file a notice of appearance and Points and Authorities in support of the objections, which brief shall contain any and all legal authority upon which you will rely and confirm whether the attorney intends to appear at the Final Approval Hearing.

Your objection and all supporting documents must be filed with the Clerk of the Court and delivered to Class Counsel and Defendant’s counsel at the addresses below so they are **RECEIVED** no later than the Objection Deadline, which is **September 27, 2021**.

Clerk of the Court	Class Counsel	Defendant’s Counsel
Clerk’s Office Polk County Circuit Court 850 Main St. Dallas, OR 97338	Brady Mertz PC Matthew G. Shepard 685 Church St. NE Salem, OR 97301	Byron T. Farley Martinis & Farley 110 Madrona Ave SE Salem, OR 97302

#### 7. What does it mean to object to the Settlement?

Objecting is simply telling the Court that you do not like something about the Settlement.

#### 8. What happens if I do nothing?

If you are a Class Member and you do nothing, **you will receive a settlement payment consistent with the terms of the Settlement**, and you will be **barred from bringing any similar claims against Defendant**. You do not need to take any action to take advantage of this Settlement.

#### 9. What are the attorneys’ fees and expenses and the Class Representatives’ compensation?

The Court has preliminary approved payment to the attorneys for the Class Representatives in the amount of \$66,666.67 for their role in this settlement, reimbursement of their costs of litigation, including deposition costs in the amount of \$3,848.39, as well as incentive payments to the Class Representatives totaling \$2,000. By comparison, the class as a whole, of which you are a part, will receive approximately \$127,484.94 under the Settlement.

#### 10. What rights are being released by the Settlement?

If the Court approves of the Settlement, all Class Members will release Defendants from any and all claims that were or could have been asserted in this Lawsuit. All Class Members will forever be

permanently barred from bringing any claim related to this Lawsuit. Defendants are releasing the right to continue to fight the Lawsuit and prove that their actions were lawful.

The Defendant is releasing its right to continue litigating this case and presenting evidence and argument that it has no liability and needs to pay nothing.

**11. What is the Final Approval Hearing and when is it?**

PLEASE TAKE NOTICE that a Final Approval Hearing will be held on **October 27, 2021, at 9:00 a.m.**, at the Polk County Circuit Court, 850 Main St., Dallas, OR 97338 to consider the final approval of this proposed settlement. You are not required to appear at the hearing, but you may attend this hearing if you want to. At the Final Approval Hearing, the Court will consider:

- a. Whether the proposed Settlement is fair, reasonable, adequate, in good faith, and in the best interests of the Class Members; and
- b. Whether the Final Approval Order should be entered, payment to the class made, and then General Judgment of Dismissal releasing the Defendants from all related claims should be entered.

If, after conducting the Final Approval Hearing, the Court grants final approval of the Settlement as set forth in the Settlement Agreements (including any modification or amendment thereto to which Defendants and Class Counsel agree), it shall enter a Final Approval Order. Defendants' obligations to make payments under the Settlement Agreement do not become effective until the Court grants final approval as defined in the Settlement Agreement.

**12. Additional Information.**

If you want additional information, you may visit the Class Website, which is located at [www.BridgeWestApartmentsClassAction.com](http://www.BridgeWestApartmentsClassAction.com)

You may also contact Class Counsel as follows:

By e-mail at [Info@BridgeWestApartmentsClassAction.com](mailto:Info@BridgeWestApartmentsClassAction.com)

By telephone at 503-385-0121.

By post at Bridgewest Class Action, 685 Church St. NE, Salem, OR 97301.

Please ensure that you include your name and your return address on all correspondence.