

## SUPREME COURT FOR THE STATE OF NEW YORK COUNTY OF KINGS

MARTA VAL, DAVID SEGOVIA, EVAN MANES  
and EITAN ZAMONSKI, on behalf of themselves  
and all others similarly situated,

Plaintiff,

-v-

568 UNION DE LLC

Defendant.

Index No.: 515264/2021

### IMPORTANT NOTICE

**TO: EVERY CURRENT AND FORMER TENANT OF THE BUILDING LOCATED AT 568 UNION AVENUE, BROOKLYN NEW YORK 11215, WHO LIVED IN THEIR APARTMENT AT ANY TIME AFTER JUNE 22, 2015.**

*This Notice has been authorized by the Supreme Court of the State of New York, County of Kings.*

*This Notice affects your rights—please read it carefully.*

*You are not being sued. This is not a solicitation from a lawyer.*

You are receiving this Notice, pursuant to Rule 904 of the New York Civil Practice Law, because records indicate that you may be a member of a plaintiff class in a lawsuit against the owner of the building located at 568 Union Avenue (the “Building”), 568 Union DE LLC (“Defendant”), which is currently pending in the New York Supreme Court, County of Kings.

The purpose of this notice is to explain to you

1. what the lawsuit is about;
2. who is included in the certified Class, and your rights as a member;
3. your right to request exclusion from the Class (as defined below); and
4. how to get more information.

### DESCRIPTION OF THE LAWSUIT

A class action is a lawsuit where one or more persons sue on their own behalf and on behalf of other people who have similar claims. These other people are known as Class Members. In a class action, one court resolves the issues for all Class Members.

The Plaintiffs here assert that Defendant received 421-a tax benefits at the Building. Under New York State law, these benefits are only available if all the apartments at the Building are subject to the rent stabilization laws. The 421-a Program requires that the first rents for apartments participating in that program are to be set utilizing the amount the unit’s first occupant is “charged and paid.” The Plaintiffs assert that Defendant violated the law by failing to take into account rent concessions, received by the initial tenants in the Building, when registering the first rents for the units. Additionally, the Plaintiffs assert that tenants at the Building were charged more than the maximum legal rent for their apartments, and/or were denied the other benefits of rent-stabilization, such as mandatory lease renewals at amounts allowed under New York State law. Plaintiffs also allege that Defendant violated the Housing Stability and Tenant Protection Act of 2019 by failing to take into account concessions when calculating preferential rents.

The Plaintiffs seek to recover alleged rent overcharges from Defendant for both themselves and the Class. Plaintiffs also seek to have the Court determine the correct legal regulated rents for the apartments at the Building. The Plaintiffs also seek an order that any Class Member residing in an apartment at the Building be offered proper lease renewals at regulated rents established as required by the rent stabilization laws.

Plaintiffs are not seeking on behalf of themselves, or the members of the Class, the treble damages penalty provided for in the rent stabilization laws and regulations for willful rent overcharges.<sup>1</sup> In seeking class certification, and unless the law changes, Plaintiffs have agreed to waive that penalty on behalf of themselves and the Class and are requesting only injunctive relief and compensatory damages for the actual amounts of the overcharges, plus interest.

If you are a Class Member, and wish to pursue the statutory penalty, you may do so. But to ensure your ability to pursue treble damages ***you must exclude*** yourself from the Class and commence your own action pursuant to the procedures described below. You should note that any claims that you may be able to pursue individually are governed by a statute of limitations.

The Defendant has denied the allegations made by Plaintiffs and has asserted affirmative defenses.

### **CLASS CERTIFICATION AND COMPOSITION OF THE CLASS**

On April 13, 2023, the Court certified the lawsuit to proceed as a class action on behalf of all tenants at the Building who live or had lived in apartments on or after June 14, 2015 (the “Class”).

Further, the Court certified a subclass of all current residential tenants seeking injunctive relief.

The Court named Plaintiffs Marta Val, David Segovia, Evan Manes, and Eitan Zamonski as Lead Plaintiffs for the Class.

The Court named the law firm of Newman Ferrara LLP as counsel for the Class. Newman Ferrara LLP attorneys will represent you as part of the Class unless you request to be excluded as described below. If you exclude yourself from the class, you will have the opportunity to hire your own attorney at your own expense.

This Notice is being given to you in the belief that you may be a Class Member whose rights might be affected by this lawsuit. It should not be understood to be an expression of any opinion by the Court concerning the merits of the claims and defenses in this action. The Notice is merely to advise you of the pendency of the action and your rights with respect thereto.

As described below, Class Members have the opportunity to exclude themselves from the damages aspect of the Class by filing an exclusion form with the Court. Apart from this opportunity to exclude themselves, Class Members will be bound by the Court’s determination of the Class’ claims.

### **HOW TO EXCLUDE YOURSELF FROM THE CLASS**

If you wish to be excluded from the Class, you must fill out the Exclusion Form attached to this Notice. Letters requesting exclusion should be mailed via First-Class Mail and postmarked on or before July 5, 2025, to the following address:

568 Union  
Class Action Administrator  
P.O. Box 2018  
Portland, OR 97208-2018

For your convenience, a self-addressed stamped envelope has also been provided for your use.

If you do not request exclusion from the Class, or if your letter of exclusion is not postmarked on or before July 5, 2025,<sup>2</sup> and the Court determines that you are a Class Member, you will be included in the Class and bound by any judgment ordered by the Court. In the event such judgment results from a settlement by the parties, you will have the right to object to the terms of the settlement, participate in the settlement, or exclude yourself from the settlement. If the case proceeds to judgment absent a settlement, and you are a Class Member, you will be bound by the judgment without any further opportunity to exclude yourself or to object.

If you exclude yourself, you will not be bound by the Court’s determination of the Class’ claims— whether positive or negative to the Class—and you will remain free to pursue your own claim for damages independently.

<sup>1</sup> In the usual course, if a court or an administrative agency were to find that the landlord’s conduct was “willful,” a penalty of treble (three times) the amount of the overcharge would be assessed for any excess funds collected by the landlord for the period immediately preceding the filing of the complaint. Penalties, such as treble damages, may NOT be sought in a class action, and by participating in this case you would be waiving that right.

<sup>2</sup> The date here will be sixty (60) days from the date notice is sent out.

### **NO RETALIATION PERMITTED**

State law prohibits Defendant from terminating your lease if you are a current tenant or retaliating against you in any fashion because you have joined and/or participated in this lawsuit. The law also provides for additional monetary damages and penalties for retaliation.

### **GETTING MORE INFORMATION**

This Notice summarizes this class action lawsuit. You can obtain more information by calling Class Counsel (Newman Ferrara LLP) at (212) 619-5400 or emailing Roger Sachar at [rsachar@nflfp.com](mailto:rsachar@nflfp.com).

All communications and discussions with Newman Ferrara LLP, other than requests to opt out of the lawsuit, are confidential and will not be disclosed without your consent.

Please do not contact the Court with questions involving this lawsuit.

Additional information about the lawsuit is available at [568UnionClassAction.com](http://568UnionClassAction.com) or by calling 1-888-864-6757.