

CHAFFEE COUNTY DISTRICT COURT  
*Cantonwine, et. al. v. John G. Mehos et. al.*  
Case No: 2018CV30021

**NOTICE OF CLASS ACTION, PROPOSED SETTLEMENT, AND HEARING**

**IF YOU RENTED ONE OF DEFENDANTS' APARTMENTS LOCATED AT 102-120 D STREET, 233 E. FIRST STREET, OR 117 ½ F STREET IN SALIDA, COLORADO, FROM APRIL 25, 2015 TO THE PRESENT, THIS CLASS ACTION LAWSUIT MAY AFFECT YOUR RIGHTS.**

**YOU MAY BE ELIGIBLE TO RECEIVE A PAYMENT FROM A CLASS ACTION SETTLEMENT.**

*The Chaffee County District Court Authorized This Notice  
This Is Not A Solicitation From A Lawyer.*

**PLEASE READ THIS NOTICE AND THE ENCLOSED CLAIM FORM CAREFULLY.**

- You may be a Class Member in one or more of the three proposed settlement classes:
  - One for negligence and premises liability claims for people who resided at the D Street apartments on May 2, 2017.
  - One for any person whose security deposits was not returned after renting one of Defendants' apartments in Salida located at 102-120 D Street apartments, 233 E. 1<sup>st</sup> Street, and 117 ½ F Street from April 24, 2017 to present.
  - One for any person who rented an apartment from Defendants at 102-120 D Street apartments, 233 E. 1<sup>st</sup> Street, and 117 ½ F Street from April 24, 2015 to present.
- You may be eligible to obtain a payment based upon your tenancy at one of the addresses listed above. You must qualify and submit a valid Claim Form in order to obtain a payment.
- **YOU WON'T RECEIVE COMPENSATION UNLESS YOU FILE A CLAIM BY NOVEMBER 25, 2023. To file a claim, visit the Settlement Website [www.MehosSettlement.com](http://www.MehosSettlement.com) to fill out the electronic Claim Form or call this number; 1-888-230-0024. It is a very quick process to file a claim.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
<b>SUBMIT A CLAIM FORM</b>	This is the only way to get a cash payment. Postmark or submit your Claim Form by November 25, 2023.
<b>EXCLUDE YOURSELF</b>	Get no settlement benefits. Remove yourself from both the Settlement and the lawsuit. Postmark your exclusion request by August 28, 2023.
<b>OBJECT</b>	Write to the Court about why you don't like the Settlement. File and serve your objection by November 25, 2023.
<b>GO TO A HEARING</b>	Ask to speak in Court about the fairness of the Settlement.
<b>DO NOTHING</b>	Get no cash payment. Give up your rights.

- These rights and options – ***and the deadlines to exercise them*** – are explained in this Notice.
- The Court in charge of this litigation still has to decide whether to approve the Settlement of this case. Distribution of settlement benefits will be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.

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**BASIC INFORMATION**

**1. What is this Lawsuit about?**

Plaintiffs filed this class action lawsuit (“Litigation”) against the Defendants John G. Mehos, William G. Mehos, William G. Mehos (in his capacity as trustee of the William G. Mehos Living Trusts Number 1, Number 2, and Number 3), Constantine Mehos, and M & M Rentals, LLC (“Defendants”) alleging that Defendants violated Plaintiffs’ rights by renting out apartments that were uninhabitable and by wrongfully retaining tenants’ security deposits. Defendant has denied and continues to deny Plaintiffs’ claims, and Defendant denies any wrongdoing or liability of any kind to Plaintiffs or to any member of the classes.

**2. Who is included in the Settlement Classes?**

There are three Settlement Classes.

The first class (“Class 1”) includes all persons who resided at the D Street apartments on May 2, 2017.

The second class (“Class 2”) includes any person whose security deposits was not returned after renting one of Defendants’ apartments in Salida located at 102-120 D Street apartments, 233 E. 1<sup>st</sup> Street, and 117 ½ F Street from April 24, 2017 to present.

The third class (“Class 3”) includes any person who rented an apartment from Defendants at 102-120 D Street apartments, 233 E. 1<sup>st</sup> Street, and 117 ½ F Street from April 24, 2015 to present.

### **THE SETTLEMENT BENEFITS – WHAT YOU MAY GET**

#### **3. Cash from the claims process.**

If you are a member of Class 1, you may obtain a cash payment in an amount calculated based upon a pro rata share of the settlement funds as compensation for economic and non-economic damages during the class period. If you are a member of Class 2, you may obtain a cash payment in an amount calculated based upon the amount of your deposit and any applicable penalties associated with wrongfully withholding that deposit. If you are a member of Class 3, you may obtain a cash payment in an amount calculated based upon pro rata share as reimbursement of rent paid during the class period.

### **HOW YOU APPLY TO GET A CASH PAYMENT—SUBMITTING A CLAIM FORM**

#### **4. How can I get a payment?**

You must return a Claim Form to get a cash payment. You can complete a paper or online version of a Claim Form. A copy of the Claim Form is included in this Notice Package. You can fill out and mail this form to the return address. You must do this by November 25, 2023. Alternatively, you can visit the Settlement website at [www.MehosSettlement.com](http://www.MehosSettlement.com) and fill out and submit the electric Claim Form by November 25, 2023. You can request a copy of the Claim Form by calling 1-888-230-0024 or sending an email to [MehosSettlement@atticusadmin.com](mailto:MehosSettlement@atticusadmin.com). You can also submit the Claim Form to this email address.

#### **5. How do I submit a claim?**

The Claim Forms are simple and easy to complete. The Claim Form requires that you provide:

1. Your name;
2. Your current mailing address and telephone number;
3. Your Social Security Number and date of birth;
4. Your apartment rental history as relevant to the allegations of this Settlement;
5. Your agreement to a statement that you are a Member of one of the Classes described above;  
AND
6. Your signature certifying under penalty of perjury that all of the information in your Claim Form is true and correct.

***Please return a Claim Form if you think that you have a claim. Returning a Claim Form is the only way to receive a cash payment from this Settlement. No claimant may submit more than one Claim Form.***

The Settlement Administrator may request additional information if the Claim Form is insufficient to process your claim. Failure to provide any requested documentation may result in the denial of your claim and may limit the type of remedy you receive.

#### **6. When is the Claim Form due?**

You must mail your Claim Form so that it is postmarked no later than November 25, 2023 or submit it electronically or email it by that same date.

#### **7. Who decides my claim?**

The Claim Forms will be reviewed by an independent Settlement Administrator according to criteria agreed to by the parties.

The Settlement Administrator may contact you if it needs additional information or otherwise wants to verify information on your Claim Form.

## **8. When would I get my payment?**

The Court will hold a Final Fairness Hearing at 8:30 a.m. on January 9, 2024, in Salida, Colorado, to decide whether to approve the Settlement. If the Court approves the Settlement, after that there may be appeals. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. If there are no appeals or other delays, a payment date will be determined as soon as possible.

## **9. What happens if I do nothing at all?**

You must timely return a valid Claim Form to receive a cash payment from this Settlement. If you do nothing, you will get no money from the settlement. But, unless you exclude yourself, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Defendant about the legal issues in this case.

### **EXCLUDING YOURSELF FROM THE SETTLEMENT**

## **10. How do I get out of the Settlement?**

If you do not wish to be included in the Classes and receive settlement benefits, you must send a letter stating that you want to be excluded from this lawsuit. Be sure to include your name, address, and telephone number and a clear statement indicating you choose to be excluded from the Settlement and do not wish to be a Settlement Class Member and choose to be excluded from any judgment entered pursuant to the Settlement.

You must mail your exclusion request postmarked no later than August 28, 2023 to:

Cantonwine Class Action  
c/o Atticus Administration  
PO Box 64053  
Saint Paul, MN 55164

If you asked to be excluded, you will not get any settlement payment, and you cannot object to the Settlement. You will not be legally bound by anything that happens in this lawsuit.

If you have a pending lawsuit against Defendants, speak to your lawyer immediately. You may need to exclude yourself from this lawsuit in order to continue your own lawsuit. Remember, the exclusion deadline is August 28, 2023.

### **THE LAWYERS REPRESENTING YOU**

## **11. Do I have lawyers in this case?**

The Court appointed Matthew K. Hobbs of Matthew K. Hobbs, P.C., P.O. Box 609, Salida, CO 81201, and Charles J. Cain and Brad Kloewer of Cain & Skarnulis, PLLC, P.O. Box 1064, Salida, CO 81201 to represent you and other Class Members. These lawyers are called Class Counsel. If you want to be represented by your own lawyer, you may hire one at your own expense, and enter your appearance in the lawsuit through your own lawyer.

## **12. How will the lawyers be paid?**

Class Counsel will ask the Court to award them attorneys' fees and expenses. Class Counsel will seek attorneys' fees and costs of up to \$350,000.00.

The Class Representatives will also ask the Court to award them an amount not to exceed \$10,000 to be distributed to each of the eight (8) Class Representatives for being the faces of this Litigation and for the time and energy spent in assisting with the investigation, drafting, and negotiation of this litigation.

The costs to administer the Settlement such as costs of settlement administration, mailing of Class Notice and Claim Forms to Class Members, providing adequate notification of Class Notice and Claim Form by way of mail, website, or other media, or other administrative costs will be deducted from the funds paid to Class Members.

**OBJECTING TO THE SETTLEMENT**

**13. How do I tell the Court that I do not like the Settlement?**

If you are a member of either Class, you can object to the Settlement if you do not like any part of it, and the Court will consider your views. To object, you must file an objection with the Court saying that you object to the Settlement in *Cantonwine et. al. v. John G. Mehos et. al. Case No. 2018CV30021*. The written objection must include: (a) your name, address, telephone number; (b) a detailed statement of each objection asserted, including the grounds for objection and reasons for appearing and being heard; and (c) any documents you wish to be considered in support of your objection. This objection must be filed with the Court and served on Class Counsel and Defense Counsel no later than November 25, 2023. Send your objection to:

Clerk of the Chaffee County District Court 142 Crestone Avenue Salida, CO 81201	Matthew K. Hobbs, P.C. Matthew Hobbs P.O. Box 609 Salida, CO 81201	Cain & Skarnulis PLLC Brad Kloewer P.O. Box 1064 Salida, CO 81201
Higgins, Hopkins, Mclain & Roswell, LLC Sheri Roswell Steven Heisdorffer Jean Meyer 3801 E. Florida Ave., Ste. 909 Denver, CO 80210	Marquez & Associates, LLC Matt Pearson Ernest Marquez P.O. Box 1203 Salida, CO 81201	Parrish & Jennings, LLC Reid Jennings Christopher Parrish 300 Plaza Dr., Ste. 195 Littleton, CO 80129

**14. What is the difference between objecting and excluding?**

Objecting is telling the Court that you do not like something about the Settlement. You can object only if you stay in one or more of the Classes. Excluding yourself is telling the Court that you do not want to be part of the Classes or the lawsuit. You cannot request exclusion **and** object to the Settlement. If you exclude yourself, you have no basis to object because the case no longer affects you.

**RELEASE OF CLASS MEMBERS' CLAIMS AND DISMISSAL OF LAWSUIT**

**15. In return for these benefits, what am I giving up?**

If the Court approves the proposed settlement and you do not request to be excluded from the Classes, you must release (give up) all claims related to this suit, and the case will be dismissed on the merits and with prejudice. The Release provides that Class Members will not be able to assert or continue certain claims against the Defendants, as described below. **This includes any other lawsuit or proceeding already in progress except for that described below.** Specifically, upon the Court's approval of the Settlement, the Class Members who do not exclude themselves will release and forever discharge the John G. Mehos, William G. Mehos, William G. Mehos (in his capacity as trustee for the William G. Mehos Living Trust Number 1), William G. Mehos (in his capacity as trustee for the William G. Mehos Living Trust Number 2), William G. Mehos (in his capacity as trustee for the William G. Mehos Living Trust Number 3), William G. Mehos, Constantine Mehos, and M & M Rentals, LLC, and any of their past, present, and future officials, employees, agents, representatives, and insurers from any and all claims, demands, debts, liabilities, actions, causes of actions of every kind and nature, obligations, damages, losses, and costs, whether known or unknown, actual or potential, suspected or unsuspected, direct or indirect, contingent or fixed, that were or could have been asserted or sought in the lawsuit *Cantonwine et. al. v. John G. Mehos et. al. Case No. 2018CV30021* relating in any way or arising out of a Class Member residing at 102-120 D Street apartments, 233 E. 1<sup>st</sup> Street, and 117 ½ F Street from April 24, 2015 to present; being denied return of a security deposit after vacating any of the properties located at 102-120 D Street apartments, 233 E. 1<sup>st</sup> Street, and 117 ½ F Street; and from any and all claims, causes of action, liability, and demands, fixed or contingent, damages suffered by Class Members in connection with the claims from which the Defendants will be released.

## THE FINAL APPROVAL HEARING

### **16. When and where will the Court decide whether to approve the Settlement?**

The Judge will hold a Final Approval Hearing at 8:30 a.m. on January 9, 2024 at the Chaffee County District Courthouse, 142 Crestone Avenue, Salida, Colorado 81201. At this hearing, the Judge will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Judge will consider them. The Judge will listen to people who have asked to speak at the hearing. After the hearing, the Judge will decide whether to approve the Settlement. We do not know how long this decision will take.

### **17. Do I have to come to the hearing?**

No. Class Counsel will answer questions the Judge may have. But you are welcome to come at your own expense. If you submit an objection, you do not have to come to the Court to talk about it. As long as you deliver your written objection on time, the Judge will consider it. You may also pay your own lawyer to attend, but it is not necessary.

### **18. May I speak at the hearing?**

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must file with the Court a "Notice of Intention to Appear in *Cantonwine et. al. v. John G. Mehos et. al. Case No. 2018CV30021*." Be sure to include your name, address, telephone number, your signature, and a *statement under penalty of perjury that you are a member of one of the Classes*. The Notice of Intention to Appear must also include (i) how much time the Class Member and/or her/his attorney anticipates needing to present her or his objection; (ii) the name, address, and telephone number of the Class Member making the objection, and a summary of the testimony supporting the objection; (iii) the name, address, and telephone number of all witnesses the Class Member and/or her/his attorney intends to present testimony from, including a summary of the testimony, and (iv) the identity of all exhibits the Class Member and/or her/his attorney intends to offer in support of the objection(s), and a complete copy of all exhibits. Your Notice of Intention to Appear must be filed no later than November 25, 2023 and be sent to the Clerk of the Court, Class Counsel, and Defense Counsel at the three addresses listed in paragraph 13.

## GETTING MORE INFORMATION

### **19. Are there more details about the Settlement?**

This Notice summarizes the proposed settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement by writing to the Settlement Administrator or on the internet at [www.MehosSettlement.com](http://www.MehosSettlement.com).

If you have any questions about how to complete a Claim Form, you can call the Settlement Administrator at 1-888-230-0024.

***EXCEPT FOR WRITTEN OBJECTIONS TO THE COURT, PLEASE DO NOT CONTACT THE COURT OR ANY REPRESENTATIVE OF THE DEFENDANT CONCERNING THIS NOTICE OR THIS LAWSUIT.***

/s/ Matthew K. Hobbs

DATED: NOTICE MAIL DATE

BY ORDER OF THE CHAFFEE COUNTY  
DISTRICT COURT