UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

CHRISTOPHER HEIEN, et al, Individually and on behalf of all others Similarly situated,))))		
v.	Plaintiffs,)	Case No.	1:12-cv-11079-RGS
Archstone, et al,)		
	Defendants.)		

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

TO: All current and former tenants of any of the following properties:

- Archstone, Quincy, MA
- Archstone Boston Common, Boston, MA
- Archstone Kendall Square, Cambridge, MA
- Archstone Quarry Hills, Quincy, MA
- Archstone Watertown, Watertown, MA
- Archstone Bear Hill, Waltham, MA
- Archstone Cronin's Landing, Waltham, MA
- Archstone North Point, Cambridge, MA
- Archstone Avenir, Boston, MA

which were formerly or are currently owned by Archstone and who paid, at any time between May 17, 2008 and March 27, 2014 a fee or charge known as an Amenity Fee prior to or upon moving into their apartment (hereinafter "Class").

IF YOU ARE A MEMBER OF THIS CLASS, THEN PLEASE READ THIS NOTICE CAREFULLY BECAUSE IT WILL AFFECT YOUR LEGAL RIGHTS.

This Action was filed by Christopher Heien and several other individuals (hereinafter "Plaintiffs") on behalf of themselves and all others similarly situated against the legal owners of the above-named properties (hereinafter "Archstone") seeking a refund of an Amenity Fee paid prior to the move-in date for their apartment as well as damages and attorneys' fees and costs under the Massachusetts Consumer Protection Act. The Action is pending in the U.S. District Court.

The Plaintiffs, individuals who paid the Amenity Fee to Archstone, have been preliminarily appointed as Representatives of the Class.

Archstone has denied liability as to all of the Plaintiffs' claims and as to any and all damages.

The Plaintiffs have entered into a settlement with Archstone to settle all claims asserted by the Class. A complete copy of the Settlement Agreement can be found by requesting a copy of same from one of the attorneys for the Plaintiffs shown on the last page of this Notice.

The attorneys for the Plaintiffs have been appointed as counsel for the Class. As such, they have concluded that it is in the best interests of the Plaintiffs and the Class that their claims be settled and released on the terms in the Settlement Agreement. In addition, counsel for the Class believes that the settlement is fair, reasonable and adequate for members of the Class.

SETTLEMENT TERMS

As more fully described in the Settlement Agreement, if the Settlement Agreement is given final approval, the following will result:

- (a) Class Members who participate will be reimbursed up to 66% of the paid Amenity Fee plus interest on the paid sum at the rate of 2.5% per annum since the date of payment.
- (b) Archstone will not charge the Amenity Fee in Massachusetts unless there is a change in the law to permit it to do so.
- (c) Participation in the settlement (assuming Final Approval) requires only the completion and return of the Proof of Claim form and verification of your status as a Class Member.
- (d) Up to \$25,000.00 in unclaimed funds will be paid to a tenant rights group.
- (e) Any unclaimed funds after administration expenses will belong to Archstone.
- (f) Class Members who do not specifically opt-out of the settlement will release Archstone from all claims and damages relating to the Amenity Fee.
- (g) The Plaintiffs will receive \$1,000.00 each for their release of all claims and their services as class representatives.
- (h) The attorneys for the Class will receive fees and expenses in an amount to be set by the Court.
- (i) Class Members who want to claim a refund must complete and return the Proof of Claim form which is included with this Notice. The time for filing a Proof of Claim expires on June 9, 2014 at 5:00 p.m. Eastern Standard Time.

FAIRNESS HEARING

The Court will make a final decision on whether the Class should be certified and whether the settlement should be approved for the Class on: June 16, 2014. This "Fairness Hearing" will be conducted at:

Fifth Floor U.S. District Court 1 Courthouse Way Boston, MA 02210 Courtroom Of Judge William G. Young

At the Fairness Hearing, the Court will consider comments and objections to the proposed settlement.

WHAT CLASS MEMBERS CAN DO

(1) IF YOU DO NOT OBJECT TO THE SETTLEMENT, THEN:

- (a) If you are a member of the Class and want to make a claim for a refund of the Amenity Fee you paid, you MUST COMPLETE AND SUBMIT THE ATTACHED PROOF OF CLAIM BEFORE 5:00 P.M. EST ON June 9, 2014.
- (b) If you do not timely submit a Proof of Claim, you will lose your right to claim a refund if the settlement is approved.

(2) **IF YOU OBJECT TO THE SETTLEMENT, THEN:**

(a) If you are a member of the Class and want to object to any part of the proposed settlement, then you must file your objection in writing with the Court at least five (5) days prior to the date of the Fairness Hearing. You must also serve copies of your objection on Class Counsel

and Archstone's Counsel. The Court's address is shown above, and the addresses of Class Counsel and Archstone's Counsel appear below.

(b) If you wish to appear at the Fairness Hearing, you may do so, but you will not be allowed to speak unless you have filed an objection in writing as set forth above and included your name and address in it. Any documents you want the Court to consider must be included with your objection.

(3) IF YOU WANT TO OPT-OUT OF THE SETTLEMENT, THEN:

(a) You should complete the portion of the Proof of Claim form entitled "ELECTION NOT TO PARTICIPATE" and return the signed form to the Settlement Administrator by 5:00 p.m. EST on June 9, 2014.

(4) **IF YOU WANT MORE INFORMATION, THEN:**

If you want to discuss the Action, the settlement, your options, or obtain copies of any documents relating to the settlement, please contact:

Matthew J. Fogelman Fogelman & Fogelman 100 Wells Avenue Newton, MA 02459 (617/ 559-1530) mjf@fogelmanlawfirm.com

MISCELLANEOUS

PLEASE DO NOT CALL OR WRITE THE CLERK OF THE COURT. THE CLERK CANNOT ANSWER QUESTIONS ABOUT THE CASE OR THE SETTLEMENT.

Counsel For The Plaintiffs And The Class Are:

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