

COMMONWEALTH OF MASSACHUSETTS
WORCESTER SUPERIOR COURT

If You Resided at a Salmon Heath-Affiliated Assisted Living Residence in Massachusetts Between September 4, 2016 and the Present, You May Be Entitled to Monetary Compensation.

THE MASSACHUSETTS SUPERIOR COURT AUTHORIZED THIS NOTICE.

YOU ARE NOT BEING SUED.

THIS IS NOT A SOLICITATION FROM A LAWYER.

A Settlement has been reached in a putative class action lawsuit against: Continuing Care Management LLC; Whitney Place at Sharon LLC; Whitney Place at Sharon Limited Partnership, d/b/a Whitney Place at Sharon; Whitney Place at Sharon Management LLC; Salmon Health and Retirement; and SHI II Whitney Place Sharon, LLC (collectively “Salmon Health”) where Plaintiff, Joel Burman as the Legal Representative of the Estate of Mary Burman (“Plaintiff”) alleged that assisted living residences owned and/or operated by a Salmon Health affiliate in Massachusetts (“Salmon Health’s ALRs”) unlawfully collected upfront Community Fees and unlawfully handled Last Month’s Charges payments.

Salmon Health denies the allegations in the lawsuit and the Court has not decided the matter.

The Settlement offers payments to Class Members **who file valid claims or alternatively are not required to file a claim form as detailed below.**

Your legal rights are affected whether you act or do not act. **READ THIS NOTICE CAREFULLY.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
SUBMIT A CLAIM FORM	If you are a former resident Class Member, you must submit a completed Claim Form to receive a payment. The Claim Form is attached with this Notice, and available online. If the Court approves the Settlement and it becomes final and effective, and you remain in the Class, you will receive payment by check. In the event that you are presently a resident Class Member who resides at a Salmon Health facility, you are not required to submit a claim form at this time.
OBJECT	Write to the Court if you do not like the Settlement.
GO TO A HEARING	Ask to speak in Court about the fairness of the Settlement.
DO NOTHING	You will not receive a payment if you are required to timely submit a completed claim form and you fail to do so; and you will forever give up your right to bring your own lawsuit against Salmon Health about the claims at issue in this case.

YOUR RIGHTS AND OPTIONS—AND THE DEADLINES TO EXERCISE THEM—ARE EXPLAINED IN THIS NOTICE.

The Court in charge of this case still has to decide whether to finally approve the Settlement. If it does, and after any appeals are resolved, benefits will be distributed to those who submit qualifying claim forms and to those who are eligible for payment without having to submit claim forms. Please be patient.

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BASIC INFORMATION

1. Why is there a notice?

A Court authorized this notice because you are entitled to be informed about a proposed settlement of the class action lawsuit entitled: Joel Burman as the Legal Representative of the Estate of Mary Burman, et al. v. Continuing Care Management LLC; Whitney Place at Sharon LLC; Whitney Place at Sharon Limited Partnership, d/b/a Whitney Place at Sharon; Whitney Place at Sharon Management LLC; Salmon Health and Retirement; and SHI II Whitney Place Sharon, LLC, Worcester Superior Court, Civil Action No.: 2085-CV-00971; and further, your options before the Court decides whether to grant Final Approval of the Settlement. This notice explains the lawsuit, the proposed Settlement, and your legal rights.

The person who sued is called the “Plaintiff.” Salmon Health is called the “Defendant.”

2. What is this litigation about?

The lawsuit alleges that Salmon Health’s ALRs unlawfully collected upfront Community Fees and unlawfully handled Last Month’s Charges payments; and that Salmon Health is liable for actual damages to the named Plaintiff and a Class of current and former Salmon Health ALR residents in the State of Massachusetts.

Salmon Health denies all allegations of wrongdoing, liability, and damages that were or could have been asserted in the litigation; and further, denies that the claims in the litigation would be appropriate for class treatment if the litigation were to proceed through litigation and trial.

The Plaintiff’s Complaint, Settlement Agreement and other case-related documents are posted on the website: www.SalmonHealthALRSettlement.com. The Settlement resolves the lawsuit. The Court has not decided liability in this matter.

3. What is Massachusetts’s Consumer Protection Act?

The Massachusetts Consumer Protection Act (M.G.L. c. 93A) is a Massachusetts state law that prohibits unfair or deceptive acts or practices in the conduct of any trade or commerce. In this case the Plaintiff alleged that Salmon Health unlawfully collected upfront Community Fees and unlawfully handled Last Month’s Charges payments, in violation of the Consumer Protection Act.

4. Why is this a class action?

In a class action the individual(s) referred to as the “Class Representative” (in this case, Joel Burman as the Legal Representative of the Estate of Mary Burman) brings a claim on behalf of himself and other people with similar claims.

All of the people who have claims similar to the Class Representative are members of the Class.

5. Why is there a settlement?

The Court has not found for either the Plaintiff or Salmon Health. Instead, both sides have agreed to a settlement. By agreeing to the Settlement, the parties avoid the costs and uncertainty of a trial, and if the Settlement is approved by the Court, Settlement Class Members will receive the benefits described in this Notice. The Plaintiff and his lawyers believe the proposed Settlement is best for all ALR residents affected.

WHO IS PART OF THE SETTLEMENT?

6. Who is included in the Settlement?

The Settlement includes:

All current and former residents during the Class Period as defined of Assisted Living Residences (“ALRs”) in Massachusetts managed, owned, and/or operated by Salmon Health in the Commonwealth who:

- A. Paid a Community Fee; and/or**
- B. Paid an amount in consideration of so-called Last Month’s Charges; and**
- C. Has not previously entered into a settlement with Salmon Health regarding claims concerning Community Fees and/or Last Month’s Charges.**

These people are called the “Class” or “Class Members.”

The Class shall exclude any current or former residents of a Massachusetts ALR managed, owned, and/or operated by Salmon Health who have already entered into a settlement with Salmon Health regarding claims concerning Community Fees and/or Last Month’s Charges. Also excluded from the Settlement Class are (A) Defendant, Defendant’s officers, Defendant’s directors, and their immediate family members; (B) Class Counsel; and (C) The Judges who have presided over the Litigation and their immediate family members.

7. What if I am not sure whether I am included in the Settlement?

If you are not sure whether you are in the Settlement Class, or have any other questions about the Settlement, visit the settlement website at www.SalmonHealthALRSettlement.com or call the toll-free number, 1-833-520-3800. You also may send questions to the Settlement Administrator at Salmon Health ALR Settlement Program, BrownGreer, PLC – Settlement Administrator, PO Box 25277, Richmond, VA 23260.

THE SETTLEMENT BENEFITS

8. What does the Settlement provide?

Salmon Health has agreed to make payments to Class Members, in accordance with the procedures set forth herein, in the total claim fund amount of \$1,000,000.00 (“Claim Fund”). The Claim Fund includes not only the payments to be made to all participating Class Members, but also the payment of the costs of class notice, class administration, litigation costs, attorneys’ fees, and the Plaintiff’s incentive award.

(1) THE CLAIM FUND:

- i. Payments. Salmon Health shall make a total settlement, in accordance with the claims procedures set forth herein, of \$1,000,000.00. These payments shall cover all payments to be made to participating Settlement Class Members (“Claim Fund”), as well as the costs of class notice, class administration, Plaintiff’s incentive award and Plaintiff’s counsel’s costs and fees. The Claim Fund class payments shall be distributed to:

- A. Any former resident Settlement Class Member who paid a Community Fee or Last Month's Charges fee during the Class Period and who completes the required claim form. Said Class Member shall be entitled to their *pro rata share of the Claim* fund, which amount shall be distributed by the Claims Administrator in the manner set forth herein.
- B. Any Settlement Class Member who, as of the time of Final Approval, is a current resident Settlement Class Member of a Salmon Health ALR and who paid a Community Fee or Last Month's Charges during the Class Period. Said Class Member shall be entitled to their *pro rata* share of the Claim Fund, which amount shall be distributed by the Claims Administrator in the manner set forth herein. Current resident Class Members shall not be required to fill out a claim form to be entitled to their *pro rata* share of the Claim fund.
- C. The cost of class notice and administration, shall be funded by the \$1,000,000.00 amount deposited into the Claim Fund.
- D. Unclaimed Funds: Should any former resident Settlement Class Member fail to timely complete the requisite claim form, then it is agreed that any such monies earmarked for said person shall be redistributed to all participating Class Members. Thereafter, in the event that any checks which are distributed to any participating Class Members remain uncashed for more than 90 days from the date of issuance, it is agreed that said monies are to be paid to the Massachusetts IOLTA Committee as a *cy pres* beneficiary.

(2) REMEDIAL MEASURES/ EQUITABLE RELIEF.

- A. Last Month's Charges Fee. Going forward, for all current and prospective residents at ALRs owned, operated, and/or managed by Salmon Health in Massachusetts, Salmon Health handle all such deposits in compliance with M.G.L. c. 186, section 15B.
- B. Community Fees. Going forward, Salmon Health shall deposit Community Fees collected from such residents in a separate account and allocate such funds solely for ALR-distinctive services.

Subsequent Legal Confirmation. The remedial measures described in Sections (2)A and (2)B above shall continue to the earlier of: (i) judicial, legislative, or regulatory guidance confirming that such an approach is not necessary to comply with M.G.L., §15B and or M.G.L 19D, § 1; or (ii) a five-year period which commences upon the anticipated date of the final approval of the Settlement.

IN THE EVENT THAT YOU ARE PRESENTLY A RESIDENT CLASS MEMBER WHO IS RESIDING AT A SALMON HEALTH FACILITY, YOU ARE NOT REQUIRED TO SUBMIT A CLAIM FORM AT THIS TIME, AS YOU WILL BE PAID DIRECTLY BY THE CLAIMS ADMINISTRATOR.

IF YOU ARE A FORMER RESIDENT CLASS MEMBER: YOU MUST COMPLETE AND SUBMIT A VALID CLAIM FORM TO RECEIVE PAYMENT. A COPY OF THE CLAIM FORM IS ENCLOSED WITH THIS NOTICE.

YOU CAN ALSO DOWNLOAD, COMPLETE, AND FILE YOUR CLAIM FORM ONLINE AT:

www.SalmonHealthALRSettlement.com

THE DEADLINE TO FILE A CLAIM ONLINE IS: 11:59 p.m. EDT ON THE TWENTY-EIGHTH DAY (4 WEEKS) FROM THE DATE OF FINAL APPROVAL.

QUESTIONS? CALL 1-833-520-3800 OR VISIT www.SalmonHealthALRSettlement.com

If you received a Claim Form in the mail with a summary of this Notice, simply complete, sign, and mail the form by U.S. Mail to the address below.

Claim Forms submitted by mail must be postmarked on or before **the twenty-eighth day (four weeks) from the date of Final Approval** to:

Salmon Health ALR Settlement Program
BrownGreer, PLC – Settlement Administrator
PO Box 25277
Richmond, VA 23260

No matter which method you choose to file your Claim Form, please read the Claim Form carefully and provide all the information required.

The Settlement Administrator will have the discretion to reject the claim if it determines that Salmon Health’s records reveal that you did not reside at a Salmon Health ALR during the Class Period.

You may submit a claim on behalf of a Settlement Class Member if you are a legally authorized representative of such Settlement Class Member or his/her estate. In order to do so, complete the portion of the Claim Form titled “Authorized Representatives Claim Form,” which must be accompanied by either a death certificate pertaining to the Settlement Class Member or an accompanying notarized statement that you are an Authorized Representative of the Settlement Class Member and/or the Settlement Class Member’s Estate.

9. When will I receive my payment?

Payments to Settlement Class Members will be made only after the Court grants Final Approval of the Settlement and after the appeals period expires (or any appeals are resolved) (see “Final Approval Hearing” below). If there are appeals, resolving them can take time. Please be patient.

10. If Final Approval is granted, can I sue Salmon Health for the same issues later?

No. As a member of the Class, you will give up the right to sue Salmon Health individually for the claims that are resolved by the Settlement.

11. What am I giving up as a member of the Settlement Class?

Upon Final Approval, you cannot sue or be part of any other lawsuit against Salmon Health regarding the issues in this case, including any existing litigation, arbitration, or proceeding.

The Settlement Agreement is available at www.SalmonHealthALRSettlement.com. The Settlement Agreement provides more detail regarding the release and describes the released claims with specific descriptions in necessary, accurate legal terminology, so read it carefully. You can talk to the law firm representing the Class listed herein for free or you can, at your own expense, talk to your own lawyer if you have any questions about the released claims or what they mean.

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in the case?

The Court has appointed the following lawyers as “Class Counsel” to represent all members of the Settlement Class.

Robert E. Mazow, Esq.
 Michael C. Forrest, Esq.
 Forrest, Mazow, McCullough,
 Yasi & Yasi, P.C.

You will not be charged for these lawyers’ services. If you want to be represented by another lawyer, you may hire one to appear in Court for you at your own expense.

13. How will the lawyers be paid?

Class Counsel intends to request fees from the Claim Fund subject to the approval of the Court presiding over this Class Action.

OBJECTING TO THE SETTLEMENT

14. How do I tell the Court if I do not like the Settlement?

Any Class Member wishing to object to the approval of this Settlement, and/or seeking to oppose the Fee and Expense Application, shall inform the Court and the Parties in writing of his or her intent to object or oppose by following the procedure set forth in the Notice within forty-five (45) days, or such number of days as the Court shall specify, from the date of entry of the Preliminary Approval Order. To be effective, any objection must contain:

- (1) A heading which properly refers to the Action;
- (2) The name, address, telephone number, and signature of the Class Member filing the objection;
- (3) A statement whether the objector intends to appear at the Final Approval Hearing, either in person or through counsel, and, if through counsel, identifying counsel by name, BBO #, address and phone number;
- (4) A statement of the legal and factual bases for each objection, and if through counsel, a legal memorandum in support of the objection;
- (5) A description of any evidence the objector intends to offer at the Final Approval Hearing; notification as to whether the objector (or his/her counsel) intends to speak at the Final Approval Hearing; and
- (6) Documentary proof of membership in the Class.

If the Class Member is represented by counsel, counsel must comply with all applicable Massachusetts laws and rules for filing pleadings and documents in Massachusetts courts.

To be effective, the objection must be sent by the objector or a legally authorized representative on an individual basis and not as part of a group, class, or subclass.

Any Class Member who fails to timely file such a written statement of his/her or its intention to object or oppose shall be foreclosed from making any objection to this Settlement Agreement and/or filing any opposition to the Fee and Expense Application, except as permitted by the Court.

If you wish to object, you must file your objection with the Court by mailing your objection to each of the following three (3) addresses, and your objection must be postmarked by **April 10, 2023**:

Clerk of the Court	Class Counsel	Defendant's Counsel
Worcester County Superior Court Attn: CA No. 2085-CV-00971D 225 Main Street Worcester, MA 01608	Robert E. Mazow, Esq. Forrest, Mazow, McCullough, Yasi & Yasi, P.C. 2 Salem Green Salem, MA 01970	Louis M. Ciavarra, Esq. Bowditch 311 Main Street Worcester, MA 01608

THE FINAL APPROVAL HEARING

The Court will hold a hearing to decide whether to approve the Settlement and any requests for fees and expenses ("Final Approval Hearing").

15. When and where will the Court decide whether to approve the Settlement?

The Court has scheduled a Fairness Hearing on **May 9, 2023 at 2:00 p.m. at the Worcester County Superior Court, 225 Main Street, Worcester, MA**. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.SalmonHealthALRSettlement.com for updates. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider the requests by Class Counsel for attorneys' fees and expenses and for an Incentive Award to be paid to the Class Representative. The Court will also consider any objections at that time. After the hearing, the Court will decide whether to approve the Settlement. It is unknown how long these decisions will take.

16. Do I have to attend the hearing?

No. Class Counsel will answer any questions the Court may have. You are welcome to attend the hearing at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you submitted your written objection on time, to the proper addresses, and it complies with all the other requirements set forth above, the Court will consider it. You also may retain your own lawyer to attend the hearing, but it is not necessary.

17. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, your timely filed objection must include a statement that you intend to appear at the Fairness Hearing. (See question 14).

IF YOU DO NOTHING

18. What happens if I do nothing at all?

If you are a Settlement Class Member who is not a current resident of a Salmon Health ALR, and you do not file a timely claim, you will not get any of the benefits of the settlement.

If you are a settlement class member who currently resides at a Salmon Health ALR, and you do nothing, you will still receive payment per the agreement.

GETTING MORE INFORMATION

19. How do I get more information?

This notice summarizes the proposed Settlement. You are urged to review more details in the Settlement Agreement. For a complete, definitive statement of the Settlement terms, refer to the Settlement Agreement at www.SalmonHealthALRSettlement.com. You also may write with questions to the Settlement Administrator at Salmon Health ALR Settlement Program, BrownGreer PLC – Settlement Administrator, PO Box 25277, Richmond, VA 23260, or call the toll-free number, 1-833-520-3800.