

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

**If you lived at Harry Poe Manor in Waukegan, IL,
at any time from January 1, 2011, to April 22, 2019,
a bedbug class action lawsuit may affect your rights.**

A court authorized this notice. This is not a solicitation from a lawyer.

- Residents have sued Waukegan Housing Authority (“WHA”) and some of its directors and employees who operate the housing project, alleging that they failed to adequately respond to a years-long bedbug infestation in the apartment building.
- The Court has allowed the lawsuit to be a class action on behalf of everyone who resided in Harry Poe Manor at any time from January 1, 2011, to April 22, 2019.
- The Court has not decided whether WHA and/or its directors and employees did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
DO NOTHING	<p>Stay in this lawsuit. Await the outcome. Give up certain rights. By doing nothing, you keep the possibility of getting money or benefits that may come from a trial or settlement. But, you give up any rights to sue WHA and/or its directors and employees separately about the same legal claims in this lawsuit.</p>
ASK TO BE EXCLUDED	<p>Get out of this lawsuit. Get no benefits from it. Keep rights. If you ask to be excluded and money and benefits are later awarded, you won’t share in those. But, you keep any rights to sue WHA and/or its directors and employees separately about the same legal claims in this lawsuit.</p>

- Your options are explained in this notice. To ask to be excluded, you must act before **December 31, 2019.**
- Lawyers must prove the claims against WHA and/or its directors and employees at a trial. No trial date has been scheduled yet. If money or benefits are obtained from WHA and/or its directors and employees, you will be notified about how to ask for a share. If your contact information changes, please contact Amy Lonergan of Finn & Finn, Ltd. at lonerganamy@waukegan.com or call her office at (847) 599-0202. Amy is one of the lawyers representing the residents.
- If you know other residents who may be affected by this lawsuit, please feel free to share this information with them. Current contact information is not known for all former residents.
- **Any questions? Read on and visit www.waukegan.com/poemanor**

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BASIC INFORMATION

1. Why did I get this notice?

WHA's records show that you lived at Harry Poe Manor for some period of time between January 1, 2011, to April 22, 2019. This notice explains that the Court has allowed, or "certified," a class action lawsuit that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made against WHA and/or its directors and employees, on your behalf, are correct. Judge John J. Tharp, Jr. of the United States District Court for the Northern District of Illinois, Eastern Division, is overseeing this class action. The lawsuit is known as *Phillips, et al., v. Waukegan Housing Authority, et al.*, Civil Action No. 13-CV-08444.

2. Am I part of this Class?

Judge Tharp decided that all residents who resided in Harry Poe Manor at any time from January 1, 2011, to April 22, 2019, are class members. If you are not sure whether you are included or affected by this lawsuit, you can call or write to Amy Lonergan of Finn & Finn, Ltd. at lonerganamy@waukegan.com or call her office at (847) 599-0202. Amy is one of the lawyers in the case. The others are listed in question 14 with additional contact information.

3. What is this lawsuit about?

This lawsuit is about whether WHA and/or its directors and employees took appropriate prevention and eradication measures in response to the bedbug infestation at Harry Poe Manor.

4. What is a class action and who is involved?

In a class action lawsuit, one or more people called "Class Representatives" (in this case Timothy Phillips and other residents) sue on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." The residents who sued—and all the Class Members like them—are called the Plaintiffs. The parties they sued (in this case WHA, its directors and employees) are called the Defendants. One court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class.

5. Why is this lawsuit a class action?

The Court decided that this lawsuit can be a class action and move towards a trial because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. Specifically, the Court found that:

- The Class is clearly defined and its members are ascertainable. At minimum, over half of the residents during the Class time period experienced a bedbug infestation while living at Harry Poe Manor;
- There were more than 400 head of household residents at Harry Poe Manor during the relevant time;
- There are legal questions and facts that are common to each of them;
- The Class Representatives' claims are typical of the claims of the rest of the Class;
- The Class Representatives, and the lawyers representing the Class will fairly and adequately represent the Class' interests;
- The common legal questions and facts are more important than questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

More information about why the Court is allowing this lawsuit to be a class action is in the Court's Memorandum Opinion and Order certifying the class, which is available at www.waukegan.com/poemanor.

THE CLAIMS IN THE LAWSUIT

6. What does the lawsuit complain about?

In the lawsuit, the Plaintiffs say that WHA and/or its directors and employees knew about the bedbug infestation and risk of harm but systemically failed to adequately respond for the protection and habitability of the people who lived there. The Plaintiffs say this violated the residents' constitutional rights because WHA is a government actor who put the residents in danger and made it worse. The Plaintiffs also say that: the Defendants deceived residents about the infestation and tried to conceal it, the Defendants did not follow federal health and safety regulations and Illinois laws, the Defendants breached their leases with residents, and WHA received excessive rent because the Defendants' actions made the housing substandard. You can read the Plaintiffs' 5th Amended Class Action Complaint at www.waukegan.com/poemanor.

7. How does WHA and/or its directors and employees answer?

WHA and its directors and employees deny that they did anything wrong. They say their response to the bedbug infestation was sufficient and that they didn't hide it from residents. They claim they are immune from the allegations in this lawsuit because of their status as a government entity. They say they did not violate Plaintiffs' constitutional rights and that they were exercising discretion in deciding how to respond to the bedbugs. You can read the Defendants' Answer and Affirmative Defenses to the complaint at www.waukegan.com/poemanor.

8. Has the Court decided who is right?

The Court hasn't decided whether the Defendants or the Plaintiffs are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that the Plaintiffs will win or lose this case. The Plaintiffs must prove their claims at a trial. No trial date has been scheduled yet. (See "The Trial" below on page 4).

9. What are the Plaintiffs asking for?

The Plaintiffs are asking the Court to order WHA and its directors and employees to pay for a building-wide inspection and to disclose the results of the inspection and the history of the bedbug infestation. The Plaintiffs also want the Court to order the Defendants to implement a best practices plan to get rid of the bedbugs, or alternatively to pay for having the building evacuated and fumigated. The Plaintiffs want the Court to order periodic updates and to tell the Defendants they can't retaliate against anyone for bringing this lawsuit. The Plaintiffs want money for the harm the bedbug infestation caused them. The Plaintiffs want extra money from WHA's directors and employees because the Plaintiffs claim they acted intentionally and/or without care for the harm to Plaintiffs.

10. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether WHA and its directors and employees did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to ask for a share.

YOUR RIGHTS AND OPTIONS

11. What happens if I do nothing at all?

You don't have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing you are staying in the Class. If you stay in and the Plaintiffs obtain money or benefits, either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement). Keep in mind that if you do nothing now, regardless of whether the Plaintiffs win or lose the trial, you will not be able to sue, or continue to sue, WHA, or its directors or employees—as part of any other lawsuit—about the same legal claims that are the subject of this lawsuit. This means that if you do nothing, you may only be able to sue for bedbug infestation claims at Harry Poe Manor that occurred before January 1, 2011 or occur after April 22, 2019, only. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

12. How do I ask the Court to exclude me from the Class?

To ask to be excluded, you must send an "Exclusion Request" in the form of a letter sent by mail, stating that you want to be excluded from *Phillips v. WHA*. Be sure to include your name and address, and sign the letter. You must mail your Exclusion Request postmarked by December 31, 2019, to: Amy Lynn Lonergan, Finn & Finn, Ltd., 128 N. West Street, Waukegan, Illinois 60085. You may also get an Exclusion Request form at the website, www.waukegan.com/poemanor.

13. Why would I ask to be excluded?

If you already have your own bedbug lawsuit against WHA and/or its directors and employees and want to continue with it, you need to ask to be excluded from the Class. If you exclude yourself from the Class—which also means to remove yourself from the Class, and is sometimes called "opting-out" of the Class—you won't get any money or benefits from this lawsuit even if the Plaintiffs obtain them as a result of the trial or from any settlement (that may or may not be reached) between the Defendants and the Plaintiffs. However, you may then be able to sue or continue to sue the Defendants for bedbug-related claims that occurred or occurs at any time. If you exclude yourself, you will not be legally bound by the Court's judgments in this class action. If you start your own lawsuit against the Defendants after you exclude yourself, you'll have to hire and pay your own lawyer for that lawsuit, and you'll have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against the Defendants, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations. Note that if you exclude yourself from this lawsuit and you are currently living at Harry Poe Manor, any changes made to the Defendants' policies about bedbugs would still apply to you.

THE LAWYERS REPRESENTING YOU

14. Do I have a lawyer in this case?

The Court decided the following law firms are qualified to represent you and all Class Members. Together the law firms are called “Class Counsel.” They are experienced in handling similar cases. More information about these law firms, their practices, and their lawyers’ experience is available at their websites.

Amy Lynn Lonergan
Finn & Finn, Ltd.
128 N. West Street
Waukegan, Illinois 60085
(847) 599-0202
www.waukegan.com

Jed H. Stone
Stone & Associates
415 Washington Street,
Suite 107
Waukegan, IL 60085
(847) 336-7888
www.jedstone.com

Jeff Lipman
Lipman Law Firm
1454 30th Street, Suite 205
West Des Moines, IA 50266
(515) 276-3411
www.lipmanlawfirm.com

Steven P. Wandro
Wandro & Associates, P.C.
2501 Grand Avenue, Suite B
Des Moines, Iowa 50310
(515) 281-1475
www.wandroandassociates.com

15. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will have to pay that lawyer. For example, you can ask him or her to appear in Court for you if you want someone other than Class Counsel to speak for you.

16. How will the lawyers be paid?

If Class Counsel get money or benefits for the Class, they will ask the Court for fees and expenses. You won’t have to pay these fees and expenses. If the Court grants Class Counsel’s request, the fees and expenses would be either deducted from any money obtained for the Class or paid separately by WHA and/or its directors and employees.

THE TRIAL

The Court will schedule a trial to decide who is right in this case.

17. How and when will the Court decide who is right?

As long as the case isn’t resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs’ claims at a trial. No trial date has been set yet. During the trial, a Jury or the Judge will hear all of the evidence to help them reach a decision about whether the Plaintiffs or Defendant are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win, or that they will get any money for the Class.

18. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for the Plaintiffs, and WHA and/or its directors and employees will present the defenses. You or your own lawyer are welcome to come at your own expense.

19. Will I get money after the trial?

If the Plaintiffs obtain money or benefits as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take.

GETTING MORE INFORMATION

20. Are more details available?

Visit the website, www.waukegan.com/poemanor, where you will find the Court’s order certifying the class, the complaint that the Plaintiffs submitted, the Defendant’s answer to the complaint, as well as an Exclusion Request form. You may also speak to one of the lawyers, Amy Lonergan of Finn & Finn, Ltd., by emailing her at lonerganamy@waukegan.com or calling her office at (847) 599-0202.