

**FULL NOTICE OF SETTLEMENT TO THE CLASS OF PERSONS WHO RESIDED AT THE PINE AND/OR THE
BRUNSWICK HOTELS DURING THE PERIOD OF March 3, 2011 THROUGH April 28, 2017:**

You may be affected by the settlement in a lawsuit if you resided at the Pine Hotel (1445 Front St. San Diego, CA 92101) and/or Brunswick Hotel (1468 First Avenue San Diego, CA 92101) during the period of March 3, 2011 through April 28, 2017. you are eligible to participate in this settlement.

The lawsuit is called *Sikorski et al. v. Sam G. Caparell, et al., Case No. 37-2015-0007255-CU-NP-CTL* and is filed in the Superior Court of California County of San Diego. The parties have agreed to settle this case, and you may be entitled to proceeds from this settlement. This "Full Notice" describes those who are entitled to benefit from the settlement (i.e., those who are members of the plaintiff "Class") and also explains what you must do to make a claim to participate in the settlement.

This notice is not an opinion by the court as to which side of the lawsuit is right or wrong. This notice is to tell you about the settlement so that if you are a verified member of the Class, you can participate in the settlement.

WHAT IS A CLASS ACTION AND WHO IS INVOLVED?

In a class action lawsuit, a person called "Class Representative" (in this case plaintiff Michael Sikorski) sue on behalf of other people who have similar claims. The Class Representative and all the other people with similar claims are called a "Class," "Class Members," or "Plaintiffs." The settlement in this case will apply to the entire Class.

Sam G. Caparell, Sam G. Caparell, LLC, and Sam G. Caparell as Trustee of The Sam G. Caparell 2008 Gift Trust Dated 11/24/2008 are called the "Defendants." The case is pending in the Superior Court of California County of San Diego before the Honorable Eddie C. Sturgeon.

WHO IS THE CLASS AND ARE YOU AFFECTED?

This Class is all persons who registered to stay, paid consideration for their stay and stayed at the Pine and/or Brunswick Hotels during the period of March 3, 2011 through April 28, 2017.

If you are unsure whether you are in the Class, you can get free help by writing to or calling the Settlement Administrator in this case at the address in this Notice: Matthew R. Miller, Esq. c/o MILLER LAW FIRM, 835 Fifth Ave., Suite 301, San Diego, California 92101, (619) 687-0143.

If you are a member of the Class or you think you might be a Class Member, you should read this Notice because it will affect your rights.

WHAT WERE THE CLAIMS MADE IN THE LAWSUIT?

The Class Representative sued the Defendants on March 3, 2015. The Plaintiffs claimed that the Defendants did not comply with California law in the operation of its two hotels. Specifically, Plaintiffs claimed essentially that Defendants circumvented landlord-tenant law by treating their guests as transient occupants and failed and/or refused to provide heat. Defendants have denied all liability in the case. The parties have agreed to settle these claims before trial.

WHAT ARE THE TERMS OF THE SETTLEMENT?

The Plaintiffs and the Defendants (together called the "Parties") have entered into a Settlement Agreement and agreed on a Settlement Plan which governs the distribution of the proceeds from the Settlement. Without admitting any wrongdoing, Defendants, through their insurance carriers, have agreed to pay \$99,000.00, which includes: (a) Compensation to each class member to be distributed as set forth below; (b) An enhancement to the Class Representative not to exceed \$6,000.00; and (c) Class Counsel's attorneys' fees and costs not to exceed 30% of the gross settlement. Class Counsel's attorneys' fees and costs, and the Class Representative's enhancement, remain subject to Court approval. To the extent that there are any amounts not claimed by the Class Members, the remainder shall revert to the Alpha Project for the Homeless.

If you qualify to receive money from the Cash Fund, you will receive a one-time payment in cash or check form, based on the level of your award.

In addition, the Defendants have agreed to offer "month to month" tenancy to its guests, make heaters and additional blankets available upon request to guests at both hotels, and will make efforts to better insulate the hotels by upgrading, where necessary, the windows, installing weather-stripping, and door sweeps.

If the Settlement Agreement is given final approval by the Court, the case will be dismissed and the Settlement Agreement will govern the rights of the Parties.

HOW DO I PARTICIPATE IN THE SETTLEMENT AND WHAT BENEFITS AM I ENTITLED TO?

In order to participate in this Settlement, you must file a claim with the Settlement Administrator. If the Settlement Administrator determines that your claim is valid, he or she will determine the level of your award based upon the criteria described in the Settlement Plan. There are two levels of awards: Level 1: three hundred dollars (\$300) [If your occupancy was for less than six months total]; and Level 2: six hundred dollars (\$600) [If your occupancy was for six months or more total]. **These numbers may change up or down depending on the number of claims submitted.**

WHO ARE THE LAWYERS IN THIS CASE?

The Class is represented by the Miller Law Firm. These lawyers are experienced in handling similar cases and have been representing the Plaintiffs from the beginning of this case. More information about Class Counsel is available at www.millersandiegoattorney.com.

The Defendants are represented by Thomas R. Kelleher, Esq., WALSH MCKEAN FURCOLO LLP, 550 West C Street #950, San Diego, CA 92101.

SHOULD I GET MY OWN LAWYER?

You do not need to hire your own lawyer because Class Counsel is working for you already. If you want to hire your own lawyer you may do so. You will have to pay that lawyer and ask him or her to go to Court for you.

HOW DO I FILE A CLAIM?

In order to file a claim and seek to receive an award from the settlement,

1. You must submit the attached Class Settlement Claims Form ("Claims Form") to the Settlement Administrator, in person or by mail. If you choose to mail your Claims Form, it must be postmarked by **July 22, 2017** or you will not receive any award. You can send the Claims Form to the Settlement Administrator: Matthew R. Miller, Esq. c/o MILLER LAW FIRM, 835 Fifth Ave., Suite 301, San Diego, California 92101, (619) 687-0143.

2. Checks will be available following final court approval.

YOU SHOULD KEEP ALL RECORDS AND PAPERS THAT RELATE TO YOUR CLAIM.

For the precise terms of the Settlement, you may review the Settlement Agreement. The pleadings and other records in this litigation, including the Settlement Agreement, may be examined in person in the Business Office of the Hall of Justice located at 330 West Broadway San Diego, California 92101, between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday, excluding Court Holidays, or you may contact Class Counsel or the Settlement Administrator. **Do not call or write the Clerk of the Court with questions. Ask all questions to the attorneys for the Class or the Settlement Administrator.**

HOW CAN I GET MORE INFORMATION?

If you have questions or want more details or other documents about this lawsuit and your rights, you can contact: Matthew R. Miller, Esq. c/o MILLER LAW FIRM, 835 Fifth Ave., Suite 301, San Diego, California 92101. (619) 687-0143.

IS THERE A FINAL COURT HEARING ON THE SETTLEMENT? CAN I OBJECT TO IT? CAN I REQUEST TO BE EXCLUDED?

A Final Fairness Hearing will be held before Judge Hon. Eddie C. Surgeon on **September 27, 2017 at 11:00 a.m.**, at 330 West Broadway, San Diego, California 92101, in Department 67 of the San Diego County Superior Court, to determine whether the proposed Settlement is fair, reasonable, and adequate. If you have any objections to all or any part of the Settlement Agreement or the Settlement with the Defendants, any aspect of the of the certification of the Settlement Class, the designation of the class representative of the Settlement Class, the appointment of Class Counsel, or any application for an award to Class Counsel of attorney's fees and expenses, you must file your objection in writing with the Clerk of the Court, Dept. 67, San Diego County Superior

Court, 330 West Broadway, San Diego, California 92101, no later than **July 7, 2017** to be timely, or you will not be permitted to object to anything at all related to or concerning the Settlement. In the event you object, you must also (a) set forth your full name, current address, and current telephone number; (b) identify the year and approximate date of your stay at the subject Pine Hotel and/or Brunswick Hotel; (c) set forth a statement of your position(s) that you wish to assert, including the factual and/or legal grounds for your position; and (d) provide copies of any other documents that you wish to submit in support of your objection. You must also send copies of your objections by regular mail, fax or email to: Matthew R. Miller, Esq. c/o MILLER LAW FIRM, 835 Fifth Ave. Suite 301, San Diego, California 92101, (619) 687-0136, matt@mrmlawfirm.com, and Thomas R. Kelleher, Esq. c/o WALSH MCKEAN FURCOLO LLP, 550 West C Street #950, San Diego, California 92101, (619) 232-2691, tkelleher@wmflp.com.

If you also wish to appear, either in person or through counsel, at said Final Fairness Hearing for the purpose of objecting to anything at all related to or concerning the Settlement, in addition to you being required to file timely objections with the Clerk of the Court, you must also file your Notice of Intention to Appear at the Fairness Hearing in writing with the Clerk of the Court, Dept. 67, San Diego County Superior Court, 330 West Broadway, San Diego, California 92101, no later than **July 7, 2017** to be timely, or you will be barred from speaking or otherwise presenting any views at the Fairness Hearing. You must also send copies of your Notice of Intention to Appear at the Fairness Hearing by regular mail, fax or email to: Matthew R. Miller, Esq. c/o MILLER LAW FIRM, 835 Fifth Ave. Suite 301, San Diego, California 92101, (619) 687-0136, matt@mrmlawfirm.com, and Thomas R. Kelleher, Esq. c/o WALSH MCKEAN FURCOLO LLP, 550 West C Street #950, San Diego, California 92101, (619) 232-2691, tkelleher@wmflp.com.

If you do not wish to participate in the settlement, you may request to be excluded. To do so, you must submit your request with the below information to be excluded, in writing, by **July 7, 2017**, to be timely, or you will be included as part of the Settlement, by mailing, faxing or emailing your request for exclusion to Matthew R. Miller, Esq. c/o MILLER LAW FIRM 835 Fifth Ave. Suite 301 San Diego, CA 92101, (619) 687.0136, matt@mrmlawfirm.com, and you must include the following information to make a valid request for exclusion: Your full name(s), your current address, your current telephone number, your signature, date you sign, and the following statement: "I/we request to be excluded from the class settlement in Sikorski, et al. v. Sam Caparell, et al., San Diego Superior Court Civil Case No. 37-2015-00007255-CU-NP-CTL."

Sikorski, et al. v. Sam Caparell, et al.
San Diego Superior Court, Case No. 37-2015-0007255-CU-NP-CTL
Class Settlement Claims Form

YOU MUST COMPLETE THIS FORM
TO BE ELIGIBLE FOR A MONETARY RECOVERY.

TO RECEIVE A SETTLEMENT PAYMENT YOU MUST COMPLETE, SIGN, AND MAIL OR PERSONALLY DELIVER THIS CLAIMS FORM ON OR BEFORE JULY 22, 2017, TO:
SIKORSKI SETTLEMENT ADMINISTRATOR c/o MILLER LAW FIRM 835 FIFTH AVE.
SUITE 301, SAN DIEGO, CA. 92101 (Telephone # 619.687.0143)

INSTRUCTIONS:

You must complete, sign and mail this "Claims Form" to be eligible for a monetary recovery. Your Claims Form must be postmarked on or before the date above - - or dropped off at the above location within the listed time - - or it will be rejected. Your Claims Form must be signed, dated and filled out completely, or it will be rejected. You should keep a copy of the Claims Form.

It is your responsibility to ensure the Settlement Administrator has timely received your Claims Form. You may contact the Settlement Administrator at the number listed above to ensure that your Claims Form has been received. Your receipt of a settlement payment does not relieve you of your payment obligation as a tenant to the Pine or Brunswick Hotels.

If you move, please send the Settlement Administrator your new address. It is your responsibility to keep a current address on file with the Settlement Administrator.

Please provide as much information as possible on this form. If you cannot remember something – a date or an exact location, for example – please write what you remember and also write that you are not sure. If you have any paperwork that is relevant to your claim – for example, receipts that document your stay at the Pine or Brunswick Hotels – please include copies of that paperwork. You, however, do not need to provide any such paperwork to make a valid claim. Please write clearly and print your name on every page of any paperwork which you do provide. Finally, if your contact information changes please let the Settlement Administrator know ASAP. If the Settlement Administrator cannot locate you, you may not be able to receive benefits.

SIKORSKI CLASS ACTION SETTLEMENT CLAIMS FORM

I. Personal Information
Name:
Date of Birth:
Mailing Address (if you have one):
Phone Number (if you have one):
Where You Stay:
Best Way to Contact You (i.e., message phone, friend or relative's house, etc.):

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II. Description of Claim
Which Hotel(s) You Stayed At, i.e., Pine Hotel or Brunswick Hotel:
Dates You Stayed at Each Hotel:
Documents Relevant to Your Claim:
*Documents are not required to participate in the Settlement.

III. Taxpayer Identification Number Certification
Enter your Social Security Number: _____ - _____ - _____ Print name as shown on your tax return.
First Name: _____ Last Name _____
Under penalties of perjury, I certify that:
1. The taxpayer identification number shown on this form is my correct taxpayer identification number, and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
3. I am a U.S. citizen or a legal U.S. resident alien.
<i>The Internal Revenue Service requires this information. Failure to provide it will result in your claim's rejection.</i>

RELEASE OF CLAIMS

By signing this Claims Form, and as part of receiving a portion of the settlement payment, you agree to release all claims that were, or could have been, asserted by Plaintiffs (which includes you), related to any allegation raised in the case, as defined in the Settlement Agreement on file with the Court, against Defendants, their subsidiaries, affiliates, officers, insurers, agents, and attorneys, and as set forth in the Settlement Agreement.

I declare under penalty of perjury under the laws of California that the foregoing is correct.

Name: _____ Date: _____

Signed: _____