

BY ORDER OF THE U.S. DISTRICT COURT FOR THE DISTRICT OF MARYLAND

If you paid an Administration Fee on an invoice sent to you by YES Energy Management, Inc. during the period beginning October 4, 2018, through March 19, 2024, you could be part of a Class Action Settlement.

The U.S. District Court for the District of Maryland authorized this notice. This is not a solicitation from a lawyer.

- Through a proposed class action settlement, YES Energy Management, Inc. (“YES”) has agreed without any admission of wrongdoing to resolve a lawsuit over whether YES acted as a collection agency and charged Administration Fees to Maryland tenants without a collection agency license, allegedly in violation of Maryland law.
- The proposed class action settlement avoids costs and risks from continuing the lawsuit, pays money to Settlement Class Members who file Valid Claims, and releases YES and its parent company, Yardi Systems, Inc. (“Yardi”), from liability to Class Members.
- Under the proposed settlement, YES will fund a common fund of \$2,800,000.00 (the “Common Fund”). This Common Fund will be used to make payments to all Class Members who file Valid Claims, after deducting amounts to pay Class Counsel’s expenses and attorneys’ fees. In return, YES will be released from liability to any Class Members.
- Court-appointed lawyers for Class Members will ask the Court to approve a payment of 33% of the Common Fund as attorneys’ fees, plus costs, for investigating the facts, litigating the case, and negotiating the Settlement. In addition, YES has agreed to pay the Class representative an incentive payment of up to \$15,000.00 in addition to the Common Fund, subject to Court Approval.
- The two sides disagree on whether a class action could have been maintained, whether YES did anything wrong, and how much money was at stake.
- **If you are a Settlement Class Member, your legal rights are affected whether you act, or don’t act. Read this notice carefully.**

LEGAL RIGHTS AND OPTIONS FOR CLASS MEMBERS:

FILE A CLAIM	If you paid an Administration Fee on an invoice sent to you by YES during the period beginning October 4, 2018, through March 19, 2024, you are a Settlement Class Member and you can file a claim online, download and mail a Claim Form at www.SullivanClassAction.com , or you can ask the Settlement Administrator to mail you a Claim Form by calling 1-877-817-2168.
DO NOTHING	If you do not file a Valid Claim, you will not receive any payment, even if you are a Settlement Class Member. You will still be bound by the settlement and will still release YES and Yardi from liability to you. If you remain in the Settlement Class, you can’t sue, continue to sue, or be part of any other lawsuit against YES or Yardi about the claims which were made or could have been made in the Lawsuit.
EXCLUDE YOURSELF	If you “opt out” or exclude yourself, you will get no settlement benefits. This is the only option that allows you to ever bring an action against YES or Yardi about the legal claims that were asserted or could have been asserted in this case. If you wish to exclude yourself from the settlement, you must mail a request for exclusion to the Settlement Administrator postmarked no later than July 16, 2024, as explained herein.
OBJECT	If you have objections, you may write to the Court about why you don’t like the settlement.
GO TO A HEARING	If you write to the Court with an objection, you can also ask to speak in Court about the fairness of the settlement.

- These 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 approve the settlement. Payments will be made if the Court approves the settlement and after any appeals are resolved. Please be patient.

QUESTIONS?

CALL 1-877-817-2168 TOLL FREE, OR VISIT www.SullivanClassAction.com

WHAT THIS NOTICE CONTAINS

BASIC INFORMATIONPAGE 3

1. Why did I get this Notice?
2. What is this lawsuit about?
3. Why is this a class action?
4. Why is there a settlement?

WHO IS IN THE SETTLEMENT..... PAGE 3-4

5. How do I know if I am part of the settlement?
6. Are there exceptions to being included?
7. I'm still not sure if I am included.
8. What am I giving up to stay in the settlement?

THE SETTLEMENT BENEFITS – WHAT YOU GETPAGE 4

9. What does the settlement provide?
10. Can I file more than one claim?

HOW YOU FILE A CLAIMPAGE 5

11. How can I file a claim?
12. If I file a Claim, when will I get paid?

EXCLUDING YOURSELF FROM THE SETTLEMENTPAGE 5

13. How do I get out of the settlement?
14. If I don't exclude myself, can I sue YES or Yardi later?
15. If I exclude myself, can I get benefits from this settlement?

THE LAWYERS REPRESENTING YOUPAGE 6

16. Do I have a lawyer in this case?
17. How will the lawyers be paid?

OBJECTING TO THE SETTLEMENTPAGE 6

18. How do I tell the Court if I don't like the settlement?
19. What's the difference between objecting and excluding?

THE COURT'S FAIRNESS HEARINGPAGE 7

20. When and where will the Court decide whether to approve the settlement?
21. Do I have to come to the hearing?
22. May I speak at the hearing?

IF YOU DO NOTHING.....PAGE 7

23. What happens if I do nothing at all?

GETTING MORE INFORMATIONPAGE 7

24. Are there more details about the lawsuit and proposed settlement?

QUESTIONS?

CALL 1-877-817-2168 TOLL FREE, OR VISIT www.SullivanClassAction.com

BASIC INFORMATION

1. Why did I get this Notice?

You received this notice because YES identified you as a person to whom it sent an invoice which included an Administration Fee, during the period beginning October 4, 2018, through March 19, 2024. As a result, you are a Settlement Class Member if you paid an Administration Fee on an invoice sent to you by YES during that period.

The Court sent this notice because Settlement Class Members have a right to know about this class action lawsuit and settlement, and about your option to exclude yourself from the class action and settlement if you so desire.

The Court in charge of the case is the U.S. District Court for the District of Maryland, and the case is known as *Sullivan v. YES Energy Management, Inc., et al.*, Case No. 8:22-cv-418-TDC.

2. What is this lawsuit about?

The lawsuit claims, among other things, that YES and Yardi acted as collection agencies in Maryland without a legally-required Maryland collection agency license, and violated Maryland law by charging fees in connection with that unlicensed activity. YES and Yardi deny these claims and believe they did nothing wrong.

3. Why is this a class action?

In a class action, one or more individuals called Class Representatives (in this case Monica Sullivan) file claims on behalf of themselves as well as other individuals who have similar claims. If a Court determines that those similar claims should all be handled in one lawsuit, the Court may order that the claims proceed as a class action. The U.S. District Court for the District of Maryland is in charge of this class action.

4. Why is there a settlement?

The Court did not decide any of the issues. The Class Representative alleged the Class should be allowed to recover the monthly Administration Fees YES charged to the approximately 86,137 Class Members, after a trial, as well as fees Yardi charged when Plaintiff paid her rent. For example, Class Representative Monica Sullivan's Complaint alleges she was charged monthly Administration Fees in bills by YES of \$3.00 at certain times, and that she was also charged \$0.95 by Yardi at certain times for paying her rent electronically, and alleged that she should be allowed to recover those fees. YES and Yardi argued that Plaintiff and the Class should not recover anything. But there was no trial. Instead, both sides agreed to a settlement. That way, they avoid the costs of additional and protracted legal proceedings, potentially including a trial and appeals, and Class Members will get compensation if they file a valid and timely claim. Class Counsel think the settlement is best for all Class Members.

WHO IS IN THE SETTLEMENT

5. How do I know if I am part of the settlement?

The parties agreed and the U.S. District Court for the District of Maryland decided that everyone who fits the following description is a Class Member (with some exceptions):

All Maryland residents who paid an Administration Fee (defined as "any fee on any invoice or the like sent by YES Energy to Plaintiff and each Settlement Class Member that represented the 'Administration Fee' for the payment of utilities or services utilized by the tenant during the period of the invoice, as that term is used in Representative Plaintiff's Complaint,") from (and including) October 4, 2018, through and including March 19, 2024.

6. Are there exceptions to being included?

Excluded from the Settlement Class are all employees, officers and directors of Yardi, YES Energy and their parent or subsidiary companies and predecessors and successors, and all employees of the Court.

QUESTIONS?

CALL 1-877-817-2168 TOLL FREE, OR VISIT www.SullivanClassAction.com

7. I'm still not sure if I am included.

If you are still not sure whether you are included, you can ask for free help. You can call 1-877-817-2168 or visit www.SullivanClassAction.com for more information.

8. What am I giving up to stay in the settlement?

Unless you exclude yourself from this case, you will remain a Settlement Class Member, and that means that you can't sue, continue to sue, or be part of any other lawsuit against YES or Yardi about claims that were asserted or could have been asserted in this case. It also means that all of the Court's orders will apply to you and legally bind you. The full scope of the release is available in the Settlement Agreement on the Settlement Website.

THE SETTLEMENT BENEFITS – WHAT YOU GET

9. What does the settlement provide?

YES has agreed to pay \$2,800,000.00 into a common fund (the "Settlement Fund"). The Settlement Fund will be used to make payments to all Settlement Class Members who file Valid Claims, after deduction of Class Counsel's expenses and up to 1/3 of the Settlement Fund in attorneys' fees, plus costs, subject to Court approval. In order to make a Valid Claim, Settlement Class Members must choose whether to receive their settlement payment in the form of a paper check, or in the form of an electronic debit or gift card. YES has represented that the Settlement Class includes approximately 86,137 persons.

Each Authorized Claimant shall be entitled to a pro rata payment from the Settlement Fund (a "Settlement Payment"), in accordance with a formula established by the Settlement Administrator which will result in the pro rata distribution of the Settlement Fund in proportion to the amount of administration fees charged to the Authorized Claimant submitting a Valid Claim as compared to the total amount of administration fees charged to all Authorized Claimants. While YES Energy has information about the exact amount of Administration Fees charged for those Settlement Class Members who made direct payments to YES Energy, it does not have access to the exact amount of payments of Administration Fees by Settlement Class Members who did not make direct payments to YES Energy, but instead made payments of Administration Fees to another party (such as their landlord or property manager).

To the extent that Defendants can identify the precise Administration Fees paid by any particular Settlement Class Member, that information shall be included on the Class List, and Claim Forms submitted electronically through the Settlement Website for that particular Settlement Class Member shall be pre-populated with the amount of Administration Fees paid.

To the extent Defendants cannot identify the precise fees paid by any particular Settlement Class Member, it will be presumed that any such Settlement Class Member paid an Administration Fee for twelve (12) months during the Class Period at a rate of \$4 per month ($[\$48 / \text{Administration Fees Charged} \times \text{Settlement Fund} = \text{Gross Settlement Class Member Payment}]$ [the "Payment Floor"]). Settlement Class Members will be provided the option in the Claim Form to attest to whether they paid additional fees beyond the Payment Floor by providing to the Settlement Administrator information regarding same. Such information offered to the Settlement Administrator will be subject to the satisfaction of the Parties and the Settlement Administrator.

Settlement Class Members who are not Authorized Claimants shall not receive a payment under the Settlement.

In exchange for the Settlement Fund, Settlement Class Members give up any right to sue for claims resulting from, arising out of, or regarding the factual predicate alleged in the Litigation.

All claims must be made on or before November 13, 2024. If you do not file a Valid Claim, you will not receive any payment. However, you would still be bound by the settlement if you do not opt-out. You may file a claim on www.SullivanClassAction.com, or you may submit a paper Claim Form.

10. Can I file more than one claim?

No. Even if you received multiple bills from YES, you only need to file one claim.

QUESTIONS?

CALL 1-877-817-2168 TOLL FREE, OR VISIT www.SullivanClassAction.com

HOW YOU FILE A CLAIM

11. How can I file a claim?

The deadline for filing a Claim is **November 13, 2024**.

You must file a claim, either online or by mail, to receive payment.

You may file a claim at www.SullivanClassAction.com. You may also download a Claim Form on www.SullivanClassAction.com, print it out, complete it, and deliver it to the Settlement Administrator; or, you may ask the Settlement Administrator to mail you a Claim Form for you to complete and return by calling 1-877-817-2168.

Whatever method you choose, you must fully complete the Claim Form and properly submit it to the Settlement Administrator before your claim will be recognized as being filed.

12. If I file a Claim, when will I get paid?

The Court will hold a hearing on September 11, 2024, to decide whether to approve the settlement. If the Court approves the settlement, and there is no appeal, the Settlement Administrator will send payments to Settlement Class Members who have filed valid and completed claims on a date that is the later of forty-five (45) days after: (1) the Effective Date; or (2) the Claims Deadline. The deadline for filing a claim is **November 13, 2024**.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want to stay in the Class, then you must take steps to get out. This is called excluding yourself—or is sometimes referred to as “opting out” of the Class.

13. How do I get out of the settlement?

To exclude yourself from the settlement, you must send a letter by mail saying that you want to be excluded from the Class in *Sullivan v. YES Energy Management, Inc.* Be sure to include your name, address, telephone number, and your signature. You must mail your exclusion request postmarked no later than **July 16, 2024** to:

Sullivan v. YES Energy Management, Inc. Exclusions
c/o Settlement Administrator
P.O. Box 6719
Portland, OR 97228-6719

If you ask to be excluded by the deadline, you will not be eligible for any settlement payment, and you cannot object to the settlement, but you will not be legally bound by anything that happens in this lawsuit. Full details regarding the exclusion process are available in the Settlement Agreement on the Settlement Website.

14. If I don't exclude myself, can I sue YES or Yardi later?

No. Unless you exclude yourself, you give up any right to sue Defendants, their current and former parent corporations, direct and indirect subsidiaries, affiliates, predecessors, successors and assigns, related entities, and current and former directors, officers, employees, representatives, attorneys, heirs, administrators, executors, insurers, agents, clients, and the successors and assigns of any of them or any person or entity acting on their behalf or at the direction of them, regarding YES Energy or Yardi's conduct at issue in the Litigation. The Released Claims do not include: (i) any claims relating to the enforcement or violations of the Settlement; (ii) any claims of any person or entity that submits a request for exclusion that is accepted by the Court; or (iii) claims that could not have been brought in this Litigation or do not share the same factual predicate as the claims that were asserted. If you have another pending lawsuit about the claims in this lawsuit, speak to your lawyer in that case immediately. You must exclude yourself from *this* Settlement Class to continue another lawsuit involving the same transactions as this case. Remember, the exclusion deadline is **July 16, 2024**.

15. If I exclude myself, can I get benefits from this settlement?

No. If you exclude yourself, you cannot be part of this settlement.

QUESTIONS?
CALL 1-877-817-2168 TOLL FREE, OR VISIT www.SullivanClassAction.com

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

The Court appointed the law firm of Gordon, Wolf & Carney, Chtd., in Hunt Valley, Maryland, to represent you and other Class Members. These lawyers are called Class Counsel. You will not be individually charged for these lawyers. If you are a Settlement Class Member and you want to be represented by your own lawyer, and you do not request exclusion, you may hire a lawyer at your own expense and enter an appearance through that lawyer.

17. How will the lawyers be paid?

Class Counsel will ask the Court to approve payment of one-third of the common fund for attorneys' fees, plus costs. The fees would pay Class Counsel for investigating the facts, litigating the case, and negotiating the settlement.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you don't agree with the settlement or some part of it.

18. How do I tell the Court if I don't like the settlement?

If you're a Settlement Class Member, you can object to the settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. To object, you must send a letter saying that you object to the settlement in *Sullivan v. YES Energy Management, Inc.*, Case No.: 8:22-cv-418-TDC. Any objection must include the following: (1) the Settlement Class Member's full name, address and current telephone number; (2) if the individual is represented by counsel, the name and telephone number of counsel, if counsel intends to submit a request for fees and all factual and legal support for that request; (3) all objections and the basis for any such objections stated with specificity, including a statement as to whether the objection applies only to the objector, to a specific subset of the class, or to the entire class; (4) the identity of any witnesses the objector may call to testify; (5) a listing of all exhibits the objector intends to introduce into evidence at the Final Approval Hearing, as well as true and correct copies of such exhibits; and (6) a statement of whether the objector intends to appear at the Final Approval hearing, either with or without counsel.

Any Settlement Class Member who fails to timely file and serve a written objection pursuant to this Settlement Agreement shall not be permitted to object to the approval of the settlement or this Settlement Agreement and shall be foreclosed from seeking any review of the settlement or the terms of the Settlement Agreement by appeal or other means.

For any objection to be considered, it must include the information described above, and a copy must be mailed to each of these three different places below, postmarked no later than **July 16, 2024**:

COURT	CLASS COUNSEL	DEFENDANTS' COUNSEL
Clerk , U.S. District Court for the District of Maryland Southern Division 6500 Cherrywood Lane Greenbelt, MD 20770	Benjamin H. Carney, Esq. Gordon, Wolf & Carney, Chtd. 11350 McCormick Rd. Executive Plaza 1, Suite 1000 Hunt Valley, MD 21031	Abraham Tabaie, Esq. Debevoise & Plimpton, LLP 650 California Street San Francisco, CA 94108

19. What's the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the settlement and that you don't want it approved. You can object only if you stay in the Settlement Class. Excluding yourself, on the other hand, is telling the Court that you don't want to be part of the Settlement Class. If you exclude yourself, you cannot object because you are excluded from the Settlement Class and the case no longer affects you.

QUESTIONS?

CALL 1-877-817-2168 TOLL FREE, OR VISIT www.SullivanClassAction.com

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the settlement as fair to the Class. You may attend and you may ask to speak, but you don't have to.

20. When and where will the Court decide whether to approve the settlement?

The Court is scheduled to hold a Fairness Hearing at 9:30 AM on September 11, 2024, in the U.S. District Court for the District of Maryland, Southern Division, 6500 Cherrywood Lane, Greenbelt, MD 20770. The time or place of the hearing could change, and you can contact the Settlement Administrator to find out if there is any change, at 1-877-817-2168. At this hearing the Court will consider whether the settlement is fair, reasonable, and adequate. If there are timely and valid objections, the Court will consider them. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take.

21. Do I have to come to the hearing?

No. But you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time and included the required information, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

22. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in *Sullivan v. YES Energy Management, Inc.*, Case No. 8:22-cv-00418-TDC." Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be postmarked no later than **July 16, 2024**, and be mailed to the Clerk of the Court, Class Counsel, and Defendants' Counsel, at the three addresses listed in the answer to question 18. You cannot speak at the hearing if you exclude yourself.

IF YOU DO NOTHING

23. What happens if I do nothing at all?

If you fit the Class definition above and do nothing, you will not receive any payment. But, unless you exclude yourself, you will still be a Settlement Class Member, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against YES or Yardi about the legal or factual issues in this case, or claims that were asserted or could have been asserted in this case.

GETTING MORE INFORMATION

24. Are there more details about the lawsuit and proposed settlement?

This notice summarizes the lawsuit and proposed settlement. More details are in the Complaint, settlement agreement, and other documents filed in Court. You can get a copy of the Complaint, settlement agreement, and other important documents from the Court or by requesting them from the Settlement Administrator. You can also call 1-877-817-2168 toll free; write to *Sullivan v. YES Energy Management, Inc.* Lawsuit, c/o Settlement Administrator, P.O. Box 6719, Portland, OR 97228-6719; or visit the website at www.SullivanClassAction.com where you will find answers to common questions about the lawsuit and other information to help you determine whether you are a Class Member.

BY ORDER OF THE U.S. DISTRICT COURT FOR THE DISTRICT OF MARYLAND.

QUESTIONS?

CALL 1-877-817-2168 TOLL FREE, OR VISIT www.SullivanClassAction.com