

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

**THIS MAILER PROVIDES IMPORTANT INFORMATION ABOUT YOUR
LEGAL RIGHTS IN CONNECTION WITH A PROPOSED CLASS ACTION
SETTLEMENT.**

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

Why Am I Receiving This Notice? You are receiving this notice because you have been identified as a potential Settlement Class Member in a class action lawsuit. In this suit a Plaintiff, the Class Representative, filed a lawsuit that is pending in the U.S. District Court for the District of Maryland against a company called YES Energy Management, Inc. (“YES”), and its parent company, Yardi Systems, Inc. (“Yardi”). The lawsuit is titled *Sullivan v. YES Energy Management, Inc.*, Case No. 8:22-cv-00418-TDC (the “Lawsuit”). YES and Yardi do not admit to any wrongdoing, but YES has agreed to resolve and settle the Lawsuit. A PROPOSED SETTLEMENT OF THE LAWSUIT MAY AFFECT YOUR LEGAL RIGHTS.

What Is the Lawsuit About – What is the Nature of the Case and the Claims, Issues, or Defenses? The Lawsuit is a proposed class action which was brought in part to challenge YES’ practices in sending invoices to Representative Plaintiff and Class Members on behalf of landlords in connection with their utility bill payments. The Lawsuit was also brought to challenge Yardi’s online payment portal, which was available to some Maryland tenants as one method of making rent and rent-related payments online, and which Representative Plaintiff alleged was improper without Yardi having a collection agency license under the Maryland Collection Agency Licensing Act. YES and Yardi maintain that the Lawsuit’s claims are wrong, and that they acted in accordance with Maryland law. The Court has not made any final decision on the Lawsuit’s claims.

How Do I Know if I Am a Class Member? You are a Class Member 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. 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.

What Is the Proposed Settlement? YES has agreed to pay \$2,800,000.00 into a common fund (the “Settlement Fund”), which 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 33% 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 the Claim Form 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 addition to the Settlement Fund, YES has agreed to pay \$15,000 in a service payment to the Representative Plaintiff, Monica Sullivan, subject to Court approval.

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. This release is described fully in the Settlement Agreement, available at www.SullivanClassAction.com. The parties have asked the Court to approve the Settlement. The Court is scheduled to hold a Fairness Hearing at 9:30 a.m. 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. A Court’s judgment under Fed. R. Civ. P. 23(c)(3) is binding on Class Members.

Do I Have a Lawyer in This Case? The Court has appointed Gordon, Wolf & Carney, Chtd. to represent Settlement Class Members as Class Counsel. Class Counsel will ask the Court to approve payment of 33% of the Settlement Fund for attorneys’ fees, plus costs. You do not need to make any payments to Class Counsel. If you are a Settlement Class Member and you want to be represented by your own lawyer, you may hire a lawyer at your own expense and enter an appearance through that lawyer so long as you do not request exclusion.

What Do I Need to Do Now? If this Class Notice is addressed to you, and you wish to obtain benefits from this Settlement, you need to file a Claim Form. To file a Claim Form, you must visit www.SullivanClassAction.com or submit a paper Claim Form. **IF YOU DO NOT FILE A VALID CLAIM FORM ON OR BEFORE NOVEMBER 13, 2024, YOU WILL NOT RECEIVE ANY MONEY FROM THIS SETTLEMENT, BUT YOU WILL STILL BE BOUND BY THE SETTLEMENT TERMS AND THE COURT’S JUDGMENT.** If you wish to exclude yourself from the Settlement (“opt out”) or object to it, you must do so before **July 16, 2024**. To opt out, you must send a letter by mail, postmarked no later than July 16, 2024, including your name, address, telephone number, and your signature, saying that you want to be excluded from the Class in *Sullivan v. YES Energy Management, Inc.*, 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. The Court will hold a hearing on the fairness and adequacy of the proposed settlement on September 11, 2024. You do not need to attend the hearing.

Where Can I Get More Information? You can obtain a longer, detailed notice describing the Lawsuit, the terms of Settlement, and other information including how to object to the Settlement at www.SullivanClassAction.com, by calling the Settlement Administrator at 1-877-817-2168, or by writing to *Sullivan v. YES Energy Management, Inc.*, Settlement Administrator, P.O. Box 6719, Portland, OR 97228-6719.