

## **NOTICE OF PENDENCY OF CLASS ACTION**

**To: All condominium unit owners in the Fort Lincoln community, past and present, who purchased a condominium from defendants Fort Lincoln New Town Corporation or Fort Lincoln Realty Corporation and whose condominium was created after March 29, 1977, namely, the following condominium units in Fort Lincoln Condominium 1: 3148 Berry Road, 3150 Berry Road, 3152 Berry Road, 3154 Berry Road, 3154 ½ Berry Road, 3156 Berry Road, 3158 Berry Road, 3160 Berry Road, 3162 Berry Road, 3162 ½ Berry Road, 3164 Berry Road, 3166 Berry Road, 3168 Berry Road, 3170 Berry Road, 3170 ½ Berry Road, 3172 Berry Road, 3174 Berry Road, 3176 Berry Road, 3178 Berry Road, 3178 ½ Berry Road, 3180 Berry Road, 3182 Berry Road, 3184 Berry Road, 3186 Berry Road, 3186 ½ Berry Road, 3188 Berry Road, 3190 Berry Road, 3192 Berry Road, 3194 Berry Road, 3194 ½ Berry Road, 3100 - 3163 Cherry Road, 3165 Cherry Road, 3167 Cherry Road, 3169 Cherry Road, 3171 Cherry Road, and all condominium units in Fort Lincoln Condominium 2, Fort Lincoln Condominium 3, Fort Lincoln Condominium 4 and Fort Lincoln Condominium 5.**

### **PLEASE READ THIS NOTICE CAREFULLY AND IN ITS ENTIRETY YOUR RIGHTS WILL BE AFFECTED BY A CLASS ACTION LAWSUIT PENDING IN COURT**

This notice pertains to a class action lawsuit currently pending in the Superior Court of the District of Columbia, *Fort Lincoln Civic Association, Inc., et al. v. Fort Lincoln New Town Corp., Inc., et al.*, No. No. 02ca007132B. The purpose of this notice is to inform you that the Court has certified a class of Fort Lincoln condominium purchasers. This notice advises you of the nature of the action and of your rights in connection with it. Specifically, this notice describes your right to exclude yourself from the class and not participate in the litigation. You will be deemed a part of the class unless you expressly exclude yourself from the class in writing pursuant to the instructions below.

This notice is not an expression or an opinion by the Court as to the merits of any of the claims or defenses asserted by either side in this action. The Court's class action determination did not reflect any opinion held by the Court as to the merits of the action.

### **I. DESCRIPTION OF THE LITIGATION**

1. The named parties in the action are as follows:

(a) Plaintiffs are Magdalene Campbell and the Fort Lincoln Civic Association, Inc. Plaintiff Magdalene Campbell has been certified as the Class Representative.

(b) Defendants are Fort Lincoln New Town Corporation, Inc. ("Redeveloper"), Fort Lincoln Realty Corporation ("Realty Corporation") and Michele V. Hagans, the President of both Redeveloper and Realty Corporation.

2. In 1975, Redeveloper entered into a Land Disposition Agreement ("the Agreement") with the District of Columbia Redevelopment Land Agency to develop an area in the District of Columbia known as Fort Lincoln. Plaintiff alleges that Article VII of the Land Disposition Agreement obligated Redeveloper to establish and fund a Non-Profit Corporation which would be controlled by, and provide services for the benefit of, Fort Lincoln residents, to convey 25 percent ownership in Realty Corporation, and to pay the Non-Profit Corporation a substantial percentage of the gross proceeds from the sale and lease of properties in Fort Lincoln by third parties. Plaintiff alleges that defendants violated numerous

provisions of Article VII of the Agreement. The Court of Appeals for the District of Columbia has determined in this case that the Land Disposition Agreement may only be enforced against defendants by the District of Columbia government.

3. In this lawsuit, Plaintiff claims that Defendants violated the District of Columbia Condominium Act ("Condominium Act") by failing to disclose information regarding Defendants' obligations under the Agreement in the Public Offering Statements Defendants provided to purchasers of condominiums at Fort Lincoln.

4. Plaintiff seeks to recover money damages from Defendants for economic harm suffered by Plaintiff and class members as a result of Defendants' concealment of their obligations under the Agreement and their failure to comply with their obligations under the Agreement.

5. Defendants deny any violation of the Condominium Act and have asserted affirmative defenses to Plaintiff's claims.

## II. YOUR RIGHTS AS A CLASS MEMBER

6. The Class consists of: All condominium unit owners in the Fort Lincoln community, past and present, who purchased a condominium from defendants Fort Lincoln New Town Corporation or Fort Lincoln Realty Corporation and whose condominium was created after March 29, 1977, namely, the following condominium units in Fort Lincoln Condominium 1: 3148 Berry Road, 3150 Berry Road, 3152 Berry Road, 3154 Berry Road, 3154 ½ Berry Road, 3156 Berry Road, 3158 Berry Road, 3160 Berry Road, 3162 Berry Road, 3162 ½ Berry Road, 3164 Berry Road, 3166 Berry Road, 3168 Berry Road, 3170 Berry Road, 3170 ½ Berry Road, 3172 Berry Road, 3174 Berry Road, 3176 Berry Road, 3178 Berry Road, 3178 ½ Berry Road, 3180 Berry Road, 3182 Berry Road, 3184 Berry Road, 3186 Berry Road, 3186 ½ Berry Road, 3188 Berry Road, 3190 Berry Road, 3192 Berry Road, 3194 Berry Road, 3194 ½ Berry Road, 3100 - 3163 Cherry Road, 3165 Cherry Road, 3167 Cherry Road, 3169 Cherry Road, 3171 Cherry Road, and all condominium units in Fort Lincoln Condominium 2, Fort Lincoln Condominium 3, Fort Lincoln Condominium 4 and Fort Lincoln Condominium 5.

7. The certified Class Representative is Plaintiff Magdalene Campbell. The certified Class Counsel is the law firm of Terris, Pravlik & Millian, LLP, 1121 12th St., N.W., Washington, DC 20005. These attorneys will represent you as a part of the class unless you choose to hire your own attorney. You have the right to hire your own attorney.

8. **IF YOU ARE AND WISH TO REMAIN A MEMBER OF THE CLASS, YOU DO NOT NEED TO TAKE ANY ACTION AT THIS TIME.** Your interests are being represented by the Plaintiff Class Representative and her counsel. **As a member of the Class all orders and the judgment in this action, whether favorable or not, will apply to your claims and be binding upon you.** You will automatically be considered a member of the Class unless you request exclusion in accordance with the procedure set forth below. **However, you may, if you so desire, enter an appearance in this action through your own counsel at your own expense.**

By remaining in the Class, you will not subject yourself to any direct obligations to pay the costs of the litigation if you are represented by Plaintiff's counsel. In the event there is any recovery by the Class in the action, all costs and expenses of the action, including attorneys' fees, will be paid from that recovery, subject to approval by the Court.

9. **IF YOU WISH TO EXCLUDE YOURSELF FROM THE CLASS, YOU MUST DO SO BY SENDING A WRITTEN REQUEST, by first-class mail, postmarked on or before September 1, 2010,** to the following address:

Fort Lincoln Notice Administrator  
Terris, Pravlik & Millian, LLP  
1121 12th St. N.W.  
Washington, DC 20005

The request must consist of a signed letter stating that you “request exclusion from the Class in *Fort Lincoln Civic Association, et al. v. Fort Lincoln New Town Corporation, Inc., et al.*” You are also requested to provide the date of your condominium purchase and the address of the condominium you purchased from Defendants. If you request exclusion on behalf of anyone other than yourself you must describe your legal authority to make this request. In addition, be sure to include your name, address, telephone number, and your signature.

You cannot exclude yourself by telephone or by e-mail. If your request for exclusion is timely mailed pursuant to the procedure explained above, you will be excluded from the Class and you will not be bound by any judgment, favorable or unfavorable, entered in the action, you will not share in the recovery, if any, and you will not be precluded from prosecuting your own claim at your own expense.

10. If you choose to appear in this action, you or your counsel must file an appearance on or before September 1, 2010, and mail copies of such appearance to all counsel of record.

11. You are advised to retain any records of your purchase of your condominium at Fort Lincoln from Defendants Redeveloper or Realty Corporation.

### III. ADDITIONAL INFORMATION

12. The pleadings and other papers filed in this action are available for inspection by you or your attorney during business hours at the Office of the Clerk of Court, Superior Court for the District of Columbia, 500 Indiana Avenue, N.W., Washington, DC 20001. **DO NOT WRITE OR TELEPHONE THE COURT OR THE CLERK’S OFFICE.**

13. **ALL INQUIRIES CONCERNING THIS NOTICE SHOULD BE MADE, *IN WRITING*, TO:**

Jane Liu, Esq.  
Terris, Pravlik & Millian, LLP  
1121 12th St. N.W.  
Washington, DC 20005  
[FortLincolnNotice@tpmlaw.com](mailto:FortLincolnNotice@tpmlaw.com)  
202-204-8485

If you change your address, or if this Notice was not mailed to your correct address, you should immediately provide your correct address to the Fort Lincoln Notice Administrator at 202-204-8485. If the Notice Administrator does not have your correct address, you may not receive notice of important developments in this litigation.

14. A copy of this notice will be published online at [www.tpmlaw.com/FortLincolnNotice](http://www.tpmlaw.com/FortLincolnNotice).

DATED: 5/13/10

BY ORDER OF THE COURT