

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS:

TRIAL COURT DEPARTMENT  
EASTERN HOUSING COURT  
CIVIL ACTION NO: 16CV1026

PHOEBE FLEMMING, individually, and o/b/o of  
those similarly situated,

*Plaintiff,*

v.

GREYSTAR MANAGEMENT SERVICES, L.P.,

*Defendant.*

**ORDER GRANTING PRELIMINARY APPROVAL OF CLASS ACTION  
SETTLEMENT, DIRECTING NOTICE TO THE CLASS,  
AND SCHEDULING FAIRNESS HEARING**

The Court, after hearing and review of the parties Assented-To Motion for Preliminary Approval of Class Action Settlement (the “Motion”), and supplemental filings, hereby **GRANTS** the Motion and preliminarily approves the proposed class action settlement and the proposed distribution of settlement funds as fair, reasonable and adequate. The Court further finds and orders as follows:

a. The Court preliminarily finds and concludes that the Revised Settlement Agreement (“Revised Settlement”), attached to the Parties’ Joint Written Response as Exhibit A, resulted from good faith, arms’ length negotiations between the parties, and the Revised Settlement was agreed to only after counsel for Plaintiff Phoebe Flemming (“Flemming”) conducted investigation and discovery of the facts relevant to the claims asserted in the Action. The Court concludes, moreover, that the Revised Settlement falls within the range of reasonableness and otherwise meets the requirements for preliminary approval. Accordingly,

the Court preliminarily finds and concludes that the Revised Settlement is fair, reasonable, adequate, and in the best interests of the Settlement Class, and preliminarily approves the Revised Settlement and adopts the terms of the Revised Settlement for the purpose of this Order.

b. The Court approves, in form and content, the Notice of Proposed Class Action Settlement attached as Exhibit 1 to the Revised Settlement Agreement (the “Class Notice”), and finds that the giving of notice in the manner specified therein meets the requirements of due process.

c. The Court hereby appoints Optime Administration, LLC (“Optime”) as the Settlement Administrator, and authorizes Optime to mail the Class Notice to the Settlement Class, as well as engage in all other services and efforts to locate and notify potential Class Members of the class action settlement as outlined in detail in the Revised Settlement Agreement.

d. Class Counsel has already provided Optime a list of all Settlement Class Members and their last known addresses, and a copy of the Settlement Notice as approved by the Court.

e. Within five (5) days of the Preliminary Approval, the Settlement Administrator shall submit for publication the public notice to be published for at least three (3) consecutive weeks in a local newspaper for each county in which a Greystar property at issue is located.

f. Within thirty (30) days of Preliminary Approval, the Settlement Administrator shall send the Notice and Greystar Property List via the best practicable method using U.S. mail and e-mail (where available) substantially in the form approved by the Court to all persons in the Settlement Class to the last known physical and/or electronic mailing address. In addition to

mailing and emailing, the Settlement Administrator shall also send a SMS text message (where available) with a link to the settlement website to the full text message list.

g. If any Class Notice is returned to Optime without a forwarding address, Optime shall undertake commercially reasonable efforts to search for the correct address and shall promptly re-mail the Settlement Notices to any newly-found addresses.

h. A Final Approval Hearing is scheduled for December 9, 2025 at 11:00AM at the Eastern Division of the Housing Court, Brooke Courthouse, Courtroom 13, 24 New Chardon Street, Boston, Massachusetts.

**SO ORDERED,**

/s/ Maria Theophilis<sup>1</sup>  
**MARIA THEOPHILIS**  
**ASSOCIATE JUSTICE**

**DATED: September 8, 2025**

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<sup>1</sup> Pursuant to SJC Order OE-144 In Re: Covid-19 (Coronavirus) Pandemic concerning electronic signatures of Judges and Clerks.