

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL DIVISION

DANIEL BAER and ROSE BAER : NO. 2018-13760
through Stephen Baer as their Agent :
with Power of Attorney, for themselves :
and all others similarly situated :
:
:
vs. :
:
:
SHANNONDELL, INC. :

ORDER

AND NOW, this 10 day of October, 2023, upon consideration of Plaintiffs' Motion to Alter Class Certification Order (Seq. #127), Defendant's Answer thereto (Seq. #138) and Plaintiffs' Reply (Seq. #139), it is hereby **ORDERED** and **DECREED** that said motion is **GRANTED**. The definition of the class as provided in the court's Orders dated December 29, 2021 and September 29, 2023 is altered. The class is hereby certified and divided into the following two sub-classes:

1. Sub-Class One - All present and former Residents (or their legal representatives) of Shannondell at Valley Forge who signed a Residence and Care Agreement before February 1, 2013 and received an Entrance Fee refund after May 22, 2012 that included a Vacancy Fee deduction for Appliance Depreciation or Appliance Replacement Fees and/or Replacement Fees for Cabinets, Countertops or Other Materials.
2. Sub-Class Two - All present and former Residents (or their legal representatives) of Shannondell at Valley Forge who signed a Residence and Care Agreement and received an Entrance Fee refund before May 23, 2012 that included a Vacancy Fee deduction for Appliance Depreciation or Appliance Replacement Fees and/or Replacement Fees for Cabinets, Countertops or Other Materials.

It is further **ORDERED** as follows:

3. Plaintiffs are appointed as representatives of Sub-Class One.
4. Plaintiffs' counsel is appointed as counsel for the two sub-classes.

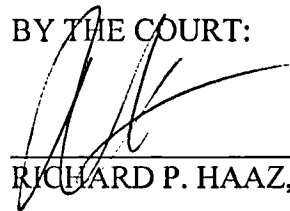
5. Plaintiffs' counsel shall identify and move to add one or more representative plaintiffs for Sub-Class Two within thirty (30) days of the date of entry of this Order.

6. The parties shall jointly prepare a Case Management Order regarding fact and expert discovery and dispositive motions and shall submit it to the court within thirty (30) days of the date of entry of this Order. If the parties are unable to arrive at an agreement as to all dates, they shall submit letters to the court setting forth those dates agreed upon and those that are still in dispute.

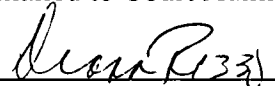
7. The parties shall jointly prepare a proposal for the notification procedure and proposed forms of notice to the class members in Sub-Class Two and shall submit same to the court within thirty (30) days from the date of entry of this Order. If the parties are unable to arrive at an agreement as to notification of the class, they shall submit letters to the court setting forth issues regarding notice upon which they agree and those that are still in dispute.

8. Defendant shall provide Class counsel with the names, legal representatives (if applicable), former and current addresses for each member of each defined sub-class within the next twenty (20) days. Defendant shall have a continuing obligation to update this information as vacancies occur and Entrance Fee refunds are issued. Said information shall include a copy of all Settlement documents and worksheets showing the calculations of the Vacancy Fee and Entrance Fee refunds.

BY THE COURT:


RICHARD P. HAAZ, J.

Order e-filed on 10/10/23
Copies sent via Prothonotary to the parties of record
Emailed to Court Administration – Civil Division


Judicial Secretary