

**If you paid money for interment services at a Roman Catholic Archdiocese of Los Angeles cemetery, a class action lawsuit may affect your rights.**

*This is a court authorized Notice and not a solicitation from a lawyer.*

- The Court has granted Class Certification in a lawsuit against The Roman Catholic Archdiocese of Los Angeles (the “Archdiocese”). The lawsuit alleges that, starting in 1992, the Archdiocese engaged in deceptive and unfair business practices by charging a line item for “Care and Maintenance” in burial contracts for Archdiocese of Los Angeles cemeteries when, in reality, the money could be used for other purposes and some of the money was used to settle claims brought by victims of sexual abuse. The Archdiocese denies it did anything wrong and disputes the claims in the lawsuit. The class action is pending in Los Angeles Superior Court and is captioned Howard v. The Roman Catholic Archdiocese of Los Angeles Case No BC655179. (Please refer to [www.spencerlaw.net/archdioceseaction](http://www.spencerlaw.net/archdioceseaction) for a list of the applicable cemeteries.)
- The Court has not decided whether the Archdiocese did anything wrong. There is no money available now, and no guarantee that there will be. However, your legal rights are affected, and you have a choice to make now:

<b>YOUR LEGAL RIGHTS AND OPTIONS</b>	
<b>Do Nothing</b>	<p>You will:</p> <ul style="list-style-type: none"><li>• <b>Stay in the lawsuit</b></li><li>• <b>Await the outcome</b></li><li>• <b>Give up certain rights</b></li></ul> <p>By doing nothing, as a potential class member you may receive money or benefits that may come from a trial or settlement, but you give up any rights to sue the Archdiocese in your own lawsuit regarding the same legal claims.</p>
<b>Ask to be excluded</b>	<p>You will:</p> <ul style="list-style-type: none"><li>• <b>Get out of this lawsuit</b></li><li>• <b>Obtain no money or benefits from it</b></li><li>• <b>Keep any rights to sue individually</b></li></ul> <p>If you ask to be excluded and if money or benefits are later awarded, you won't share in those, but you keep any rights to file your own lawsuit against the Archdiocese for the legal claims that are alleged in this lawsuit.</p>

- Your options are explained in this Notice. To ask to be excluded you must act by

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November 2, 2020.

- Lawyers must prove the claims against the Archdiocese at a trial to be held in the future. If money or benefits are obtained, you will be notified of how you can receive a share of that money or what other benefit may be awarded.

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**BASIC INFORMATION**

**1. WHY DID I GET THIS NOTICE?**

The records of the Archdiocese reflect that, after 1992, you contracted for interment services at a Roman Catholic Archdiocese of Los Angeles cemetery pursuant to a contract that contained a line item charge for “care and maintenance.” Therefore, you are a member of the Class. This Notice explains that the Court has allowed or “certified” a class action that may affect you. You have legal rights and options that you may exercise before the Court holds a trial. The trial is to decide whether the claims being made against the Archdiocese, on your behalf, are correct. Judge Elihu M. Berle of the Los Angeles Superior Court is overseeing this class action. The case name is Howard v. The Roman Catholic Archdiocese of Los Angeles Case No BC655179.

**2. WHAT IF I HAVE A CHANGE OF ADDRESS?**

If this Notice was not mailed to your current address, or if you have a change of address, you should mail a letter with the previous and new address information to Class Counsel identified below in paragraph 23.

**3. WHAT IS THIS LAWSUIT ABOUT?**

The lawsuit contends that, starting in 1992, the Archdiocese engaged in fraudulent and unfair business practices by charging a line item in burial contracts for “care and maintenance” and then using some of the money charged for purposes other than care and maintenance including to settle claims brought by victims of sexual abuse. Plaintiff alleges that this conduct violated California law and that the class members are entitled to recover restitution of the money paid for care and maintenance and injunctive relief.

This lawsuit is about whether the Archdiocese’s alleged conduct violated the law. There has been no determination of liability and the Archdiocese denies any wrongdoing.

**4. WHAT IS A CLASS ACTION AND WHO IS INVOLVED?**

In a class action lawsuit, one or more people called “Class Representatives” bring a lawsuit on behalf of other people who have similar claims. The people together are referred to as a “Class” or “Class Members.” The entity that the lawsuit is filed against (in this case The Roman Catholic Archdiocese of Los Angeles) is called the Defendant. In a class action, one court will resolve the issues for everyone in the Class—unless a class member chooses to exclude his or herself from the Class.

**5. WHY IS THIS LAWSUIT A CLASS ACTION?**

The Court decided that this lawsuit can be a class action and move toward a trial because

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it meets the requirements of the California Code of Civil Procedure § 382, which governs class actions in state court. Specifically, the Court found:

- That the Archdiocese's alleged policies and practices of charging a line item in burial contracts, starting in 1992, for "care and maintenance" and then using the money charged for purposes other than care and maintenance applied to all Class Members;
- That there are a enough persons within the Class to support Class Certification;
- That there are predominate legal questions and facts that are common to each of the Class Members;
- That the named Plaintiff's claims are typical of the claims of the rest of the Class;
- That the named Plaintiff and his lawyers will fairly and adequately represent the Class Members' interests; and
- That a class action will be more efficient to resolve the issues as opposed to resolving the issues in many individual lawsuits.

More information about why the Court is allowing this lawsuit to be a class action is in the Court's Order Certifying the Class, which is available at [www.spencerlaw.net/](http://www.spencerlaw.net/).

### THE CLAIMS IN THE LAWSUIT

#### **6. WHAT DOES THE LAWSUIT COMPLAIN ABOUT?**

The lawsuit contends that, starting in 1992, the Archdiocese deceptively charged a line item in its interment contracts for "care and maintenance" causing consumers to believe that the money charged was for care and maintenance of the Cemeteries, when the Archdiocese did not use the money charged for care and maintenance and, instead, used it for other purposes, including to settle claims brought by victims of sexual abuse. Plaintiff alleges that this conduct violated California law and that the class members are entitled to restitution of the money paid for care and maintenance and injunctive relief for the violations.

#### **7. HOW DOES THE DEFENDANT RESPOND?**

The Archdiocese denies it did anything wrong and disputes the claims in the lawsuit.

#### **8. HAS THE COURT DECIDED WHO IS RIGHT?**

The Court has not decided which side is correct. By allowing this lawsuit to proceed as a Class Action, the Court is not suggesting which side will win the case. The burden will be on Plaintiff to prove the case at trial.

#### **9. WHAT IS THE PLAINTIFF ASKING FOR?**

Plaintiff is seeking restitution of the money the Class Members paid for "care and maintenance," which typically equaled 15% of the contract price and injunctive relief to

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require the Archdiocese to use the money charged for care and maintenance only for that purpose and to remove the deceptive care and maintenance line item from the contracts. The law may or may not allow various amounts to be awarded as restitution, but this remains to be determined by the Court.

**10. IS THERE ANY MONEY AVAILABLE NOW?**

No money or benefits are available now because the Court has not yet decided whether the Archdiocese did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, you will be notified about how to ask for a share.

**WHO IS IN THE CLASS**

**11. AM I PART OF THIS CLASS?**

The Court has decided that the Class is comprised of all persons and their successors in interest who paid money for interment services pursuant to the SUBJECT CONTRACTS, which is a defined term. The term "SUBJECT CONTRACTS" is defined as any agreement for interment services at Roman Catholic Archdiocese of Los Angeles cemeteries that includes a discrete charge for "care and maintenance." If you received this Notice by mail you can assume you are a member of the Class.

**12. CAN THE IDENTITY OF THE CLASS MEMBERS CHANGE?**

The Archdiocese may argue in the future that the class should be "decertified" which would mean the class definition could change. If the Court changes the Class definitions in the future and that change affects your status, you will be notified.

**13. DO I HAVE TO HAVE PROOF THAT I AM A CLASS MEMBER?**

If you received this Notice by mail, the Archdiocese's records have identified you as a member of the Class. However, the Archdiocese's records may not be complete. If you did not receive this Notice by mail, then your name may not be on the list of Class members or there was no valid address for you. Either way, if you believe you should be included in the Class, you must notify Class Counsel identified in paragraph 23 as soon as possible.

**YOUR RIGHTS AND OPTIONS**

**14. WHAT HAPPENS IF I DO NOTHING AT ALL?**

You don't have to do anything now if you want to keep the possibility of getting money or benefits from this lawsuit. By doing nothing you are staying in the class. If you do not exclude yourself from the lawsuit and the Plaintiff obtains money or benefits, either as a result of the trial or a settlement, you will be notified about how to receive a share of the

settlement proceeds. Keep in mind that if you do nothing now, regardless of whether the Plaintiff wins or loses the trial, you will not be able to file your own lawsuit against the Archdiocese about the same legal claims that are the subject of this lawsuit.

**15. WHY WOULD I ASK TO BE EXCLUDED?**

If you already have your own lawsuit or want to start one against the Archdiocese for unfair business practices arising out of its use of contracts with a line item charge for “care and maintenance” and wish to pursue that case on your own, you need to ask to be excluded from the Class. If you exclude yourself from the Class—which also means to remove yourself from the Class, and is sometimes called “opting-out” of the Class—you won’t get any money or benefits from this lawsuit even if the Plaintiff obtains them as a result of a trial or settlement (that may or may not be reached) between the Archdiocese and the Class. However, you may then be able to sue or continue to sue the Archdiocese. If you exclude yourself, you will not be legally bound by the Court’s judgment in this class action.

If you start your own lawsuit against the Archdiocese after you exclude yourself, you’ll have to hire and pay your own lawyer for that lawsuit, and you’ll have to prove your claims. If you do exclude yourself because you want to start or continue your own lawsuit against the Archdiocese, you should talk to your own lawyer soon, because your claims may be subject to strict filing deadlines.

**16. HOW DO I ASK THE COURT TO EXCLUDE ME FROM THE CLASS?**

To ask to be excluded, you must mail a signed and completed “Request for Exclusion Form” which is included with this Notice, postmarked by **November 2, 2020** to the address provided in the Request for Exclusion Form. A copy of the Request for Exclusion Form can also be downloaded from the website at [www.spencerlaw.net/archdioceseaction](http://www.spencerlaw.net/archdioceseaction).

**THE LAWYERS REPRESENTING YOU**

**17. DO I HAVE A LAWYER IN THIS CASE?**

Yes. The Court decided that the law firms of The Spencer Law Firm, the Lakeshore Law Center and The Law Offices of Scott Schutzman are qualified to represent you and all Class Members. Together, the law firms are called “Class Counsel.” They are experienced in handling similar cases. More information about these law firms, their practices and their experiences is available at [www.spencerlaw.net](http://www.spencerlaw.net), [www.lakeshorelaw.org](http://www.lakeshorelaw.org), and [www.scottschutzmanattorney.com](http://www.scottschutzmanattorney.com).

**18. SHOULD I GET MY OWN LAWYER?**

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will have to pay that lawyer.

**19. HOW WILL THE LAWYERS BE PAID?**

If Class Counsel get money or benefits for the Class, they will ask the Court for fees and expenses. You won't have to pay these fees and expenses. If the Court grants Class Counsels' request, the fees and expenses would either be deducted from any money obtained for the Class or paid separately by the Archdiocese.

**THE TRIAL**

**20. HOW AND WHEN WILL THE COURT DECIDE WHO IS RIGHT?**

As long as the case isn't resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiff's claims at a trial. The case has not yet been set for trial. It is also possible the Court will make important rulings affecting the outcome of this lawsuit before the trial date. There is no guarantee that the Plaintiff will win, or that that he will get any money for the Class.

**21. DO I HAVE TO COME TO THE TRIAL?**

You probably do not need to attend the trial. Class Counsel will present the case for the Plaintiff and the Class and the lawyers for the Archdiocese will present the defense. You or your own lawyer are welcome to come at your own expense. However, it is possible a limited number of Class Members, including yourself, may be asked by one side or the other to testify at the trial as a witness, in which case you would be reimbursed for certain expenses.

**22. WILL I GET MONEY AFTER THE TRIAL?**

If the Plaintiff obtains money or benefits as a result of the trial or a settlement, you will be notified about how to participate. We do not know how long this will take and at this time we do not know whether you will receive money or if you do how much that will be.

**GETTING MORE INFORMATION**

**23. ARE MORE DETAILS AVAILABLE?**

Visit the website [www.spencerlaw.net/archdiocesclassaction](http://www.spencerlaw.net/archdiocesclassaction) where you will find the Court's Order certifying the classes, the Complaint, and the Class Notice. You may also call, write to or email the Class Counsel at:

<b>THE SPENCER LAW FIRM</b> Jeffrey Spencer, Esq., (State Bar No. 182440) 2 Venture, Suite 220 Irvine, CA 92618	<b>LAKESHORE LAW CENTER</b> Jeffrey Wilens, Esq. (State Bar No. 120371) 18340 Yorba Linda Blvd., Suite 107-610 Yorba Linda, CA 92886 Telephone No: (714) 854-7205
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<p>(Tel.) (949) 240-8595 (Fax) (949) 377-3272 jps@spencerlaw.net</p>	<p>Facsimile No: (714) 854-7206 Email: <a href="mailto:jeff@lakeshorelaw.org">jeff@lakeshorelaw.org</a></p> <p>Scott E. Schutzman, Esq. SBN 140962 LAW OFFICES OF SCOTT E. SCHUTZMAN 2124 Main Street, Suite 130 Huntington Beach, California 92648 Tel: (714) 374-0099 Fax: (714) 374-0104 Email: <a href="mailto:schutzzy@msn.com">schutzzy@msn.com</a></p>
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The pleadings and other records in this litigation may be examined at the clerk's office of the Los Angeles Superior Court Spring Street Courthouse located at 312 North Spring Street, Los Angeles, CA 90012.

Your communications with the Class Counsel listed above regarding this action will be confidential.

**DO NOT CONTACT THE JUDGE OR THE COURT TO DISCUSS THE LAWSUIT.**