

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

IN RE GATEWAY PLAZA RESIDENTS LITIGATION

Index No. 651023/2014
Motion Seq. __
Hon. Melissa A. Crane

**AFFIRMATION OF
JEFFREY M. NORTON**

Jeffrey M. Norton, an attorney duly admitted to practice law before the Courts of the State of New York, hereby affirms that the following statements are true under the penalties of perjury pursuant to CPLR 2106:

1. I am a member of the law firm Newman Ferrara LLP, attorneys for Kelley Crosson and Kathy Fernando, the representative class action plaintiffs, and proposed co-lead counsel for the putative class, in this action. I respectfully submit this Affirmation in support of plaintiffs and defendant's joint motion (the "Joint Motion") for preliminary approval of the settlement (the "Settlement") of this action.

The Settlement

2. Attached as Exhibit A is a Stipulation of Settlement, executed by the parties on October 30, 2019. The Stipulation sets forth a comprehensive proposed settlement of the above action. That Settlement was the culmination of nearly five years of litigation, and several years' worth of arm's length negotiations between the parties.

3. The Settlement provides for the complete resolution of the action, with appropriate releases, in consideration for, among other things, \$10,000,000 in combined cash and rent abatement to be provided by defendant. In addition, as part of the Settlement, defendant has agreed to certain rent increase limitations with respect to the property at issue. Based on historical data provided by Defendant, Plaintiffs estimate the potential value of the benefit to be

upwards of \$13,000,000. Together with a number of capital improvements estimated to cost between \$18,000,000 and \$20,000,000, the overall value of the Settlement is estimated to be upwards of \$42,000,000.

The Joint Motion

4. By this Joint Motion, the parties respectfully seek the Court's:

(a) preliminary approval of the Settlement embodied in the Stipulation of Settlement (attached as Exhibit A);

(b) preliminary approval of the proposed plan of allocation contained in the Notice (the "Notice") to class members, notifying the class members of the Settlement (attached as Exhibit B);

(c) certification of the plaintiff class, as described in the Stipulation of Settlement and the Notice, for settlement purposes; and

(d) approval of the Notice.

5. All of the attached papers have been negotiated between and approved by the parties.

Preliminary Approval Order

6. The parties have also negotiated and agreed upon a proposed Preliminary Approval Order, attached as Exhibit C, providing for, among other things, the relief noted above.

7. The parties jointly and respectfully submit that the Court should enter the Preliminary Approval Order, and grant such further relief as the Court deems appropriate.

Dated: New York, New York
October 30, 2019

s/ Jeffrey M. Norton
Jeffrey M. Norton