

NOTICE OF PROPOSED SETTLEMENT AND HEARING

A court authorized this notice. This is not a solicitation from a lawyer.

- If you currently own a living unit within the residential development known as “Overlook at Lopatcong,” located in the Township of Lopatcong, Warren County, New Jersey, you might be eligible to receive benefits from a class action settlement.
- The settlement resolves claims against Segal & Morel at Lopatcong, LLC, Segal & Morel, Inc., Overlook at Lopatcong Condominium Owners Association, Inc., and Defendant Regency Management Group, LLC, the defendants in a lawsuit concerning the alleged defective design, installation, maintenance and warnings attendant to radon mitigation systems intended to service the living units at Overlook at Lopatcong. This settlement also resolved claims these defendants brought against a third-party defendant, Falcon Engineering Co. (“Falcon”). *Please note that the Settlement Class did not bring any claims against Falcon.*
- All sides disagree about who was and is responsible for the design, installation, warnings and maintenance of the radon mitigation systems and what relief, if any, plaintiffs may or may not be entitled to. The plaintiffs, defendants and Falcon have agreed to resolve the claims between them by a settlement.
- Your legal rights are affected. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:

Remain in the Settlement Class	If you wish to receive benefits under the settlement, you do not need to take any action at this time.
Exclude Yourself from the Settlement Class	Receive no benefits. This is the only option that allows you to ever be a part of any other lawsuit against defendants and/or Falcon about the facts and legal claims in this case.
Object to the Settlement	Write to the Court about why you do not like the settlement.
Go To A Hearing	Ask to speak in Court about the fairness of the settlement.

- The rights and options – **and the deadlines to exercise them** – are explained in this notice.
- The Court still has to decide whether to approve this settlement, which may take some time. Please be patient.

QUESTIONS?

VISIT WWW.LIEBERMANBLECHER.COM/RADONCLASSACTIONSETTLEMENT OR
CALL TOLL FREE 1-855-998-6942

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION

1. Why did I get this notice package?
2. What is this lawsuit about?
3. Why is this case a class action?
4. Why is there a settlement?

WHO IS IN THE SETTLEMENT

5. How do I know if I am part of the settlement?
6. I'm still not sure if I am included in the settlement.

THE SETTLEMENT BENEFITS – WHAT YOU GET

7. What does the settlement provide?

HOW YOU RECEIVE SETTLEMENT BENEFITS

8. How can I get a benefit?
9. When would I get my benefit?
10. What am I giving up to get a benefit or stay in the Class?

EXCLUDING YOURSELF FROM THE SETTLEMENT

11. How do I get out of the settlement?
12. If I don't exclude myself, can I sue the defendants for the same thing later?
13. If I exclude myself, can I get benefits from this settlement?

THE LAWYERS REPRESENTING YOU

14. Do I have a lawyer in this case?
15. How will the lawyers be paid?

OBJECTING TO THE SETTLEMENT

16. How do I tell the Court that I don't like the settlement?
17. What's the difference between objecting and excluding?

THE COURT'S FAIRNESS HEARING

18. When and where will the Court decide whether to approve the settlement?
19. Do I have to come to the hearing?
20. May I speak at the hearing?

GETTING MORE INFORMATION

21. Are there more details about settlement?
22. How do I get more information?

QUESTIONS?

VISIT WWW.LIEBERMANBLECHER.COM/RADONCLASSACTIONSETTLEMENT OR
CALL TOLL FREE 1-855-998-6942

BASIC INFORMATION

1. Why did I get this notice package?

You are receiving this notice because you have been identified as a potential member of a Settlement Class consisting of:

All current owners of living units at Overlook at Lopatcong located in the Township of Lopatcong, Warren County, New Jersey.

As such, the Court sent you this notice because you have a right to know about the proposed partial settlement of the class action lawsuit, and about all of your options, before the Court decides whether to approve the settlement. If the Court approves the settlement, and objections or appeals relating to that settlement are resolved, the benefits provided for by the settlement will be available to Settlement Class members.

This package explains the lawsuit, the settlement, your legal rights, what benefits are available, who is eligible for the benefits, and how to get the benefits.

The Court in charge of this case is the Superior Court of New Jersey, Law Division, Warren County Vicinage, and the case is known as *Joanne Casale and Karen Hutchinson v. Segal & Morel at Lopatcong, LLC, Segal & Morel, Inc., Overlook at Lopatcong Condominium Owners Association, Inc., RAdata, Inc., and Regency Management Group, LLC*, Docket No. WRN-L-170-09. The persons who sued are called the Plaintiffs. Segal & Morel at Lopatcong, LLC, Segal & Morel, Inc., Overlook at Lopatcong Condominium Owners Association, Inc., and Regency Management Group, LLC are the Defendants. Falcon Engineering Co. is a Third-Party Defendant. A third-party defendant is an individual or entity that is sued by a defendant in litigation when the defendant believes that the individual or entity is partially or wholly responsible for the claims being asserted against that defendant. The Plaintiffs in this case have not sued Falcon Engineering Co. (“Falcon”), only the other Defendants listed above.

2. What is this lawsuit about?

Plaintiffs allege that the Defendants identified above are responsible for installing faulty radon mitigation systems in homes at the Overlook at Lopatcong development, failing to properly test and maintain the systems, and providing inadequate warnings to homeowners regarding the systems. Plaintiffs allege that the Defendants knew or should have known about the defects in the radon mitigation systems yet failed to take appropriate action to remedy those defects. In response, Defendants deny all of Plaintiffs’ factual and legal allegations in the lawsuit and specifically deny all liability to the Plaintiffs and the Settlement Class, and have raised a number of defenses to the claims asserted. The Defendants also sued Falcon as a third-party defendant on the basis that Falcon is responsible for the damages claimed by Plaintiffs.

QUESTIONS?

VISIT WWW.LIEBERMANBLECHER.COM/RADONCLASSACTIONSETTLEMENT OR
CALL TOLL FREE 1-855-998-6942

This notice does not imply that there has been any finding of any violation of the law by Defendants or Falcon or that recovery could be had in a certain amount. Although the Court has authorized this Notice to be given of the proposed settlement, this Notice does not express the opinion of the Court on the merits of the claims or defenses asserted by either side in the lawsuit.

3. Why is this case a class action?

Class actions are lawsuits in which the claims and rights of many people are decided in a single court proceeding. Representative Plaintiffs (called “Class Representatives”) are named in the lawsuit to assert the claims of the entire class. This avoids the necessity of a large number of people filing similar individual lawsuits and it enables the court system to resolve similar claims in an efficient and economical way. Class actions provide a vehicle whereby people with similar claims are treated alike. In a class action, the court is the guardian of class interests and supervises the prosecution of the class claims by attorneys for the class (called “Class Counsel”) to ensure that the representation is adequate. Class members are not individually responsible for the costs or fees of counsel, which is subject to court award.

4. Why is there a settlement?

The Court did not decide in favor of the Class Representatives, Defendants or Falcon in this case. Class Counsel has investigated the facts and applicable law regarding the Class Representatives’ claims and Defendants’ defenses. The parties have engaged in lengthy and “arms-length” negotiations in reaching this settlement. The Class Representatives and Class Counsel believe that the proposed settlement is fair, reasonable and adequate and in the best interests of the Class. Both sides agree that, by settling, Defendants and Falcon are not admitting any liability or that it did anything wrong, but both sides want to avoid uncertainties and high costs (in both time and money) in further litigating and trying a case of this type.

WHO IS IN THE SETTLEMENT

To see if you will receive a benefit from this settlement, you first have to decide if you are a Class Member.

5. How do I know if I am part of the settlement?

You are part of the settlement if you currently own a living unit at Overlook at Lopatcong, unless you previously opted out of the Class (*i.e.*, decided not to be a part of this lawsuit). The opt-out period took place in 2010 and Class Counsel maintains a list of Overlook at Lopatcong unit owners who opted out of the Class.

6. I’m still not sure if I am included in the settlement.

QUESTIONS?

VISIT WWW.LIEBERMANBLECHER.COM/RADONCLASSACTIONSETTLEMENT OR
CALL TOLL FREE 1-855-998-6942

If you are still not sure whether you are included in the settlement, you can ask for free help. Please visit www.LiebermanBlecher.com/RadonClassActionSettlement for more information or call Class Counsel toll-free at 1-855-998-6942.

THE SETTLEMENT BENEFITS – WHAT YOU GET

7. What does the settlement provide?

If you determine that you are a member of the Class, you may receive benefits under the Settlement. The Settlement provides that Defendants will provide a total financial contribution to the Class Members in the amount of Three Hundred and Twenty Five Thousand Dollars, which will be paid to the order of Class Counsel's Attorney Trust Account and distributed as follows:

- \$325,000.00, less applicable costs and attorneys' fees, shall be distributed by Plaintiffs' counsel to the Board of Trustees of the Association as class claims administrator ("Administrator"), the appointment of whom shall not be disputed by Defendants. The class benefit shall be used for the sole and exclusive purpose of radon mitigation system repair, maintenance and monitoring at Overlook as suggested by a licensed radon mitigation specialist and approved by the Administrator pursuant to a written protocol agreed to by the parties to this Settlement.

In addition, Defendants will provide a total contribution to the Class Representatives in full and final settlement of any and all claims asserted by the Class Representatives individually. This means that the Class Representatives have additional claims against Defendants for medical surveillance that were not part of the class action. To settle these claims, Defendants have agreed to pay the following:

- \$2,500.00 to plaintiff Joanne Casale in full and final settlement of any and all claims asserted individually by Ms. Casale against RAdata and for the purpose of obtaining medical surveillance, and as a small incentive award for acting as a Class Representative; and
- \$2,500.00 to plaintiff Karen Hutchinson in full and final settlement of any and all claims asserted individually by Ms. Hutchinson against RAdata and for the purpose of obtaining medical surveillance, and as a small incentive award for acting as a Class Representative.

QUESTIONS?

VISIT WWW.LIEBERMANBLECHER.COM/RADONCLASSACTIONSETTLEMENT OR
CALL TOLL FREE 1-855-998-6942

HOW YOU RECEIVE SETTLEMENT BENEFITS

8. How can I get a benefit?

To qualify for benefits, you do nothing at this time. If you wish to receive benefits under the Settlement, you do not need to take any action. Your interest as a member of the Settlement Class will be represented by the Class Representatives and Class Counsel. You will be bound by any judgment approving or disapproving the Settlement. If the Settlement is approved, Class Counsel or a Settlement Administrator will send you any monies that you are entitled to under the Settlement.

If you change your address, you must mail a notification of your new address to Class Counsel.

9. When would I get my benefit?

The Court will hold a hearing on **Thursday, September 18, 2014 at 1:30 p.m.** to decide whether to approve the Settlement. If the Settlement is approved, there may be appeals. Payments to Settlement Class members will be made after the Settlement is finally approved and after all refunds/credits are made from each taxing jurisdiction. This may take some time, so please be patient.

10. What am I giving up to get a benefit or stay in the Class?

Upon the Court's approval of the settlement, the Class Members who do not exclude themselves will release and forever discharge Defendants and Falcon, including all of its predecessors in interest, successors in interest and any of its parents, subsidiaries, divisions or affiliates, and its officers, directors, employees, trustees, principles, attorneys, agents, representatives, vendors, shareholders, partners, limited partners, as well as any person acting or purporting to act on its behalf or on behalf of those in privity with Defendants or Falcon, from any and all claims, demands, debts, liabilities, actions, causes of action of every kind and nature, obligations, damages, losses, and costs, whether known or unknown, actual or potential, suspected or unsuspected, direct or indirect, contingent or fixed, that were or could have been asserted or sought in the action by Class Members, relating in any way or arising out of Defendants' or Falcon's role in the design, installation, warnings or maintenance of radon mitigation systems at Overlook at Lopatcong.

"Unknown" claims as released herein means any and all claims that any Class Member does not know to exist against Defendants or Falcon which, if known, might have affected his or her decision to enter into or be bound by the terms of this Settlement. The Plaintiffs and the members of the Settlement Class acknowledge that they may hereafter discover facts in addition to or different from those that they now know or believe to be true concerning the subject matter of this release, but nevertheless fully, finally, and forever settle and release any and all claims,

QUESTIONS?

VISIT WWW.LIEBERMANBLECHER.COM/RADONCLASSACTIONSETTLEMENT OR
CALL TOLL FREE 1-855-998-6942

known or unknown, derivative or direct, suspected or unsuspected, accrued or unaccrued, asserted or unasserted, in law or equity, including, without limitation, claims that have been asserted or could have been asserted in the Action against Defendants or Falcon arising out of Defendants' or Falcon's role in the design, installation, warnings or maintenance of radon mitigation systems at Overlook at Lopatcong that they now have, ever had, or may have had as of the date the Final Order approving Settlement in this Action becomes final. The foregoing waiver includes, without limitation, an express waiver to the fullest extent permitted by law, by the Plaintiffs and the Settlement Class Members of any and all rights under New Jersey law or any law of any other state or of the United States, which provides that a general release does not extend to claims not known or suspected at the time of executing the release.

EXCLUDING YOURSELF FROM THE SETTLEMENT

11. How do I get out of the settlement?

If you choose to be excluded from the Settlement Class, you will not be bound by any judgment or other final disposition of the lawsuits. You will retain any claims against Defendants or Falcon you might have. To request exclusion, you must state in writing your desire to be excluded from the Settlement Class. You must sign your request for exclusion personally or by legal counsel. Your request must include: (1) your full name, current mailing address and the address of the Overlook at Lopatcong living unit owned by you; (2) your signature; and (3) a specific statement that "I want to be excluded from the Settlement Class." **The request for exclusion must be sent by first class mail, postmarked on or before September 4, 2014,** addressed to:

Stuart J. Lieberman, Esq.
Lieberman & Blecher, P.C.
10 Jefferson Plaza, Suite 400
Princeton, New Jersey 08540

If the request is not postmarked on or before September 4, 2014, your request for exclusion will be invalid, and you will be included in the Settlement Class automatically. If you do not request exclusion, you will be bound by the terms of the settlement approved by the Court, including, without limitation, the judgment ultimately rendered in the action, and you will be barred from bringing any claims which arise out of or relate in any way to Defendants' or Falcon's role in the design, installation, warnings or maintenance of radon mitigation systems at Overlook at Lopatcong.

12. If I don't exclude myself, can I sue RAdata, Inc. for the same thing later?

QUESTIONS?

VISIT WWW.LIEBERMANBLECHER.COM/RADONCLASSACTIONSETTLEMENT OR
CALL TOLL FREE 1-855-998-6942

No. Unless you exclude yourself, you give up any right to sue Defendants or Falcon for the claims that the settlement resolves. If you have a pending lawsuit, speak to your lawyer in that case immediately.

13. If I exclude myself, can I get benefits from this settlement?

No. If you exclude yourself, you are not part of the Settlement.

THE LAWYER'S REPRESENTING YOU

14. Do I have a lawyer in this case?

The Court has appointed Joanne Casale and Karen Hutchinson as Class Representatives. The Court has appointed the following attorney as "Class Counsel:"

Stuart J. Lieberman, Esq.
Lieberman & Blecher, P.C.
10 Jefferson Plaza, Suite 400
Princeton, New Jersey 08540

Class Counsel represents the interests of the Settlement Class. You may hire your own attorney to advise you, but if you hire your own attorney, you will be responsible for paying that attorney's fees.

15. How will the lawyers be paid?

Settlement Class Counsel will apply to the Court for an award of reasonable attorneys' fees and expenses and Class Representatives' compensation.

OBJECTING TO THE SETTLEMENT

16. How do I tell the Court that I don't like the settlement?

You may object to any aspect of the proposed settlement by filing a written objection with the Court and serving the written objection on both Class Counsel and Counsel for Defendants and Counsel for Falcon. You must sign your objection personally or by legal counsel. Your objection must state your full name, current address and the address of your living unit at Overlook at Lopatcong. You must also provide copies of any documents you intend to rely upon, the names and addresses of any witnesses who will appear at the hearing, and the name of any counsel representing you. Your deposition may be taken in order to determine the grounds for your objection. The deposition must be limited to topics related to the objection. Your

QUESTIONS?

VISIT WWW.LIEBERMANBLECHER.COM/RADONCLASSACTIONSETTLEMENT OR
CALL TOLL FREE 1-855-998-6942

objection must state why you object to the proposed settlement and any reasons supporting your position.

If you intend to appear in person or through your own attorney at the **Thursday, September 18, 2014** Fairness Hearing described in Paragraph 18 below, you must include with your objection a notice of your intention to appear at the hearing.

You must mail any objections, along with any notice of intent to appear, postmarked on or before Thursday, September 4, 2014, to Class Counsel, Counsel for Defendants, and Counsel for Falcon. The address for Class Counsel is:

Stuart J. Lieberman, Esq.
Lieberman & Blecher, P.C.
10 Jefferson Plaza, Suite 400
Princeton, New Jersey 08540

The address for counsel representing Segal & Morel at Lopatcong, LLC and Segal & Morel, Inc. is:

Francis X. Donnelly, Esq.
Mayfield, Turner, O'Mara & Donnelly
2201 Executive Building
Route 38, Suite 300
Cherry Hill, NJ 08002

The address for counsel representing Overlook at Lopatcong Condominium Owners Association, Inc. and Regency Management, Inc. is:

Anthony Pasquarelli, Esq.
Sweet Pasquarelli
17 Joyce Kilmer Ave.
New Brunswick, NJ 08901

The address for counsel representing Falcon Engineering Co. is:

Tracy Burnley, Esq.
200 Lake Drive East, Suite 300
Cherry Hill, NJ 08002
tburnley@mdwgc.com

QUESTIONS?

**VISIT WWW.LIEBERMANBLECHER.COM/RADONCLASSACTIONSETTLEMENT OR
CALL TOLL FREE 1-855-998-6942**

You must file your objection with the Court by mailing your objection to the Clerk of the Superior Court of New Jersey, Law Division, Warren County. The Court's address is:

Clerk, Superior Court of New Jersey, Warren County
413 2nd Street, P.O. Box 900
Belvidere, NJ 07823

Any Settlement Class Member who does not file and serve an objection in the time and manner described above will not be permitted to raise that objection later.

17. What's the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the settlement. You can object only if you stay in the Class. If you exclude yourself from the Class, you are telling the Court that you do want to be part of the Class or this settlement. If you exclude yourself, you have no basis to object because the lawsuit no longer affects you.

THE COURT'S FAIRNESS HEARING

18. When and where will the Court decide whether to approve the settlement?

There will be a hearing to consider approval of the proposed settlement on **Thursday, September 18, 2014**, beginning at **1:30 p.m.** at the Superior Court of New Jersey, Law Division, Warren County Vicinage, 413 2nd Street, Belvidere, NJ 07823 in before Judge Pursel. The hearing may be postponed to a later date without further notice. The purpose of the hearing is to determine the fairness, reasonableness, and adequacy of the terms of settlement; whether the Settlement Class is adequately represented by the Class Representatives and Class Counsel; and whether an order and final judgment should be entered approving the proposed settlement. The Court also will consider Class Counsel's application for an award of attorneys' fees and expenses and Class Representative's compensation.

You will be represented at the hearing on the fairness of the settlement by Class Counsel, unless you choose to enter an appearance in person or through your own counsel. The appearance of your own attorney is not necessary to participate in the hearing on the fairness of the settlement.

19. Do I have to come to the hearing?

No. Class Counsel will represent the Class at the hearing, but you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

QUESTIONS?

VISIT WWW.LIEBERMANBLECHER.COM/RADONCLASSACTIONSETTLEMENT OR
CALL TOLL FREE 1-855-998-6942

20. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send with your written objection a notice of intention to appear at the hearing as described in paragraph 16 above. You cannot speak at the hearing if you exclude yourself from this settlement.

GETTING MORE INFORMATION

21. Are there more details about the settlement?

This Notice is only a summary. For a more detailed statement of the matters involved in the lawsuit or the Settlement, you may refer to the papers filed in this case during regular business hours at the office of the Clerk of the Court, Superior Court of New Jersey, Law Division, Warren County Vicinage, 413 2nd Street, Belvidere, NJ 07823. File: *Joanne Casale and Karen Hutchinson v. Segal & Morel at Lopatcong, LLC, Segal & Morel, Inc., Overlook at Lopatcong Condominium Owners Association, Inc., RAdata, Inc., and Regency Management Group, LLC*, Docket No. WRN-L-170-09. The full Settlement Agreement and the pleadings filed in the cases can be requested, in writing, from Class Counsel identified in Paragraph 14 above.

22. How do I get more information?

You can visit www.LiebermanBlecher.com/RadonClassActionSettlement, or write Class Counsel at the address provided in paragraph 14 above. **Please do not contact the Court for information.**

QUESTIONS?

VISIT WWW.LIEBERMANBLECHER.COM/RADONCLASSACTIONSETTLEMENT OR
CALL TOLL FREE 1-855-998-6942