

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

IN RE: WOODLAWN MEMORIAL PARK
LITIGATION

SANDRA D. LINDSEY, et al., on behalf of themselves and all
others similarly situated and as private attorneys general on
behalf of the general public,

Plaintiffs,

v.

WOODLAWN MEMORIAL PARK, et al.,

Defendants.

CASE NO. BC 227267

Judge: Honorable Peter D. Lichtman
Mediator: Honorable Victoria G. Chaney

NOTICE OF CLASS ACTION SETTLEMENT

**TO: ALL PERSONS RELATED TO INDIVIDUALS BURIED AT WOODLAWN MEMORIAL PARK AND
ALL PERSONS WHO CONTRACTED FOR SUCH BURIALS**

THIS NOTICE MAY AFFECT YOUR RIGHTS - PLEASE READ IT CAREFULLY

I. WHY SHOULD I READ THIS NOTICE?

The purpose of this Notice is to inform you that your rights may be affected by the proceedings in a class action lawsuit pending in the Los Angeles County Superior Court in the State of California (the "Court"). This Notice is provided by Order of the Court.

A class action lawsuit is now pending on behalf of relatives of individuals buried at Woodlawn Memorial Park ("Woodlawn"), which is located at 1715 Greenleaf Boulevard, Compton, California. The primary claims against the cemetery were settled in 2004, and as a result, the members of the Settlement Class have already received substantial monetary compensation.

A settlement has now been reached with the mortuaries that provided services to individuals whose decedents were buried at Woodlawn, and the Court has granted preliminary approval to the settlement.

The class action lawsuit alleges that the mortuary defendants: (a) failed to warn clients of the lack of available grave spaces at Woodlawn, improper burial practices, and improper handling of human remains; and, (b) failed to warn clients of the improper or unlawful conduct of the owners and employees of Woodlawn, various licensure violations and various statutory violations.

The mortuary defendants deny that any of these allegations are true or that members of the settlement class have been injured or are entitled to any damages. The settlement does not constitute an admission of liability by any of the defendants. The Court has not yet ruled, one way or the other, on the merits of plaintiffs' claims.

This Notice summarizes essential information concerning the settlement and your potential rights under the settlement. The fact that you are receiving this Notice does not necessarily mean that you are a member of the settlement class or that you are entitled to any benefits.

II. AM I A MEMBER OF THE SETTLEMENT CLASS?

This settlement class, as defined by the Court, includes: all persons who: (1) are or were vested with the right, pursuant to California Health & Safety Code Section 7100, to control the disposition of the remains of any decedent buried at Woodlawn; (2) contracted with any person for present or pre-need funeral and/or burial services at Woodlawn; (3) are the grandparent, parent, spouse, sibling, child, or grandchild of any decedent buried at Woodlawn; and/or (4) are close family members who lived in the household of the decedent at the time of death (within the meaning set forth in applicable case law).

The settlement class does not include persons who properly and timely opted out in accordance with the previous settlement agreement, and does not include the 17 individuals listed in the Court's November 12, 2003 Order regarding the class definition.

III. WHAT IS A CLASS ACTION?

A class action is a type of lawsuit in which one or a few named plaintiffs bring suit on behalf of all the members of a similarly-situated group to recover damages for all members of the group without the necessity of each member filing an individual lawsuit or appearing as an individual plaintiff. Class actions are used by courts where the claims raise basic issues of law or facts that are common to all members of the class, thereby making it fair to bind all class members to the orders and the judgment in the case, without the necessity of hearing essentially the same claims over and over. Use of the class action eliminates the necessity of filing multiple lawsuits, and assures that all class members are bound by the results of a single lawsuit.

IV. WHAT ARE THE TERMS OF THE PROPOSED SETTLEMENT?

The Court has granted preliminary approval to the proposed settlement and conditionally certified the settlement class. The settlement has not yet been granted final approval by the Court. Final approval will take place only after a fairness hearing, at which class members will have an opportunity to comment on the proposed settlement.

The proposed settlement makes available \$45,250.00 to complete the restoration of Woodlawn. In exchange for the benefits described above, members of the settlement class will be deemed to have given a complete release and/or assignment as to all of their claims arising from Woodlawn. If the Court grants final approval to the settlement, the Court will enter a final judgment and dismiss all such claims with prejudice.

V. CAN I EXCLUDE MYSELF (OR OPT OUT) FROM THE SETTLEMENT CLASS?

No. You may not be excluded from the settlement class.

VI. CAN I OBJECT TO THE CLASS SETTLEMENT?

The Court has scheduled a hearing on February 20, 2009, in Department 322 of the Los Angeles County Superior Court, which is located at 600 South Commonwealth Avenue, Los Angeles, California, to hear evidence and testimony regarding whether final approval should be given to the proposed settlement. The hearing will begin at 9:30 a.m. The Court may continue the time and date of the hearing without further notice.

If you are member of the settlement class, you may appear at the appropriate hearing and/or file a written statement, commenting on or objecting to the proposed settlement. Any written comments or objections must be in the form of a statement sworn to under penalty of perjury. If you wish to appear at the hearing and object to the settlement, you must file a written statement of your intention to do so. The statement must include your name and address (the name and address of your attorney, if you have one, is insufficient), the name of the decedent involved, and the basis of your comments or objections. All comments or objections or statements of intention to appear must be filed with the Clerk of the Court, Superior Court, Los Angeles County, Department 322, 600 South Commonwealth Avenue, Los Angeles, California, and mailed to each of the following counsel:

Counsel for Settlement Class

Mike Arias, Esq.
Arias, Ozzello & Gignac, LLP
6701 Center Drive West, Suite 1400
Los Angeles, CA 90045

Counsel for Mortuaries

Kathleen M.K. Carter, Esq.
Hollins · Schechter
1851 E. First Street, 6th Floor
Santa Ana, CA 92705

Counsel for Mortuaries

Lee E. Burrows, Esq.
Callahan & Blaine, APLC
3 Hutton Center Drive, 9th Floor
Santa Ana, CA 92707

Counsel for Mortuaries

Charles J. Hyland, Esq.
Hyland & Associates
18301 Von Karman Avenue, Suite 250
Irvine, CA 92612

To be timely, your comments or objections must be filed with the Court and postmarked on or before January 20, 2009. If you do not file an objection in the manner and by this deadline, you will waive your right to object. You may choose to engage the services of an attorney to pursue your objection, in which case your attorney must file a notice of appearance with the Court by January 20, 2009, and mail copies to the attorneys listed above. You alone will be responsible for the fees and costs of your attorney. Any class member who does not arrange for such notice of appearance will forever waive his or her right to select separate counsel.

If the settlement is not approved by the Court or is later terminated, you will receive no benefits under the settlement, the lawsuit will proceed in Court as active litigation with the same or a different class definition, and you will not be bound by the releases in that settlement. You may log on to www.dmaaction.com to find out whether the Court has granted final approval to the settlement.

VII. WHO REPRESENTS THE SETTLEMENT CLASS?

Martin Kratt, Debra Garcia, Vansheena Flannagan, Helen Krog, Lessie Brown, Travistine Wheeler, Mary Lewis, and Lucy Flores are the named plaintiffs who have represented the interests of class members over the course of this litigation. These plaintiffs all are related to decedents buried at Woodlawn.

The representative plaintiffs and the settlement class are represented by Mike Arias, Arias, Ozzello & Gagnac, LLP; Alvin L. Pittman, Law Offices of Alvin L. Pittman; Hector G. Gancedo, Gancedo & Nieves, LLP; and, Douglas C. Wicks, Law Offices of Douglas C. Wicks.

VIII. WHAT FEES AND COSTS ARE INVOLVED?

If eligible, members of the settlement class may participate without incurring any legal fees. In connection with the final approval hearing on February 20, 2009, settlement class counsel will make a request to the Court for an attorneys' costs award of \$89,750.00. Settlement class counsel will not seek any attorneys' fees. The request for attorneys' costs is subject to Court approval.

Settlement class counsel has already received compensation for their services in conducting this action on behalf of the representative plaintiffs and the members of the settlement class in 2004. As such, settlement class counsel will not seek any attorneys' fees. However, since settlement class counsel has incurred costs since the 2004 settlement, those out-of-pocket expenses need to be reimbursed.

IX. HOW DO I OBTAIN ADDITIONAL INFORMATION?

This Notice is intended only to provide a summary of the circumstances surrounding the litigation, the terms of the proposed settlement, and related matters. You may seek the advice and guidance of your own private attorney, at your own expense, if you desire. For more detailed information, you may review the pleadings, records, and other papers on file in this litigation, which may be inspected during regular business hours at the Clerk's office, Los Angeles County Superior Court, located at 600 South Commonwealth Avenue, Los Angeles, California. You may review the settlement agreement by logging on to www.dmaaction.com or upon written request to settlement class counsel. You may also call (310) 846-4775 to obtain additional information regarding the settlement. You will not receive any further notice in the event that the settlement is approved and/or is terminated or modified under the terms of the settlement agreement.

Please do not contact the Court for information.

DATED: December 9, 2008

HONORABLE PETER D. LICHTMAN
LOS ANGELES SUPERIOR COURT JUDGE