

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

IN RE: WOODLAWN MEMORIAL PARK  
LITIGATION

SANDRA D. LINDSAY, 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 class action lawsuit alleges that defendants: (a) improperly maintained the cemetery; (b) failed to retain available pre-sold grave spaces or interment rights; (c) engaged in improper burial practices, improper handling of human remains, unauthorized burials, unauthorized disinterments, improper multiple burials in single grave spaces, and the encroachment of grave spaces by subsequent burials, damages to headstones, markers, caskets, vaults, and other burial items, (d) failed to provide purchased headstones, markers, or other burial items, (e) re-used grave spaces, and (f) violated various licensing and statutory provisions.

The 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.

A settlement has now been reached with the current and former owners of Woodlawn, and the Court has granted preliminary approval to the settlement. 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?**

The 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 opt out in accordance with the 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 up to \$16.5 million (and perhaps more) in potential benefits to address claims relating to Woodlawn. Subject to certain terms and conditions (as specified in the settlement agreement), the proposed settlement provides the following potential benefits:

1. \$548,000 toward an extensive restoration of Woodlawn by a Court-approved and licensed contractor.
2. Members of the settlement class who properly and timely submit a claim form to the claims administrator will receive a cash payment for each approved claim based on the number of approved claims:
  - If less than 3,000 approved claims are made, each approved claim will receive \$650.
  - If 4,000 approved claims are made, each will receive \$600.
  - If 5,000 approved claims are made, each will receive \$540.
  - If 6,000 approved claims are made, each will receive \$450.
  - If 8,000 approved claims are made (and the settlement is not modified), each will receive \$350.
  - If 10,000 approved claims are made (and the settlement is not modified), each will receive \$290.
  - If the number of approved claims falls between any of the foregoing levels, each approved claim shall receive a pro rata amount based on the two closest levels. If between 10,000 and 20,000 approved claims are received, the settlement class, the settling defendants, or the settling defendants' insurers may elect to convert the settlement to a common fund of \$2.99 million (less the total of the incentive payments awarded to the representative plaintiffs), and the payment for each approved claim shall be determined in accordance with a distribution plan approved by the Court.
3. The following persons are not entitled to receive any cash payments under the settlement: (a) persons who previously settled, adjudicated, dismissed with prejudice, assigned any or all rights and/or claims relating to or arising out of Woodlawn, and/or previously received a payment in connection with an alleged claim; (b) persons who lived with the subject decedent at the time of death, but who are not sufficiently "close" under applicable case law; (c) persons who submit a claim form containing untrue information; and (d) additional ineligible persons described in Section 10.12(c) of the settlement agreement.
4. If more than 6,000 approved claims are made, the settlement may be modified to provide only for the restoration of Woodlawn in exchange for the release by the settlement class of all claims relating to any obligation of the settling defendants to clean up, restore, or maintain Woodlawn. If the settlement is modified, no other claims will be released and class members will not receive any cash payments under the settlement.

In exchange for the benefits described above, members of the settlement class who do not opt out will be deemed to have given a complete release and/or assignment as to all of their claims arising from Woodlawn (whether or not they actually seek the potential benefits available under the settlement). 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?**

If you are member of the settlement class, and wish to remain in the settlement class, you do not need to do anything at this time. You will be represented by counsel for the settlement class and, if the settlement proceeds, you will be entitled to submit a claim form, which is attached to this Notice.

**If you wish to exclude yourself (or opt out) from the settlement class, you must submit a letter requesting exclusion from the class.** Your request for exclusion must be signed by you personally, and it must clearly state all of the following information: (a) your name, address, and telephone number; (b) the name and date of burial of each relative buried at Woodlawn (or, if you are a contracting party, the name and date of burial for each such decedent); (c) the nature of your relationship to each decedent buried at Woodlawn; and (d) the specific wrongful conduct, if any, by Woodlawn, as to each decedent buried or to be buried at Woodlawn.

**Your letter requesting exclusion must be postmarked on or before August 16, 2004, and mailed to:**

Counsel for Settlement Class

Mike Arias, Esq.  
Arias, Ozzello & Gignac, LLP  
6701 Center Drive West, Suite 1400  
Los Angeles, California 90045  
(310) 670-1600  
[www.aogllp.com](http://www.aogllp.com)

Counsel for Woodlawn

Jeffrey E. Zinder, Esq.  
Zinder & Park  
4605 Lankershim Boulevard, Suite 300  
North Hollywood, California 91602

If you properly opt out of the settlement, you will not be bound by the settlement, but you will not be eligible to participate in the potential benefits. Moreover, if you opt out, you will not be entitled to object to the settlement or to appear and be heard at the final approval hearing. However, members of the settlement class who do not opt out in the manner and time prescribed will be bound by the settlement.

**VI. CAN I OBJECT TO THE CLASS SETTLEMENT?**

The Court has scheduled a hearing on October 6, 2004, 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 the each of the following counsel:

Counsel for Settlement Class

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

Counsel for Woodlawn

Jeffrey E. Zinder, Esq.  
Zinder & Park  
4605 Lankershim Boulevard  
Suite 300  
North Hollywood, California 91602

To be timely, your comments or objections must be filed with the Court and postmarked on or before August 16, 2004. 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 August 16, 2004, and mail copies to the two 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.woodlawnssettlement.com](http://www.woodlawnssettlement.com) to find out whether the Court has granted final approval to the settlement.

#### **VII. WHO REPRESENTS THE SETTLEMENT CLASS?**

Sandra Lindsey, Linda Stallworth, 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 & Gignac, 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 October 6, 2004, settlement class counsel will make a request to the Court for an attorneys' fees and costs award of \$1.35 million. Also, settlement class counsel will make a request to the Court for an incentive award of up to \$10,000 for each of the named plaintiffs listed in Section VII as compensation for their representation of the class throughout this litigation. The requests for attorneys' fees and costs and the incentive awards are subject to Court approval.

To date, settlement class counsel have not received any payment for their services in conducting this action on behalf of the representative plaintiffs and the members of the settlement class, nor have counsel been reimbursed for their out-of-pocket expenses. The requested attorneys' fees will compensate counsel for their efforts in achieving the settlement for the benefit of the settlement class and for their risk in undertaking this representation on a wholly contingent basis.

#### **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 onto [www.dmaaclassaction.com](http://www.dmaaclassaction.com) or upon written request to Settlement Class Counsel. You may also call (310) 216-7180 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. Accordingly, if you wish to participate in the settlement and seek the potential benefits available thereunder, you should complete the claim form(s) as soon as possible according to the instructions below.

**Please do not contact the Court for information.**

#### **X. HOW DO I MAKE A CLAIM?**

If you believe that you are a member of the settlement class and that you are entitled to relief under the settlement, you may complete and return the claim form, together with the required documentation as described on the form, to Claims Administrator, P.O. Box 451999, Los Angeles, California 90045. **YOUR CLAIM FORM(S) MUST BE POSTMARKED NO LATER THAN OCTOBER 1, 2004.** If the settlement is granted final approval, and not terminated or modified for any of the reasons set forth in the settlement agreement, you will be contacted regarding your claim. If you do not timely file a claim form, and you do not opt out, you will still be bound by the settlement.

DATED: January 15, 2004

HONORABLE PETER D. LICHTMAN  
LOS ANGELES COUNTY SUPERIOR COURT JUDGE