
DANIEL BAER and ROSE BAER,
through Stephen Baer as their Agent with
Power of Attorney,
for themselves and all others similarly situated,

PLAINTIFFS,

v.

SHANNONDELL, INC.,
DELL RETIREMENT SERVICES, INC.,

DEFENDANTS.

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: COURT OF COMMON
:
: PLEAS OF MONTGOMERY
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: COUNTY, PENNSYLVANIA
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: CIVIL ACTION-LAW
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: No. 2018-13760
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: CLASS ACTION
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**NOTICE OF COURT ORDERS AFFECTING RIGHTS OF
MEMBERS OF SUB-CLASSES ONE AND TWO**

As someone who is a member of either of the two Sub-Classes of former residents of Shannondell at Valley Forge and their representatives, you are being sent this Notice bringing you up to date on important developments about your claims in this litigation.

- 1) The Court has granted Plaintiffs’ Motions for Summary Judgment in favor of Sub-Class One on two of its three claims;
- 2) (a) The Court has revoked the previous class certification of Sub-Class One on its third claim, and (b) revoked the previous class certification of Sub-Class Two on all three of its claims; and
- 3) The Court has found that residents who decided to amend their Residence and Care Agreement to allow a deduction from their entrance fee refund of a flat five percent of their entrance fee were misled by Defendants in making their decision. Their Five Percent Agreements have been declared void. They are to be treated as members of Sub-Class One.

Court Orders and Opinions from October and November 2024 regarding these developments can be found on the class action website: www.ShannondellClassAction.com.

A trial has been scheduled for April 28, 2025. The trial would determine damages unless agreed upon before then. Plaintiffs’ counsel do not anticipate that you would have to do anything for your damages to be established at the trial.

The following information applies to you depending on whether you are a member of Sub-Class One or Two.

Information for Members of Sub-Class One:

All present or former Residents (or their legal representatives) of Shannondell at Valley Forge who signed a Residence and Care Agreement before February 1, 2013 and received an Entrance Fee refund after May 22, 2012 that included a Vacancy Fee deduction for Appliance Depreciation or Appliance Replacement Fees and/or Replacement Fees for Cabinets, Countertops or Other Materials (the “Challenged Deductions”):

You are now the beneficiaries of summary judgment rulings in favor of Plaintiffs on the merits of Count Two for violation of the Continuing Care Providers Registration and Disclosure Act (“CCPRDA”) and Count Three for breach of contract. The amount of your recovery remains to be determined. It will be based on the amount of the Challenged Deductions, all of which are now disallowed by the grant of summary judgment, plus six percent annual interest.

For those whose Five Percent Agreements have been voided, damages will be based on the difference between the five percent deduction they paid and the lesser amount they should have paid net of the Challenged Deductions, plus interest.

Defendants will be entitled to offset recoverable damages for any damages they incurred due to a resident's negligent use of Shannondell property.

Your claim on Count One that Defendants violated the Unfair Trade Practices and Consumer Protection Law ("UTPCPL") can no longer be pursued as a class action through this Litigation. The prior certification that Count One could proceed as class action has been revoked. Revocation was based on the Court's reasoning that each class member would have to show individually that he relied on the Defendants' allegedly misleading statements regarding the refund of the entrance fee.

Any UTPCPL claim can be pursued now only if you file a new lawsuit as an individual on your own behalf. The damages recoverable in that lawsuit would be the same as those you would be awarded for breach of contract, but the Court in its discretion could award treble damages and attorneys fees.

Until the Court's decertification ruling of November 18, 2024, the running of the statutes of limitations for any UTPCPL claim was tolled, i.e. suspended, starting upon the May 23, 2018 filing of this Litigation. *The statute of limitations has now resumed running on that claim.* If you wish to pursue a new UTPCPL lawsuit, there are important issues arising from the resumption of the statute of limitations which require your prompt attention and may affect your right to recover. You should speak to an attorney about how to proceed.

Information for Members of Sub-Class Two:

All present or former Residents (or their legal representatives) of Shannondell at Valley Forge who signed a Residence and Care Agreement before February 1, 2013 and received an Entrance Fee refund before May 22, 2012 that included a Vacancy Fee deduction for Appliance Depreciation or Appliance Replacement Fees and/or Replacement Fees for Cabinets, Countertops or Other Materials (the "Challenged Deductions"):

All three claims previously made on your behalf can no longer be pursued in this Litigation as a class action. The prior class certification was based on the Court's accepting at that time that even though you received your entrance fee refunds more than six years before this case was filed, the statutes of limitations could have been tolled based on evidence common to all members of Sub-Class Two. More recently the Court has ruled that the relevant evidence would not be common to all class members; that individualized proof would be required; and that the lack of common proof required revoking the earlier class certification.

As a result of the Court's ruling, you do not have the benefit of its grant of summary judgment against Defendants for breach of contract or for violation of the CCPRDA. Those claims, and any claim for violation of the UTPCPL, can be pursued now only if you file a new lawsuit as an individual on your own behalf. The trial scheduled for April 28, 2025 will not address your claims.

Until the Court's decertification ruling of November 18, 2024, the running of the statutes of limitations for any claims against Defendants was tolled, i.e. suspended, starting upon the May 23, 2018 filing of this Litigation. *The statute of limitations has now resumed running.* If you wish to pursue the decertified claims in a new lawsuit, there are important issues arising from the resumption of the statute of limitations which require your prompt attention and may affect your right to recover. You should speak to an attorney about how to proceed.

If you have additional questions or need further assistance, please contact the lawyers appointed to represent the Sub-Classes, Larry Spector, Esq. and Jeremy Spiegel, Esq.:

By Telephone: (215) 264-0700
By E-Mail: counsel@ShannondellClassAction.com
Website: www.ShannondellClassAction.com

PLEASE DO NOT TELEPHONE THE COURT OR THE MONTGOMERY COUNTY PROTHONOTARY'S OFFICE TO INQUIRE ABOUT THIS NOTICE.