

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

If You Purchased A Perpetual Care Contract From Bayside Cemetery or Congregation Shaare Zedek You May Be A Settlement Class Member With An Interest in the Proposed Class Action Settlement.

A New York State Court has authorized this Notice. This is not a solicitation from a lawyer.

- A proposed Settlement has been reached in a class action lawsuit concerning perpetual care of lots, plots, mausoleums, and graves at Bayside Cemetery and the alleged abuse of perpetual care funds concerning Bayside Cemetery. Bayside Cemetery and Congregation Shaare Zedek maintain that they have done nothing wrong and that neither Bayside Cemetery nor Congregation Shaare Zedek has violated any laws.
- Purchasers of perpetual care of lots, plots, mausoleums, and graves at Bayside Cemetery may have an interest in this litigation and those legal rights are affected whether you act or do not act. You should read this Notice carefully.

SUMMARY OF YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
TO ACCEPT THE TERMS OF THIS SETTLEMENT YOU NEED DO NOTHING	If you are included in the Settlement Class and agree with the proposed terms, you do not have to do anything.
EXCLUDE YOURSELF FROM THE SETTLEMENT	To retain your right to bring a lawsuit against Bayside Cemetery and Congregation Shaare Zedek about the claims in this case you must timely exclude yourself from this proposed Settlement.
OBJECT	If you do not like or approve of the proposed Settlement and have not excluded yourself from the Settlement, you may timely object to the Settlement.
GO TO A HEARING	Ask to speak in Court about the fairness of the Settlement.

- These rights and options — and the deadlines to exercise them — are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the proposed Settlement.

Questions? Call 1-877-495-0817 or visit www.baysidecemeterysettlement.com.

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BASIC INFORMATION

1. WHY IS THERE A NOTICE?

A New York State Court has authorized this Notice because you have a right to know about the proposed Settlement of this class action lawsuit and about all of your options before the Court decides whether to give final approval to the proposed Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

Justice Debra A. James of the Supreme Court of the State of New York, New York County is overseeing this class action. The case is titled *Leventhal v. Bayside Cemetery and Congregation Shaare Zedek*, Index No. 100530/11. The person who sued is called the “Plaintiff” or “Class Representative.” The defendants are Bayside Cemetery and Congregation Shaare Zedek.

2. WHAT IS THIS LAWSUIT ABOUT?

The lawsuit alleges that Bayside Cemetery and Congregation Shaare Zedek misappropriated perpetual care funds concerning lots, plots, mausoleums, and graves at Bayside Cemetery. The Complaint in this Action is posted on www.baysidecemeterysettlement.com and contains all of the allegations and claims asserted against Bayside Cemetery and Congregation Shaare Zedek. Bayside Cemetery and Congregation Shaare Zedek maintain that they have done nothing wrong and that they have not violated any laws.

3. WHAT IS PERPETUAL CARE?

Perpetual Care is the payment of a preset amount of money to cover the care of one or more lots, plots, mausoleums, or graves at a cemetery in perpetuity.

4. WHY IS THIS A CLASS ACTION?

In a class action, one or more persons or entities sue on behalf of people who have similar claims. Here, Plaintiff has sued Bayside Cemetery and Congregation Shaare Zedek alleging claims on behalf of all persons who purchased perpetual care from Bayside Cemetery and/or Congregation Shaare Zedek. Those persons who purchased perpetual care from Bayside Cemetery and/or Congregation Shaare Zedek are part of the Settlement Class, except for those who exclude themselves. For information on how to exclude yourself, *see* question 10, below.

5. WHY IS THERE A SETTLEMENT?

The Court has not decided in favor of either Plaintiff or Defendants Bayside Cemetery/Congregation Shaare Zedek. Instead, both sides have agreed to the proposed Settlement. By agreeing to the proposed Settlement, the parties seek to avoid the costs and uncertainty of a trial. The proposed Settlement Class members will receive the benefits described

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in this Notice. Plaintiff and the attorneys for the Settlement Class think the proposed Settlement is fair, reasonable, adequate and in the best interests of everyone in the proposed Settlement Class who is affected.

WHO IS IN THE SETTLEMENT?

If you received Notice of the proposed Settlement from a postcard addressed to you, then you are in the proposed Settlement Class. But even if you did not receive a postcard with the proposed Settlement Notice, you may still be in the proposed Settlement Class, as described below.

6. WHO IS INCLUDED IN THE SETTLEMENT?

You are included in the proposed Settlement Class if you purchased or paid for a perpetual care contract, at any time, from Bayside Cemetery and/or Congregation Shaare Zedek. Excluded from the proposed Settlement Class are Bayside Cemetery, Congregation Shaare Zedek, their parents, subsidiaries, affiliates, officers, and directors, all Settlement Class members who make a timely election to be excluded, and all judges assigned to hear any aspect of this litigation as well as their immediate family members.

You may contact the Notice Administrator (contact information below) if you have any questions as to whether you are in the proposed Settlement Class. Please *do not* contact the Court directly.

THE SETTLEMENT'S BENEFITS

7. WHAT DOES THE SETTLEMENT PROVIDE?

Bayside Cemetery and Congregation Shaare Zedek have agreed to maintain a Reserve Fund of \$6,500,000 and to use the interest income therefrom to maintain lots, plots, mausoleums, and graves at Bayside Cemetery. If the Court approves the proposed Settlement and the Settlement becomes final and effective, you will automatically be bound by the Settlement unless you seek to be excluded from the proposed Settlement.

EXCLUDING YOURSELF FROM THE SETTLEMENT

8. WHAT AM I GIVING UP TO STAY IN THE SETTLEMENT CLASS?

Unless you exclude yourself from the Settlement Class, you cannot sue, continue to sue, or be part of any other lawsuit against Bayside Cemetery and/or Congregation Shaare Zedek or the parties released by the Settlement about the issues in this case. It also means that all of the decisions by the Court will bind you. The "Release" included in the Settlement Agreement describes the precise claims that you give up if you remain in the Settlement Class. The Settlement Agreement is available at www.baysidecemeterysettlement.com.

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9. EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not wish to be bound by the proposed Settlement, and you want to keep the right to sue or continue to sue Bayside Cemetery and/or Congregation Shaare Zedek on your own about the issues in this case, then you must take steps to exclude yourself from the Settlement. This is sometimes referred to as “opting out” of the Settlement Class.

10. HOW DO I GET OUT OF THE SETTLEMENT?

To exclude yourself from the Settlement, you must send a letter that includes the following:

- Your name, address, and telephone number;
- A statement that you are a member of the Settlement Class and want to be excluded from the Settlement in *Leventhal v. Bayside Cemetery and Congregation Shaare Zedek*, Index No. 100530/11; and
- Your personal signature (an attorney’s signature is not sufficient).

You must mail your exclusion request, postmarked no later than **April 16, 2025**, to

Bayside Cemetery Settlement
ATTN: Exclusions
A.B. Data, Ltd.
P.O. Box 173001
Milwaukee, WI 53217

11. IF I DON’T EXCLUDE MYSELF, CAN I SUE BAYSIDE CEMETERY AND/OR CONGREGATION SHAARE ZEDEK FOR THE SAME THING LATER?

No. Unless you exclude yourself, you give up the right to sue Bayside Cemetery and/or Congregation Shaare Zedek and the parties released by the proposed Settlement for the claims that the proposed Settlement resolves. You must exclude yourself from this proposed Settlement Class in order to try to pursue your own lawsuit.

Questions? Call 1-877-495-0817 or visit www.baysidecemeterysettlement.com.

THE LAWYER REPRESENTING YOU

12. DO I HAVE A LAWYER IN THIS CASE?

The following lawyer is representing you and others in the Settlement Class on a *pro bono* basis:

Michael M. Buchman
c/o Motley Rice LLC
800 Third Avenue, Suite 2401
New York, New York 10022

This lawyer will not receive any attorneys' fees for the service he is providing the Settlement Class. You will not be charged any monies by Settlement Class Counsel. Settlement Class Counsel has been pursuing this case for over sixteen years without compensation or reimbursement of expenses. If you wish to be represented by your own lawyer, you may hire one at your own expense.

13. HOW WILL THE LAWYER BE PAID?

Settlement Class Counsel intends to make no application for fees or expenses in this case.

OBJECTING TO THE SETTLEMENT

14. HOW DO I TELL THE COURT THAT I DON'T LIKE THE SETTLEMENT?

If you are a member of the proposed Settlement Class, you can object to any part of the proposed Settlement, or the proposed Settlement as a whole. To object, you must timely file your objection as indicated herein and include the following:

- The name of this case, which is *Leventhal v. Bayside Cemetery and Congregation Shaare Zedek*, Index No. 100530/11;
- Your full name, address, and telephone number;
- Whether the objection applies only to you; to the entire Settlement Class or a subset thereof;
- An explanation of the basis upon which you claim to be a member of the Settlement Class;
- All grounds for the objection, accompanied by any legal support for the objection known to you or to your counsel;
- The identity of all counsel who represent you in connection with the objection;

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- The identity of all counsel representing you in connection with the objection as well as a statement whether or not your counsel will intend to appear at the hearing that the Court has scheduled to determine whether to grant final approval to the Settlement (the “Final Approval Hearing”);
- A statement whether or not you intend to appear at the Final Approval Hearing
- A list of all persons who will be called to testify at the Final Approval Hearing in support of your objection; and
- Your personal signature (an attorney’s signature is not sufficient).

You must file with the Court and serve your objection at the following addresses, postmarked no later than **April 16, 2025**:

Court	Notice Administrator	Settlement Class Counsel
Clerk of the Court Supreme Court of the State of New York 60 Centre Street #5 New York, NY 10007	Bayside Cemetery Settlement Attn: Objections A.B. Data, Ltd. P.O. Box 173001 Milwaukee, WI 53217	Michael M. Buchman c/o Motley Rice LLC 800 Third Avenue, Suite 2401 New York, NY 10022

15. WHAT’S THE DIFFERENCE BETWEEN OBJECTING AND EXCLUDING?

Objecting to the proposed Settlement is telling the Court that you do not like something about the Settlement. You can object to the proposed Settlement only if you do not exclude yourself from the proposed Settlement. *Excluding* yourself from the Settlement is telling the Court that you do not want to be part of the proposed Settlement. If you exclude yourself from the proposed Settlement, you have no basis to object to the Settlement because it no longer affects you.

THE COURT’S FINAL APPROVAL HEARING

The Court will hold the Final Approval Hearing to decide whether to approve the proposed Settlement. You may attend and you may ask to speak, but you don’t have to do so.

16. WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?

The Court will hold a Final Approval Hearing at 10:30 a.m. on **May 1, 2025**, at Courtroom 331, 60 Centre Street, New York, NY 10007. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.baysidecemeterysettlement.com for updates. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections to the proposed Settlement, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the proposed Settlement. We do not know how long these decisions will take.

17. DO I HAVE TO COME TO THE HEARING?

Questions? Call 1-877-495-0817 or visit www.baysidecemeterysettlement.com.

No. Settlement Class Counsel will answer any questions the Court may have, but you may come at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as you submitted your written objection on time, to the proper address and it complies with the requirements set forth above, the Court will consider it. You may also pay your own lawyer to attend and speak, but that is not necessary.

18. MAY I SPEAK AT THE HEARING?

You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must send a letter saying that you intend to appear in *Leventhal v. Bayside Cemetery and Congregation Shaare Zedek*, Index No. 100530/11 and wish to be heard. Your Notice of Intention to Appear must include the following:

- Your name, address, and telephone number;
- A statement that this is your “Notice of Intention to Appear at the Final Approval Hearing in: *Leventhal v. Bayside Cemetery and Congregation Shaare Zedek*, Index No. 100530/11;”
- The reasons you want to be heard;
- Copies of any papers, exhibits, or other evidence or information that is to be presented to the Court at the Final Approval Hearing; and
- Your personal signature (an attorney’s signature is not sufficient).

You must submit your Notice of Intention to Appear, postmarked no later **April 16, 2025**, to all of the addresses in Question 14.

19. WHAT HAPPENS IF I DO NOTHING AT ALL?

Unless you exclude yourself, if you so wish, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Bayside Cemetery and/or Congregation Shaare Zedek relating to the issues in this case.

GETTING MORE INFORMATION

20. HOW DO I GET MORE INFORMATION?

The Notice summarizes the proposed Settlement. More details can be found in the proposed Settlement Agreement. You can obtain a copy of the proposed Settlement Agreement at www.baysidecemeterysettlement.com. You may also write with questions to:

Bayside Cemetery Settlement
P.O. Box 173076
Milwaukee, WI 53217,

Questions? Call 1-877-495-0817 or visit www.baysidecemeterysettlement.com.

call the toll-free number, 1-877-495-0817, or contact Settlement Class Counsel. Please *do not* contact the Court, Bayside Cemetery, and/or Congregation Shaare Zedek or their counsel for information.

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