

SOUTH CAROLINA COURT OF COMMON PLEAS, COUNTY OF RICHLAND

LEGAL NOTICE

Important notice to all potential settlement class members, being persons who were Tenants or household members of Tenants at Allen Benedict Court on January 17-18, 2019, during the emergency evacuation of the complex

**NOTICE OF PROPOSED SETTLEMENT CLASS CERTIFICATION
AND OF PROPOSED CLASS SETTLEMENT**

TO: ALL PERSONS WHO WERE TENANTS OR HOUSEHOLD MEMBERS OF
TENANTS AT ALLEN BENEDICT COURT ON JANUARY 17-18, 2019, DURING
THE EMERGENCY EVACUATION OF THE COMPLEX, A PROPOSED CLASS ACTION SETTLEMENT
MAY AFFECT YOUR RIGHTS
PLEASE READ IT CAREFULLY.

**THIS NOTICE ANSWERS THESE
IMPORTANT QUESTIONS:**

1. Why should I read this Notice?
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- A proposed Class Settlement Agreement (referred to below as either the “Settlement” or the “Class Settlement”) has been reached that, subject to final Court approval, resolves a case titled *Tammy L. Basinger and Khaylis S. Scott, individually and on behalf of all others similarly situated v. Housing Authority of the City of Columbia a/k/a Columbia Housing Authority*, C.A. No. 2024-CP-40-05868 (the “Basinger case”), which consolidates two cases: The *Basinger* case and the case titled *Cedrick T. Montgomery et al. v. Housing Authority of the City of Columbia a/k/a Columbia Housing Authority*, C.A. No. 2023-CP-40-04319 (the “Montgomery case” and collectively, the “Actions”).
- If approved by the Court, the Settlement will resolve the Actions by way of a class settlement between a Settlement Class and the Defendant in the Actions, the Housing Authority of the City of Columbia (the “Columbia Housing Authority” or “CHA”). The Actions pertain to the evacuation of Plaintiffs from Allen Benedict Court apartments in Columbia, South Carolina, on January 17-18, 2019, and allege various economic loss and disruption suffered by the Plaintiffs as the result of, among other things, their evacuation and displacement from their apartments, and CHA’s alleged failure to maintain the apartment premises, appliances/equipment in good and safe working condition. The Actions assert claims for violation of S.C. Residential Landlord and Tenant Act (“RLTA”), negligence, breach of warranties of habitability and quiet enjoyment, and breach of contract/lease terms. The Class Settlement will provide monetary compensation to members of the proposed Settlement Class, described herein below. The Class Settlement will require CHA to pay \$1,000,000.00 in full settlement of the Actions.
- On April 9, 2025, the Richland County Court of Common Pleas in the State of South Carolina (the “Court”) preliminarily approved the proposed Class Settlement. The proposed Class Settlement is still subject to the final approval of the Court.
- This notice is to provide potential members of the proposed Settlement Class with information concerning the proposed Class Settlement, a potential class member’s rights with regard to the proposed Class Settlement and proposed Settlement Class, and the schedule for key dates regarding the proposed Class Settlement and Settlement Class.
- This notice also provides you with information to determine whether you meet the definition of and qualify as a settlement class member, and, if so, how to make a claim to receive money from the proposed Class Settlement or exclude yourself from the Class Settlement.
- A hearing on final approval of the Class Settlement and certification of the Settlement Class will be held at the first available term after November 15, 2025, at the Richland County Courthouse located at 1701 Main Street, Columbia, South Carolina 29201. Notice of the final date will be issued at a later time. The purpose of the hearing is for the Court to decide whether or not to give final approval to the proposed Class Settlement reached between Plaintiffs and CHA and to certify the Settlement Class. At that time, the Court will also hear any objections to the certification of the proposed Settlement Class and final approval of the Class Settlement. As a Class Member, your interests will be represented at the hearing by Class Counsel, Proffitt & Cox LLP. Unless you timely request to speak to the Court about the fairness of the proposed Class Settlement, you need not attend the hearing.
- You may have legal rights that are affected if you qualify as a Settlement Class member. Please read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

FILE A CLAIM TO RECEIVE MONEY FROM THE SETTLEMENT: If you qualify as a class member and are not a named Plaintiff in the *Basinger* or *Montgomery* cases (or are not otherwise represented by the Plaintiffs’ law firm, Proffitt and Cox LLP, with regard to the Actions), you must submit a Claim Form that is received, or, if submitted by first class mail, is postmarked by September 1, 2025, in order to receive money from the proposed Settlement. Instructions for filing a claim are provided in Paragraph 5 below and at the settlement website:

www.cptgroupcaseinfo.com/CHASettlement. As a participating Settlement Class member, you give up your rights to sue CHA over any and all claims that the Settlement resolves.

ASK TO BE EXCLUDED FROM THE SETTLEMENT: You must submit a valid request for exclusion in order to remove yourself (“opt out”) from the Class Settlement. By removing yourself from the Class Settlement, you can receive no payment from the Class Settlement. Exclusion from the Class Settlement is the only option that allows you to be part of or bring any *other* lawsuit on the legal claims against CHA that the Class Settlement resolves. Requests for Exclusion must be made in accordance with the instructions provided in Paragraph 10 below and must be postmarked by September 1, 2025.

OBJECT TO THE SETTLEMENT: You may write to the Court with your written objections to the proposed Class Settlement. Any objections must be submitted in writing and postmarked by September 1, 2025.

ATTEND THE FINAL FAIRNESS/CERTIFICATION HEARING: You may request to speak in Court at the final hearing about the fairness of the proposed Class Settlement by submitting in writing your request that is postmarked by September 1, 2025.

DO NOTHING: If you qualify as a class member and are required to file a claim to receive money from the class settlement (as described below in Paragraph 3), but do not file a claim (as described below in Paragraph 5), you will receive no payment from the Class Settlement. If you do not file either a claim or an exclusion, you will be bound by the Class Settlement and will have released those legal claims that the Class Settlement resolves.

1. WHY SHOULD I READ THIS NOTICE?

You may be a part of this Settlement Class if you were a Tenant at Allen Benedict Court or a household member of a Tenant as shown in the Tenant’s written lease as of January 17-18, 2019, after the emergency evacuation of Allen Benedict Court on those dates. If you meet the Settlement Class Member definition given below, and therefore are a Settlement Class Member, your legal rights are affected whether you act or do not act. Please read this notice carefully.

2. WHAT ARE THE LAWSUITS ABOUT?

Plaintiffs Tammy L. Basinger and Khaylis C. Scott, on behalf of themselves and other former Tenants of Allen Benedict Court, instituted a class action lawsuit titled *Tammy L. Basinger and Khaylis C. Scott, individually and on behalf of all other similarly situated v. Housing Authority of the City of Columbia a/k/a Columbia Housing Authority*, current C.A. No. 2024-CP-40-05868 (the “*Basinger* case”) against CHA on January 23, 2019. CHA is a public body organized under the laws of South Carolina and by the City of Columbia for the purpose of providing adequate housing for qualified, low-income individuals and families. After the Court’s denial of certification of the case as a class action, individual Plaintiffs (ultimately totaling 159 persons, comprising 102 adults and 57 minors) filed individual claims in a lawsuit against CHA on August 17, 2023. The lawsuit is titled *Cedrick T. Montgomery et al. v. Housing Authority of the City of Columbia a/k/a Columbia Housing Authority*, C.A. No. 2023-CP-40-04319 (the “*Montgomery* case”). The two cases were consolidated as the *Basinger* case on April 9, 2025, (the “Action” or “lawsuits”; the consolidated Action and the *Basinger* and *Montgomery* cases are referred to collectively as the “Actions”).

In the Actions, Plaintiffs alleged that on January 17, 2019, Columbia police and fire officials found two Tenants dead in separate apartments in Allen Benedict Court. After the investigation and autopsies revealed both men died from carbon monoxide poisoning, all six apartments in the building where the men died were immediately evacuated and CHA evacuated the entire apartment complex the following day. Plaintiffs further allege that CHA negligently maintained the 244 apartments of Allen Benedict Court, in part, by failing to properly maintain, repair, and/or replace gas-operated water heaters, kitchen ranges/stoves and furnaces. Plaintiffs further alleged that, in the years prior to the incident at issue, some Allen Benedict Court Tenants reported natural gas leaks and unusual odor emissions to CHA and emergency officials; Columbia Fire Department and utility company workers responded to such reports; and in response to Tenant complaints, CHA

replaced specific appliances and furnaces that Tenants had reported issues with, but did not preemptively replace appliances and furnaces throughout the apartment complex.

Alleging damages for economic loss resulting from their evacuation and displacement, Plaintiffs in the Actions sought money damages related to the emergency evacuation for violation of the South Carolina Residential Landlord Tenant Act (“RLTA”) and for breach of the tenants’ leases with the CHA.

CHA alleged it had made extensive efforts to reduce the financial and logistical burden on the evacuated Allen Benedict Court Tenants by providing various financial and housing assistance, denied all liability, and affirmatively stated defenses to Plaintiffs’ claims, including defenses under the RLTA and the applicable statute of limitations barring the claim.

While CHA continues to deny all liability on the claims brought by Plaintiffs against it, after protracted arms-length settlement negotiations with Plaintiffs conducted through a third-party mediator, CHA has agreed to settle Plaintiffs’ claims through the proposed Class Settlement, subject to the Court certifying a Settlement Class for that purpose and giving its final approval to the Class Settlement. In entering into the proposed Settlement, CHA has not admitted any liability and continues to deny the legal claims alleged in the Actions. If approved, the Class Settlement will allow both Plaintiffs and CHA to avoid the costs and risks of continued litigation and will release CHA from those resolved legal claims of Plaintiffs and class members who do not otherwise validly exclude themselves from the Class Settlement.

3. WHO IS IN THE PROPOSED SETTLEMENT CLASS?

The following persons are included in the Proposed Settlement Class:

- a. All Plaintiffs who have asserted claims against CHA in the *Basinger* case and in the Third Amended Complaint in the *Montgomery* case.

These Plaintiffs will be automatically deemed to be class members and will not be required to submit a claim form to the third-party class administration firm in order to receive a monetary award from the proposed class settlement.

- b. All tenants of Allen Benedict Court as shown on a written lease as of January 17-18, 2019 (“Tenants”) and the members of a Tenant’s household residing at the Tenant’s unit at Allen Benedict Court as of January 17-18, 2019. **But this definition** excludes those tenants and individuals who have previously settled and released their claims that are identical or similar to those set forth in the *Basinger* or *Montgomery* lawsuits or otherwise relate to or arose from the circumstances that serve as the factual bases for the claims brought in the *Basinger* or *Montgomery* lawsuits.

All potential Class Members defined in subparagraph (b) will be required to timely submit a valid claim form to the third-party class administration firm if they wish to claim a monetary award in the settlement.

4. WHAT DOES THE SETTLEMENT PROVIDE?

A copy of the proposed Settlement Agreement can be found on the class claim administrator’s website: www.cptgroupcaseinfo.com/CHASettlement.

The essential monetary terms of the proposed settlement are as follows:

If the Proposed Class Settlement is given final approval by the Court, CHA will pay the total sum of \$1,000,000.00 (One Million and No/100 Dollars) in full settlement of the Actions (the “Settlement Proceeds”).

Subject to the Court’s approval, a portion of the Settlement Proceeds will be used to pay attorney’s fees, litigation expenses, and proposed incentive awards to the *Basinger* class representatives Tammy L. Basinger and Khaylis C. Scott. From the Settlement Proceeds, the Settlement Agreement calls for the payment of: (1) \$250,000.00 in attorney’s fees to Plaintiffs’ counsel, Proffitt and Cox Law Firm; (2) Court-approved reimbursement of litigation costs to Proffitt and Cox Law Firm; (3) Court-approved claims administration costs; and (4) payments of \$2,500.00 to Tammy L. Basinger and Khaylis C. Scott as an incentive award for having served as named class representatives.

The remainder of the Settlement Proceeds will be distributed on a per person basis (as described in Paragraph 6 below) to Settlement Class Members who submit a timely and valid Claim Form and who have not excluded themselves from the Settlement.

5. **HOW DO I SUBMIT A CLAIM TO GET A PAYMENT FROM THE SETTLEMENT?**

Plaintiffs in the *Basinger* and *Montgomery* cases who already have retained Proffitt & Cox Law Firm as their lawyers and who have signed an agreement titled “Acceptance of Settlement in Allen Benedict Court Litigation” are **not** required to submit a Proof of Claim Statement. These persons (adults and minors) are deemed to be class members and are **not** required to submit a claim form to the CPT Group in order to receive a monetary award in the settlement.

All other tenants of Allen Benedict Court as shown on a written lease as of January 17-18, 2019 (“Tenants”) and the members of a Tenant’s household residing at the Tenant’s unit at Allen Benedict Court, as of January 17-18, 2019, **must timely submit a Proof of Claim Statement (attached as EXHIBIT A) to the following address if they wish to claim a monetary award in the settlement:**

Basinger v. Columbia Housing Authority
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606-5105

The Proof of Claim Statement must be postmarked no later than September 1, 2025. Failure to file the Proof of Claim Statement by the established deadline will prevent you from collecting any money under the Settlement, even though you are a member of the class.

If you send in your Proof of Claim Statement before the fairness hearing, you waive your right to object to the proposed class settlement, the certification of the settlement class, the notice, and the adequacy of representation by the class representative and the Class Counsel.

6. **HOW MUCH MONEY WILL I RECEIVE FROM THE SETTLEMENT?**

The portion of the Settlement Proceeds available for distribution to those eligible Class Members described above in Paragraph 3 will be distributed to claimants on a per-person basis. Each adult and minor claimant will receive an equal share of the settlement proceeds.

The formula for determining each claimant’s share is as follows: the balance of the Claimant Settlement Fund that is subject to distribution (i.e., the amount of the Settlement Fund, after Court-approved payments are made from the Settlement Fund for attorney’s fees, litigation costs, claim administrator costs, and incentive award payments)

divided by the total number of adult and minor claimants, equals the amount payable to each individual adult and child claimant.

7. WHO REPRESENTS THE CLASS?

A. Class Representatives

Plaintiffs Tammy L. Basinger and Khaylis C. Scott in the *Basinger* case have been designated as the Settlement Class Representatives by the Court.

B. Class Counsel

Class Counsel are David Proffitt and Ronald B. Cox of Proffitt & Cox, LLP, a law firm in Columbia, South Carolina.

These attorneys represent the interests of the Class, and you will not be charged for their services. Instead, as approved by the Court and pursuant to the proposed Class Settlement, they will be paid from the Settlement Proceeds their agreed-upon attorney's fees and reasonable incurred litigation costs, as discussed in Paragraph 8. You also have the right to hire your own attorney. If you hire your own attorney, you will be responsible for paying any fee charged by that separate attorney. You also have the right to represent yourself before the Court.

8. HOW WILL THE CLASS ATTORNEYS BE PAID?

In accordance with the Class Settlement, Class Counsel will petition the Court for payment from the Settlement Proceeds an award of (1) attorney's fees up to and not exceeding \$250,000.00 (Two Hundred Fifty Thousand Dollars), and (2) the reimbursement of Class Counsel's reasonable incurred litigation costs.

These litigation costs comprise expenses incurred by Class Counsel in the preparation and prosecution of the Actions. These expenses include such items as expert witness fees, deposition costs, copying costs, travel expenses, mediation expenses, among others. A complete accounting of these expenses is available from Class Counsel and will be on file with the Clerk of Court as an attachment to Class Counsel's Petition for Attorneys' Fees and Reimbursement of Litigation Costs.

9. WHAT IF I HAVE OBJECTIONS TO THE PROPOSED CLASS SETTLEMENT, CERTIFICATION OF THE SETTLEMENT CLASS, THE ADEQUACY OF REPRESENTATION BY CLASS COUNSEL AND/OR THE CLASS REPRESENTATIVES, AND/OR THE PROPOSED AWARD OF ATTORNEYS' FEES AND COSTS?

Any class member or potential class member who has not filed a Proof of Claim Statement may file objections with the Clerk of Court postmarked no later than September 1, 2025. If any member or potential member of the Class wishes to appear at the Fairness Hearing and present evidence or argument in favor of or in opposition to the Settlement, certification of the settlement class, the adequacy of representation given to the Class by Class Counsel and/or by the Class Representatives, the payment of Class Counsel fees, the reimbursement of Class Counsel's litigation costs, or the payment of expenses and compensation to the class representative, he or she must present written notification of such intent postmarked on or before September 1, 2025. Notification must be sent to The Honorable Jeanette McBride, Clerk of Court for Richland County, PO Box 2766, Columbia, South Carolina 29202. A copy of the notification also must be sent to Class Counsel at the address listed in Paragraph 13. The notification must provide the following minimum information or the person will not be allowed to speak at the hearing.

- (1) the name and number of this case, which is *Tammy L. Basinger and Khaylis C. Scott, individually and on behalf of all others similarly situated, Housing Authority of the City of Columbia a/k/a Columbia Housing Authority*, Civil Action No. 2024-CP-40-05868;
- (2) the name, address, and telephone number of the objecting class member;

- (3) a full description of the objecting class member's position, including any proposed modifications to the settlement agreement, as well as reference to the legal authority, if any, which supports the objecting class member's position;
- (4) the names, addresses, and telephone numbers of any witnesses the objecting class member intends to bring to the hearing and a description of the scope of their anticipated testimony;
- (5) legible copies of any exhibits, written materials, or objects of any kind or type which the objecting class member plans to introduce as evidence in support of his or her position; and
- (6) a statement whether the objecting class member will be making his or her own presentation, or whether the objecting class member will be represented by counsel at the hearing. If the objecting class member is to be represented at the hearing by legal counsel, the name, address, and telephone number of counsel must be included in the notification.

FAILURE TO FOLLOW THIS PROCEDURE WILL RESULT IN THE COURT DISALLOWING THE REQUEST TO TESTIFY AT THE HEARING.

10. HOW CAN I EXCLUDE MYSELF FROM THE CLASS AND THE SETTLEMENT?

If you do not wish to be a member of the settlement class and participate in the Class Settlement if it is approved by the Court, you must elect to exclude yourself from the class by personally signing an exclusion request that states "I am excluding myself from the Class Settlement, and declare under penalty of perjury that the information I am providing in this exclusion letter is complete and accurate to the best of my personal knowledge" and providing each of the following information: (1) your Full Name; (2) you are age eighteen (18) or over and are not under or subject to legal guardianship; (3) that you were a legal Tenant of Allen Benedict Court during January 17 and/or 18, 2019 and were subject to evacuation from Allen Benedict Court at that time; (4) the dates during which you were a legal Tenant of Allen Benedict Court; (5) your Building and your Unit Number at which you resided at Allen Benedict Court at the time of your evacuation on January 17 or 18, 2019; (6) and the full names of any minor children who resided with you at the identified Unit Number at the time of your evacuation from Allen Benedict Court on January 17 or 18, 2019; their current ages; whether they are under your current care and currently under the age of 18; and whether or not you are excluding them from the Settlement Agreement on their behalf. You must mail the exclusion request to:

Basinger v. Columbia Housing Authority
c/o CPT Group, Inc.
50 Corporate Park
Irvine, CA 92606-5105

Exclusion requests must be postmarked no later than September 1, 2025. Unsigned documents will not be accepted. No one else can sign your exclusion request for you, unless you are a minor or incapacitated person.

11. WHAT HAPPENS IF I EXCLUDE MYSELF?

By electing to be excluded from the Class (i) you cannot share in any money that may be paid to Class Members as the result of the Class Settlement; (ii) you will not be bound by the Class Settlement or any further orders or judgments entered for or against the Settlement Class; and (iii) you do not release any of the legal claims you may have against CHA which the Class Settlement resolves.

If you decide to exclude yourself from the Class Settlement, then you are not entitled to comment on the proposed Class Settlement or be heard at the Fairness Hearing.

12. WHAT IS THE SETTLEMENT APPROVAL PROCEDURE?

The Court will hold a formal Fairness Hearing at the first available term after November 15, 2025, at the Richland County Courthouse, 1701 Main Street, Columbia, SC 29201. Notice of the final date will be issued at a later time. At the Fairness Hearing, the Court will consider whether the above-described Settlement should be granted final approval as fair, adequate and reasonable and in the best interests of the Class as a whole. You may attend this hearing

if you wish, but you are not required to do so in order to participate in the Settlement. The Court reserves the right, without further notice to the Class, to adjourn or continue the Fairness Hearing from time to time thereafter, and to approve changes to the Settlement Agreement, as long as such changes do not change the Agreement's essential terms and are agreeable to the settling parties.

If you decide to remain in the Class, and you wish to comment in support of or in opposition to the certification of the class, the adequacy of representation, Class Counsel's request for attorney's fees, the incentive award to the named plaintiff, and/or the settlement or any of the terms of the settlement described in this Notice, you may do so, provided that you follow the procedure described in Paragraph 9. If you wish to appear at the Fairness Hearing and be heard orally, in support of or in opposition to the Settlement or another issue described in this notice, you may do so if you follow the procedure described in Paragraph 9, and further subject to the Court's discretion in approving such requests. If you do not comply with the procedure and the deadlines stated herein, you will not be entitled to be heard at the Fairness Hearing or to otherwise contest the approval of the Settlement, or to appeal from any orders or judgments, of the Court entered thereon. **If you do not wish to attend the hearing, you do not need to attend.**

The Court's determination on the final approval of the proposed settlement will be binding on all Class Members (except for those who timely exclude themselves from the Class in the manner described in Paragraph 10). If the Court grants approval of the settlement, the judgment will release and dismiss all Class Members' settled claims. This release and dismissal will bar any further suit by or on behalf of the Class Members on settled claims. Instead, Class Members will obtain the rights accorded them under the Settlement.

If the Class Settlement is not approved by the Court, the case will remain in Court, and will proceed as active litigation.

13. WHERE DO I GET ADDITIONAL INFORMATION?

If you decide to remain a member of the Class and you wish to communicate with Class Counsel, you may do so by writing to attorneys David Proffitt or Ronald B. Cox. **DO NOT CONTACT THE COURT.**

Any questions by a class member addressed in writing to Class Counsel will be answered as promptly as possible before the hearing. Questions should be presented within 10 days of receipt of this Notice, and must be addressed in writing to Class Counsel at the address listed below:

David Proffitt
Ronald B. Cox
Proffitt & Cox, LLP
140 Wildewood Park Dr., Ste. A
Columbia, SC 29223

The foregoing is only a summary of the circumstances surrounding the litigation, the claims asserted, the settlement proposed, and the matters related thereto. 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 Clerk of Court, 1701 Main Street, Columbia, South Carolina 29201. Copies of the Complaint, the Settlement Agreement and the papers filed in support of approval of the proposed Settlement are available upon written request to Class Counsel at the above address.

DO NOT CONTACT THE COURT OR THE CLERK OF COURT WITH ANY QUESTIONS. ALL QUESTIONS MUST BE ADDRESSED TO CLASS COUNSEL.