

Notice of Class Action Settlement

Tina Seaton, et al. v. St. Stephen's Cemetery Association, et al.

Case No. 17-CI-1663

A court has authorized this notice. This is not a solicitation from a lawyer.

Please read this notice carefully and completely. Your legal rights are affected whether you act or don't act.

THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ IT CAREFULLY.

You May be Entitled to Receive Monetary Compensation Under this Class Action Settlement.

- A Settlement has been reached between St. Stephen's Cemetery Association ("Defendant" or "SCA") and Plaintiff Tina Seaton (the "Plaintiff"), individually and on behalf of the previously certified classes (the "Class" or "Plaintiffs"). The underlying lawsuit, entitled *Tina Seaton, et al. v. St. Stephen's Cemetery Association, et al.*, Civil Case No. 17-CI-001663 is presently pending in the Jefferson Circuit Court Division One (1) in Louisville, Kentucky.
- **This Settlement concerns St. Stephen's Cemetery ("St. Stephen's"), located in Louisville, Kentucky. The Settlement involves monetary benefits.**
- **You are a member of the Class, and your rights may be affected by this Settlement if you purchased and/or are the next of kin or the surviving spouse of a person who purchased a burial plot and/or services from St. Stephen's Cemetery between January 1, 1992, and February 24, 2017.**

Please read this notice carefully. Your legal rights will be affected, and you must make one of the following choices.

Summary of Your Legal Rights and Options		Deadline
SUBMIT A CLAIM FORM	The only way to receive a cash payment.	Claim deadline will be determined at a hearing on March 24, 2025.
EXCLUDE YOURSELF BY OPTING OUT	Received no payment. Keep your right to file your own lawsuit against the Defendant for the same claims resolved by this Settlement.	Postmarked by February 7, 2025.
OBJECT TO THE SETTLEMENT AND/OR ATTEND A HEARING	Tell the Court the reasons why you do not believe the Settlement should be approved. You can also ask to speak to the Court at the hearing on March 24, 2025 at 1:30 p.m. about the fairness of a Settlement, with or without your own attorney.	Postmarked by February 7, 2025.
DO NOTHING	Received no payment and be bound by the terms of the Settlement.	

- These rights and options—**along with important deadlines**—are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the Settlement. You will not receive any money or other benefits under this Settlement until the Court grants final approval and after any potential appeals are resolved. Please be patient.

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BASIC INFORMATION

1. Why did I receive notice?

This lawsuit was filed on April 1, 2017, and is presently pending in the Jefferson Circuit Court Division One (1) in Louisville, Kentucky. You have received notice because Defendant's cemetery records indicate that you purchased and/or are the next of kin or the surviving spouse of a person who purchased a burial plot and/or services from St. Stephen's Cemetery between January 1, 1992, and February 24, 2017.

This notice explains that the Court has given "preliminary approval" of a Settlement of this Class Action lawsuit. The Court has authorized this notice because you have a right to know about the proposed Settlement, and about all of your options, before the Court decides whether to give "final approval" to the Settlement. This notice explains the lawsuit, the Settlement, and your legal rights.

2. What is this lawsuit about?

The lawsuit alleges gross negligence by the cemetery and its board members and caretaker for losing records related to the location of bodies, burying bodies in improper locations, and failing to follow Kentucky cemetery laws for the proper interment of bodies or cremated remains.

The Defendant has denied all material allegations made in the Complaint, and all amendments, and denied any wrongdoing in connection with the cemetery services provided to Plaintiffs and/or Class Members and/or their representatives.

3. What is a class action?

In a class action, one or more people called "Class Representatives" sue on behalf of themselves and other people who have similar claims. This group of people is called the "class," and the people in the class are called "Settlement Class Members" or the "Settlement Class." One court resolves the issues for all Settlement Class Members, except for people who exclude themselves from the class. The persons who sued here (Tina Seaton, Tina Clark, and Kelley Bryant) are called the Plaintiffs or Class Representatives. The company they sued—St. Stephen's Cemetery Association—is called the Defendant.

4. Why is there a Settlement?

The Court did not decide in favor of Plaintiffs or Defendant. Instead, both sides agreed to a Settlement. That way, they avoid the costs and risks of a trial, and Settlement Class Members can get benefits or compensation. The Class Representatives and Class Counsel think the Settlement is in the best interest of the Settlement Class.

WHO IS IN THE SETTLEMENT?

5. Who is in the Settlement?

The Settlement Class is defined as: "All persons who purchased and/or who are the next of kin or the surviving spouse of a person who purchased a burial plot and/or services from St. Stephen's Cemetery between January 1, 1992, and February 24, 2017."

6. Are there exceptions to being included?

Yes, the following are not included in the Settlement Class: (1) any officer, director, agent, employee, full or partial owner of St. Stephen's Cemetery Association, and any member of their immediate families; (2) Bruce D. Zimmerman, Sr., Herb Zimmerman, Mark Holland, Tony Bostic, Barbara Ann Houser, and any member of their immediate families; (3) the judge to whom this case is assigned, any member of the judge's staff, and any member of their immediate families; (4) any potential Class Member who timely elects to be excluded from the Class; and (5) any potential Class Member who has obtained other legal representation, has commenced or is participating in a separate lawsuit as of the date of certification, or has not elected to join the Class.

7. What should I do if I am not sure whether I am included?

If you are not sure whether you are included in the Settlement Class, you can ask for free help by calling the Settlement Administrator at 1-877-606-7519, or you can visit www.kycemeterysettlement.com for more information.

THE SETTLEMENT BENEFITS

8. What does the Settlement provide?

Under the Settlement, the Defendant will establish a Settlement fund in the amount of one million two hundred fifty thousand dollars (\$1,250,000). These funds will be used to pay for all valid claims made by Settlement Class Members, notice and administration costs, service awards to the Class Representatives, and attorneys' fees and costs. Any remaining funds will be distributed to the cy pres recipients.

9. What can I get from the Settlement?

Settlement Class Members may file a claim to receive a *pro-rata* share of the Settlement Fund based on the number of graves purchased, the number of relatives buried at the cemetery during the relevant time period, the documentation provided and other factors. To receive a payment, you must submit a completed and signed Claim Form.

10. What am I giving up if I stay in the Class?

If you are a Settlement Class Member and you do not exclude yourself from the Settlement, you will give up your right to sue, continue to sue, or be part of any other lawsuit against Defendant or other released parties concerning the claims released by this Settlement. The Settlement Agreement describes the legal claims that you give up if you remain in the Settlement Class. The entire text of the Settlement Agreement can be viewed at www.kycemeterysettlement.com.

HOW TO GET A PAYMENT – MAKING A CLAIM

11. How can I get a payment?

You must complete and submit a Claim Form and provide documentation showing that you are a member. The claim deadline will be determined at the final approval hearing.

Be sure to read the Claim Form instructions carefully, include all required information, and your signature.

The Settlement Administrator will review your claim to determine the validity and amount of your payment.

The claim deadline will be determined at the final approval hearing.

In the Claim Form, you will be asked to include your name and contact information, and identify each grave for which you are submitting claims. The Settlement Administrator may contact you and request further information or documents to identify the graves, or otherwise verify your claims.

If you are asserting claims on behalf of a deceased person, you must provide documentation establishing you as Personal Representative, or documentation evidencing the authority to act and receive assets of the Settlement Class Member. You will be required to provide certain information under oath including:

- The decedent's name;
- Your relationship to the decedent;
- A statement that you are authorized to act on behalf of the decedent; and
- A statement that either:
 - No other family member or person has the same or superior right to act on behalf of the decedent; or,
 - You have the permission to submit a claim on behalf of the decedent even though there are others family members or persons who have the same or superior rights to represent the decedent.

12. When will I get my payment?

The Court will hold a hearing on March 24, 2025, to decide whether to approve the Settlement. Payments will be made after the Settlement is approved and becomes final (meaning there is no appeal from the order approving the Settlement). Updates regarding the Settlement will be posted on the Settlement Website, www.kycemeterysettlement.com.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

Alex Davis of Alex Davis Law Office PSC, Jasper D. Ward IV of Jones Ward PLC, Mark K. Gray and Matthew L. White of Gray & White, and Stephen A. Brooks of Stephen Brooks PSC have been appointed to represent the Settlement Class. These lawyers are called Class Counsel. You will not be charged for their services.

14. Should I get my own lawyer?

If you want your own lawyer, you may hire one, but you will be responsible for any payment for that lawyer's services. For example, you can ask your own lawyer to appear in court for you if you want someone other than Class Counsel to speak for you. You may also appear for yourself without a lawyer.

15. How will the lawyers be paid?

The attorneys representing the Class have not yet received any payment for their legal services or any reimbursement of the costs or out-of-pocket expenses they have incurred. Class Counsel plans to ask the Court to award attorneys' fees from the Settlement Fund, not to exceed one-third of the Settlement Fund (i.e., not more than \$416,625). Class Counsel also may petition the Court for their out-of-pocket costs and expenses, not to exceed \$100,000.

The Settlement Class is represented by the Plaintiffs named above, who have been designated as the "Class Representatives." Class Representatives may make a claim for benefits like all other Settlement Class Members, but will also each request a \$7,500 award for the efforts they have expended on behalf of the Settlement Class.

The Court will determine whether to approve the amount of fees and costs and expenses requested by Class Counsel, as well as the amount of the service awards for the Class Representatives. Class Counsel will file an application for fees, expenses, and service awards no later than January 23, 2025. The application will be available on the Settlement Website, www.kycemeterysettlement.com, or you can request a copy by contacting the Settlement Administrator.

EXCLUDING YOURSELF FROM THE SETTLEMENT

16. How do I get out of the Settlement?

If you are a Settlement Class Member and you do not want the benefits from the Settlement, and you want to keep your right, if any, to sue the Defendant or released parties on your own about the legal issues in this case, then you must take steps to get out of the Settlement. This is called excluding yourself from—or "opting out" of—the Settlement Class.

You may opt out of the Settlement by February 7, 2025. To opt out, you must send a letter or postcard via U.S. mail to the address below that contains the following information:

- The full name, address, and telephone number of the person(s) seeking exclusion;
- Must contain a statement that: "I/we hereby confirm that I/we paid for funeral products or services of St. Stephen's Cemetery and have not been reimbursed and request that I/we be excluded from the proposed Class."; and
- Must be signed by the Settlement Class Member(s) or an authorized representative thereof verifying the same.

You must mail your opt-out request via First-Class postage prepaid U.S. Mail, postmarked no later than February 7, 2025 to:

Seaton v. St. Stephen's Cemetery Settlement Administrator
P.O. Box 301132
Los Angeles, CA 90030-1132

If you fail to include the required information, your request will be deemed invalid and you will remain a Settlement Class Member and be bound by the Settlement, including all releases.

17. If I am a Settlement Class Member and don't opt out, can I sue the Defendant for the same thing later?

No. You must opt out of the Settlement to keep your right to sue Defendant or other released parties for any of the claims resolved by the Settlement.

18. What happens if I opt out?

If you opt out of the Settlement, you will not have any rights as a member of the Settlement Class. You will not receive a payment or credit monitoring services as part of the Settlement. You will not be bound by the Settlement, releases, or by any further orders or judgments in this case. You will keep the right, if any, to sue on the claims alleged in the case at your own expense.

In addition, if you opt out of the Settlement you cannot object to this Settlement because the Settlement no longer affects you. If you object to the Settlement and request to exclude yourself, your objection will be voided and you will be deemed to have excluded yourself.

COMMENTING ON OR OBJECTING TO THE SETTLEMENT

19. How do I tell the Court I don't like the Settlement?

If you are a Settlement Class Member and you do not opt out of the Settlement, you can object to the Settlement if you do not think it is fair, reasonable, or adequate. You can give reasons why you think the Court should not approve it. You can't ask the Court to change or order a different Settlement; the Court can only approve or deny this Settlement. If the Court denies approval, no Settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you must object.

You may object to any part of the proposed Settlement in writing. You may also appear at the Fairness Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for paying that attorney.

All notices of an intent to object to the Class Settlement Agreement must be written and should include all of the following:

- a) The name of this Litigation (*Tina Seaton, et al. v. St. Stephen's Cemetery Association, et al.*, Case No. 17-CI-1663);
- b) Your full name, current mailing address, and telephone number;
- c) A description of the St. Stephen's products or services purchased during the Class Period;
- d) A notice of intention to appear, either in person or through an attorney (if applicable);
- e) The name, address and telephone number of the attorney (if you hired one to represent you);
- f) A statement indicating that you are a member of the Settlement Class;
- g) A statement of each objection asserted;
- h) A detailed description of the facts underlying each objection;
- i) A list of exhibits and/or affidavits you may offer during the hearing;
- j) A list of all witnesses you may call to testify at the hearing, along with a summary of each witness's anticipated testimony;
- k) An identification (including the name of the case, the court in which the matter is pending, and the civil action number) of any other class Settlements to which you or your attorney has asserted an objection; and
- l) Your original signature or the signature of the attorney representing you (if any).

Completed objections must be filed with the Clerk of the Court and mailed and postmarked to all counsel by February 7, 2025.

To the Clerk of the Court: Clerk of the Court 700 W. Jefferson Street Louisville, KY 40202	To Plaintiffs' Counsel: Alex Davis Law Office PSC 445 Baxter Avenue, Suite 275 Louisville, KY 40204	To Defense Counsel: Garvey Shearer Nordstrom PSC 2388 Grandview Drive Ft. Mitchell, KY 41017
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20. What's the difference between objecting and opting out?

Objecting is telling the Court that you don't like something about the Settlement. You can object to the Settlement only if you are a Settlement Class Member and do not opt out of the Settlement. Opting out of the Settlement is telling the Court that you don't want to be part of the Settlement. If you opt out of the Settlement, you cannot object to it because it does not affect you.

THE COURT'S FAIRNESS HEARING

21. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Hearing (also called the Fairness Hearing) at March 24, 2025 at 1:30 p.m., at the Circuit Court of Jefferson County, Louisville, KY before Judge Haner. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate, and Class Counsel's application for attorneys' fees, costs and expenses, and service awards. If there are objections, the Court will consider them. The Court may choose to hear from people who have asked to speak at the hearing. At or after the hearing, the Court will decide whether to approve the Settlement. There is no deadline by which the Court must make its decision. The Court may reschedule the Fairness Hearing or change any of the deadlines described in this notice. The date of the Fairness Hearing may change without further notice to the Settlement Class Members. Be sure to check the website, www.kycemeterysettlement.com for updates.

Class Counsel will file a motion for final approval of the Settlement by January 23, 2025. Objectors, if any, must file any response to Class Counsel's motion by February 7, 2025. Responses to any objections and any replies in support of final approval of the Settlement and/or Class Counsel's application for attorneys' fees, costs and expenses, and service awards will be filed by March 17, 2025.

22. Do I have to come to the Fairness Hearing?

No. Class Counsel will answer any questions the Court may have. You may attend at your own expense if you wish. If you send an objection, you do not have to come to the hearing to talk about it. As long as you mailed or filed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

23. May I speak at the hearing?

Yes. You may ask the Court for permission to speak at the Fairness Hearing. To do so, you should include a statement in your written objection (*see* Question 19) that you intend to appear at the hearing. Be sure to include your name, address, and signature as well. It is in the judge's discretion to let you speak at the Fairness Hearing. You cannot speak at the hearing if you opt out or exclude yourself from the Class.

IF I DO NOTHING

24. What happens if I do nothing at all?

If you are a Settlement Class Member and do nothing, you will not get any money or credit monitoring services from this Settlement, and you will not be able to sue the Defendant or other released parties for the claims released by the Settlement Agreement.

GETTING MORE INFORMATION

25. Are more details about the Settlement available?

This notice summarizes the proposed Settlement—more details are available in the Settlement Agreement and other case documents available at www.kycemeterysettlement.com; by reviewing the case docket and filings online at www.jeffersoncircuitcourt.com or by visiting the office of the Clerk of the Court at 700 W. Jefferson Street, Louisville, KY 40202 between 8:00 a.m. and 4:45 p.m., Monday through Friday, excluding Court holidays.

26. How do I get more information?

Visit the website, www.kycemeterysettlement.com, where you will find more information, including the Claim Form, a copy of the Settlement Agreement, and answers to questions about the Settlement and other information to help you determine whether you are eligible for a payment.

Contact the Settlement Administrator:

Seaton v. St. Stephen's Cemetery Settlement Administrator
P.O. Box 301132
Los Angeles, CA 90030-1132

PLEASE DO NOT CONTACT THE COURT, THE COURT CLERK'S OFFICE, OR DEFENDANT TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.