

**IN THE COURT OF COMMON PLEAS  
OF ALLEGHENY COUNTY, PENNSYLVANIA**

CHRISTOPHER ZIMMERMAN, COREY  
MIZELL, STEPHANIE DAWSON and  
MIKE LEWIS, individually and on behalf of  
all others similarly situated,

Plaintiffs,

v.

SONYA LAZAREVIC. ZORAN  
LAZAREVIC, SYLVIA DUDA; COGO'S  
CO; AND BRIAN HAENZE d/b/a AUTO  
GALLERY & ACCESSORIES and as TAG  
TOWING AND COLLISION,

Defendants.

CHRISTOPHER GRABOVSKI,  
individually and on behalf of all others  
similarly situated;

Plaintiff.

v.

REALTY INCOME CORPORATION;  
COGO'S CO; AND BRIAN HAENZE  
D/B/A AUTO GALLERY &  
ACCESSORIES and as TAG TOWING  
AND COLLISION.

Defendants.

CIVIL DIVISION – CLASS ACTION

No. GD-18-012068

**DECLARATION OF  
SETTLEMENT ADMINISTRATOR  
IN SUPPORT OF PLAINTIFFS'  
UNOPPOSED MOTION  
FOR FINAL APPROVAL OF  
CLASS ACTION SETTLEMENT**

CIVIL DIVISION-CLASS ACTION

No. GD-18-012294

Filed on behalf of Plaintiffs

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**DECLARATION OF SETTLEMENT ADMINISTRATOR  
IN SUPPORT OF PLAINTIFFS' UNOPPOSED MOTION  
FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

I, Caroline P. Barazesh, pursuant 18 Pa. C.S.A. § 4904, hereby declare as follows:

1. I am over the age of twenty-one. I am competent to give this declaration. This declaration is true and correct to the best of my knowledge, information and belief.

2. I am currently a Director for Analytics Consulting, LLC (“Analytics”), located at 18675 Lake Drive East, Chanhassen, Minnesota, 55317. Analytics provides consulting services to the design and administration of class action and mass tort litigation settlements and notice programs. The settlements Analytics has managed over the past twenty-five years, range in size from fewer than 100 class members to more than 40 million, including some of the largest and most complex notice and claims administration programs in history.

3. Analytics’ clients include corporations, law firms (both plaintiff and defense), the Department of Justice, the Securities and Exchange Commission, and the Federal Trade Commission, which since 1998 has retained Analytics to administer and provide expert advice regarding notice and claims processing in their settlements/distribution funds.

4. In my capacity as Director, I count among my duties responsible for matters relating to the Settlement Administration for the above-captioned litigation.

5. There was no Class List available for this matter.

6. Analytics coordinated a media campaign to locate Settlement Class Members.

7. On May 8, 2024, Settlement Class Counsel provided Analytics with the approved Newspaper Notice, Class Notice and Claim Form.

8. Analytics published the Newspaper Notice in the Pittsburgh Post Gazette and the Pittsburgh City Paper for seven consecutive days commencing on June 20, 2024. A copy of the Newspaper Notice is attached as Exhibit 1.

9. On June 20, 2024, Analytics established a dedicated website at [www.CoGosTowingSettlement.com](http://www.CoGosTowingSettlement.com). This website contains links to pdf images of the operative Amended Complaints, Settlement Agreement, Motion for Preliminary Approval, Brief in Support of Motion for Preliminary Approval, Order Granting Preliminary Approval, Notice, Claim Form,

Fee Application, and Brief in Support of Fee Application. The website also provides information about the proposed settlement, including “frequently asked questions” with corresponding answers, contact information for Settlement Class Counsel, and important dates under the Settlement.

10. The website provided Settlement Class Members with the ability to read the Class Notice and to file a Claim Form online. A copy of the Class Notice is attached as Exhibit 2 and a copy of the Claim Form is attached as Exhibit 3.

11. On June 20, 2024, Analytics established a toll-free phone number, 833-889-1930, and an email box at [CoGosTagTowingSettlement@noticeadministrator.com](mailto:CoGosTagTowingSettlement@noticeadministrator.com), offering Settlement Class Members a pre-recorded message with the ability to speak to a call center agent, and otherwise contact the Settlement Administrator with questions concerning the Settlement.

12. Settlement Class Members could opt out of the settlement by mailing a signed statement requesting exclusion from the settlement to Analytics, Settlement Class Counsel and Cogo’s Counsel, postmarked by August 19, 2024. Zero requests for exclusion were received by Analytics.

13. Settlement Class Members could object to the proposed settlement by filing a written objection with the Court or mailing the written objection to the Clerk of Court, Settlement Class Counsel and Cogo’s Counsel, filed or postmarked by August 19, 2024. Zero objections were received by Analytics.

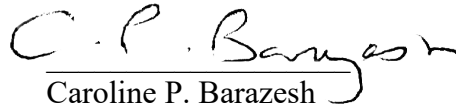
14. Settlement Class Members had to file a Claim Form online at the website or by mail by August 19, 2024, in order to receive a payment from the Settlement. Eleven timely and valid Claim Forms were received.

15. Analytics' total costs for services in connection with the administration of this Settlement, including fees incurred and anticipated future costs for completion of administration, are \$9,500. This amount will be paid from the Settlement Fund. Analytics' work in connection with this matter will continue with the issuance and mailing of the settlement checks and to do the necessary tax reporting for the Settlement Fund.

16. Settlement Checks valued at \$1,863.63 will be sent to 11 Settlement Class Members following final approval of the Settlement.

17. I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 16, 2024  
In Chanhassen, Minnesota

  
Caroline P. Barazesh

# **Exhibit 1**

## **NOTICE OF PROPOSED SETTLEMENT AND RIGHT TO OPT-OUT**

*A Court authorized this Notice. This is not a solicitation from a lawyer.*

The Court of Common Pleas of Allegheny County, Pennsylvania, in the actions titled *Christopher Grabovski, individually and on behalf of all others similarly situated v. Realty Income Corporation; CoGo's Co.; and Brian Haenze d/b/a Auto Gallery & Accessories and as Tag Towing and Collision*, GD-18-012294 and *Christopher Zimmerman, Corey Mizell, Stephanie Dawson, and Mike Lewis individually and on behalf of all others similarly situated v. Sonya Lazarevic, Zoran Lazarevic, Sylvia Duda, CoGo's Co., and Brian Haenze d/b/a Auto Gallery & Accessories and as Tag Towing and Collision*, GD-18-012068, has preliminarily approved a class action settlement. You are a Settlement Class Member if you were non-consensually towed from the parking lots located at 1709 Saw Mill Run Boulevard, Pittsburgh, PA 15210; 925 East Carson Street, Pittsburgh, PA 15203; 2401 East Carson Street, Pittsburgh, PA 15203; 20 Bailey Avenue, Pittsburgh, PA 15211; 304 Virginia Avenue, Pittsburgh, PA 15211; and/or 3439 W Run Road, Homestead, PA 15210 between September 2012 and December 27, 2015 and were charged in excess of \$110 total for the return of the towed vehicle **or** between December 28, 2015 and the date of Final Approval and Judgment (estimated to be October 7, 2024) and were charged in excess of \$135 total for return of the towed vehicle. Vehicles subject to these amounts include passenger cars, light trucks, motorcycles and scooters.

This notice is a summary of your legal rights. You should visit: [www.CoGosTagTowingSettlement.com](http://www.CoGosTagTowingSettlement.com) for full details. If you qualify as a Settlement Class Member you have the following choices which you must select by the deadlines below:

OPTION	DEADLINE	DESCRIPTION
<b>SUBMIT A CLAIM FORM</b>	August 19, 2024	If you timely file a valid claim form, you are eligible to receive a <i>pro rata</i> cash payment of the Settlement benefits. See <a href="http://www.CoGosTagTowingSettlement.com">www.CoGosTagTowingSettlement.com</a> for details and claim form.
<b>DO NOTHING</b>	N/A	If you do nothing, you will remain in the class and be bound by the Court's orders but will not receive a cash payment.
<b>EXCLUDE YOURSELF</b>	August 19, 2024	You may exclude yourself from the Settlement Class. You will not receive a cash payment. You will not be bound by the Court's orders. You will retain any claims you may have. <b><i>You must deliver timely notice to exclude yourself as described at <a href="http://www.CoGosTagTowingSettlement.com">www.CoGosTagTowingSettlement.com</a>.</i></b>
<b>OBJECT (AND YOU MAY ATTEND HEARING)</b>	August 19, 2024	You may object and explain to the Court why you think the class action settlement should not be approved. <b><i>You must file and serve objections to the Settlement as described at <a href="http://www.CoGosTagTowingSettlement.com">www.CoGosTagTowingSettlement.com</a>.</i></b>

## **Exhibit 2**



**Re: NOTICE OF SETTLEMENT OF CLASS ACTION LAWSUIT**

**To: Individuals whose vehicles were non-consensually towed from one of the parking lots located at 1709 Saw Mill Run Boulevard, Pittsburgh, PA 15210; 925 East Carson Street, Pittsburgh, PA 15203; 2401 East Carson Street, Pittsburgh, PA 15203; 20 Bailey Avenue, Pittsburgh, PA 15211; 304 Virginia Avenue, Pittsburgh, PA 15211; 3439 W Run Road, Homestead, PA 15210 by TAG Towing and Collision.**

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

*Your legal rights are affected whether you act or don't act. Please read this Notice carefully.*

A settlement has been proposed to resolve a lawsuit against CoGo's Co. ("CoGo's" or "Defendant") brought by Christopher Zimmerman, Corey Mizell, Stephanie Dawson, Mike Lewis, and Christopher Grabovski ("Plaintiffs" or "Settlement Class Representatives"), on behalf of themselves and all persons similarly situated. The lawsuits, referred to as in the matters captioned: *Christopher Grabovski, individually and on behalf of all others similarly situated v. Realty Income Corporation; CoGo's Co.; and Brian Haenze d/b/a Auto Gallery & Accessories and as Tag Towing and Collision*, GD-18-012294 and *Christopher Zimmerman, Corey Mizell, Stephanie Dawson, and Mike Lewis individually and on behalf of all others similarly situated v. Sony Lazarevic, Zoran Lazarevic, Sylvia Duda, CoGo's Co., and Brian Haenze d/b/a Auto Gallery & Accessories and as Tag Towing and Collision*, GD-18-012068, in the Court of Common Pleas of Allegheny County, Pennsylvania, assert claims on behalf of a class of individuals relating to tows from parking lots located at 1709 Saw Mill Run Boulevard, Pittsburgh, PA 15210; 925 East Carson Street, Pittsburgh, PA 15203; 2401 East Carson Street, Pittsburgh, PA 15203; 20 Bailey Avenue, Pittsburgh, PA 15211; 304 Virginia Avenue, Pittsburgh, PA 15211; and 3439 W Run Road, Homestead, PA 15210 (collectively all of the foregoing are referred to as the "Parking Lots"). Plaintiffs allege that following non-consensual tows from the Parking Lots by Brian Haenze d/b/a Auto Gallery & Accessories and as Tag Towing and Collision ("Tag Towing"), Plaintiffs were charged amounts exceeding the maximum allowable as set forth under the Pittsburgh Code of Ordinances and Pennsylvania law and assert that CoGo's and/or Tag Towing violated the Pennsylvania Unfair Trade Practices and Consumer Protection Law ("UTPCPL"), 73 Pa. Stat. § 201-1, *et. seq.*, the Pennsylvania Fair Credit Extension Uniformity Act ("PaFCEUA"), 73 Pa. Stat. § 2270.1, *et. seq.*, and various common law causes of action. CoGo's denies these allegations, denies any wrongdoing, and denies that it would be found liable to Plaintiffs and/or the Settlement Class Members.

- Subject to Court approval, an agreement has been reached to settle the lawsuit through a series of arms'-length negotiations between Plaintiffs' and CoGo's respective attorneys without the admission of any alleged liability by any person or entity – which liability is expressly denied. On May 6, 2024, the Court granted Preliminary Approval of the Settlement Class consisting of all members of the following settlement class:

All owners or operators whose vehicle of any type (including any passenger cars, light trucks, or motorcycles, and scooters) were non-consensually towed from the Parking Lots by Tag Towing within the Relevant Period, and who, as a result were charged and paid a fee in excess of the limits identified in 5 Pittsburgh Code § 525.05 and otherwise pursuant to Pittsburgh Code.

- Under the Class Settlement Agreement and Release ("Settlement"), payment of \$35,000.00 will be made into a Settlement Fund, out of which the Settlement Administrator will make payments to Settlement Class Members. The methods that will be used to distribute these funds to Settlement Class Members are described in detail in this Notice. The costs of notice and settlement administration and court-approved service awards of \$1,000 for each Settlement Class Representative will also be paid from the Settlement Fund.
- Further, if approved by the Court, payment of up to \$69,000.00 will be made relating to fees, costs, and expenses to attorneys for the Settlement Class. These payments will be made separate from the Settlement Fund that will be used to pay the Settlement Class Members.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:</b>	
<b>FILE A CLAIM FORM TO RECEIVE A CASH PAYMENT</b>	If you timely file a valid claim form, you will receive a cash payment from the Settlement Fund equal to a <i>pro rata</i> share of the Settlement Fund after subtracting payments for court-approved Service Awards and costs of notice and settlement administration. Claim Forms must be submitted online or mailed to the Settlement Administrator by the claim deadline.
<b>DO NOTHING</b>	If you do nothing, you will get no cash payment, and if the settlement is approved, you will be giving up any right you may have to file a separate suit about the same legal claims in this lawsuit.
<b>EXCLUDE YOURSELF</b>	If you ask to be excluded, you will not receive a cash payment, but you may be able to file your own lawsuit for the claims that are the subject of the Settlement. This is the only option that leaves you the right to file your own lawsuit for the claims that are being resolved by the Settlement. In order to be effective, a request to be excluded from the Settlement must contain all the information required by the Settlement.
<b>OBJECT</b>	You can remain in the Settlement Class and file an objection telling the Court why you believe the Settlement should not be approved. If your objections are overruled, you will be bound by the Settlement.

- Your options and other basic information are explained in this Notice. To ask to be excluded, you must act before **August 19, 2024**.
- The Court in charge of this case still must decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.
- Any questions? Read on and visit the Settlement Website at [www.CoGosTagTowingSettlement.com](http://www.CoGosTagTowingSettlement.com)

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## BASIC INFORMATION

### 1. Why did I get this notice?

Was a vehicle you own or were operating non-consensually towed by Tag Towing from the parking lots located at 1709 Saw Mill Run Boulevard, Pittsburgh, PA 15210; 925 East Carson Street, Pittsburgh, PA 15203; 2401 East Carson Street, Pittsburgh, PA 15203; 20 Bailey Avenue, Pittsburgh, PA 15211; 304 Virginia Avenue, Pittsburgh, PA 15211; and 3439 W Run Road, Homestead, PA 15210 (all of the foregoing are referred to as “Parking Lots”) and if so, did you paid a fee for such tow, between September 18, 2012, and the date of the Final Approval Order and Judgment (anticipated to be October 7, 2024) and that fee was more than amount identified in the City Ordinances? If so, then a proposed class action Settlement may affect you. A group of similarly situated individuals filed the proposed class action lawsuits in 2018, alleging certain violations of the law, including that the charges exceeded the maximum set forth under the Pittsburgh Code of Ordinances for non-consensual tows from the Parking Lots. These allegations have been, are, and remain, denied. The parties have now reached a proposed settlement of the lawsuits.

The Court authorized this Notice to inform you of your rights under the proposed class action Settlement before the Court decides whether to grant final approval of the Settlement. If the Court approves the Settlement, and after objections and appeals are resolved, a Settlement Administrator (Analytics Consulting LLC) will make the cash payments that the Settlement allows, and the pending legal claims against CoGo’s and other Releasees will be released and dismissed.

This package explains the lawsuit, the Settlement, your rights, what benefits are available, who is eligible form them, and how to get them.

The Court in charge of the cases is the Court of Common Pleas of Allegheny County, Pennsylvania, and the cases are known as *Grabovski v. Realty Income Corporation et al*, 18-012294 (Allegheny Cty. Ct. Com. Pl.) and *Zimmerman et al v. Lazarevic et al*, GD-18-012068 Allegheny Cty. Ct. Com. Pl.)

### 2. What is this lawsuit about?

Plaintiffs Christopher Zimmerman, Corey Mizell, Stephanie Dawson, Mike Lewis, and Christopher Grabovski brought this class action against various parties including CoGo’s and Tag Towing, alleging that they are responsible for unlawfully towing and charging for the return or release of non-consensually towed vehicles from the Parking Lots. CoGo’s denies all of Plaintiffs’ claims.

### 3. What is a class action and who is involved?

In a class action lawsuit, one or more people called “Class Representative(s)” (in this case Christopher Zimmerman, Corey Mizell, Stephanie Dawson, Mike Lewis, and Christopher Grabovski) sue on behalf of themselves and other people who have similar claims, together called a “Class” or “Class Members.” The individuals who brought this suit, along with all the Class Members, are called “Plaintiffs.” The people and companies being sued (in this case such companies include CoGo’s Co.) are called “Defendants.” One court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class.

### 4. Why is there a Settlement?

The Court has not decided in favor of Plaintiffs or Defendant. Instead, there has been an agreement between CoGo’s and Plaintiffs to the Settlement. The Settlement is not an admission that CoGo’s, nor any other person or entity, did something wrong, and any wrongdoing has been and remains denied, but rather a compromise to end the lawsuit. By agreeing to settle, both sides avoid the costs, risks, and uncertainties of a trial and related appeals, while providing benefits to members of the Settlement Class. The Class Representatives and the attorneys of the Settlement Class think the Settlement is best for Settlement Class Members.

## WHO IS PART OF THE SETTLEMENT

### 5. How do I know if I am part of the Settlement?

You are a member of the Settlement Class and affected by the Settlement if:

- You were non-consensually towed from the Parking Lots between September 18, 2012 and December 27, 2015 and were charged in excess of \$110 total for the return of the towed vehicle (as defined pursuant to Pittsburgh Code) or between December 28, 2015 and the date of Final Approval and Judgment (estimated to be October 7, 2024) and were charged in excess of \$135 total for return of the towed vehicle (as defined in the Pittsburgh Code).

Specifically *excluded* from the Settlement Class are the Court—and any immediate family members of the Court—and individuals who timely and validly request exclusion from the Settlement Class.

### 6. Are there exceptions to being included?

If you timely exclude yourself from the Settlement, you are no longer part of the Settlement Class and will no longer be eligible to receive payments from the Settlement Fund. The process of excluding yourself is referred to as “opting out” of the Settlement and are described in the Section below titled “[Excluding Yourself from the Settlement](#)”.

### 7. I am still not sure if I am included.

If you are still not sure whether you are included, you can contact the Settlement Administrator at (833) 889-1930 or visit the Settlement website at [www.CoGosTagTowingSettlement.com](http://www.CoGosTagTowingSettlement.com) for more information.

## THE SETTLEMENT BENEFITS

### 8. What does the Settlement provide?

Under the Settlement, payment of THIRTY-FIVE THOUSAND DOLLARS AND ZERO CENTS (\$35,000.00) will be made into a Settlement Fund. After costs of settlement administration and notice and court-approved service awards no more than \$1,000.00 are paid from the Settlement Fund to the Settlement Class Representatives, the Settlement Administrator will distribute to each Settlement Class Member who submits a timely and valid Claim Form their *pro rata* share of the Settlement Fund. The Court preliminarily approves this process.

In addition, there will separately be a payment for Settlement Class Counsel’s attorneys’ fees, costs, and expenses, and, if approved by the Court, that payment will be up to \$69,000.00.

### 9. How much will my payment be?

The amount of payment will depend on several factors, including the number of Settlement Class Members who ultimately file valid Claim Forms.

## HOW TO GET A PAYMENT

### 10. How can I get a payment?

All Settlement Class Members that wish to receive compensation must complete and submit a Claim Form and follow its instructions. The Claim Form can be found on the internet at [www.CoGosTagTowingSettlement.com](http://www.CoGosTagTowingSettlement.com).

To properly complete and timely submit a Claim Form, you should read the instructions carefully, include all information requirements by the Claim Form, sign it, and either submit the signed Claim Form electronically through [www.CoGosTagTowingSettlement.com](http://www.CoGosTagTowingSettlement.com) by **August 19, 2024** or mail it to the Settlement Administrator postmarked no later than **August 19, 2024**, at the following address:

## 11. When will I get my payment?

The Court will hold a hearing on October 7, 2024 to decide whether to approve the Settlement. If the Court approves the Settlement, there may be appeals. It is always uncertain whether these appeals can be resolved and resolving them takes time, sometimes more than a year. Payments to the Settlement Class Members will be made after the Settlement is finally approved and any appeals or other required proceedings have been completed as set forth in the Settlement Agreement. You may visit the Settlement Website for updates on the progress of Settlement.

## 12. What am I giving up to receive a payment?

Unless you exclude yourself from the Settlement, you will be unable to sue, or be part of any other lawsuit, against CoGo's or the other Releasees (as defined in the Settlement Agreement) relating to the nonconsensual tow of your motor vehicle from the Parking Lots between September 2012 and the date of the Final Approval Order and Judgment (anticipated to be October 7, 2024). The specific claims that you are giving up are described in the Settlement Agreement, which is available at the Settlement Website.

If you have any questions, you may contact the Settlement Administrator or Settlement Class Counsel listed in [Question 23](#) for free, or you can, of course talk to your own lawyer if you have questions about what this means.

If you want to keep your rights to sue or continue to sue any person or entity based on claims this Settlement resolves, then you must take steps to exclude yourself from the Settlement Class. (See [Questions 13-15](#)).

## EXCLUDING YOURSELF FROM THE SETTLEMENT

## 13. How can I opt out of the Settlement?

To exclude yourself from the Settlement, or "opt out," you must send a letter by U.S. Mail that includes the information in the bullet points below. If you fail to include this information, the notice of exclusion will not be effective and you will be bound by the Settlement, including all releases.

- The name of this Litigation or a decipherable approximation (*Christopher Grabovski, individually and on behalf of all others similarly situated v. Realty Income Corporation; CoGo's Co.; and Brian Haenze d/b/a Auto Gallery & Accessories and as Tag Towing and Collision*, GD-18-012294 (Allegheny Cty. Ct. Com. Pl.) or *Christopher Zimmerman, Corey Mizell, Stephanie Dawson, and Mike Lewis individually and on behalf of all others similarly situated v. Sonya Lazarevic, Zoran Lazarevic, Sylvia Duda, CoGo's Co., and Brian Haenze d/b/a Auto Gallery & Accessories and as Tag Towing and Collision*, GD-18-012068 (Allegheny Cty. Ct. Com. Pl.));
- Your full name, address, email address, telephone number, and signature;
- The words "Request for Exclusion" at the top of the document or a statement in the body of the document requesting your exclusion from the Settlement;
- If you are filing a request for exclusion on behalf of an incapacitated or deceased Settlement Class Member for whom you are legally authorized to act, you must include your name, address, telephone number, signature, and relationship to the Settlement Class Member, as well as that person's name and address.

You must mail via First-Class postage prepaid United States mail the completed above-described letter, postmarked no later than **August 19, 2024** to each of the following addresses:



**Settlement Administrator**

CoGo's Tag Towing Settlement  
c/o Analytics Consulting LLC  
PO Box 2002  
Chanhassen MN 55317-2002

**Settlement Class Counsel**

Patrick Donathen  
LYNCH CARPENTER, LLP  
1133 Penn Avenue, 5th Floor  
Pittsburgh, PA 15222

Joshua P. Ward  
J.P. Ward and Associates, LLC  
201 South Highland Avenue,  
Suite 201  
Pittsburgh, PA 15206

**CoGo's Counsel**

Vincent M.  
Roskovensky/Samuel A.  
Hornak  
Clark Hill, PLC  
One Oxford Center  
301 Grant Street  
14th Floor  
Pittsburgh, PA 15219

If you ask to be excluded, you will not get any payment as part of this Settlement, and you cannot object to this Settlement. You will not be legally bound by anything that happens in the Settlement and related proceedings and you may be able to sue (or continue to sue) any person, including Defendant in the future. If you both object to the Settlement and seek to exclude yourself, you will be deemed to have excluded yourself.

**14. Why would I ask to be excluded?**

If you already have or had your own lawsuit for towing your vehicle without a license or for overcharging for a nonconsensual tow from the Parking Lots and want to continue with it, you need to ask to be excluded from the Settlement Class. If you exclude yourself from the Settlement Class—which also means to remove yourself from the Settlement Class and is sometimes call “opting out” of the Settlement Class—you won’t get any compensation from this Settlement. However, you may then be able to sue or continue to pursue a lawsuit for allegedly towing without a license or for overcharging for a nonconsensual tow from the Parking Lots. If you exclude yourself, you will not be legally bound by the Court’s judgment in this class action.

If you start your own lawsuit against CoGo’s or the other Releasees, for a nonconsensual tow from the Parking Lots after you exclude yourself, you’ll have to hire and pay your own lawyer for that lawsuit, and you’ll have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against CoGo’s or the other Releasees, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations. You must exclude yourself from this Settlement to continue your own lawsuit. Remember the exclusion deadline is **August 19, 2024**. Neither CoGo’s, the Releasees, nor any other person or entity have admitted liability of any type. All of their respective defenses of any and all types have been retained, are not waived and may be raised in the event that any claim is pursued by anyone who is excluded from this Settlement.

Note that if you exclude yourself from this lawsuit and in the future, and you park in the Parking Lots, any changes made to the policies and practices regarding the fee charged for towing vehicles would still apply to you.

**15. If I exclude myself, can I get money from this Settlement?**

No. If you exclude yourself, you are not entitled to a payment under the Settlement.

**THE LAWYERS REPRESENTING THE CLASS****16. Do I have a lawyer in this case?**

Yes. The Court decided that Patrick Donathen, of the law firm Lynch Carpenter, LLP, and Joshua P. Ward, of the law firm J.P. Ward and Associates, LLC, are qualified to represent you and all Settlement Class Members. Together these attorneys and their firms are called “Class Counsel.” They are experienced in handling similar cases against other companies and individuals. More information about these law firms, their practices, and their lawyers’ experience is available at [www.lcllp.com](http://www.lcllp.com) and [www.jpward.com](http://www.jpward.com). You will not be charged individually for these lawyers.

## 17. Should I get my own lawyer?

You do not need to hire your own lawyer because Settlement Class Counsel is working on your behalf as a Settlement Class Member. If you want your own lawyer, you may hire one, but you will have to pay that lawyer. For example, you could ask him or her to appear in Court for you if you want someone other than Settlement Class Counsel to speak for you.

## 18. How will the lawyers and individuals representing the settlement class be paid?

Settlement Class Counsel worked on a contingent basis, which means that they would receive a fee only if the lawsuit was successful. None of the lawyers have yet received any payment for their time or expenses. Settlement Class Counsel intends to ask the Court to approve an award of up to \$69,000.00 to be paid pursuant to the Settlement, as attorneys' fees, costs, and expenses to compensate them for their time, the financial risk they understood, and the out-of-pocket costs that they advanced.

The Settlement Class is represented by three named individuals Christopher Zimmerman, Corey Mizell, Stephanie Dawson, Mike Lewis, and Christopher Grabovski. In addition to the benefits the Settlement Class Representatives will receive as members of the Settlement Class—and subject to the approval of the Court—the Settlement includes an agreement to pay service awards of up to \$1,000.00 to each Settlement Class Representative for the efforts that they have expended on behalf of the Settlement Class. The amount of the service awards approved by the Court will be paid from the Settlement Fund.

The Court will determine whether to approve the amount of fees and costs and expenses requested by Settlement Class Counsel and the proposed service awards at the Final Approval Hearing scheduled for **October 7, 2024**. Settlement Class Counsel will file an application for fees, expenses, and services awards in advance of the Final Approval Hearing and the application will be available on the Settlement website.

## OBJECTING TO THE SETTLEMENT

## 19. How do I tell the Court that I do not like the Settlement?

If you are a Settlement Class Member, 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. The Court will consider your views. If you both object to the Settlement and seek to exclude yourself, you will be deemed to have excluded yourself and your objection will be deemed null and void.

Your objection must be in writing, and must include:

- the name of the Litigation: *Christopher Grabovski, individually and on behalf of all others similarly situated v. Realty Income Corporation; CoGo's Co.; and Brian Haenze d/b/a Auto Gallery & Accessories and as Tag Towing and Collision*, GD-18-012294 (Allegheny Cty. Ct. Com. Pl.) or *Christopher Zimmerman, Corey Mizell, Stephanie Dawson, and Mike Lewis individually and on behalf of all others similarly situated v. Sonya Lazarevic, Zoran Lazarevic, Sylvia Duda, CoGo's Co., and Brian Haenze d/b/a Auto Gallery & Accessories and as Tag Towing and Collision*, GD-18- 012068 (Allegheny Cty. Ct. Com. Pl.), or a decipherable approximation;
- the full name of the objector and full name, address, email address, and telephone number of any person acting on the objector's behalf;
- all grounds for the objection, accompanied by any legal support for the objection known to the objector or his or her counsel;
- a statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing; and
- such written statement must be filed with the Court and served on counsel for the parties no later than the Objection Date.



Any objection must be either filed electronically with the Court or mailed to the Clerk of Court, Settlement Class Counsel, and CoGo's Counsel at the addresses set forth below. The objection must be filed with the Court – or if mailed it must be postmarked – no later than **August 19, 2024**.

<b>Court</b>	<b>Settlement Class Counsel</b>	<b>CoGo's Counsel</b>
Clerk of Court Allegheny County Courthouse Room 114 436 Grant Street Pittsburgh, PA 15219	Patrick Donathen LYNCH CARPENTER, LLP 1133 Penn Avenue, 5th Floor Pittsburgh, PA 15222 Joshua P. Ward J.P. Ward and Associates, LLC 201 South Highland Avenue, Suite 201 Pittsburgh, PA 15206	Vincent M. Roskovensky Samuel A. Hornak Clark Hill, PLC One Oxford Center 301 Grant Street 14th Floor Pittsburgh, PA 15219

In addition, any Settlement Class Member that objects to the proposed Settlement may be required to appear for a deposition regarding the grounds for their objection and must provide, along with the objection, the dates when the objector will be available to be deposed up until five days before the Final Approval Hearing.

## **20. What is the difference between objecting and excluding myself/opting out?**

Objecting is telling that Court that you do not like something about the Settlement and providing the reasons and legal basis as to why do you not like it. You can object to the benefits provided by the Settlement or other terms of the Settlement only if you stay in the Settlement Class. Excluding yourself or “opting out” is telling the Court that you do not want to be included in the Settlement Class. If you exclude yourself, you have no basis to object to the Settlement and related releases because the Settlement no longer affects you.

## **THE COURT'S FINAL APPROVAL HEARING**

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

The Court will hold a Final Approval Hearing on **October 7, 2024 at 9:00 a.m.**, in Courtroom 820 before Judge Philip A. Ignelzi of the Court of Common Pleas of Allegheny County, Pennsylvania, City-County Building, 414 Grant Street, Pittsburgh, PA 15219, or at such other time, location, and venue (including remotely by zoom) as the Court may order. This hearing date and time may be moved. Please refer to the Settlement Website for notice of any changes.

By no later than September 16, 2024, Settlement Class Counsel shall file a motion for final approval of the Settlement. Objectors, if any, shall file any response to Settlement Class Counsel's motion no later than September 23, 2024. By no later than September 30, 2024 responses shall be filed, if any, to any filings by objectors, and any replies in support of final approval of the Settlement and/or Settlement Class Counsel's application for attorneys' fees, costs, and expenses, and for Service Awards shall be filed no later than September 30, 2024.

At the Final Approval Hearing, the Court will consider, among other things, whether the Settlement is fair, reasonable, and adequate; how much Settlement Class Counsel will receive as attorneys' fees, costs, and expenses; and whether to approve service awards to the Settlement Class Representatives. If there are objections, the Court will consider them. The Court will listen to people at the hearing who file in advance a timely notice of their intention to appear. At the Final Approval Hearing, the court will decide whether to approve the Settlement. However, there is no deadline by which the Court must make its decision.

## **22. Do I have to attend the hearing?**

No. Settlement Class Counsel will answer questions that the Court may have. You are welcome, however, to come at your own expense. If you submit an objection, you do not have to come to the hearing. As long as you submitted your objection timely and in accordance with the requirements for objecting set out in the Settlement, the Court will consider it. You may also pay your own attorney to attend the hearing, but it is not required.

## **GETTING MORE INFORMATION**

## **23. Are more details available?**

Visit the website, [www.CoGosTagTowingSettlement.com](http://www.CoGosTagTowingSettlement.com) where you will find more information, including a copy of the Settlement Agreement.

You may contact the Settlement Administrator, Analytics Consulting LLC, at (833) 889-1930, or by writing to: CoGo's Tag Towing Settlement, c/o Analytics Consulting LLC, PO Box 2002, Chanhassen, MN 55317-2002.

You may also speak to one of the lawyers by calling (412) 322-9243 or by writing to: CoGo's Tag Towing Class Action, Lynch Carpenter, LLP, Attn: Patrick Donathen, 1133 Penn Avenue, 5th Floor, Pittsburgh, PA 15222.

**Please do not contact the Court or Defendant with questions about the Settlement.**

## **Exhibit 3**

**CLAIM FORM**

*Christopher Grabovski, individually and on behalf of all others similarly situated v. Realty Income Corporation; CoGo's Co.; and Brian Haenze d/b/a Auto Gallery & Accessories and as Tag Towing and Collision, GD-18-012294 and Christopher Zimmerman, Corey Mizell, Stephanie Dawson, and Mike Lewis individually and on behalf of all others similarly situated v. Sonya Lazarevic, Zoran Lazarevic, Sylvia Duda, CoGo's Co., and Brian Haenze d/b/a Auto Gallery & Accessories and as Tag Towing and Collision, GD-18-012068, Court of Common Pleas of Allegheny County, Pennsylvania*

**THIS FORM MUST BE COMPLETED IN FULL AND SUBMITTED TO THE  
SETTLEMENT ADMINISTRATOR ON OR BEFORE AUGUST 19, 2024:**

CoGo's Tag Towing Settlement  
c/o Analytics Consulting LLC  
P.O. Box 2002  
Chanhassen, MN 55317-2002  
Email: CoGosTagTowingSettlement@noticeadministrator.com

If you submit a Claim Form that is incomplete or inaccurate, it may be rejected, and you will be precluded from obtaining a benefit under the Settlement Agreement.

**Please do not mail or deliver this Claim Form to the Court or to any of the Parties or their counsel. In addition, do not contact the Judge or Clerk of the Court or a representative of CoGo's Co.**

**PLEASE PROVIDE THE FOLLOWING INFORMATION:**

**Name:** \_\_\_\_\_

**Home Address:** \_\_\_\_\_

**City, State, Zip Code:** \_\_\_\_\_

**COMPLETE THE FOLLOWING ATTESTATION IF TRUE:**

By checking the box, I attest that the statement below is true:

- ☐ To the best of my knowledge and recollection, and under penalty of perjury, I attest that I was an owner or operator whose vehicle (including passenger car, light truck, motorcycle, and/or scooters) was non-consensually towed from the parking lots located at 1709 Saw Mill Run Boulevard, Pittsburgh, PA 15210; 925 East Carson Street, Pittsburgh, PA 15203; 2401 East Carson Street, Pittsburgh, PA 15203; 20 Bailey Avenue, Pittsburgh, PA 15211; 304 Virginia Avenue, Pittsburgh, PA 15211; and/or 3439 W Run Road, Homestead, PA 15210 between September 18, 2012 and December 27, 2015 and was charged in excess of \$110 total for the return of the towed vehicle or between December 28, 2015 and the date of Final Approval and Judgment (estimated to be October 7, 2024) and was charged in excess of \$135 total for the return of the towed vehicle, and I did not request to be excluded from the Settlement Class.

**ACKNOWLEDGEMENT:**

I understand that by submitting this claim form and receiving the settlement benefits, as of the Effective Date, I will be bound by the Court's Judgment and will be releasing certain claims against CoGo's Co. and others. I understand that the full text of the release is available on the Settlement Administrator's website, and that I have had an opportunity to review the release language before submitting this claim form.

**I certify under penalty of perjury that the information provided above is true and correct and that the submission of false information may subject me to civil and/or criminal penalties.**

**Signature:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_