

**If you owned a condominium at Metairie Towers Condominium complex located at 401 Metairie Road, Metairie, Louisiana 70005 continuously from August 29, 2021 through April 21, 2023 and/or you bought a condominium at Metairie Towers after August 29, 2021 and owned it until April 21, 2023, you could receive monetary benefits from a partial class action settlement.**

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

- A proposed partial class action settlement has been reached between Plaintiffs' Class Counsel and several of the insurers for Metairie Towers Condominium Association and GNO Property Management regarding the alleged misuse, mismanagement and loss of insurance proceeds recovered by Metairie Towers Condominium Association as a result of Hurricane Ida and a second subsequent water damage event on September 28, 2021. The plaintiffs in the class action have alleged that the defendants' actions involved the mishandling of Metairie Towers ("Property") following these events, caused the wasting and/or mismanagement of insurance proceeds, and that defendants are responsible for the resulting damage to unit owners.
- You may be part of the proposed partial class action settlement if you owned a condo unit at Metairie Towers continually from August 29, 2021 through April 21, 2023 and/or you acquired ownership of a condo unit after August 29, 2021 and owned it until April 21, 2023. Excluded from the class are unit owners who were members of the Board of Directors of Metairie Towers Condominium Association during this time period (the "Board").
- The proposed partial class action settlement is valued at \$650,000.00 and provides compensation for the alleged wasting and/or mismanagement of insurance proceeds by defendants. **This is a partial settlement and does not end the litigation.**
- The settling defendant insurers are Scottsdale Insurance Company ("Scottsdale"), Evanston Insurance Company ("Evanston"), and Interstate Fire & Casualty Company ("IFCC") (collectively the "Settling Defendants"). Specifically, IFCC has agreed to pay \$450,000; Scottsdale has agreed to pay \$150,000; and Evanston has agreed to pay \$50,000. Plaintiffs' Class Counsel is still pursuing remaining insurers of the defendants for additional amounts.

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**QUESTIONS? CALL 1-504-231-9513, OR VISIT  
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- Your legal rights are affected whether you act or don't act and you have choices to make, so please read this notice carefully
- These rights and options — and the deadlines to exercise them — are explained in the notice. To exclude yourself, you must act before September 26, 2025.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:</b>	
<b>Submit a Claim Form</b>	The only way to get a payment or benefits.
<b>Object</b>	Write to the Court and Class Counsel about why you don't like the settlement.
<b>Go to a Hearing</b>	Ask to speak in Court about the settlement.
<b>Do Nothing</b>	If you do nothing you will get no payment (unless you submit a claim form). You also give up rights to file a lawsuit against the Settling Defendants for the claims covered by the partial class action settlement.
<b>Exclude Yourself</b>	You will get no payment from the partial class settlement. You will need to submit a form excluding yourself from the settlement. You can elect to opt out of any or all of the individual settlements with Scottsdale, Evanston and IFCC. You will need to file a lawsuit against the Settling Defendants and other defendants in order to protect your rights.
<b>Deadlines</b>	Submit a claim: September 26, 2025 Exclude Yourself: September 26, 2025 Object: September 26, 2025

- The Court in charge of this case still has not decided whether to approve the proposed partial class action settlement. Payments will be made if the Court approves the

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proposed partial class action settlement and after any appeals are resolved. Please be patient.

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## BASIC INFORMATION

### 1. Why has this notice been issued?

The Court has authorized and sent you this notice because you have a right to know about a proposed partial class action settlement, and about all of your options, before the Court decides whether to approve the proposed partial settlement. If the Court approves the partial settlement and after objections and appeals are resolved, a claims administrator appointed by the Court will make payments that the proposed partial settlement allows. You will be informed of the progress of the proposed partial settlement.

This package explains the lawsuit, the proposed partial settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

Judge Donald “Chick” Foret of the 24<sup>th</sup> Judicial District Court for the Parish of Jefferson, State of Louisiana is in charge of this case. The case is styled as *Anne Cannon, Individually, and on behalf of all others similarly situated versus Metairie Towers Condominium Association, Inc., Metairie Towers Board of Directors, Through its individuals members, Ron Carter, Betty Miles, Ellyn Meirer, Carolyn Diaz, Jennifer Fagan, Mary Kay Zahn & Anne Babst, Strategic Claims Consultants, LLC, GNO Property Management, LLC, Burlington Insurance Company, Greenwich Insurance Company, Federal Insurance Company, Interstate Fire & Casualty Company, Colony Insurance Company, Scottsdale Insurance Company, Evanston Insurance Company, Old Republic Insurance Company, and ACE Property and Casualty Insurance Company* (the “Class Action”).

### 2. What is this lawsuit about?

The plaintiffs claim that they suffered damages due to the mismanagement and wasting of the insurance proceeds by the defendants, which resulted in the failure to rebuild the Property. This Class Action arises out of the events following Hurricane Ida on August 29, 2021 and a subsequent second water event on September 28, 2021, which both caused substantial damage to Metairie Towers, involving the alleged “mishandling of the property, procurement of insurance, insurance claims, insurance proceeds, remediation, repairs and restoration” of the Property by Metairie Towers Condominium Association (“MTCA”) and the Board in conjunction with its property management company, GNO Property Management, L.L.C. (“GNO”), and its public adjusting company designated by the Board as trustee of the insurance funds, Strategic Claims Consultants, LLC (“Strategic”). For a full description of all allegations you can review the Plaintiffs’ Class Action Petitions and Plaintiffs’ Motion and Memorandum in Support of Class Certification posted at [www.metairietowerssettlement.com](http://www.metairietowerssettlement.com)

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The plaintiffs claim that the defendants' action caused the wasting and/or mismanagement of the insurance proceeds that were recovered by the MTCA, which totaled approximately forty-five million dollars (\$45,000,000), and resulted in insufficient funds available to repair the Property. The defendants deny that they did anything wrong or that they are otherwise responsible for any damage that the plaintiffs may have suffered. The Court has not decided who is right.

### 3. What is a class action?

In a class action lawsuit, one or more people like you, called Class Representatives, sue on behalf of people who have similar claims. All of these people together are a "Class" or "Class Members." The people who sued --- and all other Class Members like them -- are called the Plaintiffs. The plaintiffs are suing -- Metairie Towers Board of Directors and the other defendants listed above, including Metairie Towers Board of Directors, Through its individuals members, Ron Carter, Betty Miles, Ellyn Meirer, Carolyn Diaz, Jennifer Fagan, Mary Kay Zahn & Anne Babst, Strategic Claims Consultants, LLC, GNO Property Management, LLC, Burlington Insurance Company, Greenwich Insurance Company, Federal Insurance Company, Interstate Fire & Casualty Company, Colony Insurance Company, Scottsdale Insurance Company, Evanston Insurance Company, Old Republic Insurance Company, and ACE Property and Casualty Insurance Company-- who are called Defendants.

### 4. Why is there a proposed partial settlement?

The Court did not decide in favor of plaintiffs or the non-settling defendants. The Court previously has ruled in favor of Scottsdale Insurance Company and Evanston Insurance Company, holding that these insurers do not have any liability to plaintiffs. Plaintiffs have appealed those rulings and the Settling Defendants now wish to settle all claims, including the pending appeals. This is only a partial class settlement with three (3) of the insurers for MTCA and GNO. There is a dispute as to whether these three (3) settling insurance companies actually provide insurance coverage for the claims asserted in this lawsuit. The defendants involved in the partial settlement have decided to avoid further litigation and expense to reach a resolution by paying a combined total of \$650,000.00 into a settlement fund (the "Settlement Fund"). The proposed settlement does not mean that any of the settling defendants did anything wrong. Plaintiffs, Class Counsel, and the Class Representative believe that the partial settlement is in the best interest for all Class Members, given the circumstances of the case. **The partial settlement does not end the litigation as to the non-settling defendants.**

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## Who is In the Proposed Settlement

To see if you will get money from this partial settlement, you first have to decide if you are a Class Member.

### 5. How do I know if I am part of the proposed partial class action settlement?

Generally, you may be included in the proposed partial class action settlement if you owned a condo unit at Metairie Towers continually from August 29, 2021 through April 21, 2023 or you acquired ownership of a condo unit after August 29, 2021 and owned it until April 21, 2023. Excluded from the class are unit owners who were members of the Board of Metairie Towers Condominium Association during this time period.

### 6. I'm still not sure if I am included?

If you are still not sure whether you are included, you can ask for free help. You can contact a member of the Plaintiffs' Class Counsel or go to [www.metairietowerssettlement.com](http://www.metairietowerssettlement.com) for more information. Or you can fill out and return the claim form described in question 9, to see if you qualify.

## The Partial Settlement Benefits – What You Get

### 7. What does the proposed partial settlement provide?

Several insurers for MTCA and GNO, including Interstate Fire & Casualty Company, ("IFCC"), Evanston Insurance Company ("Evanston"), and Scottsdale Insurance Company, ("Scottsdale"), collectively referred to herein as "Settling Defendants," have agreed to pay a combined total of \$650,000.00 into a Settlement Fund for the benefit of the Class. Specifically, IFCC has agreed to pay \$450,000; Scottsdale has agreed to pay \$150,000; and Evanston has agreed to pay \$50,000. After attorneys fees, costs, expenses and the Class Representative award are paid, the remaining settlement funds will be distributed to eligible claimants who timely file a proof of claim form in the following manner. Eligible claimants will receive a pro rata monetary allocation from the Settlement Fund for each unit they owned at Metairie Towers and using the same formula in which the insurance proceeds were previously distributed by MTCA to unit owners for one bedroom and two bedroom units as follows: (one bedroom = .42905 and two bedroom = .52968). **This partial settlement does not end the litigation as to the non-settling defendants.** This is a partial settlement and MTCA and GNO will remain as nominal defendants but IFCC, Evanston and Scottsdale will be released from any further liability and or payments. Plaintiffs are reserving their rights to pursue all other insurers of MTCA and GNO.

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## 8. How much will my payment be?

Your share of the fund will depend on the number of valid claim forms that Class Members send in and your specific claim, including how many units you owned and whether you owned a one or a two bedroom unit. The Court will appoint a Claims Administrator to review all claims and make a recommendation on how much money each participating Class Member should receive.

## How You Get a Payment - Submitting a Claim Form

## 9. How can I get a payment?

To qualify for payment, you must send in a valid claim form. A claim form is attached to this Notice. You may also get a claim form at [www.metairietowerssettlement.com](http://www.metairietowerssettlement.com). You can also call Plaintiffs' Class Counsel at 504-456-8677 to request a claim form. Read the instructions carefully, fill out the form, sign it, have it notarized and mail it postmarked to the following address no later than September 26, 2025:

Metairie Towers Settlement Administrator  
P.O. Box 3637  
Baton Rouge, LA 70821

or by e-mail to:

[info@MetairieTowersSettlement.com](mailto:info@MetairieTowersSettlement.com)

## 10. When would I get my payment?

The Court will hold a hearing on October 6, 2025 at 8 a.m. to decide whether to approve the proposed partial settlement. If Judge Foret approves the proposed settlement, after that, there may be appeals. It's always uncertain when these appeals can be resolved, and resolving them can take time, perhaps more than a year. Everyone who sends in a claim form will be informed of the progress of the settlement. Please be patient.

## 11. What am I giving up to get a payment or stay in the Class?

Unless you exclude yourself, and/or opt-out, you are staying in the class and that means you can't sue, continue to sue, or be part of any other lawsuit against the Settling Defendant insurers for MTCA and GNO. It also means that all of the Court's orders will apply to you and legally bind you. If you sign the claim form, you will agree to a partial Release of Claims, attached to the claim form, which describes exactly the legal claims you give up, and all of your other claims are reserved. This partial settlement does not end the litigation, and Plaintiffs Class Counsel are continuing to litigate on behalf of the Class.

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# Excluding Yourself From the Partial Settlement

## 12. How do I get out of the proposed partial class settlement?

To exclude yourself from the settlement, you must send an exclusion (opt-out) form by mail saying that you want to be excluded. You can elect to opt out of any or all of the individual settlements with Scottsdale, Evanston and IFCC. You must identify in the form which of the settlements you wish to be excluded from. Be sure to include your name, address, telephone number, date of birth and your signature. You must mail your exclusion request postmarked no later than September 26, 2025 to:

Metairie Towers Class Action Exclusion  
c/o O'Bell Law Firm, LLC  
3500 North Hullen Street  
Metairie, LA 70002

If you ask to be excluded, you will not get any settlement payment as to the settlement(s) you have opted out of, and you cannot object to the settlement you have opted out of. You will not be legally bound by anything that happens in any settlement(s) you have opted out of, and you may be able to sue (or continue to sue) the released parties in the future for the claims asserted in the class action regarding the alleged misuse, mismanagement and loss of insurance proceeds recovered by Metairie Towers Condominium Association as a result of Hurricane Ida and a second subsequent water damage event on September 28, 2021.

You may obtain an exclusion opt-out form at the website [www.metairietowerssettlement.com](http://www.metairietowerssettlement.com), by calling 504-231-9513, or by writing Metairie Towers Litigation Class Counsel, 3500 North Hullen Street, Metairie LA 70002. Among other things, the exclusion opt out form will require your name, address, last four digits of your social security number, and/or tax ID number, date of birth, telephone number, and signature. Your lawyer cannot sign an exclusion request for you, and you cannot exclude a class or group of Class Members. You can't ask to be excluded on the phone or at the website.

## 13. If I don't exclude myself, can I sue the Settling Defendants, MTCA, and GNO for the same thing later?

No. Unless you exclude yourself, you give up any right to sue the Settling Defendants, MTCA, and GNO for the claims that this partial settlement resolves. If you have a pending lawsuit, speak to your own lawyer in that case immediately. You must exclude yourself from *this* Class to continue your own lawsuit. If you do exclude yourself, and have not filed a lawsuit against the defendants, you may need to do so immediately or you may lose your rights to sue. Remember the exclusion deadline is September 26, 2025.

## 14. If I exclude myself, can I get money from this proposed settlement?

No. If you exclude yourself, do not send in a claim form to ask for any money. But, you may be able to sue, continue to sue, or be part of a different lawsuit against the defendants.

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# The Lawyers Representing You

## 15. Do I have a lawyer in this case?

Yes, the Court has appointed the following lawyers to represent Class Members as "Class Counsel":

George B. Recile  
Chehardy, Sherman, Williams  
Recile & Hayes  
1 Galleria Blvd., Suite 1100  
Metairie, Louisiana 70001

Eric J. O'Bell  
O'Bell Law Firm, LLC  
3500 North Hullen Street  
Metairie, LA 70002

Kevin O. Larman  
Shannon M. Freese  
Kirkendall Dwyer, LLP  
2424 Edenborn Ave.  
Metairie, Louisiana 70001

These lawyers are called "Class Counsel". You will not be separately charged for these lawyers.

You do not need to hire your own lawyer, because Class Counsel are working on your behalf. But, if you want your own lawyer to represent you and appear in court for you, you can hire your own lawyer and you will have to pay that lawyer yourself and at your own expense.

## 16. How will Class Counsel lawyers be paid?

Class Counsel will ask the Court to approve payment of 35.00% of the amount of the proposed \$650,000.00 Settlement Fund and also for reimbursement of all case related expenses. Class Counsel will also ask the Court for payment of \$2,500.00 to Class Representative, Anne Cannon, for her services as Class Representative. The attorneys' fees would pay Class Counsel for investigating the facts, litigating the case, and negotiating the proposed settlement. The Court may award less than the amounts requested. The Claims Administrator expenses will also be deducted from the Settlement Fund. These amounts will reduce the \$650,000.00 available for Class Members. Defendants have agreed not to oppose these requests for fees and expenses.

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## OBJECTING TO THE SETTLEMENT

You can tell the Court that you don't agree with the settlement or some part of it.

### **17. How do I tell the Court that I don't like the proposed settlement?**

If you're a Class Member, you can object to the proposed settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter saying that you object and if you are represented by a lawyer. Be sure to include your name, address, telephone number, your signature, and the reasons you object to the proposed settlement. Mail the objection letter to the Court and Class Counsel at the following address no later than September 26, 2025.

CLASS COUNSEL:  
Metairie Towers Class Action  
c/o O'Bell Law Firm, LLC  
3500 North Hullen Street  
Metairie, LA 70002

THE COURT/Division H:  
200 Derbigny Street, Suite 3400  
Gretna, Louisiana 70053

### **18. What's the difference between objecting and excluding?**

Objecting is simply telling the Court that you don't like something about the proposed settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you and you will not receive any payment from the proposed settlement.

## THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the proposed settlement. You may attend and you may ask to speak, but you don't have to.

### **19. When and where will the Court decide whether to approve the proposed settlement?**

The Court will hold a Fairness Hearing beginning at 8:00 a.m. on October 6, 2025, at the 24<sup>th</sup> Judicial District Court, Parish of Jefferson, 200 Derbigny Street, Gretna, Louisiana in Courtroom Div. "H". At this hearing the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. Judge Foret will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay to Class Counsel. After the hearing, the Court will decide whether to approve the proposed settlement. We do not know how long these decisions will take.

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## **20. Do I have to come to the hearing?**

No. Class Counsel will answer questions Judge Foret may have about the fairness of the proposed settlement and the case. But you are welcome to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it's not necessary.

## **21. May I speak at the hearing?**

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear." Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be postmarked no later than September 26, 2025, and be sent to Class Counsel at the address provided in question 17. You cannot speak at the hearing if you excluded yourself.

## **IF YOU DO NOTHING**

## **22. What happens if I do nothing at all?**

If you do nothing, you'll get no money from this settlement. But unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Settling Defendants about the claims covered in the settlement, ever again.

## **23. Are there more details about the proposed settlement?**

This notice summarizes the proposed partial settlement. More details are in a Stipulation of Settlement. You can get a copy of the Stipulation of Settlement by visiting [www.metairietowerssettlement.com](http://www.metairietowerssettlement.com) or calling 1-504-231-9513 and asking that a copy be provided to you.

## **GET MORE INFORMATION**

## **24. How do I get more information?**

You can call 1-504-231-9513; write to Metairie Towers Class Counsel, c/o Eric J. O'Bell, 3500 North Hullen Street, Metairie, LA 70002; or visit the website at [www.metairietowerssettlement.com](http://www.metairietowerssettlement.com) where you will find the Stipulation of Settlement, answers to common questions about the proposed settlement, a claim form, plus other information to help you determine whether you are a Class Member and whether you are eligible for a payment.

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The record of this matter also is available for inspection in the offices of the Clerk of Court for the 24<sup>th</sup> Judicial District Court, Parish of Jefferson, 200 Derbigny Street, Suite 2100, Gretna, Louisiana during normal business hours. **Please do not call the Court or the Clerk of Court; they will not be able to give you any information or any advice concerning this lawsuit**

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