

This is a Notice of a Class Action Settlement, not a lawsuit against you.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

**JERRY LEE COLEMAN, on behalf of
himself and all others similarly situated,**

Plaintiff,

v.

**CUBESMART, a Maryland Real Estate
Investment Trust,**

Defendant.

CASE NO. 1:16-cv-25009-JEM

NOTICE OF CLASS ACTION SETTLEMENT WITH ATTACHED CLAIM FORM

TO: All 105,366 persons who from January 1, 2014 through March 31, 2017 in the State of Florida rented cubes from either CubeSmart Management, LLC or CubeSmart Asset Management, LLC and participated in the Great American Stored Property Insurance Program by signing Great American's Personal Property Insurance Participation Form and making monthly payments for their stored personal property insurance (the "Settlement Class").

A. WHY HAVE YOU RECEIVED THIS NOTICE?

The Court ordered us to send you this Notice because you rented cube(s) from CubeSmart Management, LLC ("CubeSmart Management") or CubeSmart Asset Management, LLC ("CubeSmart Asset") from January 1, 2014 through March 31, 2017 and you appear to be a member of the Settlement Class defined above.

B. WHAT IS THIS LAWSUIT ABOUT?

Plaintiff filed this class action lawsuit against CubeSmart ("Defendant") alleging that it violated Florida's Deceptive and Unfair Trade Practices Act ("FDUTPA") and various state laws. Defendant maintains that it did not violate FDUTPA or any state laws. The parties have agreed to settle all claims about these payments you made for your Great American insurance policy.

C. WHAT IS THE PROPOSED SETTLEMENT?

Without admitting any fault or liability, and in exchange for a release of all claims against it, if the settlement is finally approved, Defendant has agreed to pay you an amount equal to 66% of the monies retained by CubeSmart that you paid each month for insurance under the Great American Stored Property Insurance Program ("Monthly Insurance Payment") by completing and submitting the attached claim form on or before June 30, 2019. While the exact amount CubeSmart retained each month for your insurance payment differs, 66% of the monies retained by CubeSmart averages to approximately \$6.76 per month. If you submit a valid, timely claim form you will receive **an average of \$6.76 for each month you made an insurance payment.**

As part of the settlement, Defendant has agreed to pay Plaintiff Jerry Lee Coleman an incentive award of \$15,000.00 for his service on behalf of the Class in this litigation. Defendant has also agreed to pay \$1,370,362 for attorneys' fees, which amount is twenty-five percent of the total settlement value, and litigation expenses of \$11,000.00 to class counsel.

The Court has preliminarily approved this settlement, subject to a fairness hearing that will occur on Friday, July 19, 2019 before the Honorable Jose Martinez, at the U.S. District Court for the Southern District of Florida at 400 N. Miami Ave, Suite 10-1, Miami, FL 33128.

D. WHAT ARE YOUR OPTIONS?

You have one of four options. They are:

1. Do nothing:

If you do nothing, you will remain in the Class and you will be bound by the Court's final order approving the settlement agreement and you will release your claims against Defendant relating to your monthly payments for purchasing stored property insurance under the Great American Stored Property Insurance Program ("Participation in the Great American Program").

2. Return a completed Claim Form:

To claim the Monthly Insurance Payment you must complete, sign, and return the attached Claim Form postmarked—if sent by mail—or submitted by fax or electronically on or before **June 30, 2019**. If your Claim Form is timely and valid, you will be mailed a check for your Monthly Insurance Payment (averaging at \$6.76 for each month a payment was made) upon entry of a final approval order by the Court.

3. Opt out of the settlement:

You are not required to participate in the settlement. You have the right to exclude yourself from the Class and the settlement by sending a written request for exclusion. Your completed, signed statement advising of your election to opt out must be postmarked no later than **June 15, 2019**. If your request is not postmarked by that date, your right to opt out will be deemed waived and you will be bound by all orders and judgments entered in connection with the settlement. Your request to opt out must list your name, street address, telephone number, the Florida CubeSmart store where you rented cube(s), the name and number of this case, and it must indicate your request for exclusion (for example state, "Exclude me from the *Coleman v. CubeSmart* settlement"). You must send your request to the Settlement Administrator at the following address:

CubeSmart Settlement Administrator
c/o JND Legal Administration
P.O. Box 91215
Seattle, WA 98111

The Settlement Administrator will inform the Court of your request.

4. Object to the settlement:

If you object to the settlement and wish to file an objection rather than opting out or excluding yourself, you must file a written objection with the Clerk's Office of the U.S. District Court for the Southern District of Florida, 400 N Miami Ave, Miami, FL 33128. Your objection must be postmarked by **June 15, 2019** and must refer to the name and number of this case. You must also serve copies of your objection on Class Counsel and Defendant's attorney, postmarked by the same date, at the following addresses:

Class Counsel:		Defendant's Attorneys:
Seth Miles Buckner & Miles 3350 Mary Street Miami, FL 33133	Scott B. Cosgrove León Cosgrove, LLP 255 Alhambra Circle Suite 800 Coral Gables, FL 33134	Robert M. Brochin Morgan, Lewis & Bockius LLP 200 South Biscayne Blvd., Suite 5300 Miami, FL 33131 2339

Your objection must include your name, current address, and telephone number, a signed declaration that you are a member of the Settlement Class, the names of all attorneys that assisted you in preparing the objection, a list of all other class action cases in which you or your counsel have filed objections to settlements, the specific grounds for the objection, and all documents, writings or evidence that you want the Court to consider. It is not sufficient to simply state that you object; you must state the reasons why you believe the settlement should not be approved. Additionally, if you want the Court to consider your objection, then you may appear at the final approval hearing in the U.S. District Court for the Southern District of Florida on July 19, 2019, at 1:30 p.m. You are not required to attend this hearing.

E. WHEN WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?

The Court will hold a final fairness hearing on Friday, July 19, 2019, at the U.S. District Court for the Southern District of Florida at 400 N. Miami Ave, Suite 10-1, Miami, FL 33128, and hear any timely and properly filed objections and arguments about the settlement. You are **not** required to attend this hearing. The fairness hearing may be continued to a future date without further notice.

F. WHO REPRESENTS THE CLASS?

Jerry Lee Coleman is the Class Representative. His attorney is Class Counsel. Class Counsel is:

Seth Miles Buckner & Miles 3350 Mary Street Miami, FL 33133	Scott B. Cosgrove León Cosgrove, LLP 255 Alhambra Circle, Suite 800 Coral Gables, FL 33134
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G. WHERE CAN YOU GET MORE INFORMATION?

Please visit www.cubsmartsettlement.com where you can find important information including a copy of the Settlement Agreement and other Court Orders for this Action. If you have questions about this Notice or about the settlement, you may e-mail the Settlement Administrator at info@cubsmartsettlement.com. You may also write to attorney Seth Miles or Scott Cosgrove, who are Class Counsel, at either address listed above. Include the case number, your name, your fax number or email address, and your current street address on any correspondence. This Notice only summarizes the litigation and the settlement. The court files for this case are available for your inspection at the U.S. District Court for the Southern District of Florida, 400 N Miami Ave, Miami, FL 33128.

DO NOT CONTACT THE JUDGE, THE JUDGE'S STAFF, OR THE CLERK OF THE COURT BECAUSE THEY ARE NOT PERMITTED TO ANSWER YOUR QUESTIONS ABOUT THIS SETTLEMENT.