

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

MARIA CAMILA VALENCIA RIOS, AQUARIUS )  
FILALI, and NADJI FILALI, *on behalf of themselves* )  
*and all similarly situated individuals,* )

Plaintiffs, )

v. )

Civil Action No. 3:25-cv-474-REP-MRC

BELVEDERE NRDE, LLC, PEGASUS )  
RESIDENTIAL, LLC, and GLENMOOR OAKS )  
NRDE, LLC, )

Defendants. )

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**CONSENT MOTION FOR LEAVE TO PROVIDE AMENDED CLASS NOTICES AND  
CORRECTION NOTICE AND TO EXTEND THE OBJECTION  
AND OPT-OUT DEADLINE**

Plaintiffs, by counsel, and with the consent of Defendants, hereby move the Court for leave to provide an amended Class Notices to the Pegasus Settlement Class and Participating Landlord Subclass Members based on the identification of 7,249 individuals who were not included in the initial Class List but should have been. Plaintiffs also seek leave to issue a Correction Notice to 586 individuals who received the Class Notice but that an audit confirmed do not qualify as class members. In support thereof, Plaintiffs state as follows:

1. On March 13, 2026, Plaintiffs moved for preliminary approval of a proposed Class Action Settlement. ECF No. 83.

2. At the time of preliminary approval, Defendants estimated that there were 24,858 individual consumers in the Pegasus Settlement Class and 8,697 individuals in the Participating Landlords Settlement Subclass. *See* ECF No. 84 at 5. Based on these numbers, Plaintiffs estimated

that each Pegasus Settlement Class member would receive \$79.40, while each Participating Landlords Subclass Member would receive a total of \$141.00. *See id.* at 6.

3. On April 16, 2026, the Court preliminarily approved the Class Settlement and directed that Notice be sent to the Class. ECF No. 90.

4. As part of its preliminary approval order, the Court set a Final Approval Hearing for August 24, 2026, at 10:00 a.m. *See id.*

5. Pursuant to the Settlement Agreement, on April 27, 2026, Defendants provided a final Class List to the Settlement Administrator identifying those members who satisfied the class definitions. This Class List contained 10,847 Pegasus Settlement Class Members and 4,375 Subclass Members.

6. Based on this Class List, the Settlement Administrator prepared Notices for the Settlement Class Members that included an estimated payment that each class member would receive based on the number of class members provided. Based on the number of class members in the initial Class List, the estimated payment to Pegasus Settlement Class Members provided in the Class Notice was \$181.50, while the estimated payment to Participating Landlord Subclass Members was \$302.83.

7. After the Administrator sent Notice to the initial Class List, Class Counsel learned of additional individuals who should have been included in the Settlement Classes.

8. Through subsequent discussions between counsel, Defendant Pegasus Residential, LLC identified a previously unknown issue with the class list provided on April 27, 2026. After resolving that issue, conducting a resident-by-resident audit, and providing the results to Plaintiffs' counsel for review, the parties have identified an additional 7,249 individuals who should have been on the initial Class List but did not receive Notice.

9. The audit also revealed that approximately 586 individuals who received the Class Notice but do not in fact satisfy the class definitions because they either moved out prior to the class period or moved in after the class period, meaning they did not pay and were not obligated to pay any Disputed Fee during the class period.

10. The additional 7,249 individuals change the calculation for the estimated payment each class member will receive. However, the estimated payment to each class member (\$111.90 to the Pegasus Settlement Class Members and \$185.43 to Participating Landlord Subclass Members) is still greater than the Parties' initial estimated payout for each class member at the time of preliminary approval (\$79.40 and \$141.00, respectively).

11. Nonetheless, to ensure that all Class Members receive adequate and accurate notice and an opportunity to object or opt-out of the Settlement Classes, Plaintiffs request leave to reissue an Amended Notice to the Pegasus Settlement Class Members (attached as Exhibit 1) and an Amended Notice to the Participating Landlord Subclass Members (attached as Exhibit 2) (collectively, the "Amended Notices") and extend the deadline for Class Members to object or opt-out from July 13, 2026 (the current deadline), to August 13, 2026.

12. Plaintiffs also seek leave to issue the Correction Notice attached as Exhibit 3 to those individuals who received a Class Notice previously but are not in fact in the Settlement Class. This Notice will inform such individuals that they are not class members and will not receive any benefits under the Class Settlement, while also directing them to contact Class Counsel if they wish to dispute this fact and informing them that they retain any claims they might have and are not releasing those claims.

13. The Amended Notices are the same as the notices preliminarily approved by the Court but provide updated estimated payment numbers and include language explaining why the Amended Notices have been sent.

14. Extending the objection or opt-out period by thirty days also provides sufficient time for all class members to decide among their options under Class Settlement and satisfies any due process concerns. *Garrett v. SCVRH LLC*, 2023 WL 2354581, at \*4 (D. Ariz. Mar. 3, 2023) (establishing the “deadline for opt-out forms will be set for thirty (30) days from the mailing of the Notice.”); *Byrne v. Santa Barbara Hosp. Servs., Inc.*, 2018 WL 11344869, at \*1 (C.D. Cal. Sept. 18, 2018) (“Class members will have a 30-day window in which they may submit their claim form via email or first class mail, opt out, or object.”); *Razmyar v. Bombay Club, Inc.*, 2016 WL 4249757, at \*2 (D.D.C. Feb. 26, 2016) (“Any such Opt-Out Request must be postmarked, faxed or email no later than thirty (30) days after the date the Notice is mailed by Defendants.”).

15. Further, no one in the Settlement Classes will be prejudiced by the costs of sending the Amended Notices and Correction Notice because Defendants have agreed to cover these costs separately from the Settlement Fund. Moreover, the extended objection and opt-out deadline will not require delay of the August 24, 2026 Final Approval Hearing.

Accordingly, Plaintiffs respectfully request that the Court enter the Proposed Order attached hereto that (1) directs that the Amended Notices be sent to the Settlement Class Members, (2) extends the deadline for objections and opt-outs to August 13, 2026, and (3) approves and directs issuance of the Correction Notices to those who received the Class Notice but are not class members.

Respectfully submitted,

**PLAINTIFFS**

By: /s/ Kristi C. Kelly

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