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United States District Court

District of Massachusetts

Notice of Electronic Filing

The following transaction was entered on 2/3/2026 at 8:51 AM EST and filed on 2/3/2026

Case Name: Bartok et al v. Hometown America Management, LLC et al

Case Number: 4:21-cv-10790-LTS

Filer:

Document Number: 251(No document attached)

Docket Text:

District Judge Leo T. Sorokin: ELECTRONIC ORDER entered re: [250] STATUS REPORT (Joint Interim).

ALLOWED. Further status 2/13/26. Opt out deadline as proposed. (FGD)

4:21-cv-10790-LTS Notice has been electronically mailed to:

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4:21-cv-10790-LTS Notice will not be electronically mailed to:

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

EDWIN BARTOK, <i>et al.</i> ,	X	
	X	
Plaintiffs,	X	CASE NO: 21-CV-10790-LTS
	X	
vs.	X	
	X	
HOMETOWN AMERICA, LLC, <i>et al.</i> ,	X	
	X	
Defendants.	X	
	X	

**JOINT INTERIM STATUS REPORT
RESPONDING TO JANUARY 8, 2025 ORDER**

Pursuant to the Court’s Order dated January 8, 2026, Doc No. 245, Plaintiffs Edwin Bartok, Alan Dernalowicz, Barbara Lee and the Manufactured Home Federation of Massachusetts, Inc. (“MFM”) (collectively, “Plaintiffs”) and Defendants Hometown America, L.L.C., Hometown America Management, L.L.C., Miller’s Woods MHC, L.L.C., River Bend MHC, L.L.C., Hometown Oak Point I, L.L.C., and Hometown Oak Point II, L.L.C. (collectively, “Defendants” or “Hometown”) submit this Joint Interim Status Report.

Procedural Background

1. On April 16, 2021, Plaintiffs Edwin Bartok, Barbara Lee and the MFM filed a class-action complaint in the Massachusetts Superior Court for Worcester County against Defendants. *See* Doc No. 1-1 at ¶ 2 & Sub-Ex. A.

2. On May 13, 2021, Defendants removed the state-court action to this Court pursuant to its Class Action Fairness Act jurisdiction. Doc No. 1.

3. The operative pleading in this litigation is the Second Amended Class Action Complaint for Injunctive Relief and Damages (“Second Amended Class Action Complaint”), Doc

No. 130, which was filed on March 16, 2023 and which added Alan Dernalowicz as a named plaintiff.

4. Through the Second Amended Class Action Complaint, Plaintiffs assert Massachusetts Consumer Protection Act claims which seek both damages and injunctive relief.

5. Specifically, Plaintiffs allege that Defendants have assessed rent at two of their Massachusetts manufactured housing communities in violation of the Massachusetts Manufactured Housing Act, Mass. Gen. Laws ch. 140, § 32L(2), and seek damages in the form of returned rent overpayments as well as injunctive relief in the form of prospective rent reductions.

6. Plaintiffs have asserted their claims on behalf of four proposed classes, that is, a proposed Rule 23(b)(3) class seeking damages for current or former rent-payers at each of the two implicated communities and a proposed Rule 23(b)(2) class seeking injunctive relief for current rent-payers at each of the two implicated communities.

7. On March 20, 2025, the parties concluded discovery and proceeded to brief the issue of whether or not Plaintiffs' proposed classes satisfied the requirements of Rule 23 and thus whether or not Plaintiffs should be permitted to proceed with their claims on a representative basis. *See Doc Nos. 207-08, 222-242.*

8. On January 8, and January 20, 2026, the Court – after hearing argument on the parties' class certification briefing – issued orders certifying the following three classes:

- A. a Rule 23(b)(3) class of persons who have paid home-site rent to the Oak Point Manufactured Housing Community located in Middleborough, Massachusetts at any time since April 16, 2017 (“Oak Point Class”), with Plaintiff Barbara Lee as class representative and Attorney Ethan Horowitz as class counsel;

- B. a Rule 23(b)(3) class of persons who have paid home-site rent to the Miller's Woods and River Bend Manufactured Housing Community located in Athol, Massachusetts at any time from January 1, 2017 to December 31, 2024 ("Miller's Woods Class"), with Plaintiff Alan Dernalowicz as class representative and Attorney Horowitz as class counsel; and
- C. a Rule 23(b)(2) class of persons who are paying or will pay home-site rent to the Oak Point Manufactured Housing Community located in Middleborough, Massachusetts ("Oak Point Rent-Payer Class"), with Plaintiffs Lee and the MFM as class representatives and Attorney Horowitz as class counsel.

See Doc Nos. 244-47.

9. In its January 8th Order, the Court further required the parties to submit a joint status report setting out their joint or separate positions as to:

- A. the Rule 23(b)(3) class member opt-out deadline;
- B. summary judgment motions;
- C. the timing, shape, and duration of trial, including whether trial is by jury on some or all issues; and
- D. whether the parties wish to build into that schedule mediation either via the Court's program or with a private mediator.

See Doc No. 245 at p. 56.

10. On January 16, 2026, the parties – through counsel – conferred and reached agreement on some of the issues raised by the Court in its January 8th Order but failed to reach agreement on other issues.

11. On January 22, 2026, the Court – at the request of the parties – extended the time in which the parties were permitted to submit the required joint status report, to February 13, 2026, so that the parties would have time to develop their positions with respect to the contested issues raised by the January 8th Order. *See* Doc Nos. 248-49.

12. In the meantime, the parties submit this Joint Interim Status Report to inform the Court that:

A. The parties agree that the Court should set the opt-out deadline for the Oak Point Class or the Miller’s Woods Class 120 days from the date on which it approves the parties’ proposal on this issue and respectfully request that the Court issue such an order; and

B. The parties respectfully decline the Court’s invitation to participate in further mediation. The parties report that they participated in a private mediation on August 21, 2025 but were unable to reach a resolution as to any of the claims advanced in the above-captioned litigation. Counsel for the parties have worked cooperatively with one another for a number of years, including the settlement of a complex and substantial litigation that was pending before this Court, and thus are confident that, should a resolution to some or all of Plaintiffs’ claims be possible, they will be able to reach such resolution without the assistance of a mediator.

13. The parties will submit a final status report that will address the remaining issues raised by the January 8th Order on or before February 13, 2026, as ordered by the Court.

Accordingly, based on the foregoing, the parties respectfully request that the Court issue an order setting the opt-out deadline for the Oak Point Class or the Miller’s Woods Class 120 days from the date of such order.

Respectfully submitted,

This 2nd day of February, 2026

EDWIN BARTOK,
ALAN DERNALOWICZ
BARBARA LEE,
and THE MANUFACTURED HOME
FEDERATION OF MASSACHUSETTS, INC.

By their attorney,

/s/ Ethan R. Horowitz

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-and-

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MILLER'S WOODS MHC, L.L.C., RIVER BEND MHC, L.L.C.,
HOMETOWN OAK POINT I, L.L.C. AND
HOMETOWN OAK POINT II, L.L.C.

By their attorneys,

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CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2026, the foregoing Joint Interim Status Report was electronically filed with the Clerk of the Court through the CM/ECF system, which will send notification of such filing to registered participants, including counsel for the Defendants.

/s/ Ethan Horowitz _____

Ethan R. Horowitz

BBO # 674669