

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON

Dennis Shoner and Barbara Potocki,  
individually, and as representatives of  
a class of similarly-situated persons and entities,

Plaintiffs,

Case No. 16-29165-CZ  
Hon. David J. Reader

v.

Charter Township of Brighton,  
a municipal corporation,

Defendant.

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Gregory D. Hanley (P51204)  
Jamie K. Warrow (P61521)  
Edward F. Kickham Jr. (P70332)  
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Counsel for Plaintiffs

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**THIRD AMENDED STIPULATED ORDER REGARDING PRELIMINARY  
APPROVAL OF CLASS ACTION SETTLEMENT, NOTICE AND SCHEDULING**

At a session of said Court held in the  
City of Pontiac, County of Livingston  
State of Michigan on \_\_\_\_\_

PRESENT: HON. \_\_\_\_\_  
Circuit Court Judge

WHEREAS on January 30, 2018, this Court entered an Amended Stipulated Order Regarding  
Preliminary Approval of Class Action Settlement, Notice and Scheduling, which, among other things,

set forth the means for providing notice to the Class of the proposed Class Action Settlement Agreement (the "Agreement").

WHEREAS, on April 20, 2018, the Court entered the Second Amended Stipulated Order Regarding Preliminary Approval of Class Action Settlement, Notice and Scheduling, which partially revised the Amended Stipulated Order, so that additional Notices could be mailed to additional Class Members.

WHEREAS, Class Counsel timely mailed the Notices, but due to the complicated ownership and payment history of a certain set of properties within the Class, which became apparent after the claims were submitted to the Claim Escrow Administrator for the additional Notices, it became clear that Notices may not have been mailed to a portion of the property owners within the most recently developed section of the Huntmore subdivision, within the Brighton Township Sewer Assessment District (the "Huntmore Class Members");

WHEREAS, even though some of the Huntmore Class Members submitted claims and therefore received notice through some other means, the parties believe that fairness and the interests of the Class dictate that the remaining Huntmore Class Members receive notice through a mailing to their respective property addresses; this is especially true given the extremely high claim rate for those within the Class, who previously received written Notices; and

WHEREAS, in order to accommodate the process of providing written notice to the Huntmore Class Members and allowing them time to submit claims, opt-out or object to the settlement, certain dates in the most recent Second Amended Stipulated Order will need to be adjourned, and the parties therefore have requested that the Court amend the Second Amended Stipulated Order as set forth below.

IT IS HEREBY ORDERED:


1. Within 5 days after entry of this Order, Class Counsel shall cause a Notice of Proposed Class Action Settlement (“Notice”), substantially in the form attached to the Agreement as Exhibit “B,” to be mailed to the Huntmore Class Members.
2. Plaintiff’s Counsel shall include with the Notice the additional information set forth in Exhibit A hereto.
3. The time for the Huntmore Class Members only to submit claims, object to the proposed Settlement, or exclude themselves from the Class as provided for in the Agreement is hereby extended to June 29, 2018.
4. The time for the Claim-Escrow Administrator to provide the proposed Distribution Report is hereby extended to July 2, 2018.
5. The time for the Township to file a response, with objections, to the proposed Distribution Report is hereby extended to July 6, 2018.
6. The settlement hearing (the “Settlement Hearing”) currently scheduled for June 14, 2018 will now be held before this Court on July 12, 2018, at 9:30 a.m. to determine whether the proposed Settlement on the terms and conditions provided in the Agreement is fair, reasonable, and adequate and should be approved by the Court, to determine whether a final judgment should be entered dismissing this Lawsuit with prejudice, and without costs, and to determine whether to award attorneys’ fees and expenses to Class Counsel and the amount of such fees and expenses.
7. Except as specifically modified by this Order, the Amended Stipulated Order Regarding Preliminary Approval of Class Action Settlement, Notice and Scheduling dated January 30, 2018, and April 20, 2018, shall remain in full force and effect.

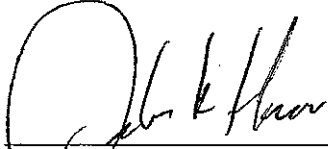
Dated: \_\_\_\_\_, 2018.

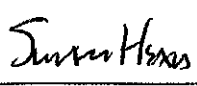
DAVID J. READER P-27877 6-11-18  
Honorable David J. Reader  
Livingston County Circuit Court Judge

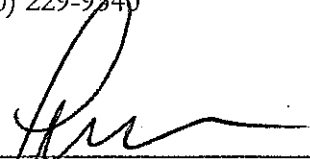
We hereby stipulate to the entry of the above order.

Approved as to form and substance:

  
w/permission  
TWS (P60320)  
6/8/18  
Jamie Warrow (P61521)  
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Counsel for Plaintiffs

  
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# EXHIBIT A

STATE OF MICHIGAN  
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Plaintiffs,  
v.

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Charter Township of Brighton,  
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**TIME SENSITIVE INFORMATION – IMMEDIATE ACTION IS REQUIRED**

Dear Class Member,

Enclosed you will find a Notice of Proposed Class Action Settlement in the *Shoner v. Brighton Township* lawsuit relating to the Township's sewer charges.

The Notices originally were mailed in early February, 2018. You are receiving this information at this time because it was recently discovered that, Notices were not mailed to the property addresses of certain Class Members.

The enclosed Notice describes in detail the terms and conditions of the Proposed Class Action Settlement. It also sets forth certain deadlines for submitting claims, for excluding yourself from the Class and for objecting to the Settlement.

The Court has entered an order extending those dates for you because you may not have received actual notice of the Proposed Settlement. You now have until **June 29, 2018** to submit a claim, to exclude yourself from the Class or to object to the Settlement, as set forth in the Agreement.

The Court has scheduled a hearing for July 12, 2018 in order to determine whether the proposed Settlement on the terms and conditions provided in the Agreement is fair, reasonable, and

adequate and should be approved by the Court, to determine whether a final judgment should be entered dismissing this Lawsuit with prejudice, and without costs, and to determine whether to award attorneys' fees and expenses to Class Counsel and the amount of such fees and expenses.

If you would like more information, visit [kickhamhanley.com](http://kickhamhanley.com) or call the Kickham Hanley PLLC, counsel for the Class, at 248-544-1500.

STATE OF MICHIGAN

IN THE 44<sup>TH</sup> CIRCUIT COURT FOR THE COUNTY OF LIVINGSTON

**DENNIS SHONER, and BARBARA  
POTOCKI, individually, and as  
representatives of a class of similarly-  
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**Plaintiff,**

v

**CHARTER TOWNSHIP OF BRIGHTON,  
a municipal corporation,**

**Defendant.**

**Case No. 16-29165-CZ**

**Hon. David J. Reader**

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**CERTIFICATE OF SERVICE**

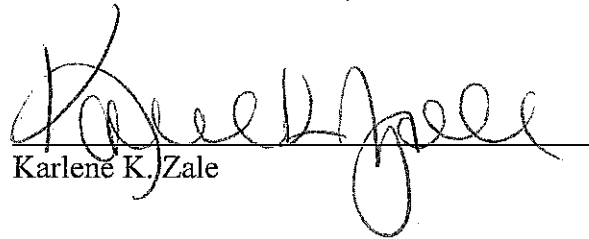
I hereby certify that on June 15, 2018, I caused to have served by first class mail, with postage prepaid, a copy of the Third Amended Stipulated Order Regarding Preliminary Approval of Class Action Settlement, Notice and Scheduling, upon:



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Karlene K. Zale

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