

**LEGAL NOTICE  
NOTICE OF CLASS ACTION**

TO: All persons and entities which have paid the City of Royal Oak (the “city”) for water and sanitary sewage disposal services at any time after February 14, 2008.

An action has been commenced in 6<sup>th</sup> Judicial Circuit Court (Oakland County) titled *Schroeder v. City of Royal Oak*, Case No. 14-138919-CZ, presiding Judge Shalina Kumar, challenging a mandatory debt service charge (the “Kuhn Drain debt charge”) and a mandatory stormwater disposal charge (the “stormwater charge,” collectively, the “charges”) imposed by the city on users of its water and sanitary sewage disposal services. Plaintiff brought these claims on behalf of himself and a class of all others similarly situated.

Plaintiff is an individual who is a water and sanitary sewer customer and who has paid the charges imposed by the city. Plaintiff contends that: (a) the charges imposed by the city’s Ordinance Section 600-1 are not authorized; (b) that the charges are not proper user fees, but taxes wrongfully imposed by the city to raise revenue in violation of the Headlee Amendment to the Michigan constitution of 1963; (c) the city has been unjustly enriched by the collection and retention of the charges; and (d) that plaintiff and those similarly situated have been harmed by the city’s collection and retention of the charges.

The plaintiff seeks a judgment from the court against the city that would order and direct the city to refund all charges to which plaintiff and the class are entitled and any other appropriate relief.

The city maintains that the inclusion of the charges in the calculation of the city’s rates is proper and not unlawful. Thus, the city denies that the charges are barred by the city’s Ordinance Section 600-1; denies that the charges are not proper user fees and states that the charges are assessed in the rates in order to reimburse Oakland County Water Resources Commission and not to raise revenue; denies that the city has been unjustly enriched by the collecting money to reimburse the city for payment of these charges to Oakland County Water Resources Commission; and denies that the plaintiffs and those similarly situated have been harmed. The city contends that it should prevail in the lawsuit.

The court has made no rulings concerning the merits of the lawsuit at this time.

On April 1, 2015, Judge Kumar entered an order certifying the lawsuit as a class action. You are receiving this notice because the city’s records indicate that an individual or entity owning or residing at this property address paid the city for water and sewer service at some time after February 14, 2008 and is, therefore, a member of the class.

No financial consequences will be suffered by class members if plaintiff loses. All class members will be barred from bringing an individual action against the city alleging the claims contained in plaintiff's complaint if the plaintiff loses.

The city has not filed a counterclaim against plaintiff or the class.

If you paid the city for water service and/or sewer service at any time between February 14, 2008 to present, then you are a member of the class.

If you are a member of the class, you are bound by any judgment entered in this action, whether the judgment is favorable or unfavorable to the class.

Class members who wish to exclude themselves from the lawsuit may write to class counsel, stating that they do not wish to participate in the lawsuit and that they wish to retain their right to file a separate action against the city. **This request for exclusion must be postmarked no later than 14 days after the mailing of this notice and mailed to: Kickham Hanley PLLC, 32121 Woodward Avenue, Royal Oak, Michigan 48073.**

Whether to remain a member of this class or to request exclusion from this class action to attempt to pursue a separate lawsuit at your own expense without the assistance of the plaintiff in this lawsuit, is a question you should ask your own attorney. Class counsel cannot and will not advise you on this issue.

If you are a class member, you have the right to intervene in this action as a named party. If you choose to intervene, you may become liable for costs and will have similar rights and responsibilities as plaintiff. Further, you may have counsel of your own choosing and class counsel will not be obligated to represent you.

For a more detailed statement of the matters involved in the lawsuit, you may inspect the lawsuit documents during regular business hours at the Office of the Clerk for the 6<sup>th</sup> Judicial Circuit Court (Oakland County) at 1200 North Telegraph, Pontiac, Michigan. You may also find additional information concerning the lawsuit at **[www.kickhamhanley.com](http://www.kickhamhanley.com)**.

Should you have any questions with respect to this notice you should raise them with your own attorney or direct them to counsel for the class, **IN WRITING OR BY EMAIL, NOT BY TELEPHONE**, to the attorneys for plaintiff and the class, below. **DO NOT CONTACT THE COURT OR CLERK OF THE COURT, OR ATTORNEYS FOR DEFENDANT.**

**Attorneys for plaintiff and the class:**

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