

STATE OF MICHIGAN
OAKLAND COUNTY CIRCUIT COURT

GARY MASON, individually and as
representative of a class of
similarly-situated persons and entities,

Case No. 2016-152441-CZ
Hon. Nanci Grant

Plaintiff,

v.

CHARTER TOWNSHIP OF WATERFORD,
a municipal corporation,

Defendant.

Gregory D. Hanley (P51204)
Jamie K. Warrow (P61521)
Edward F. Kickham Jr. (P70332)
Kickham Hanley PLLC
32121 Woodward Avenue, Suite 300
Royal Oak, MI 48073
(248) 544-1500
Attorneys for Plaintiff

Gary L. Dovre (P27864)
Johnson, Rosati, Schultz & Joppich, P.C.
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331
(248) 489-4100
Attorneys for Defendant

FINAL JUDGMENT AND ORDER APPROVING CLASS SETTLEMENT

At a session of said Court held in the
City of Pontiac, County of Oakland
State of Michigan on 9/20/2017
PRESENT: HON. Nanci J. Grant
Circuit Court Judge

WHEREAS, Plaintiff and Defendant in this action have moved this Court pursuant to MCR 3.501(E), for an order approving the settlement of this class action in accordance with the terms set forth in the Class Action Settlement Agreement (“Agreement”) executed by counsel for the parties, and

WHEREAS, this Court having held a hearing, as noticed, on September 20, 2017 pursuant to the Order Regarding Preliminary Approval of Settlement, Notice and Scheduling, dated May 26, 2017

(the “Order”), to determine the fairness, adequacy and reasonableness of a proposed settlement of the Class Action; and due and adequate notice (the “Notice”) having been made by mailing in a manner consistent with Paragraphs 4 and 6 of the Order; and all such persons (excluding those who previously requested exclusion from the applicable Class) having been given an opportunity to object to or participate in the settlement; and the Court having heard and considered the matter, including all papers filed in connection therewith and the oral presentations of counsel at said hearing; and good cause appearing therefor,

WHEREAS, Defendant has funded the settlement by an electronic transfer in the amount of One Million Four Hundred Thousand Dollars (\$1,400,000), which has been deposited into and remains in the Kickham Hanley PLLC Client Trust Account pending this Court’s final approval of the settlement, and which will be disbursed in accordance with the Agreement,

For the reasons stated on the record, IT IS HEREBY FOUND, ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The terms of the Agreement are fair, reasonable and adequate and in the best interests of the members of the Class and are hereby approved.
2. Plaintiff and Defendant are hereby ordered and directed to perform and consummate the settlement set forth in the Agreement in accordance with the terms and conditions of the Agreement.
3. The notification to the Class members regarding the Settlement is the best notice practicable under the circumstances and is in compliance with MCR 3.501(E) and the requirements of due process of law.
4. This Lawsuit is hereby dismissed with prejudice, and without costs to any party except as provided for in the Agreement. Insofar as this Final Judgment dismisses the Class claims relating

to the Charges (as that term is defined in the Agreement), this portion of this Final Judgment is a judgment on the merits.

5. Kickham Hanley PLLC, counsel for the Class, is hereby awarded attorneys' fees and costs in the amount of \$570,425.21, to be paid as set forth in the Agreement. Plaintiff Gary Mason is granted an incentive award of \$10,000, to be paid as set forth in the Agreement.

6. Without any further action by anyone, Plaintiff and all members of the Class as certified by the Order dated May 26, 2017, who previously did not submit a timely and valid Request for Exclusion are deemed to have executed the following Release and Covenant not to Sue which is hereby approved by the Court:

In executing the Release and Covenant Not To Sue, each Class Member, on behalf of himself, herself or itself, and his, her or its parents, subsidiaries, affiliates, members, shareholders, predecessors, heirs, administrators, officers, directors, successors, assigns, and any person the Class Member represents, intending to be legally bound hereby, for good and valuable consideration, the receipt of which is hereby acknowledged, hereby absolutely, fully and forever releases, relieves, remises and discharges the Township, and each of its successors and assigns, present and former agents, elected and appointed officials, representatives, employees, insurers, affiliated entities, attorneys and administrators, of and from any and all manner of actions, causes of action, suits, debts, accounts, understandings, contracts, agreements, controversies, judgments, consequential damages, compensatory damages, punitive damages, claims, liabilities, and demands of any kind or nature whatsoever, known or unknown, which arise from the beginning of time through the date of this Final Order and Judgment concerning (a) the Township's calculation or assessment of Rates or Charges; (b) the components of costs included in the Rates; and (c) the Township's Water and Sewer Fund balance. This release is intended to include all claims that were asserted or could have been asserted in the Lawsuit concerning the Township's Rates and/or Charges. In executing the Release and Covenant Not to Sue, each Class Member also covenants that: (a) except for actions or suits based upon breaches of the terms of this Agreement or to enforce rights provided for in this Agreement, he, she or it will refrain from commencing any action or suit, or prosecuting any pending action or suit, in law or in equity, against the Township on account of any action or cause of action released hereby; (b) none of the claims released under this Release and Covenant Not To Sue has been assigned to any other party; and (c) he, she or it accepts and assumes the risk that if any fact or circumstance is found, suspected, or claimed hereinafter to be other than or different from the facts or circumstances now believed to be true, the Release and Covenant Not To Sue shall be and remain effective notwithstanding any such difference in any such facts or circumstances. The foregoing shall not affect the

claims of any Class Member whose individual water and sewer bills were calculated in error on the basis of facts or circumstances unique to such class member and not based on the claims that were or could have been asserted by the Class in the Lawsuit.

8. If the Defendant complies with the prospective relief described in the Agreement for the duration of the Prospective Relief Period as defined in the Agreement, the Class Members who receive refunds as part of the settlement shall then release and waive any and all claims which arise during the FY 2017 (the date of the Agreement through December 31, 2017) and Prospective Relief Periods that could be brought challenging the inclusion of the Administrative Fee and the Public Fire Protection Charge in the Defendant's Rates.

9. This Court retains continuing jurisdiction to effectuate the provisions of the Agreement and the terms of this Order.

IT IS SO ORDERED:

Dated: 9/20/2017, 2017.

/s/Nanci J. Grant

Oakland County Circuit Court Judge **AF**

We hereby stipulate to the entry of the above order.

Approved as to form and substance:

/s/Gregory D. Hanley

Gregory D. Hanley (P51204)
Jamie K. Warrow (P61521)
Edward F. Kickham Jr. (P70332)
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Attorneys for Plaintiff and the Class

/s/Gary L. Dovre

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(248) 489-4100
Attorney for Defendant

KH150703

Kim Plets

From: efilimgmail@tylerhost.net
Sent: Wednesday, September 20, 2017 12:54 PM
To: Kim Plets
Subject: Submitted Filing Notification for Case No. 2016-152441-CZ (MASON GARY vs. WATERFORD TWP)

Filing Submitted
Envelope Number: **125043**

The filing below has been submitted to the clerk's office for review. Please allow up to 24 business hours for clerk office processing.

Filing Details	
Court	Oakland County
Date/Time Submitted:	9/20/2017 12:53 PM EST
Filing Type:	Misc. Docs
Activity Requested:	EFileAndServe
Filed By:	Kimberly Plets

Fee Details	
This envelope is pending review and fees may change.	
Case Fee Information	\$5.16
Payment Service Fees	\$0.16
E-File Fees	\$5.00
Misc. Docs	\$0.00
Total: \$5.16 (The envelope still has pending filings and the fees are subject to change)	

Document Details	
Lead File:	Waterford Final Judgment and Order Approving Class Settlement v.2 (KH150703).pdf
Lead File Page Count:	4

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Kim Plets

From: efilimgmail@tylerhost.net
Sent: Friday, September 22, 2017 11:04 AM
To: Kim Plets
Subject: Accepted Filing Notification for Case No. 2016-152441-CZ (MASON GARY vs. WATERFORD TWP)

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Envelope Number: **125043**

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Filing Details	
Court	Oakland County
Case Number	2016-152441-CZ
Case Style	MASON GARY vs. WATERFORD TWP
Date/Time Submitted	9/20/2017 12:53 PM EST
Date/Time Accepted	9/22/2017 11:03 AM EST
Accepted Comments	
Filing Type	JGM - Judgment Filed
Activity Requested	EFileAndServe
Filed By	Kimberly Plets

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Lead File Page Count	4
File Stamped Copy	https://michigan.tylerhost.net/ViewDocuments.aspx?FID=a3e7a468-a6d7-4abe-a6f2-619cf39afcbe This link is active for 60 days.

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Kim Plets

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Sent: Friday, September 22, 2017 11:04 AM
To: Kim Plets
Subject: Notification of Service for Case No. 2016-152441-CZ (MASON GARY vs. WATERFORD TWP)

Notification of ServiceEnvelope Number: **125043**

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Filing Details

Case Number	2016-152441-CZ
Case Style	MASON GARY vs. WATERFORD TWP
Date/Time Submitted	9/20/2017 12:53 PM EST
Filing Type	JGM - Judgment Filed
Filed By	Kimberly Plets
Service Contacts	GARY MASON: Gregory Hanley (ghanley@kickhamhanley.com) Jamie Warrow (jwarrow@kickhamhanley.com) Edward Kickham Jr. (ekickhamjr@kickhamhanley.com) Kimberly Plets (kplets@kickhamhanley.com) WATERFORD TWP: Gary Dovre (gdovre@jrsilaw.com) Spencer Bondy (sbondy@jrsilaw.com)

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