

## LEGAL NOTICE

### NOTICE OF CLASS ACTION

TO: All persons and entities which have paid the City of Birmingham (the “City”) for water and sanitary sewage disposal services after June 30, 2013.

You are hereby notified that an action has been commenced in Oakland County Circuit Court titled *Wolf v. City of Birmingham*, Case No. 14-141608-CZ, presiding Judge Leo Bowman, challenging a mandatory stormwater disposal charge (the “Stormwater Charge”) imposed by the City on users of its water and sanitary sewage disposal services (the “Lawsuit”). Plaintiff has 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 Stormwater Charges imposed by the City. Plaintiff contends that (a) the Stormwater 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; and (b) that plaintiff and those similarly situated have been harmed by the City’s collection and retention of the Stormwater Charges.

The Plaintiff seeks a judgment from the Court against the City which would order and direct the City to disgorge and refund all Stormwater Charges to which Plaintiff and the class are entitled and would grant any other appropriate relief.

The City denies the Plaintiff’s claims and contends that it should prevail in the Lawsuit. The Court has made no rulings concerning the merits of the Lawsuit at this time.

On January 22, 2015, the Court entered an order certifying the Lawsuit as a class action. You are receiving this Notice because the City’s records indicate that you paid the City for water and sewer service at some time after June 30, 2013 and are therefore a member of the class.

No financial consequences will be suffered by class members if Plaintiff loses, except that all other class members will be barred from bringing an individual action against the City alleging the claims contained in Plaintiff’s complaint.

The City has not filed a counterclaim against Plaintiff or the class.

If you have paid the City for water service and/or sewer service between June 30, 2013 and the present, then you are a member of the class.

If you are a member of the class, you will be 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 fourteen (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.

You are notified that 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 are referred to papers on file in the Lawsuit, which may be inspected during regular business hours at the Office of the Clerk of Circuit Court for Oakland County, Michigan. You also may review certain of the Lawsuit documents 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, NOT BY TELEPHONE**, identified as Attorneys for Plaintiffs and the Class, below. **DO NOT CONTACT THE COURT OR CLERK OF THE COURT, OR ATTORNEYS FOR DEFENDANT.**

**Attorneys for Plaintiffs and the Class:**

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