

STATE OF MICHIGAN
MACOMB COUNTY CIRCUIT COURT

RALPH STAELGRAEVE,
individually and as representative of a class of
similarly-situated persons and entities,

Case No. 18-001775-CZ
Hon. Michael Servitto

Plaintiff,

v.

CHARTER TOWNSHIP OF SHELBY,
a municipal corporation,

Defendant.

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Edward F. Kickham Jr. (P70332)
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Attorneys for Plaintiff and the Class

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Co-counsel for Plaintiff and the Class

**STIPULATED ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR CLASS CERTIFICATION**

At a session of said Court held in the
City of Mt. Clemens, County of Macomb,
State of Michigan on 01/18/19

PRESENT: HON. _____
Circuit Court Judge

The Court having reviewed Plaintiff's unopposed motion for class certification, and the brief in support, and being otherwise informed of the premises, **THE COURT FINDS:**

a. that the prerequisites for class certification under MCR 3.501 are satisfied in this case for the reasons set forth in Plaintiffs' motion for class certification and brief in support and certifies the Class under MCR 3.501.

b. pursuant to MCR 3.501, that the Class is defined as all persons and entities who/which have paid the Charter Township of Shelby (the "Township") for water and/or sanitary sewer service during the relevant class periods. This is appropriate because (a) the class consisting of thousands of water and sewer customers in the Township is so numerous that joinder of all members is impracticable; (b) there are questions of law or fact common to the members of this Class that predominate over questions affecting only individual members, including whether the Township has violated the Headlee Amendment and whether the Township's water and sewer rates are reasonable; (c) the claims or defenses of the representative party is typical of the claims or defenses of the Class because the representative's claims arise from the same events or practices or course of conduct that gives rise to the claims of the other class members and are based on the same legal theories; (d) the representative party will fairly and adequately assert and protect the interests of the Class because there are no conflicts of interest with the Class, and the Class is represented by experienced, competent counsel; and (e) the maintenance of this action as a class action will be superior to other available methods of adjudication in promoting the convenient administration of justice.

IT IS HEREBY ORDERED:

A. That this action is certified as a proper class action with Plaintiff certified as Class Representative and Kickham Hanley PLLC and Joelson Rosenberg et al designated as Class Counsel.

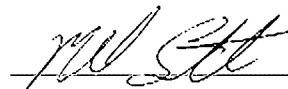
B. With respect to Count I of the Complaint, the Class is defined to include all persons and entities who/which have paid the Township for water and/or sewage disposal service at any time since May 4, 2017 or which pay the Township for water and/or sewage disposal service during the pendency of this action.

C. With respect to Counts II through VII, the Class is defined to include all persons and entities who/which have paid the Township for water and/or sewage disposal service at any time since January 1, 2013 or which pay the Township the for water and/or sewage disposal service during the pendency of this action.

D. The Court reserves the issue of the timing, content, manner and method of the notice to Class members, which will be subject of future orders of the Court.

E. With the exception of the class certification issues that are the subject of this Order, the Court makes no finding, expressly or impliedly, regarding the factual or legal merit of any of the Plaintiff and Class allegations and claims or of the Township's alleged defenses thereto.

SO ORDERED.


01/18/2018
CIRCUIT COURT JUDGE

STIPULATED TO AND AGREED:

KICKHAM HANLEY PLLC

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