

LEGAL NOTICE

NOTICE OF CLASS ACTION

TO: All persons and entities which have paid the City of Westland (the “City”) for Water and Sewer Service after May 15, 2009.

You are hereby notified that an action has been commenced in Wayne County Circuit Court titled *Deerhurst Condominium Owners Association, Inc et. al. v. City of Westland*, Case No. 2015-006473-CZ, presiding Judge Daphne Means Curtis, challenging the retail water rates (the “Water Rates”) and the retail sewage disposal rates (the “Sewer Rates”) (collectively the “Rates”) imposed by the City on citizens who draw water from the City’s water supply system and who use the City’s sewer system (the “Lawsuit”). Plaintiffs have brought these claims on behalf of themselves and a class of all others similarly situated.

Plaintiffs each are water and sewer customers of the City, and each seeks to act as a class representative for all similarly situated persons and entities that have paid the Rates imposed by the City. Plaintiffs contend that (a) the City has collected fees from its water and sewer customers that it has used not to cover the actual expenses of providing water to those customers, but rather to fund the City’s general governmental obligations; (b) the Water Rates violate MCL 123.141(3) because they generate revenues for the City that exceed the City’s actual cost of providing water to its residents; and (c) certain costs components included in the Rates constitute “taxes” that have not been authorized by the City’s voters in violation of the Headlee Amendment to the Michigan Constitution and MCL 141.91.

The Plaintiffs seek a judgment from the Court against the City which would order and direct the City to disgorge and refund all water and sewer overcharges to which Plaintiffs and the class are entitled and enjoin the City from overcharging in the future.

The City denies the Plaintiffs’ claims and contends that it properly charged and collected water and sewer fees and should prevail in the Lawsuit. **The Court has made no rulings concerning the merits of the Lawsuit at this time.**

On May 2, 2016, 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 May 15, 2009 and are therefore a member of the class.

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

At this time, the City has not filed a counterclaim or other claim against Plaintiffs or the class.

If you have paid the City for water service between May 15, 2009 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 September 30, 2016 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 Plaintiffs 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 Plaintiffs. 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 Wayne County, Michigan. You also may review certain of the Lawsuit documents at 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:

Gregory D. Hanley (P51204)
Jamie Warrow (P61521)
Edward F. Kickham Jr. (P70332)
KICKHAM HANLEY PLLC
32121 Woodward Avenue, Suite 300
Royal Oak, MI 48073
khtemp@kickhamhanley.com

Dean C. Robinette (P54197)
FOLEY & ROBINETTE, P.C.
13349 Reeck Court
Southgate, MI 48195

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