

STATE OF MICHIGAN
OAKLAND COUNTY CIRCUIT COURT

JAMILA YOUMANS,
individually and as representative of a class of
similarly-situated persons and entities,

Case No. 2016-152613-CZ
Hon. Daniel P. O'Brien

Plaintiff,

v.

CHARTER TOWNSHIP OF BLOOMFIELD,
a municipal corporation,

Defendant.

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

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**LEGAL NOTICE
NOTICE OF CLASS ACTION**

TO: All persons and entities who/which have paid the Charter Township of Bloomfield (the "Township") for water and sanitary sewage disposal services at any time after April 21, 2010.

An action has been commenced in 6th Judicial Circuit Court (Oakland County) titled *Youmans v. Charter Township of Bloomfield*, Case No. 2016-152613-CZ, presiding Judge Daniel P. O'Brien, challenging the water and sewer rates established by the Township for users of its water and sanitary sewage disposal services as being excessive. Plaintiff brought these claims on behalf of herself and a class of all others similarly situated.

Plaintiff is an individual who is a water and sanitary sewer customer and who has paid for the services at the rates established by the Township. Plaintiff contends that: (a) the water and sewer rates are, in part, not proper user fees but instead taxes imposed in violation of the Headlee Amendment to the Michigan constitution of 1963; (b) the water and sewer rates are unreasonable and unjustly enrich the Township; (c) the water and sewer rates, in part, violate the Revenue Bond Act, MCL 141.118; (d) the Township has collected amounts in excess of the amounts it was legally entitled to collect and must return this excess under a theory of assumpsit or money had and received; (e) the water and sewer rates, in part, violate the Water Furnished Outside Territorial Limits Act, MCL 123.141; and (f) that Plaintiff and those

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similarly situated have been harmed by the Township's collection and retention of the excessive water and sewer rates.

Plaintiff seeks a judgment from the Court against the Township that would order and direct the Township to: refund all water and sewer rates deemed excessive to which Plaintiff and the class are entitled; pay attorney fees to Plaintiff's counsel; and order any other appropriate relief. The Township maintains that the water and sewer rates are reasonably proportionate to its actual costs of providing the services and thus are proper and not unlawful. The Township denies all of Plaintiff counsel's claims stated in Plaintiff's first amended class action complaint. The Township contends that the lawsuit should be dismissed.

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

On October 11, 2016, Judge O'Brien entered an order certifying the lawsuit as a class action. You are receiving this notice because the Township's records indicate that an individual or entity owning or residing at this property address paid the Township for water and sewer service at some time after April 21, 2010 and is therefore a member of the class.

No financial consequences will be suffered by class members if Plaintiff loses. However, if Plaintiff loses, all class members will be barred from bringing an individual action against the Township alleging the claims contained in Plaintiff's complaint.

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

If you paid the Township for water service and/or sewer service at any time between April 21, 2010 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, unless you exclude yourself from the lawsuit.

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 Township. **This request for exclusion must be postmarked no later than October 19, 2017 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 6th Judicial Circuit Court (Oakland County) at 1200 North Telegraph, Pontiac, Michigan. You may also find additional information concerning the lawsuit 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 OR BY EMAIL, NOT BY TELEPHONE**, to the attorneys for Plaintiffs 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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