

STATE OF MICHIGAN
OAKLAND COUNTY CIRCUIT COURT

JUDY KISH and
JOYCE BANNON,
individually, and as representatives
of a class of similarly-situated persons
and entities,

Case No. 2015-149751-CZ
Hon. Leo Bowman

Plaintiffs,

v.

CITY OF OAK PARK,
a Michigan 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 Plaintiffs

John Gillooly (P41948)
Garan Lucow Miller PC
1155 Brewery Park Boulevard, Suite 200
Detroit, MI 48207
(313)446-5501
Attorney for Defendant

STIPULATED ORDER CERTIFYING THE CLASS

At a session of the Oakland County Circuit Court
held in the City of Pontiac, State of Michigan
on this 5th day of April, 2016

PRESENT: HONORABLE LEO BOWMAN
Circuit Court Judge

This matter having been brought before the Court on Plaintiffs' Motion for Class Certification; the parties having stipulated to the relief sought by Plaintiffs; the parties further agreeing that the entry into this Stipulation does not in any way waive any defenses that the defendant may have with regard to the underlying allegations contained in the Complaint of Plaintiffs; and the Court being advised in the premises:

IT IS HEREBY ORDERED that the Court finds that the requirements set forth in MCR

3.501 for certifying this case as a class action have been satisfied because:

- (a) the class is so numerous that joinder of all members is impracticable;
- (b) there are questions of law or fact common to the members of the class that predominate over questions affecting only individual members;
- (c) the claims or defenses of the representative parties are typical of the claims or defenses of the class;
- (d) the representative parties will fairly and adequately assert and protect the interests of the class; and
- (e) the maintenance of the action as a class action will be superior to other available methods of adjudication in promoting the convenient administration of justice.

IT IS FURTHER ORDERED THAT pursuant to the Court's authority under MCR 3.501, this action shall be maintained as a class action, with Plaintiffs certified as Class Representatives and Kickham Hanley PLLC designated as Class Counsel, for the reasons stated in Plaintiffs' brief.

IT IS FURTHER ORDERED AND ADJUDGED that such Class shall consist of the following persons or entities:

- A. With respect to Count I, the Class shall include all persons or entities which have paid the City for water and/or sewer service at any time since October 22, 2014 and all persons or entities which pay the City for water and/or sewer service during the pendency of this action.
- B. With respect to Counts II, III, IV, V, VI, and VII the Class shall include all persons or entities which have paid the City for water and/or sewer service since October 22, 2009 and all person or entities which pay the City for water and/or sewer service during the pendency of this action.

IT IS FURTHER ORDERED AND ADJUDGED that the parties shall attempt to agree on the form and content of the notice to the class and the manner of giving notice to the class which is consistent with the requirements of MCR 3.501. In the event the parties are unable to reach an agreement concerning these matters, the Court will resolve any contested issues by motion.

SO ORDERED.

APR 05 2016 /s/Leo Bowman
Circuit Court Judge

STIPULATED TO AND AGREED:

KICKHAM HANLEY PLLC

By: /s/ Gregory D. Hanley
Gregory D. Hanley (P51204)
Jamie K. Warrow (P61521)
32121 Woodward Avenue, Suite 300
Royal Oak, Michigan 48073
(248) 544-1500
Attorneys for Plaintiff

GARAN LUCOW MILLER PC

By: /s/ John Gillooly
John Gillooly (P41948)
1155 Brewery Park Boulevard, Suite 200
Detroit, MI 48207
(313)446-5501
Attorney for Defendant

Dated: April 1, 2016
KH145732

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2016, I electronically filed the foregoing Stipulated Order with the Clerk of the Court using the electronic filing system which will send notification of such filing.

/s/ Kim Plets
Kim Plets

Kim Plets

From: no-reply@tylerhost.net
Sent: Wednesday, April 06, 2016 8:30 AM
To: Kim Plets
Subject: Service Notification of Filing Case(KISH,JUDY,, VS OAK PARK CITY) Document Code:(STO) Filing Type:(EFS) Repository ID(8a6a811353d0d6850153d298fddd0ff1)

This is a service filing for Case No. 2015-149751-CZ, KISH,JUDY,, VS OAK PARK CITY

This message was automatically generated; do not reply to this email. Should you have any problems viewing or printing this document, please call Wiznet at (800)297-5377.

Submitted: 04/01/2016 12:12:35 PM

Case title: KISH,JUDY,, VS OAK PARK CITY
Document title: Stipulated Order Certifying Class
Repository ID: 8a6a811353d0d6850153d298fddd0ff1
Number of pages: 3
Filed By Firm: Kickham Hanley P.C.
Filed By: Kimberly Plets
Filing Type: EFS

To download the document, click on the following link shown below or copy and paste it into your browser's address bar.

<http://www.wiznet.com/oaklandmi/SD.do?c=8a6a811353d0d6850153d298fdde0ff6> This link will be active until 05/01/2016 12:12:35 PM.

Service List Recipients:

Garan Lucow Miller
Deborah Krauss
John J. Gillooly

Kickham Hanley PLC
Jamie Warrow

Kickham Hanley PLLC
Edward F. Kickham III
Kimberly A. Plets

No Firm Specified
Gregory D. Hanley