

STATE OF MICHIGAN
MACOMB COUNTY CIRCUIT COURT

BRAD M. PATRICK
individually, and as representative
of a class of similarly-situated persons
and entities,

Plaintiff,

v.

CITY OF ST. CLAIR SHORES,
a Michigan municipal corporation,

Defendant.

Case No. 2017-003018-CZ
Hon. Jennifer Faunce

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**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 05/14/18

PRESENT: HON. Jennifer M. Faunce
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 as defined as all persons and entities who/which have paid the City of St. Clair Shores (the "City") the Stormwater Charges during the relevant class periods is appropriate because (a) the class consisting of thousands of property owners in the City 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 City's method of imposing the Stormwater Charges constitute "taxes" which are subject to the Headlee Amendment and violate MCR 141.91; (c) the claims or defenses of the representative parties are 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 parties 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 Randal Toma & Associates, P.C. designated as Class Counsel.

B. With respect to Count I, the Class is defined to include all persons and entities who/which have paid the City the Stormwater Charges at any time since August 15, 2016 or which pay the City the Stormwater Charges during the pendency of this action.

C. With respect to Counts II through V, the Class is defined to include all persons and entities who/which have paid the City the Stormwater Charges at any time since August 15, 2011 or which pay the City the Stormwater Charges during the pendency of this action.

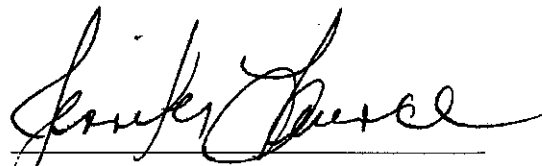
D. The time periods set forth in paragraphs B. and C. above are provided solely for purposes of defining the class period under MCR 3.501. Plaintiff acknowledges and agrees that the City has raised statute of limitations defenses in its Response to Plaintiff's Motion for Partial Summary Disposition ("Response") which was heard by this Court on April 23, 2018 and which has been taken under advisement. Plaintiff acknowledges and agrees that the City's stipulation to entry of this order does not waive in any manner the arguments asserted in its Response.

SO ORDERED.

Approved as to form:

KICKHAM HANLEY PLLC

/s/ Gregory D. Hanley
Gregory D. Hanley (P51204)
Counsel for Plaintiff and the Class



05/14/2018

CIRCUIT COURT JUDGE
JENNIFER M. FAUNCE
/S/ JENNIFER M. FAUNCE
CIRCUIT COURT JUDGE, P43816

CLARK HILL, PLC

/s/ Ronald King
Ronald King (P45088)
Counsel for Defendant

Kim Plets

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