

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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**LEGAL NOTICE
NOTICE OF CLASS ACTION**

TO: All persons and entities 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 charges to finance current and future amounts for (a) capital improvements and outlays; (b) the cost of servicing the principal and interest on long-term debt related to infrastructure improvements; and (c) charges equal to the amount of depreciation of the Township's water and sewer system infrastructure components (the "Rate Overcharges") and the cost of public fire protection services (the "Public Fire Protection Charges", collectively, the "Charges") imposed by the Township on users of its water and sanitary sewage disposal services. 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 the Charges imposed by the Township. Plaintiff contends that: (a) the Charges are not proper user fees, but taxes

wrongfully imposed by the Township to raise revenue in violation of the Headlee Amendment to the Michigan constitution of 1963; (b) the Charges are unreasonable and therefore unjustly enriched the Township; (c) the Charges 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 the overcharges under a theory of assumpsit or money had and received; (e) the Charges violated the Water Furnished Outside Territorial Limits Act, MCL 123.141; and (f) that Plaintiffs and those similarly situated have been harmed by the Township's collection and retention of the Charges.

Plaintiff seeks a judgment from the Court against the Township that would order and direct the Township to refund all Charges to which Plaintiff and the class are entitled and any other appropriate relief. The Township maintains that the inclusion of the Charges in the calculation of the Township's rates is proper and not unlawful, and denies all of Plaintiff's claims stated in Plaintiff's class action complaint and summarized above. The Township contends that it should prevail in the lawsuit.

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 June 7, 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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