

STATE OF MICHIGAN  
IN THE 16<sup>TH</sup> CIRCUIT COURT FOR THE COUNTY OF MACOMB

MACOMB RETAIL CENTER, LLC,  
a Michigan limited liability company,

Case No. 19-005299-CZ

and

HON EDWARD A. SERVITTO

TWELVE MILE COMMERCIAL, LLC,  
a Michigan limited liability company,

**CLASS ACTION NOTICE**

Individually, and as representatives of a class  
of similarly-situated persons and entities,

Plaintiffs,

v.

CITY OF ROSEVILLE, a Michigan  
municipal corporation,

Defendant.

---

Gregory D. Hanley (P51204)  
Edward F. Kickham Jr. (P70332)  
KICKHAM HANLEY PLLC  
32121 Woodward Avenue, Suite 300  
Royal Oak, MI 48073  
(248) 544-1500  
Attorneys for Plaintiffs and the Class

---

Joseph W. Colaianne (P47404)  
Ronald A. King (P45088)  
Bethany G. Stawasz (P75578)  
CLARK HILL PLC  
212 East Cesar E. Chavez Avenue  
Lansing, MI 48906  
(517) 318-3100  
Attorneys for Defendant

Timothy D. Tomlinson (P48519)  
YORK DOLAN & TOMLINSON PC  
22600 Hall Rd Ste 205  
Clinton Township, MI 48036  
(586) 263-5050  
Co-Counsel for Defendant

---

**LEGAL NOTICE**  
**NOTICE OF CLASS ACTION**

TO: All persons and entities which have paid the City of Roseville (the “City”) for Stormwater Charges at any time after December 31, 2018.

An action has been commenced in the 16th Judicial Circuit Court (Macomb County) titled *Macomb Retail Center, LLC et. al. v. City of Roseville*, Case No. 2019-005299-CZ, presiding Judge Edward A. Servitto, challenging mandatory stormwater service charges (the “Stormwater Charges”) the City imposes upon owners of real property. Plaintiffs brought these claims on behalf of themselves and a class of all others similarly situated.

Plaintiffs own improved real property situated in the City of Roseville, Macomb County, Michigan and have incurred and paid the Charges imposed by the City. Plaintiffs contend that: (a) the Stormwater Charges are not proper user fees, but taxes wrongfully imposed by the City to raise revenue in violation of the Headlee Amendment to the Michigan constitution of 1963; (b) the Stormwater Charges violate the Prohibited Taxes By Cities And Villages Act, MCL 141.91 because the Stormwater Charges are not ad valorem taxes, but are taxes imposed, levied, or collected after January 1, 1964; (c) the City has been unjustly enriched by the collection and retention of the Stormwater Charges and/or is required to refund the Stormwater Charges under a theory of assumpsit; and (d) that Plaintiffs and those similarly situated have been harmed by the City's collection and retention of the Stormwater Charges.

Plaintiffs seek a judgment from the Court against the City that would order and direct the City to refund all Stormwater Charges to which Plaintiffs and the class are entitled and any other appropriate relief. The City maintains that the City's imposition of the Stormwater Charges is proper and not unlawful. The City contends that it should prevail in the lawsuit. The Court has made no rulings concerning the merits of the lawsuit at this time.

On June 1, 2020, Judge Servitto entered an Opinion and Order certifying the lawsuit as a class action. You are receiving this notice because the City's records indicate that an individual or entity owning or residing at this property address paid the City's stormwater service charges at some time after December 31, 2018 and is, therefore, a member of the class.

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

The City has not filed a counterclaim against Plaintiffs or the class.

If you paid or incurred the City's stormwater service charges at any time between December 31, 2018 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 City. **This request for exclusion must be postmarked no later than November 24, 2020 and mailed to: Kickham Hanley PLLC, 32121 Woodward Avenue, Royal Oak, Michigan 48073. The request for exclusion can also be emailed to [KHTEMP@kickhamhanley.com](mailto:KHTEMP@kickhamhanley.com)**

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.

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 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 may inspect the lawsuit documents during regular business hours at the Office of the Clerk for the 16th Judicial Circuit Court (Macomb County) at 40 N. Main Street, Mt. Clemens, MI 480843. You may also find additional information concerning the lawsuit at [www.kickhamhanley.com](http://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 Plaintiffs and the class:**

Gregory D. Hanley (P51204)  
Edward F. Kickham Jr. (P70332)  
KICKHAM HANLEY PLLC.  
32121 Woodward Avenue, Suite 300  
Royal Oak, Michigan 48073  
[khtemp@kickhamhanley.com](mailto:khtemp@kickhamhanley.com)

KH164172