

**STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE**

UNITED HOUSE OF PRAYER, a District of Columbia non-profit corporation, individually and as representative of a class of similarly-situated persons and entities,

Case No. 20-014218-CZ  
Hon. Annette J. Berry

Plaintiff,

v.

CITY OF DETROIT, a municipal corporation,

Defendant.

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**LEGAL NOTICE - NOTICE OF CLASS ACTION**

TO: All persons or entities who/which have incurred or paid Private Fire Line Charges (hereafter “PFL Charges”) imposed by the City of Detroit (the “City”) at any time since July 1, 2020 and/or who/which incur or pay the PFL Charges during the pendency of this action.

An action has been commenced in the 3rd Judicial Circuit Court (Wayne County) titled *United House of Prayer v. City of Detroit*, Case No. 20-014218-CZ, presiding Judge Annette Berry, challenging the “Private Fire Line Charges” (“PFL Charges”) imposed by the City on persons or entities whose property requires private fire line service. Plaintiff brought these claims on behalf of itself and a class of all others similarly situated.

Plaintiff is a private fire line customer of the City and has paid the PFL Charges. Plaintiff contends that: (a) The PFL Charges are arbitrary, capricious, and unreasonable and, therefore, are unlawful under common-law rate-making principles; (b) the PFL Charges unjustly enrich the City because they generate revenue far in excess of the City’s actual cost of providing private fire line capacity to its customers; (c) the PFL Charges are far in excess of the appropriate rates for private fire line service, both as established by the American Water Works Association and as reflected in the comparable service charges other large cities impose and collect; (d) the PFL Charges violate MCL § 141.91 because the PFL Overcharges are taxes that are not ad valorem property taxes and the PFL Overcharges were first imposed after January 1, 1964; and (e) the PFL Charges violate § 7-1202 of the Detroit City Charter, which requires all water rates to be “equitable.”

Plaintiff seeks a judgment from the Court against the City that would order and direct the City to refund all PFL Overcharges it has collected and to pay into a common fund for the benefit of Plaintiff and all other members of the Class the total amount of PFL Overcharges to which Plaintiff and the Class are entitled. Plaintiff also seeks a judgment that permanently enjoins the City from collecting any past PFL Overcharges and from imposing or collecting PFL Charges in the future which exceed the City’s actual costs of providing private fire line service.

The City maintains that the City’s assessment of the PFL Charges is proper and lawful. Thus, the City denies Plaintiff’s claims in their entirety. The City specifically denies that it has overcharged customers, denies that any portion of its charges are arbitrary, capricious, inequitable, unreasonable, or a “tax” under Michigan law, and denies that Plaintiff and those similarly situated have been harmed. The City further denies that it has been unjustly enriched by collecting the PFL Charges from customers who use the City’s private fire line services. The City contends that it should prevail in the lawsuit, and denies

that Plaintiff and class members are entitled to a refund of the City's lawfully assessed charges for private fire protection services. **The Court has made no rulings concerning the merits of the lawsuit at this time.**

On May 17, 2021, Judge Berry entered an Opinion and Order certifying the lawsuit as a class action. You are receiving this notice because the City's records indicate that you are a private fire line customer of the City, have paid and/or incurred the PFL Charges and are 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 City alleging the claims contained in Plaintiff's complaint.

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

If you paid or incurred the City's PFL Charges at any time between July 1, 2020 and 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 August 31, 2021 and mailed to: Kickham Hanley PLLC, 32121 Woodward Avenue, Suite 300, 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 3rd Judicial Circuit Court (Wayne County) at 2 Woodward Avenue, Detroit, Michigan 48226. 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 Plaintiff and the class, below. **DO NOT CONTACT THE COURT OR CLERK OF THE COURT, OR ATTORNEYS FOR DEFENDANT.**

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