

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

GENERAL MILL SUPPLY CO.,  
Individually and on behalf of a  
Class of similarly situated  
persons and entities,

Case No. 18-011569-CZ  
Hon. Charles S. Hegarty

Plaintiff,

v.

THE GREAT LAKES WATER AUTHORITY,  
an incorporated municipal authority,

and

CITY OF DETROIT, a municipal corporation,  
by and through its WATER AND SEWERAGE  
DEPARTMENT,

Defendants.

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

- TO: (1) All persons and entities who/which are not Significant Industrial Users (“SIUs”) and who/which have paid or incurred Industrial Waste Control Charges (“IWC Charges”) to the Great Lakes Water Authority (“GLWA”) since January 1, 2016 and/or paid or incurred IWC Charges to the City of Detroit (the “City”) since July 18, 2013; and
- (2) Michigan Equal Protection Subclass: All persons or entities who/which are not SIUs and who/which have paid or incurred the IWC Charges to GLWA or the City during the three years preceding the filing of this action.

An action has been commenced in the Wayne County Circuit Court titled *General Mill Supply Co. v. GLWA et al.*, Case No. 18-011569-CZ, presiding Judge Charles S. Hegarty, challenging an Industrial Waste Control Charge (“IWC Charge”) GLWA and the City have imposed on owners of non-residential property located in various municipalities in Southeast Michigan. Plaintiff brought these claims on behalf of itself and a class of all others similarly situated.

Plaintiff owns property in Southeast Michigan and has paid the IWC Charges. Plaintiff contends that: (a) the IWC 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 IWC Charges far exceed the actual cost of monitoring SIUs and are therefore unreasonable under the common law; (c) the IWC Charges violate the Prohibited Taxes By Cities And Villages Act, MCL 141.91 because they are not ad valorem taxes, but are taxes imposed, levied, or collected after January 1, 1964; (d) the IWC Charges violate equal protection guarantees under the Michigan Constitution; and (e) Plaintiff and those similarly situated have been harmed by GLWA and the City’s collection and retention of the IWC Charges.

Plaintiff seeks a judgment from the Court against the GLWA and the City that would order and direct GLWA and the City to refund all IWC Charges to which Plaintiff and the class are entitled and grant any other appropriate relief. The Defendants maintain that their imposition of the IWC Charges is proper and not unlawful. The Defendants contend that they should prevail in the lawsuit. The Court has made no rulings concerning the merits of the lawsuit at this time.

On April 7, 2020, Judge Kevin Cox entered an Order certifying the lawsuit as a class action. You are receiving this notice because records kept by the municipality where your property is located indicate that an individual or entity owning or residing at this property address paid the IWC Charges at some time after July 17, 2013 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 either Defendant alleging the claims contained in Plaintiff’s First Amended Complaint.

Defendants have not filed counterclaims against Plaintiff or the class.

If you paid or incurred IWC Charges at any time between July 18, 2013 and the present, then you are a member of the class.

If you are a member of the class, you will be 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 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). IN ORDER TO BE VALID, THE REQUEST FOR EXCLUSION MUST BE RECEIVED NO LATER THAN MARCH 25, 2022.**

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 Wayne County Circuit Court, 2 Woodward Ave., Detroit, MI 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 at the address below. **DO NOT CONTACT THE COURT OR CLERK OF THE COURT, OR ATTORNEYS FOR DEFENDANT.**

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