

STATE OF MICHIGAN
OAKLAND COUNTY CIRCUIT COURT

WILLIAM NOFAR, individually and as
representative of a class of
similarly-situated persons and entities,

Case No. 2020-183155-CZ
Hon. Judge Nanci Grant

Plaintiff,

v.

CITY OF NOVI, MICHIGAN
a 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 Plaintiff and the Class

Thomas R. Schultz (P42111)
Steven P. Joppich (P46097)
Stephanie Simon Morita (P53864)
Rosati Schultz Joppich & Amtsbuechler PC
27555 Executive Drive, Suite 250
Farmington Hills, MI 48331-3550
(248) 489-4100
Attorneys for Defendant

Randal S. Toma (P56166)
Randal Toma & Associates PC
500 S. Old Woodward Ave., Floor 2
Birmingham, MI 48009
(248) 948-1500
Attorneys for Plaintiff and the Class

**ORDER GRANTING PLAINTIFF'S MOTION FOR
CLASS CERTIFICATION**

At a session of the Oakland County Circuit Court
held in the City of Pontiac, State of Michigan
on this 21st day of July, 2021

PRESENT: Nanci J. Grant
Circuit Court Judge

This matter having come before the Court upon the motion of the Plaintiff, the Court having heard oral argument and considered Plaintiff's submission of additional evidence, and the Court being otherwise fully advised in 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 Plaintiff's motion for class certification and brief in support and the Court therefore certifies the Class under MCR 3.501.

b. pursuant to MCR 3.501, that the Class as defined as all persons or entities who/which have incurred or paid charges for water and/or sanitary sewer service (the "Charges") imposed by the City of Novi (the "City") at any time since July 1, 2015 and/or who/which incur or pay the Charges during the pendency of this action 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 Charges constitute "taxes" which violate MCR 141.91, whether the Charges are reasonable, and whether the Charges violate the City's Charter; (c) the claims or defenses of the representative party 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 party 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.

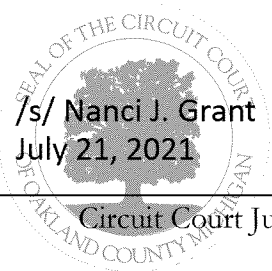
IT IS HEREBY ORDERED:

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 PC designated as Class Counsel.

B. With respect to all counts of the Complaint, the Class is defined to include all persons or entities who/which have incurred or paid the Charges at any time since July 1, 2015 and/or who/which incur or pay the Charges during the pendency of this action.

SO ORDERED.

/s/ Nanci J. Grant
July 21, 2021
/s/ _____
Circuit Court Judge Nanci J. Grant P42865

The seal of the Circuit Court of Oakland County, Michigan, is circular and features a tree in the center. The text around the tree reads "SEAL OF THE CIRCUIT COURT OF OAKLAND COUNTY MICHIGAN".

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