

CLAIM FORM - D
SEWAGE DISPOSAL SYSTEM EVENT OCCURRING ON OR ABOUT
JUNE 25-26, 2021

GENERAL INSTRUCTIONS

1. **THIS CLAIM FORM-D MUST BE POSTMARKED BY OCTOBER 31, 2022, AND MUST BE FULLY COMPLETED, BE SIGNED UNDER OATH, AND MEET ALL REQUIREMENTS OF THE SETTLEMENT AGREEMENT.**

2. You must complete and return this Claim Form-D along with the required supporting documentation to:

Liddle Sheets Coulson, P.C., 975 E Jefferson Ave, Detroit, MI 48207

3. This Claim Form-D is directed to Subclass D Class Members that are listed in Exhibit 5 to the Settlement who claim that a Written Notice of Claim regarding the claimed Sewage Disposal System Event occurring on or about June 25-26, 2021 was served on the Defendant and who had not provided itemized values of their Real Property Damage, Personal Property Damage, and/or Out of Pocket Expense to Class Counsel prior to May 20, 2022.

4. This Claim Form-D is only intended for Subclass D Class Members to seek compensation from the Settlement Fund for their Real Property Damage, Personal Property Damage, and/or Out of Pocket Expense arising from their June 25-26, 2021, Sewage Disposal System Event claim at their Claimed Address.

5. It is important that you completely read the Long Form Notice that accompanied Claim Form-D. The Long Form Notice contains the definitions of many of the defined terms used in this Claim Form-D. By signing and submitting this Claim Form-D, you will be certifying that you have read the Long Form Notice, including the terms of the Releases described therein and provided for herein.

You must submit Claim Form-D to be eligible to obtain payment in the Settlement for your June 25-26, 2021 Sewage Disposal System Event claim.

If you do not submit Claim Form-D, you will not get paid.

6. IF YOU ARE NOT A CLASS MEMBER OR IF YOU, OR SOMEONE ACTING ON YOUR BEHALF, FILED A REQUEST FOR EXCLUSION FROM THE CLASS, DO NOT SUBMIT A CLAIM FORM. YOU MAY NOT, DIRECTLY OR INDIRECTLY, PARTICIPATE IN THE SETTLEMENT IF YOU ARE NOT A CLASS MEMBER. THUS, IF YOU FILE A VALID REQUEST FOR EXCLUSION IN A TIMELY MANNER, ANY CLAIM FORM THAT YOU SUBMIT, OR THAT MAY BE SUBMITTED ON YOUR BEHALF, WILL NOT BE ACCEPTED.

7. You may only seek compensation if you are a member of the Class and if you complete and return this form as specified below. If you fail to file a timely, and otherwise non-deficient Claim Form-D, your Claim Form may be rejected and you may be precluded from receiving any distribution from the Settlement Fund.

8. Submission of this Claim Form-D does not guarantee that you will share in the Settlement Fund. The distribution of the Settlement Fund is governed by the Settlement Agreement, if approved by the Court, or such other plan of allocation as the Court approves.

9. You are required to submit genuine and sufficient documentation in response to the requests contained in this Claim Form-D. Please keep a copy of all documents that you send to Class Counsel. Any documents you submit with your Claim Form-D cannot be returned.

10. Type or print legibly in black ink.

11. The following definitions related to the Settlement Agreement are relevant to completing Claim Form-D:

- a. **"Fair Market Value"** shall mean the price that a seller is willing to accept and a buyer is willing to pay on the open market and in an arms-length transaction for an item of Personal Property in the age and condition that it existed as of June 25-26, 2021. Fair Market Value *shall not* be calculated by any other methodology, including but not limited to, the actual purchase price for the Personal Property, the cost to replace the Personal Property or the lost value of the Personal Property.
- b. **"Financial Reimbursement"** shall mean the payment received by or paid on behalf of the Subclass D Class Member from or by a third-party (such as an insurance company or the Federal Emergency Management Agency) as compensation for the Personal Property Damage, Real Property Damage, and/or Out of Pocket Expense caused by the claimed Sewage Disposal System Event occurring on or about June 25-26, 2021, at the Claimed Address.
- c. **"Out of Pocket Expense"** shall mean the actual cost expended in repairing, reconstructing, cleaning and/or sanitizing the Real Property and/or Personal Property damaged as a result of the claimed Sewage Disposal System Event occurring on or about June 25-26, 2021, at the Claimed Address. For a Subclass D Class Member whose claim is based upon the right of subrogation, "Out of Pocket Expense" shall mean the amount paid to its insured for Real Property Damage, Personal Property Damage, and/or Out of Pocket Expense caused by the claimed Sewage Disposal System Event occurring on or about June 25-26, 2021, at the Claimed Address. Out of Pocket Expenses *does not* include: 1) any claim for noneconomic damages as defined by MCL 691.1416(f); and 2) any payments by the Class Member associated with overland flooding of stormwater onto Real Property.
- d. **"Personal Property"** shall mean all property that is not real property and can be moved from one location to another. *"Personal Property" does not include vehicles.*
- e. **"Personal Property Damage"** shall mean the Personal Property that was destroyed by the claimed Sewage Disposal System Event occurring on or about June 25-26, 2021, at Claimed Address. Personal Property Damage *does not* include any Personal Property that was damaged or destroyed by overland flooding of stormwater onto Real Property. The monetary value of the Personal Property Damage shall be calculated based upon the Fair Market Value of the item.
- f. **"Real Property"** shall mean all buildings, structures and improvements, and other permanent fixtures, including, but not limited to, walls and wall coverings, floors and floor coverings affixed thereto.
- g. **"Real Property Damage"** shall mean the Real Property that was destroyed by the claimed Sewage Disposal System Event occurring on or about June 25-26, 2021, at the Claimed Address. The monetary value of the Real Property Damage shall be strictly limited to the lesser of the estimated and/or actual cost to repair the Real Property destroyed and to return the Real Property to its condition that existed immediately prior to the Sewage Disposal System Event occurring on or about June 25-26, 2021. Real Property Damage does not include any Real Property that was damaged by overland flooding of stormwater onto Real Property. The monetary value of the Real Property Damage shall not include any other measure of Real Property loss or damage, including but not limited to, the lost rental value, diminished market value, loss of use or enjoyment or business interruption.
- h. **"Sewage Disposal System Event"** shall mean the overflow or backup of a sewage disposal system, as defined by MCL 691.1416(j), onto Real Property. *A "Sewage Disposal System Event" does not include the overland flooding of stormwater onto Real Property.*

Claimant Identity

Your Full Name (please print)

Your Spouse's Full Name (please print)

Mailing Address

Email Address

City, State Zip

()

Daytime telephone number

Claimed Address

1. Is your mailing address the same address that allegedly sustained the claimed Sewage Disposal System Event occurring on or about June 25-26, 2021? Yes No
2. If No, please provide the address of the property that allegedly sustained the claimed Sewage Disposal System Event occurring on or about June 25-26, 2021:

Proof of Identification Documentation

For each claimant, you must attach a copy of one of the following to your Claim Form-D:

- * A Subclass D Class Member must attach a copy of any government-issued photo identification or an equivalent method of identification to establish their identity and current address.
- * If a Claim Form-D is filed on behalf of a corporation or entity who is a Subclass D Class Member, then documentation must be filed to establish the authority to file the Claim Form-D on behalf of the Subclass D Class Member along with the signor's government issued photo identification or equivalent method of identification to establish their identity.
- * If person is filing a Claim Form-D on behalf of a Subclass D Class Member, then that person must include a copy of any government-issued photo identification or an equivalent method of identification to establish their identity and current address and documentation supporting their authority to file a Claim Form-D on behalf of the Subclass D Class Member.

Personal Property Damage

1. Did you sustain any Personal Property Damage due to the claimed Sewage Disposal System Event occurring on or about June 25-26, 2021? Yes No
2. If yes, then:
 - a. You must include an Itemized Personal Property List of all supplemental Personal Property Damage in Appendix A and return it with your Claim Form-D.
 - b. If you are claiming Personal Property Damages of *\$4,000 or less*, you *do not* need to provide supporting documentation
 - c. If you are claiming Personal Property Damage *greater than \$4,000*, you *must* include reasonable evidence of your Personal Property Damage for each item on your Itemized Personal Property List in the form of receipts, invoices, photographs, video or other similar types of evidence.

Out of Pocket Expense

1. Did you sustain any Out of Pocket Expense due to the claimed Sewage Disposal System Event occurring on or about June 25-26, 2021? Yes No
2. If yes, then:
 - a. You must include an Itemized Out of Pocket Expense List of all supplemental Out of Pocket Expense in Appendix B and return it with your Claim Form-D.
 - b. If you are claiming Out of Pocket Expense of *\$3,000 or less*, then you *do not* need to provide supporting documentation.
 - c. If you are claiming Out of Pocket Expense *greater than \$3,000*, you *must* also include reasonable evidence of your Out of Pocket Expense for each item on your Itemized Out of Pocket Expense List in the form of receipts, invoices, or other similar types of evidence.

Real Property Damage

1. Did you sustain any Real Property Damage due to the claimed Sewage Disposal System Event occurring on or about June 25-26, 2021? Yes No
2. If yes, then:
 - a. You must include an Itemized Real Property Damage List of all supplemental Real Property Damage in Appendix C and return it with your Claim Form-D.
 - b. If you are claiming Real Property Damage of *\$4,000 or less*, then you *do not* need to provide supporting documentation
 - c. If you are claiming Real Property Damage *greater than \$4,000*, you *must* include reasonable evidence of your Real Property Damage for each item on your Itemized Real Property Damage List in the form of receipts, invoices, estimates, photographs, video or other similar types of evidence.

Financial Reimbursement

1. Did you receive Financial Reimbursement for any Real Property Damage, Personal Property Damage, and/or Out of Pocket Expense allegedly caused by the claimed Sewage Disposal System Event occurring on or about June 25-26, 2021, at the Claimed Address? Yes No
 - a. What type of damage was covered? (check all that apply)
 - Personal Property Damage
 - Real Property Damage
 - Out of Pocket Expense
 - Other (describe): _____
 - b. State the amount of Financial Reimbursement received by type of damage covered:
 - Personal Property Damage: \$ _____
 - Real Property Damage: \$ _____
 - Out of Pocket Expense: \$ _____
 - Other: \$ _____

2. Did you receive grant money from FEMA as a result for any Real Property Damage, Personal Property Damage, and/or Out of Pocket Expense allegedly caused by the claimed Sewage Disposal System Event occurring on or about June 25-26, 2021, at the Claimed Address? Yes No

a. State the amount of grant money received from FEMA, if not covered in response to 1.a. above:
\$ _____

You must include information detailing the type and amount of Financial Reimbursement received.

3. If documents itemizing any information relating to Financial Reimbursement received are unavailable following a good faith effort to produce the same, you must make a good faith effort to obtain the documents from the source of the Financial Reimbursement.

4. If you are unable to obtain the documents following these efforts, you must submit a declaration, under penalty of perjury, that contains the information set forth above.

Claimant Certification

By submitting this Claim Form, I declare under penalty of perjury that I am a member of the Settlement Class and that the following statements are true:

I read the Long Form Notice accompanying this Claim Form.

I sustained damage due to the claimed Sewage Disposal System Event occurring on or about June 25-26, 2021, at the Claimed Address (listed above).

All information provided in this Claim Form and its attachments is true and correct.

Your signature Date: _____

Your Spouse's signature Date: _____

Your fully completed Claim Form must be postmarked no later than **October 31, 2022** to the following address:

Liddle Sheets Coulson, P.C.
975 E Jefferson Ave
Detroit, MI 48207

**APPENDIX A
ITEMIZED PERSONAL PROPERTY LIST**

Brief Description of each item of Personal Property Damaged	Estimated Fair Market Value as of June 25-26, 2021
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
Grand Total Personal Property Damage	\$

If you are claiming Personal Property Damages *greater than \$4,000*, you *must* include reasonable evidence of your Personal Property Damage for each item on your Itemized Personal Property Damage List in the form of receipts, invoices, photographs, video or other similar types of evidence.

**APPENDIX B
ITEMIZED OUT OF POCKET EXPENSE LIST**

Brief Description of each item of Out of Pocket Expense	Expense
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
	\$
Grand Total of Out of Pocket Expense	\$

If you are claiming Out of Pocket Expenses *greater than \$3,000*, you *must* also include reasonable evidence of your Out of Pocket Expense for each item on your Itemized Out of Pocket Expense List in the form of receipts, invoices, or other similar types of evidence.

**APPENDIX C
ITEMIZED REAL PROPERTY LIST**

1. Did you obtain a professional estimate for repairing any of your Real Property Damage? Yes No

If Yes, please provide the following information for each such item of Real Property Damage:

Name of Contractor	Brief Description of Real Property Damage	Date of Estimate	Amount of Estimate

2. If you performed the repairs to any of your Real Property Damage, please list all materials purchased, the purchase cost of the materials, and the actual amount you paid to 3rd parties to make the repairs for each such item of Real Property Damage.

Brief Description of Real Property Damage	Description of real property materials purchased for repair and labor conducted by 3 rd parties to make the repairs	Amount of Materials and Payment to 3 rd Parties
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
	Grand Total of Real Property Damage	\$

If you are claiming Real Property Damage greater than \$4,000, you must include reasonable evidence of your Real Property Damage for each item on your Itemized Real Property List in the form of receipts, invoices, estimates, photographs, video or other similar types of evidence.