

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE
NOTICE OF PENDENCY OF CLASS ACTION SETTLEMENT

**You may be a Class Member if you are listed in Exhibit 1 to the Settlement Agreement.
Please read this Notice carefully, as it affects your legal rights.**

*Wayne County Circuit Court in the State of Michigan authorized this Notice.
This is not a solicitation from a lawyer.*

- A Settlement has been reached to resolve a putative class action lawsuit arising from the claimed Sewage Disposal System Event occurring on or about June 25-26, 2021, in the City of Hamtramck, Michigan.
- The Settlement Agreement requires \$1,000,000 to be paid under the terms and conditions of the Settlement Agreement by Defendant.
- Defendant also agrees to the construction of the Remedial Sewer Project, estimated to cost Defendant approximately \$40 Million pursuant to the terms and conditions of the Settlement Agreement.
- The parties have agreed to settle the lawsuits, and this Notice explains the Settlement Agreement, your rights, the potential available benefits, and how to get them. As a Class Member, you have various options that you may exercise before the Court decides whether to approve the Settlement.
- The Court in charge of this case still has to decide whether to approve the Settlement. Payments will only be made if the Court finally approves the Settlement and after appeals, if any, are resolved.
- Your legal rights are affected whether you act or don't act. Please read this Notice carefully.

| Your Legal Rights and Options in this Settlement | |
|---|---|
| SUBMIT A CLAIM FORM | The only way to get benefits. You must file an appropriate Claim Form no later than May 16, 2023. |
| EXCLUDE YOURSELF | <p>If you exclude yourself, you will no longer be a Class Member. This means you will not be eligible for the benefits or relief in the Settlement. It also means that Class Counsel will not be representing you, and there are statutes of limitations that may bar your individual claim(s). To exclude yourself, you must follow the procedures outlined in paragraph 11 below. You must request exclusion no later than May 1, 2023.</p> <p>Any Class Member who chooses to be excluded from the Settlement shall have their claims in the lawsuits dismissed without prejudice and without costs or attorney's fees to any party.</p> |
| OBJECT | <p>Write to the Court about why you do not like the Settlement. You must follow the procedures outlined in paragraph 12 below. You must also file your written objections no later than May 1, 2023.</p> <p>This is the deadline to file an objection to the Settlement. This is not the deadline to file an objection to your approved claim amount determination under the Settlement. That process is described below in paragraph 7.</p> |
| DO NOTHING | You receive no benefits. You also give up your right to sue the City of Hamtramck about the legal claims asserted in the lawsuits, which are the subject of this Settlement. |

1. **WHAT IS THIS NOTICE ABOUT:** This Notice is to inform you of the proposed Settlement of a putative class action lawsuit against the City of Hamtramck pending in Wayne County Circuit Court, Michigan.

This Notice is given by Order of the Honorable Edward Ewell, Jr., Wayne County Circuit Court Judge. It summarizes your rights as set forth in the Settlement Agreement.

The Court directed this Notice to be sent to you because it is claimed you may have previously filed a Written Notice of Claim, pursuant to MCL 691.1419, with the Defendant regarding a claimed Sewage Disposal System Event occurring on or about June 25-26, 2021, in the City of Hamtramck, Michigan. If you are listed on Exhibit 1 to the Settlement Agreement, you may be a Class Member. If you are a Class Member, the Settlement will affect your rights. You have choices to make before the Court decides whether or not to approve the Settlement.

2. **WHAT ARE THE LAWSUITS ABOUT:** The Action, *Chowdury, et al. v City of Hamtramck*, Wayne County Circuit Court Case No. 22-004937-NZ, was filed regarding a claimed Sewage Disposal System Event occurring on or about June 25-26, 2021, in the City of Hamtramck, Michigan.

Plaintiffs seek Economic Damages arising from Defendant's design, construction, operation and/or maintenance of sewer systems which allegedly caused the claimed Sewage Disposal System Event occurring on or about June 25-26, 2021.

Defendant has denied and continues to deny all charges of wrongdoing or liability arising out of the allegations and claims asserted in the Action, including towards Plaintiffs or any Class Member.

3. **WHY ARE THE CLASS ACTIONS BEING SETTLED:** The Court did not decide in favor of the Plaintiffs or the Defendant. Instead, both sides agreed to enter into a Settlement Agreement. The Settlement does not mean that any law was broken or that the Defendant did anything wrong. Defendant denies all legal claims in the Action. The Representative Plaintiffs and Class Counsel believe the Settlement is in the best interest of all members of the Settlement Class.

4. **HOW DO I KNOW IF I'M PART OF THE SETTLEMENT:** The Court has decided that the Settlement Class includes any Person listed in Exhibit 1 who claims a Written Notice of Claim regarding the claimed Sewage Disposal System Event occurring on or about June 25-26, 2021 was served on the City of Hamtramck.

Class Members that are listed on Exhibit 2 to the Settlement Agreement are members of **Subclass A**. Subclass A are Class Members listed on Exhibit 2 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 provided itemized values of their Real Property Damage, Personal Property Damage, and/or Out of Pocket Expense to Class Counsel prior to February 22, 2023.

Class Members that are listed on Exhibit 3 to the Settlement Agreement are members of **Subclass B**. Subclass B are Class Members listed on Exhibit 3 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 February 22, 2023.

If you are not sure whether you are a member of the Settlement Class or a Subclass or have any other questions about the Settlement, please call (734) 821-9279. You can also send your questions to Class Counsel by email (info@dubinlawpllc.com) or by mail at: Dubin Law, PLLC, 2723 S State St, Suite 150, Ann Arbor, MI 48104.

5. **SUMMARY OF THE SETTLEMENT:** If the Court approves the Settlement Agreement at or after the final fairness hearing described in Section 13 of this Notice, \$1,000,000 shall be paid under the terms and conditions of the Settlement Agreement by Defendant. Defendant further agrees to construct the Remedial Sewer Plan which is estimated to cost approximately \$40 Million.

6. **HOW DO I OBTAIN A PAYMENT:** To seek compensation from the Settlement Fund, you must do the following:
- A. **Complete, sign, and date the appropriate Claim Form** (enclosed with these materials). Keep a copy of the completed Claim Form; and
 - B. **Mail the appropriate Claim Form and your required supporting documentation no later than May 16, 2023** to the following address: Dubin Law, PLLC, 2723 S. State St., Suite 150, Ann Arbor, MI 48104. The supporting documentation that must be contained with your Claim Form can be found on the Claim Form.

You can also receive Claim Form-A and Claim Form-B by calling 811-382-4600 or sending an email to info@DubinLawPLLC.com. Claim Form-B can also be downloaded at www.DubinLawPLLC.com/hamtramck.

Each Subclass A Class Member must file with Class Counsel a Claim Form-A to seek compensation for their Real Property Damage, Personal Property Damage, and/or Out of Pocket Expense arising from their claimed Sewage Disposal System Event

occurring on or about June 25-26, 2021 at the Claimed Address.

Each Subclass B Class Member must file with Class Counsel a Claim Form-B to seek compensation for their Real Property Damage, Personal Property Damage, and/or Out of Pocket Expense arising from their claimed Sewage Disposal System Event occurring on or about June 25-26, 2021 at the Claim Address.

The appropriate Claim Form(s) has/have been enclosed with this Notice. If you are not sure that you received the correct Claim Form(s), then you must contact Class Counsel immediately to obtain the correct Claim Form(s).

If you fail to cause the appropriate Claim Form(s) and any required supporting documentation to be mailed to Class Counsel by the required deadline, you will not get paid. Causing a Claim Form to be mailed late or without required supporting documentation is the same as doing nothing.

- 7. HOW ARE PAYMENTS CALCULATED:** The amount of compensation paid to a Class Member will be dependent, in part, on the total amount claimed. Accordingly, the amount a Class Member will receive will not be known until after all Claim Forms have been submitted and assessed under the terms and conditions of the Settlement Agreement.

Class Counsel shall determine the approved claim amount for a Class Member who has submitted an appropriate Claim Form based upon the information contained in the Claim Form(s) and the proof of damage documentation included with their Claim Form submission. The approved claim amount shall be calculated under the terms and conditions of the Settlement Agreement.

Any Class Member who submits a timely and valid Claim Form, who meets the requisite documentation requirements described in the Settlement Agreement, shall receive a share of the Settlement Fund under the terms and conditions of the Settlement Agreement.

A Class Member's pro-rata share of the Settlement Fund for purposes of issuing checks to each Class Member Claimant shall be calculated by multiplying the amount attributable to each Class Member Claimant in the Total Amount Claimed by the quotient of the Net Settlement Fund divided by the Total Amount Claimed. The Net Settlement Fund is the value of the Settlement Fund after the deduction of the amount awarded to Class Counsel for attorneys' fees, costs, and expenses, and after the deduction of the amount awarded to the Class Representatives as Incentive Awards.

- 8. HOW LONG WILL IT TAKE TO GET RELIEF UNDER THE SETTLEMENT:** On May 5, 2023 at 10:00 am, the Court will hold a hearing via Zoom to decide whether or not to approve the Settlement. The relief provided for by the Settlement may not be implemented until appeals are finished and the Court's order approving the Settlement is upheld.

- 9. WHO ARE THE LAWYERS FOR THE CLASS AND HOW WILL THEY BE PAID:** The Court has appointed the following attorneys to represent you and the other Class Members: Dubin Law, PLLC, 2723 S. State St., Suite 150, Ann Arbor, MI 48104 (referred to as "Class Counsel"). You may also contact Class Counsel at (844) 382-4600 or info@DubinLawPLLC.com.

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you may hire one at your own cost.

Class Counsel has prosecuted this case on a contingency basis. At the final fairness hearing, Class Counsel will be seeking the approval of the Settlement Agreement and requesting the Court for an award of attorneys' fees, costs, and expenses. Class Counsel will request the Court for an award of attorneys' fees to be calculated on the following basis: 1) 1/3 of the Settlement Fund less costs and expenses; plus 2) a percentage of the Remedial Sewer Project to the extent it does not exceed \$100,000. Any award for Class Counsel attorneys' fees, costs, and expenses, will be paid from the Settlement Fund.

- 10. WHAT AM I GIVING UP TO STAY IN THE CLASS:** If the settlement becomes final, Class Members who submit an appropriate Claim Form or do nothing at all will be releasing the Defendant, including Defendant's officers, employees, directors, attorneys, affiliates, predecessors, successors, assigns and insurers from all Claims. This means you will no longer be able to sue the Defendant regarding the Claims described in the Settlement Agreement. It also means that all of the Court's orders will apply to you and legally bind you.

- 11. HOW DO I REQUEST EXCLUSION FROM THIS SETTLEMENT:** If you are a Class Member and if the Settlement Agreement is approved by the Court, then you will be bound by the terms of the Settlement Agreement unless you file a request to be excluded.

To exclude yourself from the proposed Settlement, you must mail a written request for exclusion to Class Counsel at: Dubin

Law, PLLC, 2723 S. State St., Suite 150, Ann Arbor, MI 48104. This request for exclusion must be postmarked no later than **May 1, 2023**.

The request to be excluded must be in writing and signed by the Class Member and must contain the following: the Class Member's full name, address and telephone number and the Claimed Address; and must specifically contain a stated request for exclusion from the prospective Settlement Class and Settlement. They must also provide proof of identification by including a copy of any government-issued photo identification or an equivalent method of identification. Any Class Member's request for exclusion that does not meet these requirements is deemed invalid and ineffective and the Class Member will be considered included in the Settlement Class for purposes of the Settlement.

Any Class Member who chooses to be excluded from the Settlement shall cease to be a Class Member upon the Court's approval of the Settlement Agreement. Any Class Member who chooses to be excluded from the Settlement shall be dismissed without prejudice and without costs or attorney's fees to any party.

- 12. HOW DO I TELL THE COURT THAT I LIKE OR DISLIKE THE SETTLEMENT:** If you are a member of the Class and do not request to be excluded, you can tell the Court you like the Settlement and it should be approved, or that you object to the Settlement or Class Counsel's requests for attorneys' fees, costs, and expenses and class representative Incentive Awards, if you do not like a part of the Settlement. The Court will consider all comments from Class Members.

Class Members desiring to object must file a notice of objection with the Court no later than **May 1, 2023**. You also must send a copy of the objection to Class Counsel and Defendant's counsel at:

| Class Counsel | Defendant's Counsel |
|---|--|
| Dubin Law, PLLC 2723 S State St, Suite 150 Ann Arbor, MI 48104 | Schenk & Bruetsch PLC 211 W. Fort St., Suite 1410 Detroit, MI 48226 |

Objections must be in writing and signed by the Class Member and must contain the following: the Class Member's full name, address, and telephone number; and must identify with reasonable particularity the basis for the objection and attach all documentation they intend to present to the Court in support of its, his, or her position. The objection must be in the form of a declaration or be in the form of an affidavit duly signed under penalty of perjury before a notary public. If an objection is submitted by someone purporting to represent a Class Member, the objection must have attached sufficient documentation of the person's identity and legal authority to represent the Class Member or the objection is deemed invalid and ineffective.

Objections that do not meet the requirements set forth above are deemed invalid and ineffective. Class Counsel and Defendant's Counsel reserve the right to challenge the validity and grounds of any objection.

If you do not submit a written objection to the Settlement or the application of Class Counsel for Incentive Awards or attorneys' fees, costs, and expenses in accordance with the deadline and procedure set forth above, you will waive your right to be heard at the final fairness hearing and to appeal from any order or judgment of the Court concerning the lawsuits.

Please note that this is the deadline to file an objection to the Settlement. This is **not** the deadline to file an objection to your approved claim amount determination under the Settlement. That process is described above in paragraph 7.

- 13. WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT:** The Court will hold a final fairness hearing via Zoom on **May 5, 2023 at 10:00 am** at the Wayne County Circuit Court, Coleman A. Young Municipal Center, Two Woodward Avenue, Detroit, MI 48226, Courtroom 1507 or as otherwise directed by the Court.

At this hearing, the Court will consider whether the Settlement is fair, reasonable and adequate. If there are objections, the Court will consider them. The Court may listen to people who have asked to speak at the hearing. The Court may also decide how much to pay Class Counsel or whether to approve Incentive Awards. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long it will take for the Court to make its decision.

You do not have to attend the hearing. Class Counsel will answer questions the Court may have. But, you are welcome to

come at your own expense provided you have not excluded yourself from the Settlement. If you send an objection, you do not have to come to Court to talk about it. As long as you timely send your written objection, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

14. **WHAT HAPPENS IF I DO NOTHING AT ALL:** If you do nothing at all, and are a member of the Class, you will be bound by the Settlement if the Court approves it.
15. **ARE MORE DETAILS ABOUT THE SETTLEMENT AND MY RIGHTS UNDER THE SETTLEMENT AVAILABLE:** This Notice is a summary and does not describe all details of the Settlement. More details are in the Settlement Agreement. For a complete, definitive statement of the Settlement terms, refer to the Settlement Agreement at www.dubinlawpllc.com by choosing Select Case Keyword "Hamtramck Settlement" from the bottom left-hand menu. You may also contact Class Counsel at (734) 821-9279 or info@dubinlawpllc.com for more details of the lawsuit.

Copies of all pleadings and papers filed in the lawsuit are also available for inspection and copying during regular business hours at the Office of the Clerk of the Court, Wayne County Circuit Court, Michigan.

PLEASE DO NOT CONTACT THE COURT WITH QUESTIONS ABOUT THIS NOTICE.

Dated: March 10, 2023

Honorable Edward Ewell, Jr.