

GENERAL COURT OF JUSTICE, SUPERIOR COURT DIVISION OF GUILFORD COUNTY, NORTH CAROLINA

If you paid Water or Sewer Capacity Use Fees to the City of Greensboro from March 4, 2016 through August 24, 2022, you qualify for benefits from a class action judgment.

This Notice may affect your rights, so please read it carefully.

- A judgment against the City of Greensboro has been entered in a class action lawsuit alleging that the water and sewer capacity use fees (“Capacity Use Fees”) charged and collected by the Defendant City of Greensboro (“Defendant” or the “City”) from March 4, 2016 through August 24, 2022 are unlawful. All persons or organizations who paid Capacity Use Fees to the City of Greensboro from March 4, 2016 through August 24, 2022 are included in the judgment and are entitled to receive payment.
- The Court in charge of this case still has to decide certain issues relating to the administration of the judgment, class counsels’ attorneys’ fee expense award, and class representative service awards.
- Your legal rights are affected whether you act or do not act. Read this Notice carefully.
- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.

YOUR LEGAL RIGHTS AND OPTIONS:	
HOW TO GET JUDGMENT BENEFITS	To get a payment, you do not have to do anything if you are a member of the class. Checks will be mailed to you automatically.
OBJECT	Write to the Court about why you do not like the terms of the administration of the judgment, class counsels’ attorneys’ fee and expense award, or class representative service awards.
GO TO A HEARING	Ask to speak in Court about the fairness of the administration of the judgment, class counsels’ attorneys’ fee and expense award, or class representative service awards.

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BASIC INFORMATION

1. Why is this Notice being provided?

A Court authorized this Notice because you have a right to know about a class action judgment and about all of your options before the Court decides whether to grant final approval of the terms of the administration of the judgment, class counsels' attorneys' fee expense award, and class representative service awards. This Notice explains the lawsuit, the judgment, your legal rights, what benefits are available, who may be eligible for those benefits, and how to get them.

The Hon. Richard L. Doughton, Superior Court Judge, is overseeing this lawsuit. The judgment resolves the civil action known as *True Homes, LLC, et al. v. City of Greensboro* (Guilford County Case No. 19-CVS-3879).

The persons who sued are called the "Plaintiffs," and the City of Greensboro who was sued is called the "Defendant."

2. What is this lawsuit about?

The City charged Capacity Use Fees to new development as a condition of the City connecting a property to the City's water and sewer systems.

Plaintiffs filed a lawsuit on March 5, 2019 alleging that the Capacity Use Fees charged by the City from March 4, 2016 through August 24, 2022 were unlawful. The City denied these allegations.

On August 17, 2021, Judge Doughton certified the case as a class action, with the class consisting of "all natural persons, corporations, or other entities who at any point between March 4, 2016 and the present paid Water and Sewer Capacity Use Fees to the City of Greensboro pursuant to the schedule of fees and/or Code of Ordinances adopted by City of Greensboro." Notice of the certified class was provided to all class members, and no class members opted out of the class.

On August 24, 2022, Judge Doughton ruled that the Capacity Use Fees charged by the City from March 4, 2016 through August 24, 2022 were not authorized by North Carolina law and must be refunded to Plaintiffs and the class. The City appealed, and the North Carolina Court of Appeals affirmed Judge Doughton's ruling.

3. Why is there a judgment?

The Court ruled in favor of Plaintiffs and the class after the parties engaged in discovery in the lawsuit.

WHO IS IN THE JUDGMENT

To see if you will be affected by the judgment you first have to determine if you are a member of the class.

4. How do I know if I am part of the judgment?

The Court has approved the following class:

All natural persons, corporations, or other entities who (a) at any point between March 4, 2016 through the present paid Water and Sewer Capacity Use Fees to the City of Greensboro pursuant to the schedule of fees and/or Code of Ordinances adopted by the City of Greensboro.

The City has furnished a list of all natural persons, corporations, or other entities who have paid Capacity Use Fees to the City from March 4, 2016 through August 24, 2022. You have received this notice because you have been identified from those records as having paid Capacity Fees to the City during this period, and therefore have the right to a refund pursuant to N.C.G.S. § 160D-106.

5. What if I am not sure whether I am included in the judgment?

If you are not sure whether you are a member of the Class, or have any other questions about the judgment, visit the website at www.greensborocapacityfeejudgment.com or call the toll-free number, (833) 772-5909. You may also write with questions to *True Homes, LLC v. City of Greensboro* Administrator, c/o SSI, an Epiq Company, P.O. Box 2715, Portland, OR 97208-2715, or send an e-mail to claims@ssicclaims.com.

THE JUDGMENT BENEFITS—WHAT YOU GET IF YOU QUALIFY

6. How much money is available under the judgment?

A common fund in the amount of \$8,020,322.29 has been established to pay the claims of class members for Capacity Use Fees paid from March 4, 2016 to August 24, 2022. This amount is 100% of all Capacity Use Fee payments collected by the City from March 4, 2016 to August 24, 2022, plus interest at the rate of 6% per annum from the date of each Capacity Use Fee payment through August 13, 2024, plus \$500,000.00 for court-awarded statutory attorneys' fees and costs. Administration costs, class counsel attorneys' fees and expenses, and class representative service awards will be paid from the common fund.

Each member of the class will receive a refund of up to 100% of their Capacity Fee payments made to the City from March 4, 2016 to August 24, 2022, plus interest at the rate of 6% per annum from the date of each Capacity Fee payment through August 13, 2024, less a pro-rata share of administration costs, class counsel attorneys' fees and expenses, and class representative service awards as awarded by the Court.

HOW TO GET BENEFITS FROM THE JUDGMENT

7. How and when can I get a payment?

To get a payment, you do not have to do anything if you are a member of the class. A check will be mailed to you automatically. The City has furnished records of the addresses of all class members, and your payment will be mailed to the same address as this Notice. **If your address has changed, please submit a change of address form available at www.greensborocapacityfeejudgment.com, or contact Class Counsel.**

Payments will be made to class members in approximately April 2025.

THE LAWYERS REPRESENTING YOU

8. Do I have a lawyer in the case?

The Court has designated James R. DeMay and J. Hunter Bryson of Milberg Coleman Bryson Phillips Grossman, PLLC; John F. Scarbrough of Scarbrough & Scarbrough, PLLC; and William G. Wright of Shipman & Wright, LLP as Class Counsel for members of the class.

9. How will the Lawyers be paid?

At the final approval hearing, Class Counsel will ask the Court for an award of class counsel attorneys' fees and expenses in the amount of one-third (1/3) of the common fund. The award of attorneys' fees and expenses ordered by the Court will be paid from the common fund. Class Counsel is also requesting a class representative service award of \$15,000 for each Plaintiff, also to be paid from the common fund.

OBJECTING

10. How do I tell the Court if I do not like the terms?

You may, if you wish, object to the terms of administration, class counsels' attorneys' fee expense award, or class representative service awards. All objections must contain the following:

- (1) Contain a caption or title that identifies it as "Objection to Class Administration in *True Homes, LLC, et al. v. City of Greensboro*, Guilford County No. 19-CVS-3879;"
- (2) If you wish to appear and be heard, either personally or through counsel, at the Final Approval Hearing, a statement as to this intent;
- (3) Set forth the specific reason(s), if any, for each objection, including all legal support the class member wishes to bring to the Court's attention and all factual evidence the class member wishes to offer in support of the objection;
- (4) Include the name and address of the class member;
- (5) Be personally signed by the class member or an officer or director thereof with actual authority to bind the entity;
- (6) Include an identification, by case style and number, of any other class settlements in which the objector or the objector's attorney(s) have asserted an objection; and
- (7) Include an identification of all attorneys having a financial interest or stake in the objection.

Your Objection must be filed with the Clerk of Superior Court for Guilford County, North Carolina and delivered to Class Counsel and to Defense Counsel, no later than **January 27, 2025** at the following addresses:

City of Greensboro Impact Fee Class Action – Objections
c/o SSI, an Epiq Company

P.O. Box 2715
Portland, OR 97208-2715

Court	Class Counsel	Defense Counsel
Clerk of Superior Court Guilford County Superior Court P.O. Box 3008 Greensboro, NC 27402	James R. DeMay J. Hunter Bryson Milberg Coleman Bryson Phillips Grossman PLLC 900 W. Morgan Street Raleigh, NC 27603 John Scarbrough Scarbrough & Scarbrough, PLLC 141 Union Street South Concord, NC 28025 William G. Wright Shipman & Wright, LLP 575 Military Cutoff Road, Suite 106 Wilmington, NC 28405	Steve Russell Alan Duncan Tyler Nullmeyer Mullins Duncan Harrell & Russell PLLC 300 N. Greene St., Suite 2000 Greensboro, NC 27401

If you do not comply with these procedures and the deadline for objections, you will lose any opportunity to have your objection considered at the final approval hearing or otherwise to contest the approval of the terms of administration, class counsels' attorneys' fee expense award, or class representative service awards or to appeal from any order or judgment entered by the Court in connection herewith.

THE COURT'S FINAL APPROVAL HEARING

11. When and where will the Court decide whether to approve the terms?

On February 21, 2025 at 2:00 p.m., the Court will hold a public hearing in the Superior Court Division of Guilford County, North Carolina, located at 201 South Eugene Street, Greensboro, North Carolina 27401, to determine whether the terms of administration, class counsels' attorneys' fee and expense award, and class representative service awards are fair, adequate, and reasonable and should be finally approved. This hearing may be continued or rescheduled by the Court without further notice to the class so you should check the website for updates. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the terms of administration, class counsels' attorneys' fee and expense award, or class representative service awards.

12. Do I have to come to the hearing?

No, Class Counsel will answer any questions the Court has. However, you are welcome to attend the hearing.

IF YOU DO NOTHING

13. What happens if I do nothing at all?

If you are a Class Member and do nothing, you will receive a check in the mail for your payment at the same address as this Notice.

GETTING MORE INFORMATION

14. How do I get more information?

You can view a copy of the judgment and read a list of Frequently Asked Questions and Answers at the website. You may also write with questions to *True Homes, LLC v. City of Greensboro* Administrator, c/o SSI, an Epiq Company, P.O. Box 2715, Portland, OR 97208-2715 or send an e-mail to claims@ssicclaims.com. If you wish to communicate directly with Class Counsel, you may contact them at the addresses listed above, or by e-mail at jdemay@milberg.com, hbryson@milberg.com, jfs@sandslegal.net, and wwright@shipmanlaw.com. You may also seek advice and guidance from your own private attorney at your own expense.