

NORTH CAROLINA
FORSYTH COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
16 CVS 2801

EDWARD R. FASANO and DEBRA L.)
FASANO, on behalf of a class of those)
similarly situated,)

Plaintiffs, BY)

v.)

TOWN OF KERNERSVILLE and)
WINSTON-SALEM – FORSYTH)
COUNTY CITY/COUNTY UTILITIES)
COMMISSION,)

Defendants.)

FILED

2018 SEP 28 P 3:30

FORSYTH CO., C.S.C.

**ORDER ON PLAINTIFFS' UNOPPOSED
MOTION FOR PRELIMINARY
APPROVAL OF SUPPLEMENTAL CLASS
SETTLEMENT AND CLASS NOTICE
PLAN FOR ANNEXED CLASS MEMBERS**

THIS MATTER is before the Court on Plaintiffs' Unopposed Motion for Preliminary Approval of Supplemental Class Settlement and Class Notice Plan for Annexed Class Members (the "Motion"). The Court, pursuant to N.C. R. Civ. P. 23(c), having reviewed the Motion and the materials presented, grants the Motion based on the following findings and conclusions:

1. The Court incorporates by reference the findings and conclusions, and definitions, set out in the 27 July 2018 Final Approval Order and the 13 April 2018 Preliminary Approval Order, and the other Orders of the Court referenced therein.
2. Since entry of the Final Approval Order, Defendants have produced billing data for approximately 485 locations and 692 users, for properties that were annexed into the Town of Kernersville in or about 1998 and 2000. The holders of these accounts are referred to herein as "Annexed Class Members." This data was not included in the billing data originally produced by Defendants to Plaintiffs, and the Final Approval Order was based on calculations that did not include refunds of principal and interest to Annexed Class Members.

3. The Court finds, based on the definition of the Class that the Court previously certified, that the Annexed Class Members are members of the Class that were inadvertently not disclosed by Defendants, and therefore not covered by the damages calculations included in the Court's Final Approval Order of July 21, 2018, and are entitled to be treated in substantially the same manner as all other Class Members.

4. Upon annexation, the Annexed Class Members became customers of the Kernersville sewer system. (*See, e.g.*, the 1996 Interlocal Agreement, ¶ 11.) During the damages period, Annexed Class Members were charged a 1.5x multiplier for sewer services, which exceeds the 1.2x multiplier that the Court previously found should have been charged to Kernersville sanitary sewer system customers. Accordingly, like the other Class Members covered by the settlement already approved by the Court, the Annexed Class Members are entitled to refunds of overcharged sewer fees (the difference between the 1.5x multiplier that was charged and the 1.2x multiplier that should have been charged), plus 9% simple interest. Likewise, under the terms of the settlement and the Final Approval Order, the Annexed Class Members' claims arising from sewer overcharges during the damages period should be released pursuant to the release already approved by the Court in the Final Approval Order.

5. To make the Annexed Class Members whole, Plaintiffs and Defendant Kernersville have agreed to a Proposed Settlement including the following primary terms, subject to approval by the Court:

- Defendant Kernersville will pay an additional \$172,269.25 as a supplement to the existing common fund.
- Annexed Class Members will receive principal refunds of approximately \$132,644.00.
- Annexed Class Members will receive 9% simple interest of approximately \$11,937.96.

- Defendants will not oppose a request for payment of attorneys' fees and costs, including costs of class administration with respect to Annexed Class Members, of up to \$27,687.29 (or approximately 16.1% of the common fund).

6. Defendant Kernersville's Board of Alderman unanimously approved the Proposed Settlement on 4 September 2018.

7. In these circumstances, formal approval by Defendant CCUC is not required.

8. Defendants do not oppose the requested relief and the entry of this Order.

9. The Court finds, preliminarily, that the Proposed Settlement appears fair, reasonable, and adequate for the Annexed Class Members. The Court notes in particular in this regard that the proposed structure of the common fund will result in each Annexed Class Member receiving a full refund of the overcharged payment along with some interest.

10. The Court will review and determine the appropriate amount of attorneys' fees and costs to be awarded upon Plaintiffs' motions for final approval and for an award of fees and costs. At this time, the Court preliminary finds that an award of up to 16.1% of the common fund – to be used for the payment of attorneys' fees and costs, including costs of administration – to be fair and reasonable in light of (a) the custom and practice of fee awards in this State and in class action litigation, (b) the work performed and the exceptional result obtained by Class Counsel on behalf of the Class and specifically the Annexed Class Members, and (c) the already-approved settlement and fee award in the Final Approval Order.

11. It appears to the Court that the Proposed Settlement is the result of an arm's length negotiation between the parties following vigorous litigation over the merits of the Plaintiffs' claims and the identification of the specific issues of the Annexed Class Members. The Court further finds that the Proposed Settlement will treat each Annexed Class Member equally with other Class Members and will ensure that each Annexed Class Member is paid

according to their respective usage and billings and that no Annexed Class Member will receive preferential treatment from the Proposed Settlement.

12. If the Court grants final approval, then the Annexed Class Members will be subject to the release set out in Paragraph 5 of the Final Approval Order, which is sufficiently narrow and tailored to the claims at issue such that the release will not unfairly prejudice the Annexed Class Members.

13. The Proposed Settlement falls within the range of possible approval, and there is probable cause to notify the Annexed Class Members of the Proposed Settlement.

14. Garden City Group, LLC (“GCG” or “Class Administrator”) shall remain as Class Administrator with respect to the Annexed Class Members.

15. In order to efficiently and effectively administer the class notice and refund processes, the Court finds that GCG and Class Counsel will need personal identifying information of Annexed Class Members that may be possessed by Defendants, including, but not limited to, taxpayer identification numbers, such as social security numbers and employer identification numbers, to the extent that Defendants possess such information. The Court shall restrict Class Counsel and the Class Administrator’s use and possession of such personal identifying information to ensure that the personal identifying information will remain confidential and will not be unnecessarily disclosed.

16. The Court finds that the Notice Plan proposed by Plaintiffs is a fair and reasonable manner of providing notice of the status of this matter to Annexed Class Members. It will provide the best practicable notice under the circumstances and comports with the requirements of due process.

17. Under the Notice Plan, Annexed Class Members will have an opportunity to receive information about the Proposed Settlement and will be entitled, by following the prescribed procedures, to express their views on the Proposed Settlement or opt out of the Proposed Settlement.

18. Under the Notice Plan, the Annexed Class Members should have 30 days' notice of the Proposed Settlement, which is within the range of time that is typical in class action litigation. The 30-day period will provide sufficient time for the Class Administrator to provide notice and for Annexed Class Members to understand the terms of the Proposed Settlement, obtain additional information, and take any additional steps that Annexed Class Members may find to be appropriate. The Court further notes that the Notice Plan does not require Annexed Class Members to take any action in order to remain in the Class and receive the full benefits of the Proposed Settlement (in the event the Court ultimately approves the Proposed Settlement).

19. The Court has also reviewed and approves the form and format of the Notice, attached hereto as Exhibit A. Class Counsel and the Class Administrator are authorized to make non-substantive revisions to the Notice as may be necessary to accomplish the needs of class administration.

20. The Court has not yet determined whether it is necessary to convene a hearing on final approval of the Proposed Settlement, or if instead those issues can be considered on the papers to be submitted by the parties. In the event that the Court determines that a hearing is necessary, it will direct Class Counsel to file a notice of hearing, post that notice on the website, and to mail a copy of the notice to any Annexed Class Members who have opted-out, submitted comments/objections, or submitted a notice of intent to appear at a hearing.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED as follows:

1. The Proposed Settlement is preliminarily approved.
2. Garden City Group, LLC shall continue to serve as Class Administrator. Plaintiffs are authorized to provide Garden City Group, LLC with any and all data provided by Defendants, including, but not limited to the billing data, address data, and account information for Annexed Class Members.
3. Defendants are ordered to provide to Class Counsel and the Class Administrator any personal identifying information of Annexed Class Members, including taxpayer identification numbers, such as social security numbers and employer identification numbers, to the extent Defendants possess such information, upon request of Class Counsel. The Class Administrator and Class Counsel shall keep any and all personal identifying information confidential in accordance with all applicable federal and state laws, rules, and regulations, and shall only use such information for the purposes of this litigation, such as identifying and locating Class Members and addressing any tax reporting requirements. Upon the Court's entry of a final order concluding the refund administration process, the Class Administrator shall destroy all copies of personal identifying information in its possession provided by Defendants. The Class Administrator will further certify to the Court its compliance with these requirements at a later date to be determined by the Court. Class Counsel shall be permitted to retain a file copy of all information obtained in connection with this matter, subject to an ongoing obligation to maintain the confidentiality of such information, in accordance with all applicable federal and state laws, rules, and regulations, and as otherwise set forth herein.
4. Defendants are authorized to transfer to the trust account of their counsel John G. Wolfe, III sufficient funds to pay any amounts due under this Order and any amounts due upon the Court's final approval of the Proposed Settlement.

5. The Notice Plan is approved. Exhibit A to this Order is approved. Class Counsel and the Class Administrator are authorized to make non-substantive and formatting revisions to the Notice as may be necessary to accomplish the needs of the Notice Plan and class administration. Class Counsel and the Class Administrator shall begin implementation of the Notice Plan in a timely manner.

6. Defendants and their counsel are directed to continue working cooperatively with Class Counsel and the Class Administrator for the benefit of the Class in the orderly administration of the notice process and in connection with appropriate preparations to begin the refund process.

7. The following deadlines and procedures shall apply with respect to Class Members' rights under the Proposed Settlement and Notice Plan:

a. The Notice Plan will run until 5 November 2018, at which point the Class Administrator will continue to manage the website (www.kernersvillesewersettlement.com) and telephone line (1-888-292-1832) described in the Notice Plan, but the Class Administrator will not be required to provide any further mailings to Annexed Class Members regarding notice of the Proposed Settlement.

b. In order to opt out of the Class, an Annexed Class Member must send the Class Administrator a letter stating that it is a "Request to Opt Out," which shall include: (1) the Annexed Class Member's name, address, telephone number, and email address; (2) the name of the case (*Fasano v. Town of Kernersville*); (3) an explicit statement that the Annexed Class Member desires to be excluded from the settlement; and (4) the Annexed Class Member's signature, acknowledged by a notary public. All Requests to Opt Out must be postmarked by 5 November 2018 and mailed to *Fasano v. Town of Kernersville*, c/o GCG, P.O. Box 10566,

Dublin, OH 43017-7266. Any Annexed Class Members who timely submit a conforming Request to Opt Out will no longer be members of the Class, will not receive the benefits of the Proposed Settlement, and will not be allowed to comment on the Proposed Settlement either in writing or orally at any hearing on final approval of the Proposed Settlement. Any Request to Opt Out postmarked after 5 November 2018 will not be considered, and any such Annexed Class Members will remain members of the Class. The Class Administrator will create and provide to counsel for the parties sufficient documentation identifying each Annexed Class Member that has elected to opt out and the amount of their potential refunds by 8 November 2018.

c. In order to comment on the Proposed Settlement in writing, an Annexed Class Member must send the Class Administrator a letter stating that it is a "Comment on Settlement," which shall include: (1) the Annexed Class Member's name, address, telephone number, and email address; (2) the name of the case (*Fasano v. Town of Kernersville*); (3) the reasons the Annexed Class Member supports or objects to the settlement, accompanied by any legal support for the comment; (4) a statement of whether the Annexed Class Member intends to appear at any hearing on final approval of the Proposed Settlement; and (5) the Annexed Class Member's signature, acknowledged by a notary public. All Comments on Settlement must be postmarked by 6 July 2018 and mailed to *Fasano v. Town of Kernersville*, c/o GCG, P.O. Box 10566, Dublin, OH 43017-7266. The Court does not intend to consider any Comments on Settlement that postmarked after 5 November 2018 or that otherwise do not conform to the above-stated requirements.

d. In the event an Annexed Class Member wishes to have an attorney submit comments on the Annexed Class Member's behalf, the attorney must send the Class Administrator a letter stating that it is a "Comment on Settlement," which shall include: (1) the

identity and number of Annexed Class Members represented by counsel; (2) the address, telephone number, email address, and bar number for counsel; (3) the name of the case (*Fasano v. Town of Kernersville*); (4) the reasons for objecting to or supporting the settlement, accompanied by any legal support for the comment; (5) a statement of whether counsel or the Annexed Class Member(s) intend to appear at any hearing on final approval of the Proposed Settlement; and (6) counsel's signature. All Comments on Settlement must be postmarked by 5 November 2018 and mailed to *Fasano v. Town of Kernersville*, c/o GCG, P.O. Box 10566, Dublin, OH 43017-7266. The Court does not intend to consider any Comments on Settlement that postmarked after 5 November 2018 or that otherwise do not conform to the above-stated requirements.

e. If any Annexed Class Member wishes to address the Court at any hearing on final approval of the Proposed Settlement, but does not want to submit a written comment, the Annexed Class Member must send the Class Administrator a letter stating that it is a "Notice of Intent to Appear," which shall contain: (1) the Annexed Class Member's name, address, telephone number, and email address; (2) the name of the case (*Fasano v. Town of Kernersville*); (3) the Annexed Class Member's signature. All Notices of Intent to Appear must be postmarked by 5 November 2018 and mailed to *Fasano v. Town of Kernersville*, c/o GCG, P.O. Box 10566, Dublin, OH 43017-7266.

f. Only those Annexed Class Members who timely submit written comments indicating a desire to appear at a hearing, or who timely submit a Notice of Intent to Appear, will be allowed to address the Court at any hearing on final approval of the Proposed Settlement, absent permission from the Court to the contrary.

g. The Class Administrator will provide counsel for all parties with copies of all Requests to Opt Out, Comments on Settlement, and Notices of Intent to Appear by 8 November 2018.

8. Plaintiffs shall file by 12 November 2018 the motion for final approval of the Proposed Settlement and the motion for an award of attorneys' fees and costs (including the costs of administration).

9. No later than 12 November 2018, the Class Administrator will submit for the Court's consideration an affidavit discussing the process and completion of the Notice Plan.

10. No later than 12 November 2018, in the event the Court has determined a final approval hearing should be held, Class Counsel shall file a notice of hearing, post the same to the website, and mail the same to any Annexed Class Member that has submitted an opt-out, comment/objection, or Notice of Intent to Appear. The parties are directed to confer amongst themselves and with the Court in advance of 12 November 2018 with respect to the issue of whether it is necessary to convene a final approval hearing.

11. Nothing in this Order shall be construed to alter the Final Approval Order in any way.

SO ORDERED, this the 26th day of September, 2018.



Hon. Judge Edwin G. Wilson, Jr.
Superior Court Judge Presiding

NORTH CAROLINA SUPERIOR COURT, FORSYTH COUNTY

Supplemental Notice regarding pending class action settlement affecting annexed users of the Town of Kernersville, North Carolina's sanitary sewer system

Fasano v. Town of Kernersville and the Winston-Salem – Forsyth County City/County Utilities Commission
(Forsyth County, No. 16 CVS 2801)

The Superior Court authorized this Notice. It is not a solicitation from a lawyer.

- A settlement has been reached in a class action lawsuit about whether the Town of Kernersville ("Kernersville") and the Winston-Salem – Forsyth County City/County Utilities Commission ("CCUC") overcharged users of Kernersville's sewer system from July 1, 2012 to August 1, 2016. The settlement resolves litigation over whether the overcharges violated federal and state law. Kernersville and the CCUC are called "Defendants" in this Notice.
- Se ha llegado a un acuerdo en una demanda colectiva sobre si la ciudad de Kernerville ("Kernersville") y la Comisión de Servicios Públicos de la Ciudad / Condado de Winston-Salem-Forsyth ("CCUC") excesivamente cobro a los usuarios del sistema de alcantarillado de Kernersville desde el 1 de julio de 2012 hasta el 1 de agosto de 2016. El acuerdo resuelve el litigio sobre si los cobros excesivos violaron las leyes federales y estatales. Kernersville y el CCUC se llaman "Demandados" en este Aviso.
- You may be eligible to receive refunds of overcharges, with interest, as part of the settlement.
- The settlement is subject to approval by the North Carolina Superior Court, Forsyth County. Refunds will be provided to eligible participants only if the Court approves the settlement. If you are an eligible Class Member and the Court approves the settlement, then you will receive a refund without the need to take any additional action.
- You have a right to know about the proposed settlement of a class action lawsuit and about your options before the Court decides whether to approve the settlement. You may participate in the Court's proceedings regarding approval of the settlement, as explained below.
- Your rights with respect to the settlement, and the actions you can take, are explained in this Notice. Please read this Notice carefully. You may also check the settlement website at www.KernersvilleSewerSettlement.com for updates and further details, or call 1 (888) 292-1832.

BASIC INFORMATION

1. Why am I receiving this Notice?

On July 27, 2018, the Honorable Judge Edwin G. Wilson, Jr. entered an Order approving a settlement in the case of Fasano v. Town of Kernersville and the Winston-Salem – Forsyth County City/County Utilities Commission, which provided for, among other things, the repayment of sewer overcharges to the users of the Kernersville sewer system from the period of June 30, 2012 to August 1, 2016. The basis and calculations for the original settlement were based on sewer billing provided by Defendants. That information was used to calculate the appropriate refunds to Class Members. However, after the Court approved the settlement, it was discovered that there were 692 Kernersville sewer users whose data and information had not been previously provided by Defendants to Plaintiffs for calculating the applicable refunds. These users are customers whose real property had been annexed by Kernersville (the "Annexed Class Members"). This proposed settlement and Notice is intended to cover the Annexed Class Members who are entitled to a refund but would not otherwise receive a refund under the previously approved settlement.

The settlement described in this Notice does not affect the \$12.3 million settlement already approved by the Court. Instead, this settlement is a supplement to the already-approved settlement and is intended to ensure that the rights of Annexed Class Members are addressed in substantially the same manner as the rights of other Class Members.

EXHIBIT

A

2. What is this lawsuit about?

Kernersville's sewer system is managed by the CCUC. Sewer rates charged to Kernersville sewer users are based on a multiple of the rate charged by the CCUC to users of Winston-Salem's sewer system. As of 2011, the rate multiplier for Annexed Class Members was 1.5x, meaning that for the same volume of sewer service, Kernersville users paid 1.5 times the rate paid by Winston-Salem users. Under a 2011 agreement, Kernersville and the CCUC agreed to reduce the rate multiplier charged to Kernersville users to 1.2x as of June 30, 2012, unless they had reached a new agreement on sewer rates. Defendants did not reach a new agreement by June 30, 2012, but continued to charge the 1.5x rate multiplier to Annexed Class Members, instead of reducing the rate multiplier to 1.2x. Kernersville and the CCUC reached a new written agreement on sewer rates as of August 1, 2016, which ended the damages period for purposes of this lawsuit.

The issue in this case is whether Kernersville and the CCUC overcharged sewer system customers from July 1, 2012 until August 1, 2016, during which time the rate multiplier should have been 1.2x. On August 1, 2017, the Court entered an Order determining that the failure to reduce the rate multiplier to 1.2x during the relevant time period and the subsequent overcharges constituted a breach of contract and an unconstitutional taking without just compensation in violation of the United States and North Carolina Constitutions.

The Court has certified the Class as Plaintiffs and all other citizens and residents of Kernersville and persons in its outlying (extraterritorial) area, including any businesses, firms, trusts, corporations or any other entity, who received, and paid for, Kernersville sanitary sewer system services at any time between 1 July 2012 and 1 August 2016.

Judge Edwin G. Wilson, Jr., of the North Carolina Superior Court, is in charge of this case. Edward and Debra Fasano, the Kernersville residents that brought this case, have been appointed by the Court as Class Representatives. The Court has appointed H. Brent Helms and Franklin Scott Templeton of Robinson & Lawing, LLP in Winston-Salem, and Alan W. Duncan and Stephen M. Russell, Jr. of Mullins Duncan Harrell & Russell PLLC in Greensboro, as Class Counsel. Garden City Group, LLC has been appointed by the Court as Class Administrator.

3. What are the terms of the settlement?

Defendants have agreed to pay an additional \$172,269.25 into a common fund already under the Court's control. Annexed Class Members will be refunded approximately 84% of the common fund. In turn, the Annexed Class Members will release their claims against Defendants arising from sewer fee overcharges stemming from the rate multiplier during the relevant time period. The settlement also provides that 16% of the common fund will be used to pay the costs of administering the refund process and for the Court to award attorneys' fees and costs to Class Counsel, in an amount to be determined by the Court.

The Court's approval of the settlement will have no impact on the sewer rate that you are currently charged, or on the amount of property taxes or other fees owed by Kernersville residents.

4. What will I get from the settlement?

Each eligible Annexed Class Member is expected to receive 100% of the overcharged sewer fees from July 1, 2012 to August 1, 2016, plus approximately 9% simple interest. The amount of individual refunds will be based on each Annexed Class Members' sewer usage and the period of time that they received sewer services in Kernersville. The Class Administrator cannot advise of the specific amounts due to each Annexed Class Member, so please do not call and ask the Class Administrator for such information.

5. What am I giving up to stay in the Class?

If you do not exclude yourself from the Class by opting out, and the Court approves the settlement, you will not be able to sue the Kernersville or the CCUC regarding the overcharged sewer fees during the relevant time period, and you will be bound by the decisions of the Court in this case.

6. How will I receive my refund?

Refund checks will be mailed to the names and addresses of Annexed Class Members according to data maintained by the CCUC. You do not need to submit any information to receive your refund check. However, if your address has changed, or if an Annexed Class Member has passed away or closed (in the case of a business entity), please contact the Class Administrator, Garden City Group, LLC, at Fasano v. Town of Kernersville, c/o GCG, P.O. Box 10566, Dublin, OH 43017-7266. Please promptly deposit the refund check upon receipt.

7. When will I receive my refund?

Refunds will be mailed to eligible Annexed Class Members as soon as possible after the Court grants final approval of the settlement. In the event there are any appeals from the Court's final approval, those appeals may need to be resolved before any refunds can be distributed.

YOUR OPTIONS

8. How do I get out of the settlement?

If you do not want to receive a refund from this litigation, but want to keep the right to separately sue the Defendants over the legal issues in this case, then you must take steps to get out of this settlement. This is called asking to be excluded from – or “opting out” – of the Class. To opt out of the settlement, you must complete and mail to the Settlement Administrator a letter stating that it is a “Request to Opt Out,” that includes the following: (a) your name, address, telephone number, and email address (if available); (b) the name of the case (*Fasano v. Town of Kernersville, et al.*); (c) an explicit statement of your desire to opt out of this settlement; and (d) your signature, acknowledged by a notary public. You must mail the Request to Opt Out, postmarked no later than 5 November 2018, to the Class Administrator, Garden City Group, LLC at Fasano v. Town of Kernersville, c/o GCG, P.O. Box 10566, Dublin, OH 43017-7266.

9. If I opt out, will I still get a refund from the settlement?

No. If you opt out, you will not receive a refund from this settlement.

10. How can I tell the Court my opinion of the settlement?

If you are an Annexed Class Member, you can submit written comments to the Court in support of, or in opposition to, the settlement. A written comment in opposition to a settlement is called an “objection.” To do so, you must send a letter stating that it is a “Comment on Settlement,” that includes the following: (a) your name, address, telephone number, and email address (if available); (b) the name of the case (*Fasano v. Town of Kernersville, et al.*); (c) the reasons you support or object to the settlement, accompanied by any legal support for your comments; (d) a statement of whether you intend to appear at the Final Approval Hearing (see Question 15); and (e) your signature, acknowledged by a notary public. You must mail the Comment on Settlement, postmarked no later than 5 November 2018, to the Class Administrator, Garden City Group, LLC at Fasano v. Town of Kernersville, c/o GCG, P.O. Box 10566, Dublin, OH 43017-7266. If your Comment on Settlement is not postmarked by 5 November 2018, then the Court will not consider your comments. Annexed Class Members are not required to submit comments on the settlement.

If you request to opt out of the settlement (see Question 8), you will not be allowed to submit a comment regarding the settlement, because you will no longer be part of the Class.

11. What is the difference between opting out and objecting?

Objecting is simply telling the Court that you do not like the terms of the settlement, and the reasons why, but you will ultimately receive the benefit of any settlement approved by the Court. You can object to the settlement only if you do

not opt out of the settlement. Opting out of the settlement means telling the Court that you do not want to be part of the settlement and that you do not want to receive a refund from the settlement.

12. What happens if I do nothing at all?

If the Court approves the settlement and you are an eligible Annexed Class Member, you will receive your refund as noted in Questions 4 and 7 above, and you will not be able to pursue a separate lawsuit about these issues.

THE COURT'S FINAL APPROVAL HEARING

13. When and where will the Court decide whether to approve the settlement?

At this time, the Court has not scheduled a Final Approval Hearing for the Annexed Class Members. After the notice period has closed, the Court will make a determination as to whether a Final Approval Hearing is necessary. If a Final Approval Hearing is not necessary, then the Court will render a decision based on the filings submitted to the Court. To find out whether a Final Approval Hearing has been scheduled and the details of such a hearing, please check www.KernersvilleSewerSettlement.com for updates.

14. Do I have to come to the final approval hearing, if a hearing occurs?

No. Class Counsel will answer any questions that the Court may have. If you send a comment supporting or objecting to the settlement, you may, but do not have to come to Court to talk about it. (See Question 10.) As long as you mailed your written comment on time to the proper address, the Court will consider it. You may also attend the hearing in person at your own expense, and may retain your own attorney to attend on your behalf.

15. May I speak at the final approval hearing?

Yes. If you submit a comment in support of or objecting to the settlement, please indicate in your written comment that you wish to speak at the Final Approval Hearing, if a hearing is scheduled. Even if you do not submit a written comment, you may indicate your desire to speak at the hearing, if one is scheduled, by sending a letter stating that it is your "Notice of Intent to Appear." In your letter, you must include the following: (a) your name, address, telephone number, and email address (if available); (b) the name of the case (*Fasano v. Town of Kernersville, et al.*); and (c) your signature. You must mail your Notice of Intent to Appear, postmarked no later than 5 November 2018, to Fasano v. Town of Kernersville, c/o GCG, P.O. Box 10566, Dublin, OH 43017-7266. If you do not submit a Notice of Intent to Appear by 5 November 2018, the Court may not allow you to speak at the hearing, if one is scheduled.

16. Do I need an attorney to represent me at the final approval hearing?

No. Class Counsel has already been appointed to represent the Class and their interests in this matter. If you wish to object to the settlement, then you may want to retain separate counsel at your own expense, but you do not need to do so in order to object in writing or to speak at the final approval hearing.

GETTING MORE INFORMATION

17. How do I get more information?

This Notice summarizes the proposed settlement. More details, and other filings from the lawsuit, are available at www.KernersvilleSewerSettlement.com. If you have additional questions, you can visit the settlement website, call the Class Administrator at 1 (888) 292-1832, or write to the Class Administrator: Fasano v. Town of Kernersville, c/o GCG, P.O. Box 10566, Dublin, OH 43017-7266.

PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE CONCERNING THIS CASE.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on this date, he served a copy of the foregoing **ORDER ON PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF SUPPLEMENTAL CLASS SETTLEMENT AND CLASS NOTICE PLAN FOR ANNEXED CLASS MEMBERS** upon Defendants by placing same in the United States Mail in Winston-Salem, North Carolina, with sufficient postage affixed, and addressed to:

Mr. John G. Wolfe, III
JOHN G. WOLFE, III & ASSOCIATES, PLLC
101 South Main St.
Kernersville, NC 27284

Ms. Jodi D. Hildebran
ALLMAN SPRY DAVIS LEGGETT & CRUMPLER, PA
380 Knollwood St., Ste. 700
Winston-Salem, NC 27103

This the 28th day of September, 2018.


Jeremy Demmitt (NC State Bar 47691)

OF COUNSEL:

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