

## **NOTICE TO CLASS MEMBERS OF PENDENCY OF CLASS ACTION AND SETTLEMENT**

At a session of the Wayne County Circuit Court, held in Detroit, Wayne County, Michigan, on November 10, 2009, it was ordered by the Honorable Wendy M. Baxter that the action entitled Waldron et al v Republic Services of Michigan, I, LLC., Wayne County Circuit Court Case No. 06-615173-NZ, constitutes a Class Action for purposes of a settlement within the contemplation of Rule 3.501 of the Michigan Court Rules of 1985.

The Plaintiff Class in this case seeks monetary damages and injunctive relief arising from the alleged physical invasion of Plaintiffs' property by pollutants, air contaminants, noise, dust, debris and noxious odors, thereby causing material injury to Plaintiffs' property through negligence, gross negligence and nuisance. The Defendant, Republic Services of Michigan, I, LLC. denies responsibility for the Plaintiffs' claims.

By Order of the Honorable Wendy M. Baxter, the Plaintiff Class includes:

All persons who reside, lease and/or own property within a circle with a 7 mile radius around Republic's facility at 28800 Clark Road, New Boston, Michigan (commonly known as the Carleton farms Landfill) as such radius is measured starting from Republic's property line boundary and extending outward 7 miles, and who meet both of the following two criteria:

- i) they claim to have suffered damages, harm or injury of any kind at any time prior to the Hearing Order date as a result of the Emissions Allegations or any other conduct, action or activity by Republic; and
- ii) they reside, lease or own property within the 7 mile radius stated above.

If you fulfill the definition set forth in the indented paragraph above, you are a member of the Class of Plaintiffs certified by Judge Wendy M. Baxter. If you do not wish to be a member of the Plaintiff Class for any reason, or do not wish to be bound by a judgment, you must individually inform the attorneys for the Plaintiff Class in writing of your request to be excluded. If you contact the Plaintiff Class attorneys by telephone to be excluded, you will be advised how to request in writing an exclusion. Your request for exclusion from the Class Action must be postmarked no later than December 8, 2009, and must be mailed to Plaintiffs' counsel:

Macuga, Liddle & Dubin, P.C.  
975 E. Jefferson Ave.  
Detroit, Michigan 48207-3101  
313-392-0015

Any member of the class may intervene personally in this lawsuit. If you wish to do so, you should consult counsel of your own choice to determine the procedure for, and consequence of, your intervention as a party in this lawsuit. The judgment in this action, whether favorable or not, will bind all members of the class, who are not excluded from the action.

The names and addresses of the representative parties of the Plaintiff Class are:

**EDWARD WALDRON II, TRACI BREWER,  
SHELIA PAGE, BARBARA RIDDELL,**  
c/o Steven D. Liddle  
975 E. Jefferson Ave.  
Detroit, Michigan 48207-3101  
(313) 392-0015

Further information about this lawsuit may be received by Plaintiff Class Members by contacting the Plaintiff Class attorneys:

Macuga, Liddle & Dubin, P.C.  
Steven D. Liddle  
975 E. Jefferson Ave.  
Detroit, Michigan 48207-3101  
(313) 392-0015

The Court has entered a Preliminary Approval of Settlement of this case. For a full disclosure of the Settlement, please contact Plaintiffs' Counsel. The Settlement includes the following:

- A. Payment by Defendant to the Plaintiff Class of \$825,000;
- B. To reduce and/or eliminate the discharge of noxious odors Defendant agrees to spend \$2,500,000 over five years to improve its landfill gas collection system;
- C. Plaintiff Class Representative Award: The Plaintiff Class Representatives, Edward Waldron II, Traci Brewer, Shelia Page and Barbara Riddell for their diligence and participation in the advancement of the interests of the Class in this litigation, shall each receive \$3,000 as a Plaintiff Class Representative award;
- D. Class Counsel in this matter will seek attorneys fees and costs not to exceed \$600,000;
- E. All remaining monies shall be divided pro rata amongst all persons who submit a Claim Form and who, prior to the Hearing Order date: (i) own or lease a home; and (ii) filed a complaint with the MDEQ or Wayne County Department of the Environment or filed a data sheet with Class Counsel.
- F. To be eligible for a settlement payment, a Claimant must send the fully Completed Claim Form(s) along with the necessary supporting documentation, to Macuga, Liddle & Dubin, P.C., 975 E. Jefferson Avenue, Detroit, Michigan 48207-3101 by first class mail, postmarked no later than March 8, 2010.

## **OBJECTIONS TO SETTLEMENT**

A hearing on the proposed Settlement Agreement is scheduled to take place on January 8, 2010, in the State of Michigan, Wayne County Circuit Court, Wayne County Michigan at 9:00 a.m. As a Class Member, you may object to the fairness and adequacy of the terms of the Settlement Agreement by filing written objections with the Court by December 8, 2009. In order to be heard at the Final Fairness Hearing in opposition to the Settlement Agreement, you must file with the Court and send copies by first class mail to both Class Counsel and counsel for Defendant (listed below), a notice of your intention to appear at the Final Fairness Hearing and the basis for your objection(s). The notice must be filed with the Court on or before December 8, 2009 and a photocopy sent to the Parties' counsel by U.S. mail, postmarked by December 8, 2009.

Attorneys to whom objections should be sent:

Class Counsel: Steven D. Liddle at  
Macuga, Liddle & Dubin, P.C.  
975 E. Jefferson Ave.  
Detroit, MI 48207-3101

Defense Counsel: David H. Oermann  
Berry Reynolds & Rogowski, P.C.  
33493 W. 14 Mile Rd., Ste. 100  
Farmington Hills, MI 48331-1587