

**IN THE SUPERIOR COURT OF CHATHAM COUNTY  
STATE OF GEORGIA**

<b>OLD TOWN TROLLEY TOURS OF SAVANNAH, INC.</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>CIVIL ACTION NO. SPCV20-007667-MO</b>
	)	
<b>v.</b>	)	
	)	
<b>THE MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH</b>	)	
	)	
<b>Defendants.</b>	)	

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**FIRST AMENDMENT TO [PROPOSED] CONSENT JUDGMENT ON AGGREGATE REFUND AND ORDER**

This First Amendment to [Proposed] Consent Judgment on Aggregate Refund and Order (the “First Amendment”) is being entered this 25<sup>th</sup> day of November, 2020 by and between Plaintiff Old Town Trolley Tours of Savannah, Inc. (“Named Plaintiff”), individually and on behalf of all persons similarly situated and Defendant the Mayor and Aldermen of the City of Savannah (the “City of Savannah”).

WHEREAS, the Parties entered into a [Proposed] Consent Judgment on Aggregate Refund and Order to settle the above referenced matter; and

WHEREAS, the Parties desire to correct a typographical error in the [Proposed] Consent Judgment on Aggregate Refund and Order,

NOW, THEREFORE, for and in consideration of the mutual and reciprocal promises, covenants, and agreements, including the agreement to settle the above referenced matter, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and stipulated, the Parties hereby CONSENT, STIPULATE, AND AGREE as follows:

1. Section I of the [Proposed] Consent Judgment on Aggregate Refund and Order, titled “Qualified Class Member Refunds” is hereby deleted in its entirety and the following inserted in lieu thereof:

**I. Qualified Class Member Refunds**

Each Qualified Class Member will receive his or her pro-rata share of its calculated tax refund up to 73.89% of the total calculated refund due from the Aggregate Refund Fund, less Fees and Expenses (the “Pro-Rata Tax Refund”). “Pro rata” shall mean the proportion each Qualified Class Member’s Pro-Rata Refund bears to the total Aggregate Refund Fund. This percentage shall be used to calculate each Qualified Class Member’s pro rata share of the Fees and Expenses. Upon identification of all Qualified Class Members and determination of the Pro-Rata Tax Refund for each and determination of all Fees and Expenses, the Aggregate Refund Fund shall be divided by the sum of the Pro-Rata Tax Refund for each Qualified Class Member. The resulting percentage shall be each Qualified Class Member’s portion of the Fees and Expenses (“Pro-Rata Percentage of Fees and Expenses”). The product of the Pro-Rata Percentage of Fees and Expenses times the Fees and Expenses shall be deducted from the sum of each Qualified Class Member’s Pro-Rata Tax Refund and the remainder shall be the amount distributed to each Qualified Class Member as set forth herein.

2. Except as herein modified, all other terms and conditions of the [Proposed] Consent Judgment on Aggregate Refund and Order shall remain in full force and effect. The First Amendment may be executed in multiple counterparts, each of which shall be deemed an original and all of which constitute one and the same agreement.

[SIGNATURE PAGE FOLLOWS]

I HAVE READ THIS FIRST AMENDMENT TO THE [PROPOSED] CONSENT JUDGMENT CAREFULLY AND FULLY UNDERSTAND AND AGREE TO SAME ON BEHALF OF ALL CLASS MEMBERS.

ROBERTS TATE, LLC

BY: /s/ James L. Roberts, IV

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ATTORNEYS FOR PLAINTIFFS

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I HAVE READ THIS FIRST AMENDMENT TO THE [PROPOSED] CONSENT JUDGMENT CAREFULLY AND FULLY UNDERSTAND AND AGREE TO SAME ON BEHALF OF ALL CLASS MEMBERS.

MANLY SHIPLEY, LLP

BY: /s/ John Manly

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ATTORNEYS FOR NAMED  
PLAINTIFF

I HAVE READ THIS FIRST AMENDMENT TO THE [PROPOSED] CONSENT JUDGMENT CAREFULLY AND FULLY UNDERSTAND AND AGREE TO SAME ON BEHALF OF DEFENDANT.

BY: /s/ R. Bates Lovett

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ATTORNEYS FOR DEFENDANT

So ORDERED this \_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Judge John E. Morse, Jr.