

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

VTAL REAL ESTATE, LLC)	
)	
)	
Plaintiff,)	CIVIL ACTION NO. SPCV21-00789-CO
)	
v.)	
)	
MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH)	
)	
)	
Defendants.)	

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF
 APPLICATION FOR ATTORNEY’S FEES, REIMBURSEMENT OF EXPENSES AND
SERVICE AWARD TO CLASS REPRESENTATIVE**

Lead counsel, James L. Roberts, IV of Roberts Tate, LLC represents Plaintiff VTAL Real Estate, LLC (“Named Plaintiff”), individually and on behalf of all persons similarly situated, respectfully submits this Supplemental Memorandum of Law in Support of Application for Attorney’s Fees, Reimbursement of Expenses and Service Award to Class Representative (the “Application” or the “Motion”) representing to the Court as follows:

A. Notice to the Class Members

On July 11, 2023 the Court signed the First Amended Preliminary Order granting the Parties’ Joint Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Classes, Approval of Notice Program and to Schedule a Final Approval Hearing (the “Preliminary Approval Order”). See Affidavit of James L. Roberts, IV (“Roberts Aff.”), attached hereto as Exhibit (“Ex.”) “A” at ¶3. In the Preliminary Approval Order the Court scheduled a final approval hearing (the “Final Approval Hearing”) for September 15, 2023 at 9:30 a.m. Id. at ¶4. The Preliminary Approval Order indicated that at the Final Approval Hearing the

Court would determine, among other things, Class Counsel's request for an award of attorney's fees, expenses and service award. Id. The Court directed that notice of the [Proposed] Consent Judgment on Aggregate Refund and Order (the "[Proposed] Consent Judgment") and the Final Approval Hearing be provided to the Class. Id. at ¶5.

The Court directed that notice be mailed to the Class Members (the "Full Notice"), a notice be emailed to the Class Members (the "Email Notice"), a notice be published in The Savannah Morning News (the "Publication Notice"), the Defendant Mayor and Aldermen of the City of Savannah (the "Defendant" or the "City") was directed to add a webpage to its website (the "Main Settlement Webpage") providing information about the Lawsuit and the proposed Settlement and the City was directed to add a notice to the City's webpage for applications and building permits directing Class Members to the Main Settlement Webpage (collectively the "Notice Program"). Id. The form and content of the Full Notice, the Email Notice and the Publication Notice were approved by the Court in its Preliminary Approval Order. Id.

The Class Members were advised through the Notice Program that Class Counsel would seek approval for an award of attorney's fees and expenses. Id. at ¶6. The Full Notice, the Email Notice and the Publication Notice advised the Class Members that at the Final Approval Hearing the Court would determine, among other things, Class Counsel's request for an award of attorney's fees and expenses. Id. at ¶7.

In the Preliminary Approval Order, the Court ordered that Class Members objecting to the Class Counsel's request for an award of attorney's fees, expenses and service award follow specific procedures to register such objections in order for the objection to be considered by the Court. Class Members were advised of these objection procedures in the Full Notice. Id. at ¶8. The Full Notice advised Class Members that the same day the Application for Attorney's Fees,

Reimbursement of Expenses and Service Award was filed with the Court it would be posted on the Main Settlement Webpage for Class Members to review and download. Id. at ¶9. Through the Notice Program the Class Members were advised that for an objection to be considered by the Court it had to be postmarked on or before August 28, 2023. Id. at ¶10.

B. Execution of the Notice Program

Each facet of the Notice Program was timely and properly accomplished. Id. at ¶11. The Full Notice was mailed on July 12, 2023 to Class Members to their last known addresses as appearing on the records maintained by the City. Id. at ¶12; see also Affidavit of Terry D. Turner, Jr. (“Turner Aff.”) attached hereto as Exhibit “B” at ¶11. Nine hundred sixty-four (964) Full Notices were mailed. See Ex. B, Turner Aff. at ¶14; Ex. A, Roberts Aff. at ¶12. The Email Notice was sent via electronic mail on July 14, 2023 to Class Members. See Ex. B, Turner Aff. at ¶17; Ex. A, Roberts Aff. at ¶13. Five hundred eighty-six (586) Email Notices were sent via electronic mail. See Ex. B, Turner Aff. at ¶20; Ex. A, Roberts Aff. at ¶13. The Publication Notice was placed in The Savannah Morning News on July 14, 2023 and July 21, 2023. See Publisher’s Affidavit (“Publisher’s Aff.”) attached hereto as Exhibit “C”.

The Main Settlement Webpage was added to the City’s website providing information about the Lawsuit. See <https://www.savannahga.gov/vtal>. The Main Website contains among other documents, the following: the Sixth Amended Complaint; Named Plaintiff’s Motion to Certify Suit as Class Action, Named Plaintiff’s Memorandum in Support of Motion to Certify Suit as Class Action; Named Plaintiff’s Supplemental Memorandum in Support of Motion to Certify Suit as Class Action, the [Proposed] Consent Judgment; Joint Motion and Supporting Memorandum of Law for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Classes, Approval of Notice Program and to Schedule Final Approval

Hearing; First Amended Preliminary Approval Order; Application for Attorney's Fees, Reimbursement of Expenses and Service Award to Class Representative with Memoranda of Law. See Ex. A, Roberts Aff. at ¶14. Other pleadings including the Joint Motion and Supporting Memorandum of Law for Final Approval of Class Action Settlement will be posted upon filing with the Court. Id. The Main Settlement Webpage also contains the date of the Final Approval Hearing as set forth in the First Amended Preliminary Approval Order. Id.

The Application for Attorney's Fees, Reimbursement of Expenses and Service Award was filed with the Court on August 18, 2023. Thereafter the Application for Attorney's Fees, Reimbursement of Expenses and Service Award was posted on the Main Settlement Webpage on the City's website. Id. at ¶16.

C. Class Member Reaction to the Request for Fees, Expenses and Service Award

The period for filing timely objections ended on August 28, 2023. Id. at ¶18. There were no objections filed within the Court ordered objection period specifically objecting to the request for an award of attorney fees, expenses and service award or the proposed settlement. There have been no other objections filed to date. Id. Therefore, the reaction of the Class Members to Class Counsel's request for an award of attorney's fees, expenses and service award has been positive. Id. at ¶19.

CONCLUSION

For the reasons set forth herein and in Application for Attorney's Fees, Reimbursement of Expenses and Service Award to Class Representatives filed on August 18, 2023, Class Counsel requests that the Court grant their Application for Attorney's Fees, Reimbursement of Expenses and Service Award to Class Representative.

Respectfully submitted this the 8th day of September, 2023.

ROBERTS TATE, LLC

/s/ James L. Roberts, IV
James L. Roberts, IV
State Bar No. 608580
jroberts@robertstate.com

Marsha Flora Schmitter
Georgia Bar No. 202453
mflora@robertstate.com

Post Office Box 21828
St. Simons Island, Georgia 31522
(912) 638-5200
(912) 638-5300 – Fax

ATTORNEYS FOR NAMED
PLAINTIFF

MANLY SHIPLEY, LLP

BY: /s/ John Manly
John Manly
Georgia Bar No. 194011
john@manlyshipley.com
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jim@manlyshipley.com
Georgia Bar No. 116508

104 West State Street, Suite 220
P.O. Box 10840
Savannah, GA 31412

ATTORNEYS FOR NAMED
PLAINTIFF

CERTIFICATE OF SERVICE

I, James L. Roberts, IV, of Roberts Tate, LLC attorneys for Plaintiff, Mary A. Bailey, do hereby certify that, on this date, I served a copy of the foregoing SUPPLEMENTAL MEMORANDUM IN SUPPORT OF APPLICATION FOR ATTORNEY'S FEES, REIMBURSEMENT OF EXPENSES AND SERVICE AWARD TO CLASS REPRESENTATIVE to counsel of record for all parties by hand delivering a copy of the same and delivering via statutory electronic service to:

R. Bates Lovett, Esquire
City Attorney
6 East Bay Street
Gamble Building, 3rd Floor
Savannah, GA 31401
BLovett@Savannahga.gov

Patrick T. O'Connor, Esquire
OLIVER MANER LLP
P. O. Box 10186
Savannah, GA 31412
pto@olivermaner.com

ATTORNEYS FOR DEFENDANT

This 8th day of September, 2023.

/s/ James L. Roberts IV

James L. Roberts, IV

Exhibit “A”

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

VTAL REAL ESTATE, LLC)	
)	
)	
Plaintiff,)	CIVIL ACTION NO. SPCV21-00789-CO
)	
v.)	
)	
MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH)	
)	
)	
Defendants.)	

AFFIDAVIT OF JAMES L. ROBERTS, IV

STATE OF GEORGIA)
)
COUNTY OF GLYNN)

PERSONALLY APPEARED before me, an officer duly authorized by law to administer oaths, JAMES L. ROBERTS, IV, who after first being duly sworn states:

1.

My name is JAMES L. ROBERTS, IV, and I am competent in all respects to testify regarding the matters set forth herein. I have personal knowledge of the facts stated herein and know them to be true. This Affidavit is given voluntarily.

2.

This Affidavit is given in support of the Supplemental Memorandum in Support of Application for Attorney’s Fees, Reimbursement of Expenses and Service Award to Class Representative in the above referenced class action (the “Lawsuit”).

3.

On July 11, 2023 the Court signed the First Amended Preliminary Order granting the Parties' Joint Motion for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Classes, Approval of Notice Program and to Schedule Final Approval Hearing (the "Preliminary Approval Order").

4.

The Court scheduled a final approval hearing (the "Final Approval Hearing") for September 15, 2023 at 9:30 a.m. at the Chatham County Courthouse. The Preliminary Approval Order indicated that at the Final Approval Hearing the Court would determine, among other things, Class Counsel's request for an award of attorney's fees, expenses and service award.

5.

The Court ordered that the notice of the [Proposed] Consent Judgment and notice of the Final Approval Hearing be given to the Class Members as follows (collectively referred to as the "Notice Program"):

- a. The Parties shall cause to be mailed by first class mail, as soon as practicable after entry of the Preliminary Approval Order, to all Class Members to their last known addresses as appearing on the records maintained by the City (the "Full Notice").
The Court approved the form and content of the Full Notice.
- b. The Parties shall cause, as soon as practicable after entry of the Preliminary Approval Order, notice to be emailed to all Class Members to their last known email address as appearing on the records maintained by the City (the "Email Notice").
The Court approved the form and content of the Email Notice.
- c. The City shall cause, as soon as practicable after entry of the Preliminary Approval Order, a webpage be added to its website (the "Main Settlement Webpage") where

Class Members may access this Order, the [Proposed] Consent Judgment, the Full Notice, other related documents and information concerning this Lawsuit and the date that the Final Approval Hearing will occur.

- d. The City shall cause, as soon as practicable after entry of the Preliminary Approval Order, notice be posted on the City's webpage for applications and building permits (<https://www.savannahga.gov/931/Applications-Checklists>) (the "Permit Webpage Notice") directing Class Members to the Main Settlement Webpage for more information. The Court approved the form and content of the Permit Webpage Notice.
- e. The Parties shall cause, as soon as practicable after entry of the Preliminary Approval Order, a notice to be placed in The Savannah Morning News (the "Publication Notice"). The Court approved the form and content of the Publication Notice.

6.

The Class Members were advised through the Notice Program that Class Counsel would seek approval for an award of attorney's fees and expenses.

7.

The Full Notice, the Email Notice and the Publication Notice advised the Class Members that at the Final Approval Hearing the Court would determine, among other things, Class Counsel's request for an award of attorney's fees and expenses.

8.

In the Preliminary Approval Order, the Court ordered that Class Members objecting to the Class Counsel's request for an award of attorney's fees, expenses and service award follow specific

procedures to register such objections in order for the objection to be considered by the Court. Class Members were advised of these objection procedures in the Full Notice.

9.

The Full Notice advised Class Members that the same day the Application for Attorney's Fees, Reimbursement of Expenses and Service Award was filed with the Court it would be posted on the Main Settlement Webpage for Class Members to review and download.

10.

Through the Notice Program the Class Members were advised that for an objection to be considered by the Court it had to be postmarked on or before August 28, 2023.

11.

Each facet of the Notice Program was timely and properly accomplished.

12.

The Full Notice was mailed on July 12, 2023 to Class Members to their last known addresses as appearing on the records maintained by the City. Nine hundred sixty-four (964) Full Notices were mailed.

13.

The Email Notice was sent via electronic mail on July 14, 2023 to Class Members. Five hundred eight-six (586) Email Notices were sent via electronic mail.

14.

The Main Settlement Webpage was added to the City's website providing information about the Lawsuit. See <https://www.savannahga.gov/vtal>. The Main Settlement Website contains among other documents, the following: the Sixth Amended Complaint; Named Plaintiff's Motion to Certify Suit as Class Action, Named Plaintiff's Memorandum in Support of Motion to Certify

Suit as Class Action; Named Plaintiff's Supplemental Memorandum in Support of Motion to Certify Suit as Class Action, the [Proposed] Consent Judgment; Joint Motion and Supporting Memorandum of Law for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Classes, Approval of Notice Program and to Schedule Final Approval Hearing; First Amended Preliminary Approval Order; Application for Attorney's Fees, Reimbursement of Expenses and Service Award to Class Representative with Memoranda of Law. Other pleadings including the Joint Motion and Supporting Memorandum of Law for Final Approval of Class Action Settlement will be posted upon filing with the Court. The Main Settlement Webpage also contains the date of the Final Approval Hearing as set forth in the First Amended Preliminary Approval Order.

15.

A notice about the Lawsuit was posted on the City's webpage for applications and building permits (<https://www.savannahga.gov/931/Applications-Checklists>) (the "Permit Webpage Notice") directing Class Members to the Main Settlement Webpage for more information.

16.

The Publication Notice was placed in The Savannah Morning News on July 14, 2023 and July 21, 2023.

17.

The Application for Attorney's Fees, Reimbursement of Expenses and Service Award to Class Representative was filed with the Court on August 18, 2023. Thereafter the Application for Attorney's Fees, Reimbursement of Expenses and Service Award to Class Representative was posted on the Main Settlement Webpage.

18.

The period for filing timely objections ended on August 28, 2023. *** There were no objections filed within the Court ordered objection period specifically objecting to the request for an award of attorney fees, expenses and service award or objecting to the proposed settlement. There has been no other objection filed to date.

19.

Therefore, the reaction of the Class Members to Class Counsel's request for an award of attorney's fees, expenses and service award has been positive.

Updated Advanced Litigation Expenses

20.

The updated amount of advanced litigation expenses for Roberts Tate LLC is \$14,345.22. Class Counsel's request for approval of reimbursement from the Aggregate Refund Fund of \$14,345.22 in litigation costs and expenses advanced by Roberts Tate LLC so far is reasonable and justified. This sum corresponds to certain actual out-of-pocket costs and expenses that Class Counsel necessarily incurred and paid in connection with the prosecution and settlement of this Lawsuit. These litigation costs are the type routinely charged by Roberts Tate, LLC to their hourly fee-paying clients. Copies of documentation supporting the fees incurred is attached as Exhibit "1".

FURTHER AFFIANT SAITH NOT.

This 8th day of September, 2023.



James L. Roberts, IV

This 8th day of September, 2023:

Neisis Humphreys
Notary Public
My Commission Expires 8/30/2026
(NOTARIAL SEAL)

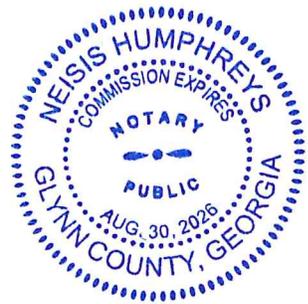


Exhibit “1”

City of Savannah (Tap Fees)

Payments received after 09/05/2023 are not included on this statement.

Expenses

03/11/2022	Open Records Request - Harris Computer Systems	150.00
03/15/2022	Postage - Service copy to Patrick O'Connor	6.95
03/15/2022	Postage - Service copy to R. Bates Lovett	8.95
03/30/2022	One night stay in Savannah re: Settlement meeting	461.56
03/30/2022	Mileage to/from 218 West State Street, Savannah re: Settlement Meeting	95.45
04/26/2022	Postage Service copy of Motion to Certify to Lovett	8.95
04/26/2022	Postage Service copy of Motion to Certify to O'Connor	8.95
08/19/2022	Copies Copies of Pleadings (A. Jones v. City of Atlanta) from Fulton Co. for Research	322.75
08/22/2022	Postage Service copies of 3rd Amended Complaint	17.90
	Total Expenses	1,081.46

Advances

06/30/2021	Online legal research - Westlaw June 2021	80.07
07/30/2021	Online legal research Westlaw - July 2021	155.43
08/31/2021	Online legal research - August 2021 Westlaw	0.31
03/30/2022	Online legal research Westlaw - March 2022	1.05
04/27/2022	Online legal research Westlaw - April 2022	56.11
07/29/2022	Online legal research Westlaw - July 2022	242.10
08/31/2022	Online legal research Westlaw - August 2022	271.78
01/31/2023	Online legal research Westlaw - January 2023	5.30
07/03/2023	Outside professional fee Publishing Notice in Savannah Morning News on 7/5	85.00
07/31/2023	Online legal research Westlaw July 2023	12,035.00
08/14/2023	Publishing Fee Savannah Morning News - Publication of Notice & Publishers Aff	165.00
08/18/2023	Postage Service copies of Mtn for Fees	19.90
08/31/2023	Online legal research Westlaw - August 2023	146.71
	Total Advances	13,263.76
	Total Current Work	14,345.22
	Balance Due	<u>\$14,345.22</u>
	Please Remit	<u>\$14,345.22</u>

Please reference account number on payment.

Exhibit “B”

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

VTAL REAL ESTATE, LLC)	
)	
)	
Plaintiff,)	CIVIL ACTION NO. SPCV21-00789-CO
)	
v.)	
)	
MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH)	
)	
)	
Defendants.)	

AFFIDAVIT OF TERRY D. TURNER, JR.

STATE OF ALABAMA)
)
COUNTY OF HOOVER)

PERSONALLY APPEARED before me, an officer duly authorized by law to administer oaths, TERRY D. TURNER, JR., who after first being duly sworn states:

1.

My name is TERRY D. TURNER, JR., and I am competent in all respects to testify regarding the matters set forth herein. This Affidavit is given voluntarily.

2.

This Affidavit is given in support of the Joint Motion and Supporting Memorandum of Law for Final Approval of Class Action Settlement (the “Joint Motion”) in the above referenced class action (the “Lawsuit”).

3.

I am a partner with the law firm of Gentle Turner & Benson, LLC (“GTB”).

4.

GTB was retained to send notices to the Class Members in the Lawsuit as set forth in the [Proposed] Consent Judgment on Aggregate Refund and Order (the “[Proposed] Consent Judgment”) and the First Amended Preliminary Approval Order dated July 11, 2023 (the “Preliminary Approval Order”).

5.

GTB has extensive experience with all aspects of legal administration of class action lawsuits including providing mail and electronic notice to class members. GTB has administered more than \$3 billion in settlement funds, processed more than 500,000 claims, provided notice in dozens of class action lawsuits, published over 500,000 notices, and answered more than 200,000 claimant phone calls.

6.

This Affidavit is based on my personal knowledge and information provided to me by experienced GTB employees and, if called on to do so, I could and would testify competently thereto.

Class Member Data

7.

GTB received a spreadsheet (the “Spreadsheet”) containing data from the City of Savannah (the “City”) which included information concerning all commercial and residential building permit applicants for new builds and renovations from July 30, 2016 to present.

8.

The Spreadsheet was attached as Exhibit “A” to the [Proposed] Consent Judgment.

9.

The Spreadsheet contained, among other things, the project name, the project address, the applicant's name, the applicant's last known address and the applicant's last known email address, if available.

10.

Prior to sending the notices to the Class Members, GTB analyzed the raw data to consolidate duplicate records.

Mailed Notices

11.

On July 12, 2023 GTB sent notice via first class mail to Class Members (the "Full Notice").

12.

The form and content of the Full Notice was approved by the Court in the Preliminary Approval Order.

13.

The Full Notice was sent to the last known address as appearing on the Spreadsheet for the project name and for the applicant.

14.

Nine hundred and sixty-four (964) Full Notices were mailed.

15.

As of the date of this Affidavit, one hundred forty-eight (148) of the Full Notices were returned as undeliverable.

16.

Of the one hundred forty-eight (148) Full Notices that were returned as undeliverable, seventy-five (75) of those Class Members received an email notice as described below.

Emailed Notices

17.

On July 14, 2023 GTB sent notices via electronic mail to Class Members (the “Email Notice”).

18.

The form and content of the Email Notice was approved by the Court in the Preliminary Approval Order.

19.

The Email Notice was sent to the last known email address of the applicants as appearing in the City’s records and provided on the Spreadsheet.

20.

Five hundred eighty-six (586) Email Notices were mailed.

21.

Only sixty-three (63) of the Email Notices were returned as undeliverable.

22.

To ensure a high degree of deliverability of the Email Notices and to avoid spam filters, GTB used a number of industry recognized best practices and complied with the Can-Spam Act.

23.

The Email Notice that was sent to the Class Members contained text only with no attachments to decrease the likelihood that the Email Notice would be captured by a spam folder.

24.

The Email Notice used embedded html text format which provided easy to read text without graphics, images or other elements that would increase the likelihood that the message would be blocked by Internet Service Providers (ISPs) and/or SPAM filters.

25.

Using best practices, the email address that the Email Notice was sent from was an actual, valid and operational email address.

26.

The subject line of the Email Notice was crafted to avoid spam-centric phrases and included the Lawsuit name as an accurate depiction of the subject of the Email Notice.

27.

All of these best practices significantly diminished the likelihood that the Email Notice would be captured by a spam filter and increased the likelihood of deliverability.

28.

Because of these industry recognized best practices utilized by GTB only approximately 10% of the Email Notices were returned as undeliverable.

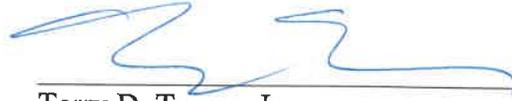
29.

Of the 63 Email Notices that were returned as undeliverable, 49 of those Class Members received the Full Notice via first class mail to either the project address and/or the applicant address.

[Signature page follows]

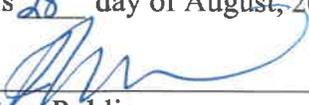
FURTHER AFFIANT SAITH NOT.

This 28th day of August, 2023.



Terry D. Turner, Jr.

This 28th day of August, 2023:



Notary Public

My Commission Expires

(NOTARIAL SEAL)

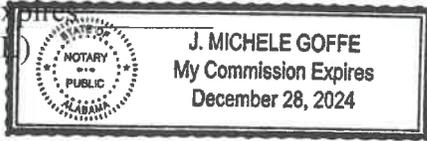


Exhibit “C”

LOCALiQ

The Augusta Chronicle
Athens Banner-Herald
Savannah Morning News

PO Box 631697 Cincinnati, OH 45263-1697

PROOF OF PUBLICATION

Roberts Tate, Llc - Sg
Roberts Tate, Llc - Sg
Po Box 21828
Saint Simons Island GA 31522-0928

STATE OF GEORGIA, COUNTY OF CHATHAM

The Savannah Morning News, a daily newspaper published and of general circulation in Chatham County; and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issues dated or by publication on the newspaper's website, if authorized, on:

07/14/2023, 07/21/2023

and that the fees charged are legal.
Sworn to and subscribed before on 07/21/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$165.00

Order No: 9047926

Customer No: 761659

PO #:

of Copies:

1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

AMY KOKOTT
Notary Public
State of Wisconsin

IN THE SUPERIOR COURT OF CHATHAM COUNTY
STATE OF GEORGIA

TO: COMMERCIAL OR RESIDENTIAL BUILDING PERMIT APPLICANTS IN THE CITY OF SAVANNAH FROM JULY 30, 2016 TO PRESENT WHO WERE ASSESSED AND PAID WATER TAP-IN FEES, SEWER TAP-IN FEES, RECLAIMED WATER FEES, WATER ADDITIONAL FEES, SEWER AREA ADDITIONAL FEES, SEWER SITE ADDITIONAL FEES OR TREATMENT PLANT FEES FOR ANY TREATMENT PLANT OTHER THAN THE CROSSROADS SEWAGE PLANT, GEORGETOWN PLANT, PRESIDENT STREET PLANT OR THE TRAVIS FIELD TREATMENT PLANT.

PLEASE READ THIS NOTICE CAREFULLY. A COURT AUTHORIZED THIS NOTICE.

A Settlement has been preliminarily approved by the Superior Court of Chatham County, Georgia in the class action lawsuit (the "Lawsuit") listed above. If the Settlement is approved by the Court at or after the Fairness Hearing described below, the City of Savannah has agreed to create an Aggregate Refund Fund in the amount of \$3,500,000.00 (the "Aggregate Refund Fund"). Individual Class Member refunds will be calculated pursuant to the terms of the [Proposed] Consent Judgment on Aggregate Refund and Order ("[Proposed] Consent Judgment").

You are a member of the Classes if you:

- (1) Submitted a Commercial or Residential Building Permit Application to the City of Savannah from July 30, 2016 to present and were assessed and paid Water Tap-in Fees where no water meter service application was submitted in conjunction with the Building Permit Application; or
- (2) Submitted a Commercial or Residential Building Permit Application to the City of Savannah from July 30, 2016 to present and were assessed and paid Sewer Tap-in Fees where no request for a permit to connect to a sanitary sewer line was submitted in conjunction with the Building Permit Application; or
- (3) Submitted a Commercial or Residential Building Permit Application to the City of Savannah from July 30, 2016 to present and were assessed and paid Reclaimed Water Fees where no water meter application was submitted in conjunction with the Building Permit Application; or
- (4) Submitted a Commercial or Residential Building Permit Application to the City of Savannah from July 30, 2016 to present and were assessed and paid Water Additional Fees, Sewer Area Additional Fees or Sewer Site Additional Fees but had an existing water and sewer account for the property at the time the Building Permit Application was submitted; or
- (5) Submitted a Commercial or Residential Building Permit Application to the City of Savannah from July 30, 2016 to present and were assessed and paid Treatment Plant Fees for any treatment plant other than the Crossroads Sewage Plant, Georgetown Plant, President Street Plant, or the Travis Field Treatment Plant.

A Final Approval Hearing will be held on September 15, 2023 at 9:30 a.m. in Courtroom 2A at the Chatham County Courthouse before the Honorable Lisa Goldwire Colbert (updated dated) to determine among other things: (1) whether to finally certify the Settlement Classes; (2) whether the proposed Settlement should be granted final approval; (3) whether Class Counsel's request for an award of attorneys' fees, expenses and service award to Class Representative should be approved; and (4) whether the Lawsuit and the Class Members' claims against the City of Savannah should be dismissed and final judgment entered. If no objections are filed, the Court may elect to hold the hearing telephonically or virtually.

If you are a member of the Classes as defined above, your rights may be affected by the proposed Settlement as set forth in the [Proposed] Consent Judgment.

You do not have the right to exclude yourself from the Settlement in this Lawsuit, but you do have the right to object in writing. Any objection by a Class Member must postmarked on or before August 28, 2023 and must comply with the requirements stated in the [Proposed] Consent Judgment, Section D which can be found at <https://www.Savannahga.gov/VTAL>.

After the Settlement has been approved by the Court, you will not be required to do anything to receive your refund. The Administrator will post the list of Class Members and the calculated refund amount due at <https://www.Savannahga.gov/VTAL> as provided in the [Proposed] Consent Judgment. If you believe you are a Class Member but not identified on the list, you can complete and submit a Claim Form for Missing Class Member found on <https://www.Savannahga.gov/VTAL>.

If you are a member of the Classes and have not yet received the Full Notice of this Settlement, or if you want more information regarding anything in the Publication Notice, you may obtain such information by visiting <https://www.Savannahga.gov/VTAL>, calling Class Counsel at (912) 638-5200 or writing Class Counsel at ROBERTS TATE, LLC, Post Office Box 21828, St. Simons Island, Georgia 31522.

DO NOT CONTACT THE COURT, THE CLERK'S OFFICE OR THE JUDGE REGARDING THIS NOTICE. THEY WILL NOT BE ABLE TO ANSWER YOUR QUESTIONS.