

STATE OF MICHIGAN
MACOMB COUNTY CIRCUIT COURT

RALPH STAELGRAEVE,
individually and as representative of a class of
similarly-situated persons and entities,

Case No. 18-001775-CZ
Hon. Michael Servitto

Plaintiff,

v.

CHARTER TOWNSHIP OF SHELBY,
a municipal corporation,

Defendant.

Gregory D. Hanley (P51204)
Edward F. Kickham Jr. (P70332)
Kickham Hanley PLLC
32121 Woodward Avenue, Suite 300
Royal Oak, MI 48073
(248) 544-1500
Attorneys for Plaintiff and the Class

Robert Huth (P42531)
Kirk, Huth, Lange & Badalamenti, PLC
19500 Hall Road, Suite 100
Clinton Township, MI 48038
(586) 412-4900
Attorneys for Defendant

Marc N. Drasnin (P36682)
Joelson Rosenberg et al
30665 Northwestern Hwy Ste 200
Farmington Hills, MI 48334
(248) 855-3088
Co-counsel for Plaintiff and the Class

**STIPULATED ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR CLASS CERTIFICATION**

At a session of said Court held in the
City of Mt. Clemens, County of Macomb,
State of Michigan on 01/18/19

PRESENT: HON. _____
Circuit Court Judge

The Court having reviewed Plaintiff's unopposed motion for class certification, and the brief in support, and being otherwise informed of the premises, **THE COURT FINDS:**

a. that the prerequisites for class certification under MCR 3.501 are satisfied in this case for the reasons set forth in Plaintiffs' motion for class certification and brief in support and certifies the Class under MCR 3.501.

b. pursuant to MCR 3.501, that the Class is defined as all persons and entities who/which have paid the Charter Township of Shelby (the "Township") for water and/or sanitary sewer service during the relevant class periods. This is appropriate because (a) the class consisting of thousands of water and sewer customers in the Township is so numerous that joinder of all members is impracticable; (b) there are questions of law or fact common to the members of this Class that predominate over questions affecting only individual members, including whether the Township has violated the Headlee Amendment and whether the Township's water and sewer rates are reasonable; (c) the claims or defenses of the representative party is typical of the claims or defenses of the Class because the representative's claims arise from the same events or practices or course of conduct that gives rise to the claims of the other class members and are based on the same legal theories; (d) the representative party will fairly and adequately assert and protect the interests of the Class because there are no conflicts of interest with the Class, and the Class is represented by experienced, competent counsel; and (e) the maintenance of this action as a class action will be superior to other available methods of adjudication in promoting the convenient administration of justice.

IT IS HEREBY ORDERED:

A. That this action is certified as a proper class action with Plaintiff certified as Class Representative and Kickham Hanley PLLC and Joelson Rosenberg et al designated as Class Counsel.

B. With respect to Count I of the Complaint, the Class is defined to include all persons and entities who/which have paid the Township for water and/or sewage disposal service at any time since May 4, 2017 or which pay the Township for water and/or sewage disposal service during the pendency of this action.

C. With respect to Counts II through VII, the Class is defined to include all persons and entities who/which have paid the Township for water and/or sewage disposal service at any time since January 1, 2013 or which pay the Township the for water and/or sewage disposal service during the pendency of this action.

D. The Court reserves the issue of the timing, content, manner and method of the notice to Class members, which will be subject of future orders of the Court.

E. With the exception of the class certification issues that are the subject of this Order, the Court makes no finding, expressly or impliedly, regarding the factual or legal merit of any of the Plaintiff and Class allegations and claims or of the Township's alleged defenses thereto.

SO ORDERED.


01/10/2019
CIRCUIT COURT JUDGE

STIPULATED TO AND AGREED:

KICKHAM HANLEY PLLC

By: /s/ Gregory D. Hanley
Gregory D. Hanley (P51204)
Edward F. Kickham Jr. (P70332)
32121 Woodward Avenue, Suite 300
Royal Oak, Michigan 48073
(248) 544-1500
Attorneys for Plaintiff

KIRK, HUTH, LANGE & BADALAMENTI, PLC

By: /s/ Robert Huth
Robert Huth (P42531)
Kirk, Huth, Lange & Badalamenti, PLC
19500 Hall Road, Suite 100
Clinton Township, MI 48038
(586) 412-4900
Attorneys for Defendant

Kim Plets

From: info@truefiling.com
Sent: Friday, January 18, 2019 2:39 PM
To: Kim Plets
Subject: Subject: MI Macomb 16th Circuit Court - Document Paid - Case No. 2018-001775-CZ

The document filed into Case No. 2018-001775-CZ, RALPH STAELGRAEVE ET AL. VS. CHARTER TOWNSHIP OF SHELBY has been **PAID**.

Filing Details

- Submitted: 1/18/2019 11:32 AM
- Document Type: PROPOSED ORDERS
- Filing Name: Stipulated Order
- Filed By: Gregory Hanley (P51204)
- Payment Amount: 0.00
- Link to view receipt: [Receipt](#)

Thank you,

MI Macomb 16th Circuit Court

*****This email was sent from an unattended email mailbox -replies to this email will be rejected *****

About TrueFiling

TrueFiling is a 24x7 Web-based e - file and e-service solution for courts, law firms and self - represented filers.It expedites justice by reducing paper handling and travel time and improves the court's internal processes through electronic workflow.

Home page: <https://mifile.courts.michigan.gov>

Copyright 2018, ImageSoft, Inc.

Home page: <http://www.imagesoftinc.com>

CONFIDENTIALITY NOTICE: This message and any attached documents may contain confidential information. The information is intended only for the use of the individual or entity named above.If the reader of this message is not the intended recipient, or an employee or agent responsible for the delivery of this message to the intended recipient, the reader is hereby notified that any dissemination, distribution or copying of this message or of any attached documents, or the taking of any action or omission to take any action in reliance on the contents of this message or of any attached documents, is strictly prohibited. If you have received this communication in error, please delete the message immediately.

Kim Plets

From: TrueFiling <truefilingadmin@truefiling.com>
Sent: Friday, January 18, 2019 2:36 PM
To: Kim Plets
Subject: Servicing Notification for 2018-001775-CZ

The document listed below is being electronically served to you for case **2018-001775-CZ** for **MI Macomb 16th Circuit Court** by **Court Administration (NMUSAN)** from **MI Macomb 16th Circuit Court**

- Document Title: 2018-001775-CZ - STIP & ORDER SGD RE: - 1/18/2019
- Case Number: 2018-001775-CZ
- Description: RALPH STAELGRAEVE ET AL. VS. CHARTER TOWNSHIP OF SHELBY
- Link: [Click to download document](#)

The following people were electronically served this document.

- **Robert Huth** (rhuth@khlblaw.com)
- **Carol Wilson** (cwilson@khlblaw.com)
- **Gregory Hanley** (GHANLEY@KICKHAMHANLEY.COM)
- **Kimberly Plets** (kplets@kickhamhanley.com)
- **Robert Carollo** (rcarollo@khlblaw.com)
- **Suzanne Hurley** (shurley@khlblaw.com)
- **Jamie Warrow** (jwarrow@kickhamhanley.com)
- **Raechel Badalamenti** (rbadalamenti@khlblaw.com)
- **Edward Kickham** (ekickhamjr@kickhamhanley.com)
- **Court Administration** (truefilingadmin@truefiling.com)

If you are unable to view the document using the hyperlink above, please copy and paste the entire URL into a web browser's address bar.

<https://eservice.truecertify.com/?loc=TFS-K2JK2M-B400BA06&key=83yD>

Thank you,

MI Macomb 16th Circuit Court

***** This email was sent from an unattended email mailbox - replies to this email will be rejected *****

About TrueFiling

TrueFiling(TM) is a 24x7 Web-based eFile and service solution for court, law firm and individual filers. It expedites justice by reducing paper handling and travel time and improves the court's internal processes through electronic workflow.

home page: <https://www.truefiling.com>

TrueFiling is a registered trademark of ImageSoft, Inc.

Home page: <http://www.imagesoftinc.com>

CONFIDENTIALITY NOTICE: This message and any attached documents may contain confidential information from MI Macomb 16th Circuit Court. The information is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or an employee or agent responsible for the delivery of this message to the intended recipient, the reader is hereby notified that any dissemination, distribution or copying of this message or of any attached documents, or the taking of any action or omission to take any action in reliance on the contents of this message or of any attached documents, is strictly prohibited. If you have received this communication in error, please delete the message immediately. Thank you.

Kim Plets

From: info@truefiling.com
Sent: Friday, January 18, 2019 11:34 AM
To: Kim Plets
Subject: Subject: MI Macomb 16th Circuit Court - Document In Progress - Case No. 2018-001775-CZ

The following filing in RALPH STAELGRAEVE ET AL. VS. CHARTER TOWNSHIP OF SHELBY, No. 2018-001775-CZ has been updated by the MI Macomb 16th Circuit Court:

Received filing falad313-132c-44a1-8e24-bc53534df41f at 11:33:15 AM on 1/18/2019.

- Filing Name: Stipulated Order
- Document Type: PROPOSED ORDERS
- Submitted: 1/18/2019 11:32 AM
- Filed By: Gregory Hanley (P51204)

Thank you,

MI Macomb 16th Circuit Court

*****This email was sent from an unattended email mailbox -replies to this email will be rejected *****

About TrueFiling

TrueFiling is a 24x7 Web-based e - file and e-service solution for courts, law firms and self - represented filers.It expedites justice by reducing paper handling and travel time and improves the court's internal processes through electronic workflow.

Home page: <https://mifile.courts.michigan.gov>

Copyright 2018, ImageSoft, Inc.

Home page: <http://www.imagesoftinc.com>

CONFIDENTIALITY NOTICE: This message and any attached documents may contain confidential information. The information is intended only for the use of the individual or entity named above.If the reader of this message is not the intended recipient, or an employee or agent responsible for the delivery of this message to the intended recipient, the reader is hereby notified that any dissemination, distribution or copying of this message or of any attached documents, or the taking of any action or omission to take any action in reliance on the contents of this message or of any attached documents, is strictly prohibited. If you have received this communication in error, please delete the message immediately.

Kim Plets

From: info@truefiling.com
Sent: Friday, January 18, 2019 11:51 AM
To: Kim Plets
Subject: TrueFiling: Service Notification - MI Macomb 16th Circuit Court - Case No. 2018-001775-CZ

The following document(s) listed below are being electronically served to you for case **2018-001775-CZ** by **Kimberly Plets** from the **MI Macomb 16th Circuit Court**.

• Document Title: PROPOSED ORDERS

Link: [Click to download document](#)

Or Copy and Paste: <https://mifile.courts.michigan.gov/openfiling/05b0135b-4e3d-4867-cfbd-08d67d387bda/recipient/2edc5cbe-ffa3-47e2-8313-08d67d387ac8/download>

The following people were electronically served the above document(s):

- Gregory Hanley (ghanley@kickhamhanley.com)
- Robert Huth (rhuth@khlblaw.com)
- Carol Wilson (cwilson@khlblaw.com)
- Gregory Hanley (GHANLEY@KICKHAMHANLEY.COM)
- Kimberly Plets (kplets@kickhamhanley.com)
- Robert Carollo (rcarollo@khlblaw.com)
- Suzanne Hurley (shurley@khlblaw.com)
- Jamie Warrow (jwarrow@kickhamhanley.com)
- Raechel Badalamenti (rbadalamenti@khlblaw.com)
- Edward Kickham (ekickhamjr@kickhamhanley.com)

Thank you,

MI Macomb 16th Circuit Court

***** This email was sent from an unattended email mailbox - replies to this email will be rejected *****

About TrueFiling

TrueFiling is a 24x7 Web-based e-file and e-service solution for courts, law firms and self-represented filers. It expedites justice by reducing paper handling and travel time and improves the court's internal processes through electronic workflow.

Home page: <https://mifile.courts.michigan.gov/>

Copyright 2019, ImageSoft, Inc.

Home page: <http://www.imagesoftinc.com>

CONFIDENTIALITY NOTICE: This message and any attached documents may contain confidential information from MI Macomb 16th Circuit Court. The information is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or an employee or agent responsible for the delivery of this message to the intended recipient, the reader is hereby notified that any dissemination, distribution or copying of this message or of any attached documents, or the taking of any action or omission to take any action in reliance on the contents of this message or of any attached documents, is strictly prohibited. If you have received this communication in error, please delete the message immediately.

Kim Plets

From: info@truefiling.com
Sent: Friday, January 18, 2019 12:11 PM
To: Kim Plets
Subject: Subject: MI Macomb 16th Circuit Court - Document In Progress - Case No. 2018-001775-CZ

The following filing in RALPH STAELGRAEVE ET AL. VS. CHARTER TOWNSHIP OF SHELBY, No. 2018-001775-CZ has been updated by the MI Macomb 16th Circuit Court:

ONBASE WORKFLOW CORE: Your submitted filing has been received by the Court and forwarded to Clerk's Office for review.

- Filing Name: Stipulated Order
- Document Type: PROPOSED ORDERS
- Submitted: 1/18/2019 11:32 AM
- Filed By: Gregory Hanley (P51204)

Thank you,

MI Macomb 16th Circuit Court

*****This email was sent from an unattended email mailbox -replies to this email will be rejected *****

About TrueFiling

TrueFiling is a 24x7 Web-based e - file and e-service solution for courts, law firms and self - represented filers.It expedites justice by reducing paper handling and travel time and improves the court's internal processes through electronic workflow.

Home page: <https://mifile.courts.michigan.gov>

Copyright 2018, ImageSoft, Inc.

Home page: <http://www.imagesoftinc.com>

CONFIDENTIALITY NOTICE: This message and any attached documents may contain confidential information. The information is intended only for the use of the individual or entity named above.If the reader of this message is not the intended recipient, or an employee or agent responsible for the delivery of this message to the intended recipient, the reader is hereby notified that any dissemination, distribution or copying of this message or of any attached documents, or the taking of any action or omission to take any action in reliance on the contents of this message or of any attached documents, is strictly prohibited. If you have received this communication in error, please delete the message immediately.

Kim Plets

From: info@truefiling.com
Sent: Friday, January 18, 2019 2:45 PM
To: Kim Plets
Subject: Subject: MI Macomb 16th Circuit Court - Document Filed - Case No. 2018-001775-CZ

The MI Macomb 16th Circuit Court has **FILED** your document into Case No. 2018-001775-CZ, RALPH STAELGRAEVE ET AL. VS. CHARTER TOWNSHIP OF SHELBY.

Filing Details

- Filing Name: Stipulated Order
- Document Type: PROPOSED ORDERS
- Filed: 1/18/2019 11:32 AM
- Filed By: Gregory Hanley (P51204)
- Link to view stamped document: [Download](#)

Thank you,

MI Macomb 16th Circuit Court

*****This email was sent from an unattended email mailbox -replies to this email will be rejected *****

About TrueFiling

TrueFiling is a 24x7 Web-based e - file and e-service solution for courts, law firms and self - represented filers.It expedites justice by reducing paper handling and travel time and improves the court's internal processes through electronic workflow.

Home page: <https://mifile.courts.michigan.gov>

Copyright 2018, ImageSoft, Inc.

Home page: <http://www.imagesoftinc.com>

CONFIDENTIALITY NOTICE: This message and any attached documents may contain confidential information. The information is intended only for the use of the individual or entity named above.If the reader of this message is not the intended recipient, or an employee or agent responsible for the delivery of this message to the intended recipient, the reader is hereby notified that any dissemination, distribution or copying of this message or of any attached documents, or the taking of any action or omission to take any action in reliance on the contents of this message or of any attached documents, is strictly prohibited. If you have received this communication in error, please delete the message immediately.