

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES ABBOTT and INDEPENDENT  
MANAGEMENT SERVICES, an assumed  
name for THE CARSWELL GROUP, INC.

Plaintiffs,

Civil Action No. 17-CV-10761

vs.

HON. BERNARD A. FRIEDMAN

CITY OF DETROIT, acting through its DETROIT  
WATER & SEWERAGE DEPARTMENT,

Defendant.

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MARK K. WASVARY, P.C.  
By: MARK K. WASVARY P51575  
Attorney for Plaintiffs  
2401 W. Big Beaver Rd., Suite 100  
Troy, Michigan 48084  
(248) 649-5667  
markwasvary@hotmail.com

FAUSONE BOHN, LLP  
By: MICHAEL M. MCNAMARA P48055  
JAMES G. FAUSONE P33579  
JAMES PELLAND P51237  
Attorneys for Defendant - City of Detroit  
41700 W. Six Mile Rd., Suite 101  
Northville, MI 48168  
(248) 380-0000  
mmcnamara@fb-firm.com

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**ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT**

This matter coming before the Court on the parties' Agreed Motion for Preliminary Approval of Class Action Settlement and Notice to the Class (the "Joint Motion"), after review and consideration of the Settlement Agreement, and after hearing statements of the parties' attorneys in open court on April 18, 2018, and having been fully advised in the premises, IT IS

HEREBY ORDERED as follows:

1. Pursuant to Rule 23 (e) of the Federal Rules of Civil Procedure, the settlement of this action, as embodied in the terms of the Settlement Agreement attached to the Joint Motion, is hereby preliminarily approved as a fair, reasonable, and adequate settlement of this case in the best interests of the Settlement Class in light of the factual, legal, practical, and procedural considerations raised by this case. The Settlement Agreement is incorporated by reference into this Order (with capitalized terms as set forth in the Settlement Agreement).

2. Pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure, by stipulation of the parties, and for the purpose of settlement, the Court hereby certifies the following Class:

Class: All persons or entities who or which are water customers within the City of Detroit and are exempt from the Industrial Waste Control Charge (IWC) yet were assessed the IWC from November 13, 2014 through August 31, 2017. Excluded from the class are Defendant and its employees.

3. The Court finds that certification for purposes of settlement is appropriate because (a) the class is so numerous that joinder of all members is impractical; (b) there are questions of law and fact common to the Class and they predominate over any questions affecting only individual Class Members; (c) Plaintiffs' claims are typical of the claims of the Class; (d) Plaintiffs and their attorneys will fairly and adequately protect the interests of the Class; and (e) a class action is the superior means of resolving this controversy.

4. The Court appoints Plaintiffs, James Abbott and Independent Management Services, an assumed name for The Carswell Group, Inc., as the representatives of the Settlement Class pursuant to Rule 23(a), and appoints their attorney Mark K. Wasvary as Class Counsel pursuant to Rule 23(g).

5. The Court finds that the Settlement Agreement's plan for Class Notice is the best notice practicable under the circumstances and satisfies the requirements of due process and Rule 23(e)(1) of the Federal Rules of Civil Procedure. That plan is approved and adopted. This Court further finds that the Class Notice (attached to the Settlement Agreement as Exhibit B), complies with Rules 23(e)(1) and 23(c)(2)(B) of the Federal Rules of Civil Procedure. The Class Notice is approved and adopted. The Court orders that the parties provide the notice to the Class as proposed.

6. By this Order, the Court hereby orders that the Class Notice shall be sent by Defendant to the Class as part of the class member's monthly water and sewer invoice. The Settlement Agreement and Class Notice shall also be made available on the Class Counsel's website. The Court finds and orders that no other notice is necessary.

7. The Court hereby sets deadlines and dates for the acts and events set forth in the Settlement Agreement and directs the Parties to incorporate the deadlines and dates in the Class Notice:

(a) Objections and motions to intervene shall be filed in this Court and postmarked and served on Class Counsel and Defendant's counsel on or before July 17, 2018, or be forever barred;

(b) Requests by any Class Member to opt out of the settlement must be mailed to Class Counsel and Defendant's Counsel on or before July 17, 2018, or be forever barred;

(c) Class Counsel must file a motion for final approval of class action settlement on or before August 8, 2018. That motion must address any objections that were filed;

(d) Class Counsel must file a motion for attorney fees and expenses pursuant to Rule 23(h) on or before August 8, 2018;

(e) Defendant shall file proof of compliance with the notice requirements of the Class Action Fairness Act of 2005, 28 U.S.C. § 1715(b), no later than May 8, 2018; and,

(f) The Fairness Hearing, set forth in the Class Notice, is hereby scheduled for September 5, 2018, at 2:00p.m.

BY ORDER OF THE COURT

Dated: April 20, 2018  
Detroit, Michigan

s/Bernard A. Friedman  
BERNARD A. FRIEDMAN  
SENIOR UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on April 20, 2018.

s/Johnetta M. Curry-Williams  
Case Manager