

IN THE SUPERIOR COURT OF DOUGHERTY COUNTY

STATE OF GEORGIA

WILD RIDES INTERNET CAFE, LLC,  
and CLIMATE MASTERS HEATING &  
COOLING, LLC,

Plaintiffs,

v.

WASTE INDUSTRIES, LLC,

Defendant.

Case No.: 17 CV 756-1

CLASS ACTION

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**NOTICE OF CLASS ACTION SETTLEMENT**

**If you paid fuel or environmental fees or surcharges to WASTE INDUSTRIES or to any of its affiliated companies you may be entitled to a payment from a class action settlement.**

*A Court authorized this notice. This is not a solicitation from a lawyer.*

- Plaintiffs have sued Waste Industries, LLC and certain of its affiliated companies and owners (collectively "Waste Industries") alleging Waste Industries charged customers excessive "fuel surcharges" and "environmental fees" and also increased service rates excessively. The named class representatives and defendants in two separate lawsuits in Georgia and North Carolina have been consolidated into this action for purposes of settlement.
- The Court has conditionally allowed the lawsuit to proceed as a class action for settlement purposes only on behalf of customers who paid WASTE INDUSTRIES (including predecessors, subsidiaries,

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and certain related entities) a fuel surcharge (sometimes referred to as an "energy recovery fee" or similar language) or environmental fee at any time between March 3, 2011 (or other statutory date, if applicable) and September 15, 2017.

- The "Settlement Class" is specifically defined as all individuals and entities in the United States which paid Defendants or Released Parties one or more of the Fees at any time within the applicable statutes of limitation for each claim through the date notice of this settlement is provided to such individuals and entities. Excluded from the Settlement Class are: (1) municipalities, (2) landfill and transfer station customers (but only as to the amounts paid to a landfill or transfer station), (3) any individual or entity currently in bankruptcy, (4) any individual or entity whose obligations were discharged in bankruptcy, and (5) any judicial officer who has presided over any of the pending litigation in Georgia or North Carolina.
- This class action settlement was reached after years of litigation, significant discovery, and multiple mediation sessions overseen by the Honorable Edward A. Infante (Ret.). The litigation included the review of voluminous documents. Three separate law firms have pursued cases in two different states for the plaintiffs.
- The Superior Court of Dougherty County, Georgia, has examined the Settlement Agreement and Release and has made a preliminary determination that the Settlement is fair, reasonable, and adequate for the full and final resolution of the claims of the Settlement Class. A full copy of the Settlement Agreement can be found at [www.WasteIndustriesSettlement.com](http://www.WasteIndustriesSettlement.com).
- **Your legal rights are affected whether you act or do not act. The deadlines to exercise these rights are explained in this notice. Read carefully:**

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:</b>	
<b>SUBMIT A CLAIM FORM</b>	The only way to get a payment from the settlement is to timely send in a valid claim form.
<b>EXCLUDE YOURSELF</b>	The only way to exclude yourself from the settlement (or "opt-out") is to provide timely written notice. If you opt out, you will not receive the benefits of this settlement but this is the only option that allows you to ever be part of any other lawsuit against WASTE INDUSTRIES about the legal claims in this case.
<b>OBJECT</b>	Write to the Court about why you do not like the settlement.
<b>DO NOTHING</b>	If you do nothing you will not receive a payment. But you still will give up your right to sue WASTE INDUSTRIES about the legal claims in this case (unless you exclude yourself). To receive a payment, you must file a claim form.

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## BASIC INFORMATION

### 1. Why did I get this notice?

You may have paid WASTE INDUSTRIES a fuel or environmental fee or surcharge.

The case has been settled, and the Court has ordered that this Notice be sent to you because you have a right to know your options before the Court decides whether to approve the settlement. If the Court approves it, an administrator appointed by the Court will make settlement payments to everyone who submitted a valid claim.

This Notice explains the lawsuit, the settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

The Court in charge of the case is the Superior Court of Dougherty County, Georgia. The judge in this case is the Honorable Denise Marshall.

### 2. What is a class action?

In a class action, one or more plaintiffs, called “Class Representatives” (in this case, the Plaintiffs), sue on behalf of all people and companies that have similar claims. All these other people and companies are “Class Members.” One court resolves the issues for all Class Members, except those who voluntarily exclude themselves from the class.

### 3. What is this lawsuit about?

The lawsuit claims that WASTE INDUSTRIES charged and collected “fuel surcharges” (also called “energy recovery fees”) and “environmental fees” which were excessive and unlawful. According to Plaintiffs, by doing these things WASTE INDUSTRIES breached the contracts that some of its customers entered into and violated state statutory law. WASTE INDUSTRIES denies that it did anything wrong, and the Court has not found that WASTE INDUSTRIES did anything wrong.

The Amended and Restated Class Action Complaint has more information about the lawsuit and is available online at [www.WasteIndustriesSettlement.com](http://www.WasteIndustriesSettlement.com).

### 4. Why is there a settlement?

The Court did not decide in favor of either side. Instead, both sides agreed to a compromise settlement to avoid the cost and risk of a trial and a possible appeal. Settlement also ensures that the people affected will get compensation. In return, the Defendants get a general release of all claims which were or could have been asserted in the lawsuit. The Class Representatives and Class Counsel believe the settlement is in the best interests of everyone affected.

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## WHO IS IN THE SETTLEMENT

### 5. How do I know if I am part of the settlement?

The Court has certified a Settlement Class defined as:

All individuals and entities in the United States which paid Defendants or Released Parties one or more of the Fees at any time within the applicable statutes of limitation for each claim through September 15, 2017. Excluded from the Settlement Class are: (1) municipalities, (2) landfill and transfer station customers (but only as to the amounts paid to a landfill or transfer station), (3) any individual or entity currently in bankruptcy, (4) any individual or entity whose obligations were discharged in bankruptcy, and (5) any judicial officer who has presided over any of the pending litigation in Georgia or North Carolina.

If you received written notice, then the parties believe that you are a member of the class based upon WASTE INDUSTRIES's records.

### 6. What if I only paid one of the fees?

You still are a class member even if you paid only a "fuel surcharge" (also called an "energy recovery fee") or only an "environmental fee" between March 3, 2011 (or other statutory date, if applicable) and September 15, 2017.

### 7. What if I'm still not sure if I am included?

If you still are not sure whether you are included in the settlement as a Class Member, you can get additional information at [www.WasteIndustriesSettlement.com](http://www.WasteIndustriesSettlement.com) or free assistance by calling the settlement administrator appointed by the Court at 1-855-665-4154.

## THE SETTLEMENT BENEFITS—WHAT YOU CAN GET

### 10. What does the settlement provide?

WASTE INDUSTRIES has agreed to establish a settlement fund of \$4,875,000. This fund will be used to pay Class Members who submit timely and valid claims, after any Court approved amounts for attorney's fees, class representative incentive awards, administration costs, and reimbursed litigation expenses are paid from the settlement fund. This remaining amount is referred to as the "net settlement fund."

### 11. What can I get from the settlement?

If you are a Class Member who submits a timely and valid claim, you will get a settlement check representing a portion of the fees you paid.

The portion you receive will be equitably determined on a pro-rata basis by the settlement administrator. The total amount of the fees you paid as a percentage of the total amount of fees paid by all Class

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Members who submit timely and valid claims will determine your percentage share of the net settlement fund. The total amount of your payment will depend on how many other Class Members submit valid claims.

## HOW YOU GET A PAYMENT—SUBMITTING A CLAIM FORM

### 12. How can I get a payment?

To qualify for payment, you must send in a claim form by 75 days following the Final Approval Order. The claim form is attached as Exhibit A and available at [www.WasteIndustriesSettlement.com](http://www.WasteIndustriesSettlement.com). If you choose not to submit your claim form online, you must mail a paper claim form to the settlement administrator appointed by the Court by 75 days following the Final Approval Order. To receive a paper copy of the claim form or to receive instructions on submitting a paper claim form, please contact the settlement administrator at 1-855-665-4154.

### 13. What if I have multiple locations?

Submit only one claim form, even if you had multiple locations serviced by WASTE INDUSTRIES.

### 14. When would I get my payment?

The Court will hold a hearing on November 2, 2017 to decide whether to approve the settlement. If Judge Marshall approves the settlement after that, and if anyone filed an objection, there could be appeals. If there are any appeals, this could delay payment of claims, possibly for more than a year. Updates will be provided online at [www.WasteIndustriesSettlement.com](http://www.WasteIndustriesSettlement.com).

## EXCLUDING YOURSELF FROM THE SETTLEMENT

### 16. How do I request to be excluded from the class?

To exclude yourself from the settlement (“opt-out”), you must send a letter by U.S. mail stating that you want to be excluded from “*Wild Rides Internet Café, LLC et al. v. Waste Industries LLC (17 CV 756.1)*”. You also must include your name, address, telephone number, and signature. Your exclusion request must be received no later than October 19, 2017\_ by **each** of the following:

Waste Industries Settlement	Michael DeFrank	Oscar M. Price, IV
Dahl Administration, LLC	Wyrick Robbins Yates &	Price Armstrong, LLC
P.O. Box 3614	Ponton	2421 2nd Ave S, Suite 1
Minneapolis, MN 55403-3614	4101 Lake Boone Trail	Birmingham, Alabama 35203
	Suite 300	
	Raleigh, North Carolina	
	27607	

You can’t exclude yourself by phone or by email. If you ask to be excluded, you will not get any settlement payment, and you cannot object to the settlement. If you timely and appropriately ask to be

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excluded, you will not be bound by the settlement and your claims, if any, against WASTE INDUSTRIES will not be released.

**17. If I remain in the class, what claims are being released?**

Unless you exclude yourself, you are staying in the Settlement Class, and that means that you cannot sue, continue to sue, or be part of any other lawsuit against WASTE INDUSTRIES regarding the claims in this lawsuit. It also means that all of the Court's orders will legally bind you. Specifically, you will release any and all causes of action, claims for damages, equitable, legal and administrative relief, interests, penalties, fees, costs, demands, losses, liabilities or rights, whether based on federal, state, or local laws, statutes or ordinances, regulations, contracts, common law or any other source, known or unknown, whether or not concealed or hidden, that Plaintiffs and the Settlement Class have against Defendants and/or Released Parties (as those terms are defined in the Settlement Agreement) regarding the Fees, including without limitation, claims for breach of contract, claims for injunctive or declaratory relief, and claims for violation of any state or federal statutes, rules, or regulations, including without limitation any common law or statutory claims for unlawful, unconscionable, unfair, deceptive, or fraudulent business practices arising out of, based upon, or related to the facts, transactions, events, occurrences, acts, practices, or omissions that were alleged or could have been alleged in the Litigation, including without limitation, those arising from the implementation, maintenance, calculation, assessment, modification, and/or charging and collecting of the Fees. The full release language is included in the Settlement Agreement that can be found at [www.WasteIndustriesSettlement.com](http://www.WasteIndustriesSettlement.com).

**IF YOU DO NOTHING**

**18. What happens if I do nothing at all?**

If you do nothing, you will get no money from the settlement and will release all claims as discussed above.

**THE LAWYERS REPRESENTING YOU**

**19. Do I have a lawyer in this case?**

Yes. The Court has appointed the law firm Price Armstrong, LLC, Birmingham, Alabama, to represent you and other Class Members. If you want to be represented by your own lawyer, you may hire one at your own expense, but you are not required to do so.

**20. How will the lawyers be paid?**

Under the terms of the settlement, the appointed lawyers can ask the Court for attorneys' fees up to one-third of the settlement fund, and for reimbursement of litigation expenses they've incurred up to \$35,000. This award is to compensate the four separate law firms for the thousands of hours they spent in pursuing the multiple class actions across four states, and the risk they took that no resolution would ever be reached. The appointed lawyers may also seek payments up to \$15,000 for each of the class representatives, to compensate them for their time and effort in bringing these lawsuits. The costs to administer the settlement and to provide notice will be paid from the settlement fund.

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## OBJECTING TO THE SETTLEMENT

### 21. How do I object to the Court if I don't like the Settlement?

If you are a class member, you may object to any part of the settlement you do not like, and the Court will consider your views. You must submit any objection in writing and must provide evidence of your membership in the Class. The procedures for submitting written objections are set out below. **A written objection (and any support for it) must be filed with the Clerk of Court and received no later than October 19, 2017 (the "Objection Deadline") by all of the following.**

Evonne Mull, Clerk  
222 Pine Avenue  
Albany, Georgia 31701

Michael DeFrank  
Wyrick Robbins Yates &  
Ponton  
4101 Lake Boone Trail  
Suite 300  
Raleigh, North Carolina  
27607

Oscar M. Price, IV  
Price Armstrong, LLC  
2421 2nd Ave S, Suite 1  
Birmingham, Alabama 35203

If you hire an attorney in connection with making an objection, that attorney must file with the Court and serve on the counsel identified above a notice of appearance. **The notice of appearance must be filed with the Court and received by the three addressees above no later than the Objection Deadline.** If you do hire your own attorney, you will be responsible for payment of all fees and expenses that the attorney incurs on your behalf.

If you want to object, you must file your objection in writing to the Court. Your objection *must* include:

- (a) a caption or title that identifies it as "Objection to Class Settlement in *"Wild Rides Internet Café, LLC et al. v. Waste Industries LLC (17 CV 756.1)"*";
- (b) your full name, title, current address and telephone number;
- (c) a copy of your contract(s) with WASTE INDUSTRIES and/or the date you entered into a contract with WASTE INDUSTRIES (or other information sufficient to identify your contract with WASTE INDUSTRIES);
- (d) a notice of intention to appear, either in person or through an attorney, with the name, address and telephone number of the attorney, if any, who will appear;
- (e) certification that you are a member of the Settlement Class;
- (f) a statement of each objection you assert;
- (g) a detailed description of the facts underlying each objection you assert;
- (h) a detailed description of the legal authorities, if any, supporting each objection you assert;
- (i) copies of exhibits and/or affidavits you may offer during the final approval hearing, if any;
- (j) a list of all witnesses you may call to testify at the final approval hearing, along with a summary of each witness's anticipated testimony, if any; and
- (k) the signature, full name, firm name, and business address of all attorneys who have a financial interest in your objection.

If you make a written objection to the Settlement as set out above, you may request to speak — either in person or through an attorney hired at your own expense — at the Final Fairness Hearing the Court has set to consider whether to give final approval to the Settlement Agreement. You are not required to attend the hearing. Lack of attendance at the Final Fairness Hearing will not prevent the Court from considering your objection. If you (or your attorney) intend to speak at the Final Fairness Hearing, you must file with the Court and serve on the Settlement Administrator identified above a notice of intent to appear, and your

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attorney (if you hire one) must file a notice of appearance with the Clerk of Court. Again, the notice of intent to appear must be filed with the Court, and received by the parties above, no later than the Objection Deadline.

If you do not file an objection as described above, you will be deemed to have waived any and all objections to the Settlement, to have consented to the Court's certification of and jurisdiction over the Settlement Class, and to have released the Claims as defined in the Settlement Agreement (which is available online at [www.WasteIndustriesSettlement.com](http://www.WasteIndustriesSettlement.com)).

## THE COURT'S FAIRNESS HEARING

### 22. When and where will the Court decide whether to approve the Settlement?

**The Court will hold a Fairness Hearing at 10:00 a.m. on November 02, 2017** in Superior Court of Dougherty County, Georgia. At this hearing, the Court will consider whether the settlement is fair, reasonable and adequate. **You are not required to attend the hearing, but may do so if you wish.** If there are objections that have been submitted in writing in advance of the hearing, Judge Marshall will consider them. Judge Marshall will listen to people who have made a prior written request to speak at the hearing. Judge Marshall will also decide whether to pay Class Counsel the amount they are requesting for attorneys' fees and reimbursement of litigation expenses, as well as class representative awards. After the hearing, the Court will decide whether to approve the settlement.

## HOW DO I GET MORE INFORMATION

### 23. Are there more details about the settlement?

This Notice is just a summary, and you are entitled, if you wish, to read the entire Settlement Agreement. The Settlement Agreement and some other documents filed in this lawsuit can be found online at [www.WasteIndustriesSettlement.com](http://www.WasteIndustriesSettlement.com).

### 24. How do I get more information?

You can call or write to the Settlement Administrator at 1-855-665-4154. You can also visit the website at [www.WasteIndustriesSettlement.com](http://www.WasteIndustriesSettlement.com), where you will find answers to some common questions.

Please **do not** contact the Court or Clerk of Court with any questions regarding this case.

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