

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR LAKE COUNTY, FLORIDA**

**JAMES RICHARDSON, individually, and
MICHAEL HOWARD and NANCY HOWARD
his wife, individually and as a
Representative of a Class of all similarly
situated others,**

Case No.: 2013 CA 400

Plaintiffs,

v.

**CITY OF FRUITLAND PARK, a political
subdivision of the State of Florida,**

Defendant.

_____ /

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

To All Potential Members of the Following Class: Water utility customers of the City of Fruitland Park who have paid police service fees, fire service fees, or both, to the City of Fruitland Park since the enactment of Ordinance 2009-014 (the "Class").

THIS NOTICE AFFECTS YOUR RIGHTS. PLEASE READ IT CAREFULLY

Pursuant to the Court's October 14, 2013 Notice of Pendency of Class Action, unless you already opted-out or opt-out of the lawsuit on or before February 28, 2014, you are covered by and will be bound by the settlement of a class action lawsuit involving the City's charging of police fees and fire service fees.

Summary Of Lawsuit: Plaintiffs, James Richardson and Michael and Nancy Howard, sued the City of Fruitland Park on February 1, 2013. The Plaintiffs allege the City of Fruitland Park's enactment of Ordinance 2009-014, which imposed police and fire service fees, is an attempt to levy non-ad valorem taxes in violation of the Florida Constitution. The Plaintiffs ask the Court to declare the Ordinance unconstitutional and order the City of Fruitland Park to refund all of the police and fire service fees it has collected.

The Court certified this lawsuit as a class action by Court Order on September 12, 2013. Michael Howard and Nancy Howard serve as class representatives and their attorney is Derek A. Schroth of Bowen Radson Schroth, P.A. who also serves as class counsel.

Summary Of Proposed Settlement: The named Plaintiffs and the City have reached a settlement. The City will stop charging the police and fire service fees and set up a common fund of \$530,000. The fund will be used to pay a refund of fees paid by the class members and to pay for attorney's fees and costs, Class Representative fees, fees to class members who provided extraordinary services, and the City's costs to administer the fund and pay class members pursuant to the Settlement Agreement. The amount of attorney's fees and costs, Class Representatives' fees, and fees to class members who provided extraordinary services shall be determined by the Court. The amounts sought for such fees and costs are as follows: attorney's fees and costs (\$255,000), Class Representative fees (\$24,000), fees to class members who provided extraordinary services (\$10,000) and the City's costs to administer the fund and pay class members pursuant to the Settlement Agreement, (estimated at \$1000). The amount of refund made to class members shall be reduced by the pro rata share of that class member's contribution toward

the fees and costs awarded by the Court. Any remaining money in the common fund after payment of the fees, costs and refunds will be used by the City for the Fire Department.

Court Hearing Concerning the Settlement: The Court will conduct a hearing on March 5, 2014 at 1:30 p.m. at the Lake County Judicial Center, East Wing, Fifth Floor, 550 West Main Street, Tavares, Florida 32778 to determine whether the proposed settlement agreement is fair and reasonable. You may attend the hearing, but can only be heard at the hearing if you file written objection(s) pursuant to the below terms

Objections to the Settlement: If you believe the Court should not approve the settlement, you may advise the Court of your objection(s). In order to be considered, your objections must be in writing, signed, contain the style of the case (as shown on the top of page one of this notice), and sent via first-class mail to: Clerk of the Lake County Circuit Court, 550 West Main Street, Tavares, Florida 32778. A copy should also be mailed to class counsel (Derek Schroth, 600 Jennings Ave., Eustis, Fl. 32726) who will forward a copy to the City's attorneys. Your objection(s) will not be considered by the Court unless received on or before February 28, 2014.

Your written objection(s) should specify in detail the factual basis and/or legal grounds on which you base your objection(s). If you provide written objection(s), you may appear in person at the hearing and be heard before the Court on March 5, 2014 at 1:30 p.m., as described above, to express your objection(s) concerning the settlement. An attorney may also appear at the hearing on your behalf. If you and/or your attorney intend to appear at the hearing and be heard on your objection(s), you must timely provide written objection(s).

Any class member who fails to file a timely written objection(s) may appear at the hearing, but may not be heard before the Court at the hearing to voice objection(s) relating to the proposed settlement.

Entry of Judgment: If the settlement is approved by the Court, the Court will enter a judgment approving the settlement and dismissing this action with prejudice. All class members will be bound by the judgment which will bar class members from asserting any claims against the City for police and fire service fees. All class members are deemed to have waived the protection provided by any state law with respect to unknown claims at the time of a general release, and the general release forever discharges any claims relating to the City's police and fire service fees by a class member whether known or unknown to the class member at the time of the Court's order approving the Settlement Agreement.

Further Information: The nature of this lawsuit and the proposed settlement are summarized in this Notice. More detailed information, including a copy of the settlement agreement, may be obtained from class counsel (Derek Schroth, 600 Jennings Ave. Eustis, Fl. 32726 352-589-1414).

PLEASE DO NOT CONTACT THE JUDGE OR THE CLERK OF THE COURT WITH ANY QUESTION ABOUT THE SETTLEMENT.

IF THE SETTLEMENT IS APPROVED, THE CITY WILL SEND YOU OR MAKE AVAILABLE TO YOU (1) A CLAIM FORM TO PROPERLY COMPLETE AND SUBMIT TO THE CITY AND (2) AFTER VERIFICATION OF PAYMENT OF THE FEES, A CHECK.

BY ORDER OF THE COURT
FIFTH JUDICIAL CIRCUIT IN AND FOR
LAKE COUNTY, FLORIDA