

Jones v. City of Los Angeles

Case No. BC577267

Certain Customers of the Los Angeles Department of Water and Power

May Claim Settlement Benefits

This Class Action Settlement May Affect Your Rights

A court authorized this Class Notice. This is not a solicitation from a lawyer.

Si quisiera obtener un formulario de reclamo, notificación o copias de su(s) carta(s) en español, visite el sitio web del arreglo en www.ladwpbillingsettlement.com, o comuníquese con el Administrador de reclamos en el 1-844-899-6219.

만약 클레임 양식, 공지서 또는 본 편지 사본을 한국어로 받기 원하신다면, 합의관련 웹사이트인 www.ladwpbillingsettlement.com을 방문하시거나 클레임 관리자에게 1-844-899-6219로 전화 주십시오.

如果您想獲取一份中文的索賠表格、通知書或您的信件的副本，請訪問結算網站 www.ladwpbillingsettlement.com，或者打電話聯繫“索賠管理員”，電話號碼 1-844-899-6219。

Nếu quý vị muốn có một mẫu đơn đòi, thông báo hay bản sao (các) thư từ của quý vị bằng tiếng Việt, xin đến trang mạng dàn xếp tại www.ladwpbillingsettlement.com, hoặc liên lạc với Quản Trị Viên Đơn Đòi tại số 1-844-899-6219.

Kung nais mong makakuha ng isang claim form, paunawa o mga kopya ng iyong (mga) liham sa Tagalog, bisitahin po lamang ang settlement website sa www.ladwpbillingsettlement.com, o kausapin ang Claims Administrator sa 1-844-899-6219.

- The Settlement resolves a lawsuit concerning complaints arising out of customer overbilling and other billing errors by the Los Angeles Department of Water and Power (“LADWP”) that were caused by, and are related to, the defective implementation of the LADWP’s new billing system and/or damages incurred by customers’ participation in the LADWP’s solar incentive program.
- If you are an LADWP customer who was overcharged for electric, water, sewage or sanitation services or were otherwise damaged between the dates of September 3, 2013 and December 30, 2016, and who is entitled to credits or refunds for electric, water, sewage or sanitation services and/or for participation in the LADWP’s solar incentive program from February 13, 2010, you may be eligible to obtain Settlement benefits.

Read this Notice carefully because your legal rights could be affected.

SUMMARY OF IMPORTANT DATES AND DEADLINES

Event	Date
Preliminary Approval	December 30, 2016
Class Notice Date	April 4, 2017
Last Day To Submit A Claim Form (for all Settlement Class Members except Field Work Customers)	June 5, 2017
Last Day To Submit A Claim Form (for Field Work Customers)	60 days from date of Field Work Determination Letter
Last Day To Opt Out	June 5, 2017
Last Day To Object	June 5, 2017
Last Day To Seek Special Master Review (for Pre-Identified Non Claims Made Class Members)	May 4, 2017
Last Day To Seek Special Master Review (for Pre-Identified Claims Made Class Members, Omnibus Class Members)	30 days from date of claim determination letter
Last Day To Seek Special Master Review (for Field Work Customers)	30 days from date of claim determination letter
Last Day To Contest Special Master’s determination (for all Settlement Class Members that have requested a review by the Special Master)	30 days from date of Special Master’s determination letter
Last Day to File Notice of Appearance	June 5, 2017
Final Approval	July 7, 2017 at 9:00 a.m.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT INCLUDE:

Obtain settlement benefits - You may be pre-identified to receive Settlement benefits, in which case, you may not need to take any further action to receive your credit or refund. Additionally, if you are not pre-identified, you may submit a Claim Form, which is included with this Class Notice and available at www.ladwpbillingsettlement.com, to determine if you qualify for Settlement benefits. The deadline to submit this Claim Form is June 5, 2017.

Opt Out - Write to the Claims Administrator if you do not want to be included in the Settlement. You have a right to opt out of the Settlement only if you are a member of the Settlement Class and have not objected to the Settlement. The deadline to opt-out is June 5, 2017.

Object - Write to the Claims Administrator if you disagree with the Settlement. As set forth in the Answers to Questions 16 through 19 below, you may attend a hearing on the fairness of the Settlement after giving appropriate notice. You have a right to object to the Settlement only if you are a member of the Settlement Class and have not opted out of the Settlement. The deadline to submit an objection is June 5, 2017.

These rights and options – **and the deadlines by which to exercise them** – are explained more fully in this Class Notice.

The Court that is supervising this case has granted Preliminary Approval to the Settlement, but still has to decide whether to grant Final Approval. The Final Approval Hearing will take place on July 7, 2017 at 9:00 a.m. Settlement benefits will be distributed only if, and after, the Court grants Final Approval of the Settlement and any appeals are resolved.

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BASIC INFORMATION

1. Why was this Class Notice issued?

The Court issued this Class Notice because you have a right to know about a proposed settlement of a class action lawsuit that the Court has preliminarily approved. You also are entitled to know how you may make a claim for certain benefits of the Settlement and about all of your options under the Settlement. If the Court grants Final Approval and all appeals, if any, are resolved, valuable benefits will be distributed to qualifying class members.

2. What is this lawsuit about?

The person who filed this class action is called the “Plaintiff” and the City of Los Angeles, by and through LADWP, is the “Defendant.” A lawsuit filed in the Superior Court of California, captioned *Jones v. City of Los Angeles*, Case No. BC577267, alleges claims involving customer overbilling and other billing errors by the LADWP that were caused by, and are related to, the defective implementation of the LADWP’s new Customer Care and Billing system (the “CC&B System”) and damages incurred by customers arising from their participation in the LADWP’s solar incentive program. Plaintiff’s claims include, among others, claims for fraud, negligent misrepresentation, breach of contract, unjust enrichment, and violations of the California Consumer Legal Remedies Act and the California Unfair Competition Law. More information can be found at www.ladwpbillingsettlement.com, by calling 1-844-899-6219, or by writing to Class Counsel: Jack Landskroner, Esq., Landskroner Grieco Merriman, LLC, 1360 West 9th Street, Suite 200, Cleveland, Ohio 44113. A copy of the Settlement Agreement will be available at www.ladwpbillingsettlement.com, and is also on file with the Court.

3. Why is this a class action?

In a class action, one or more person(s) called “Class Representatives” sue on behalf of themselves and others with similar claims. All of these people together are called a “class.” The Court appointed certain plaintiffs as the Class Representatives for purposes of this Settlement. The “Settlement Class Members” are all LADWP customers who were overcharged for electric, water, sewage or sanitation services between the dates of September 3, 2013 and December 30, 2016, and who are entitled to credits or refunds for electric, water, sewage or sanitation services and/or for participation in the LADWP’s solar incentive program from February 13, 2010.

4. Why is there a Settlement?

The Court did not decide in favor of either Plaintiff or Defendant. Instead, both sides agreed to a settlement. The Class Representatives and the attorneys that have been appointed by the Court to represent the Settlement Class believe that the Settlement is in the best interests of all Settlement Class Members.

WHO IS IN THE SETTLEMENT?

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

You may be entitled to Settlement benefits if you are an LADWP customer who was overcharged for electric, water, sewage or sanitation services or were otherwise damaged from billing practices between the dates of September 3, 2013 and December 30, 2016, and/or for participation in the LADWP’s solar incentive program from February 13, 2010.

6. Are there exceptions to being included in the Settlement?

Excluded from the Class is the Judge to whom this case is assigned, any members of the Judge’s immediate family, and any counsel of record in this action.

7. What if I am not sure whether I am included in the Settlement?

If you are not sure whether you are included in the Settlement Class, you may visit www.ladwpbillingsettlement.com for more information, or call 1-844-899-6219, and ask for assistance.

**THE SETTLEMENT BENEFITS:
WHAT YOU GET AND HOW YOU GET IT**

8. What does the Settlement provide?

The Settlement provides two types of relief: (i) monetary relief and (ii) non-monetary remedial relief.

i. Monetary Relief

Settlement Class Members that are members of one or more of the following seven Subclasses may be entitled to monetary relief for each group they are part of:

- **Overbilled**: This group includes all LADWP customers that were overbilled as a result of being charged an incorrect rate, incorrect amount of consumption, incorrect utility tax rate or who did not have a discount applied.
- **Incorrect Fee**: This group includes all LADWP customers that were charged an incorrect fee, including but not limited to late payment fees, reconnect fees and/or start service fees.
- **Unrefunded Balance**: This group includes all LADWP customers that: (i) have “Closed Accounts” with credit balances and (ii) are owed refunds that have been withheld by the LADWP during the period of September 3, 2013 to December 30, 2016.
- **Solar**: This group includes all LADWP customers that have installed solar systems and applied to participate in the Solar Photovoltaic Incentive Program from February 13, 2010 to date and: (i) experienced delay beyond 30 days after submission of a complete Incentive Application and Supporting Documentation and/or indication that the solar system was fully permitted and ready for inspection in receiving a reservation confirmation and/or connecting the solar system; and/or (ii) have not been billed for energy consumed and/or generated; and/or (iii) have not been credited for excess energy generated by the customer’s solar power system.

*If you are part of the **Overbilled, Incorrect Fee, Unrefunded Balance and/or Solar** groups, the LADWP has already identified you and the letter included with this Class Notice informs you of the amount you were overbilled.*

To receive 100% of that amount, you don’t need to do anything.

To dispute that amount, you must request Special Master review by sending a written request for review to the Claims Administrator. If you dispute the Special Master’s decision, you can appeal to the Court. See Question 13.

If you believe you have additional damages beyond that which has been identified, you must submit a Claim Form, which is included with this Class Notice. See Question 9.

- **Premise Condition/Estimated Bill**: This group includes all LADWP customers that: (i) unbeknownst to the customer, had a premise condition that caused excessive consumption of water and/or power; (ii) received estimated bills for multiple billing periods after September 3, 2013; (iii) because of these estimated bills, were prevented from timely discovering the premise condition; and (iv) were charged for greater quantities of water, power or sewage than they otherwise would have been charged.
- **Automatic Bill Payment/Bank Overdraft Charge**: This group includes all LADWP customers that: (i) were enrolled in an automatic bill payment plan with a bank and (ii) were charged overdraft fees because the LADWP charged the customer an incorrect amount, which, in turn, resulted in the customer’s bank account being overdrawn.

*If you are part of the **Premise Condition/Estimated Billing and/or Automatic Bill Payment/Bank Overdraft Charge** groups, the LADWP has already identified you and the letter included with this Class Notice informs you that you are a member of this/these Subclass(es).*

*The LADWP, however, cannot determine the amount of damages that you may have incurred, if any, unless you submit a Claim Form, which is included with this Class Notice. **You must submit a Claim Form.** If you believe you have additional damages beyond overbilling as a consequence of an automatic bill payment/bank overdraft charge, you must include those damages on your Claim Form. See Question 9.*

Based on your Claim Form, the LADWP will determine the amount you are owed. To dispute that amount, you must request Special Master review. If you dispute the Special Master's decision, you can appeal to the Court. See Question 13.

- **Omnibus:** This group includes all LADWP customers that were not otherwise identified as members of one of the Subclasses listed above but believe that they were: (i) incorrectly assessed a charge associated with their power, water, sewage or sanitation services at any time from September 3, 2013 to December 30, 2016, that is not covered by any of the Subclasses listed herein; or (ii) otherwise damaged as a result from their participation in the LADWP's solar incentive program at any time from February 13, 2010 to December 30, 2016.

If you are part of this group that means that the LADWP has not been able to identify you as a member of one of the Subclasses listed above. The letter included with this Class Notice informs you that you may, however, still submit a Claim Form, which is included with this Class Notice.

Based on your Claim Form, the LADWP will determine the amount you are owed. To dispute that amount, you must request Special Master review. If you dispute the Special Master's decision, you can appeal to the Court. See Question 13.

If you are a Field Work Customer, there is a pending field work investigation that requires further investigation of property conditions that might have caused you to be overcharged or to have experienced other billing errors or monetary damages. Once the field work investigation has been completed, the LADWP will inform you, by letter, of its determination in connection with this field work investigation.

If you are a Field Work Customer, you must submit a Claim Form after receiving the letter informing you of the LADWP's determination. Based on your Claim Form, the LADWP will determine the amount you are owed. To dispute that amount, you must request Special Master review. If you dispute the Special Master's decision, you can appeal to the Court. See Question 13.

ii. Non-Monetary Remedial Relief

The Settlement also provides non-monetary remedial relief including: (i) the creation and adoption of certain billing system metrics; (ii) the appointment of an independent billing system monitoring expert; (iii) audits of LADWP's billing system to confirm billing accuracy; (iv) the creation and implementation of a team at LADWP to address unique or complex billing issues; (v) the adoption of an amendment to the Rules Governing Water and Electric Service to provide for a shorter period of time for which LADWP may collect payment from customers whose bills are delayed due to billing errors; (vi) the creation and implementation of an information technology Project Management Office; and (vii) a payment arrangement for back-billed customers allowing for up to 4 years to pay back the back-billed amount without penalty or interest, in equal monthly installments, provided you remain current on your most recent bill. If you are already on a payment plan, the plan may be extended by one year.

9. How do I submit a Claim Form?

A Claim Form is included with this Class Notice. A Claim Form can also be obtained online at www.ladwpbillingsettlement.com, by calling 1-844-899-6219 or by writing to the Claims Administrator at the address below. Completed Claim Forms can be submitted either online at www.ladwpbillingsettlement.com or by regular U.S. mail to:

LADWP Billing Settlement
Claims Administrator
P.O. Box 43449
Providence, Rhode Island 02940-3449

10. What claims am I releasing?

If you are a Settlement Class Member, and you do not opt out from the Settlement Class, when the Settlement becomes final, you will be releasing Defendant and its departments and bureaus, from any liability for all claims associated with this case, and you will be bound by the release included in the Settlement Agreement. A copy of the Settlement Agreement containing the release is available at www.ladwpbillingsettlement.com.

THE LAWYERS REPRESENTING PLAINTIFF

11. Do I have a lawyer in this case?

Yes. Jack Landskroner Esq. of Landskroner Grieco Merriman, LLC, 1360 West 9th Street, Suite 200, Cleveland, Ohio 44113 (Class Counsel) and Michael J. Libman, Esq. of the Law Offices of Michael J. Libman, 18321 Ventura Blvd., Ste. 200, Tarzana, CA 91436 (Liaison Counsel) have been appointed by the Court to represent you and the other Settlement Class Members. If you want to be represented by your own lawyer, you may hire one at your own expense.

12. How will the lawyers be paid?

Class Counsel will ask the Court at the Final Approval Hearing to award attorneys' fees in an amount not to exceed \$19,000,000 and to award reimbursement of expenses incurred in litigating this case in an amount not to exceed \$3,000,000 (reimbursement of expenses incurred by the Independent CC&B System Monitoring Expert is capped at \$2,500,000 and reimbursement of expenses incurred by all Plaintiff's counsel is capped at \$500,000). The fees and reimbursed expenses will be determined by the Court based on the work performed by Counsel who have participated in securing this settlement for the Class and facilitating its implementation. All fees in this matter will be requested by way of application to the Court based on the efforts of counsel. There are no "fee splitting" agreements between the various counsel involved in this action, however, the law firm of Knapp, Petersen & Clark has agreed to work with Class Counsel, Landskroner Grieco Merriman, to help answer questions and to identify and assist solar customers in processing claims. The Knapp, Petersen & Clark firm has agreed that based on the work they have performed and will continue to perform for the benefit of solar customers, Knapp's fee application to the Court will not exceed \$1,999,999 of fees applied for and/or awarded to Class Counsel at Final Approval. If the Court does award attorneys' fees and reimbursement of expenses, Defendant has agreed to pay whatever amounts are awarded by the Court.

Additionally, the Parties agree that Class Counsel will be responsible for aiding the Claims Administrator by monitoring and supervising the administration of the Settlement during the Remediation Period. Defendant has further agreed that, subject to Court approval, Class Counsel may make applications to the Court to be compensated at the rate of twenty-nine percent (29%) of all future recoveries by Class Members subsequent to Final Approval for: (i) Field Work claims; (ii) Pre-Identified Claims Made claims; (iii) Omnibus claims; and (iv) all claims paid in connection with the Settlement by, or on behalf of the City of Los Angeles, including all departments thereof. Class Counsel shall submit to the Court quarterly applications for additional awards of such attorneys' fees. Defendant has agreed it will not object to such quarterly applications.

Separate and apart from the Settlement consideration described in Answer to Question 8 above, Defendant will separately pay the fees and expenses that the Court awards, as well as the costs to provide Notice to the Settlement Class and to administer the Settlement. These amounts will not come out of the funds for benefits to Settlement Class Members.

SEEKING AN INDEPENDENT REVIEW BY THE SPECIAL MASTER

13. What do I do if I do not agree with the amount of the credit or refund that is determined is owed to me?

If you disagree with the amount of the credit or refund that is determined is owed to you, you may request that an independent review be conducted by the Special Master by sending a letter, via First Class Mail that:

- (a) states that you dispute the amount of the credit or refund that was determined is owed to you and that you desire to initiate a review by the Special Master;
- (b) explains the reason(s) that you are disputing the amount of the credit or refund; and
- (c) attaches all documents relied upon by you in disputing the amount of the credit or refund.

You must sign and date your request for an independent review. Your request must be sent to:

LADWP Billing Settlement
Claims Administrator
P.O. Box 43449
Providence, Rhode Island 02940-3449

If you are not submitting a Claim Form, any request for a Special Master Review must be postmarked within 30 days of the date of the letter from LADWP informing you of the amount of the credit or refund that has been determined to be owed to you.

If you do submit a Claim Form, any request for a Special Master Review must be postmarked within 30 days of the date of the response from LADWP regarding its determination on your claim.

In either case, failure to file a timely Special Master Review will automatically result in a denial of your request for review.

Any Class Member who wishes to contest the Special Master's determination of that Class Member's claim shall submit, via First Class Mail and within 30 days of the date of the Special Master's determination letter, a letter to the Claims Administrator requesting a review by the Court, stating the grounds for disputing the determination, and submitting any supporting documentation. Your request must be sent to:

LADWP Billing Settlement
Claims Administrator
P.O. Box 43449
Providence, Rhode Island 02940-3449

EXCLUDING YOURSELF FROM THE SETTLEMENT

14. What do I do if I do not want to be included in the Settlement?

You have a right to exclude yourself or "opt out" of the Settlement. To opt out, you must mail a request for exclusion to the Claims Administrator at the following address:

LADWP Billing Settlement
Claims Administrator
P.O. Box 43449
Providence, Rhode Island 02940-3449

You must personally sign the exclusion request. Your request must: (i) clearly express your desire to be excluded or to "opt out" from the Settlement Class; (ii) include your name, address and telephone number, LADWP account number and, if represented by counsel, counsel's name, address and telephone number.

Your exclusion request must be mailed to the address set forth above and must be postmarked no later than June 5, 2017 or it will not be accepted. If you do not specifically request to be excluded by following these directions, you will automatically be a member of the Settlement Class.

If you opt out of the Settlement Class, you will not be eligible for any Settlement benefits, and will waive all rights to object to the Settlement. However, you will retain your right to sue the LADWP either by yourself or through counsel for the claims resolved in this Settlement. Additionally, if you file an objection to the Settlement, you will not be able to exclude yourself from the Settlement Class.

15. What happens if I don't opt out before June 5, 2017?

If the proposed Settlement is approved and you are a Settlement Class Member who does not properly and timely exclude yourself from the Settlement Class, all claims that you may have now against Defendant with respect to certain billing errors or damages relating to your participation in LADWP's solar incentive program will be **WAIVED AND RELEASED**, and you will be prohibited from bringing any such claims in the future on your own behalf.

OBJECTING TO THE SETTLEMENT

16. How do I tell the Court that I don't like the Settlement?

If you are a Settlement Class Member and do not exclude yourself from the Settlement, you can express your objection to the Settlement. The Court will consider your views. To object, you must send a letter to the Claims Administrator, which will be provided to the Court and counsel, saying that you object to the terms of the Settlement. Your objection must: (i) state, in detail, the legal and factual ground(s) for your objection; (ii) include your name, address and telephone number and LADWP account number, and, if represented by counsel, counsel's name, address and telephone number; and (iii) be signed by you. If you are represented by your own separate counsel, that attorney will also need to file his or her appearance with the Court by no later than June 5, 2017.

To object, you must mail your objection the Claims Administrator, postmarked no later than June 5, 2017 to:

LADWP Billing Settlement
Claims Administrator
P.O. Box 43449
Providence, Rhode Island 02940-3449

Please include the phrase “*Jones v. City of Los Angeles*, Case No. BC577267” on the envelope containing your objection.

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

The Court will hold a Final Approval Hearing before the Honorable Elihu M. Berle at 9:00 a.m. on July 7, 2017 in Department 323 of the Superior Court of California, County of Los Angeles, Central District, Central Civil West, 600 South Commonwealth Avenue, Los Angeles, California, 90005. At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court also may decide how much to pay Class Counsel. After the hearing, the Court will decide whether to grant Final Approval to the Settlement. We do not know how long these decisions will take.

18. Do I have to attend the hearing?

No. Class Counsel will answer any questions that Judge Berle may have. However, you are welcome to come at your own expense. You also may pay your own lawyer to attend the Final Approval Hearing on your behalf. If you file an objection, you do not have to come to Court to discuss it. As long as your written objection is received before the deadline, and you have followed the directions contained in the Answer to Question 16 above, the Court will consider the information provided in your written objection.

19. May I speak at the hearing?

That will be up to Judge Berle. You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must send a letter saying that it is your “Notice of Intention to Appear in *Jones v. City of Los Angeles*, Case No. BC577267.” You must include your name, address, telephone number and LADWP account number, as well as the name, address and telephone number of any attorney who will appear at the Final Approval Hearing on your behalf.

Your Notice of Intention to Appear must be filed with the Clerk of the Court at the address listed in the Answer to Question 17 above no later than June 5, 2017. Please include the phrase “*Jones v. City of Los Angeles*, Case No. BC577267” below the Court’s address on the envelope containing your notice.

20. How do I get more information?

If you think you may be a Settlement Class Member and would like more information about the lawsuit or the terms of the proposed Settlement, you may review the pleadings, records and other papers on file in this lawsuit, including the Court’s Order granting Preliminary Approval and the proposed Settlement Agreement, which may be inspected on weekdays, during normal business hours, at the Clerk’s Office of the Superior Court of California, County of Los Angeles, Central District, Central Civil West, 600 South Commonwealth Avenue, Los Angeles, California, 90005. The Preliminary Approval Order and Settlement Agreement will also be available on www.ladwpbillingsettlement.com. For additional information on any matters contained in the Notice, visit the settlement website at www.ladwpbillingsettlement.com, call 1-844-899-6291 for assistance or you can write to Class Counsel:

Jack Landskroner, Esq.
LANDSKRONER, GRIECO MERRIMAN LLC
1360 W 9th Street, Ste. 200
Cleveland, OH 44113

PLEASE DO NOT CONTACT THE COURT DIRECTLY WITH QUESTIONS ABOUT THE SETTLEMENT.