

NOTICE OF PENDENCY OF CLASS ACTION

**YOU HAVE RECEIVED THIS NOTICE BECAUSE YOU ARE A CURRENT OR
FORMER RESIDENT OF THE CITY OF SCRANTON
WHO PAID A REFUSE FEE BETWEEN JANUARY 1, 2014,
AND THE PRESENT**

**A CLASS ACTION IS PENDING THAT MAY AFFECT YOUR LEGAL RIGHTS
PLEASE READ THIS NOTICE CAREFULLY**

- A legal action (the “Class Action”) has been brought against the City of Scranton (“City”) in the Court of Common Pleas of Lackawanna County (the “Court”) concerning the City’s residential refuse fee which the law mandates is to be used to reimburse the City’s Operating Fund for costs incurred directly for the disposal of refuse.
- Plaintiff alleges that the City has violated the law by collecting refuse fees well in excess of the amount required to fund the refuse disposal program; the City did not segregate the refuse funds into a special interest-bearing account; and the City used the refuse funds for the City’s general welfare, unrelated to refuse collection, between 2014 and the present.
- In an Order dated January 2, 2018 (the “Order”), the Court permitted the Class Action to proceed on behalf of all residential property owners who paid the refuse fee between January 1, 2014 and the present.
- As a result of the Order, you have to choose to either: (a) participate in the class action by filling out the attached **AGREEMENT TO PARTICIPATE** and returning it via either email or regular mail; *or* (b) do nothing if you do not want to participate in the Class Action; *or* (c) pursue your own claim for a refund either with or without the assistance of your own personal lawyer. You can obtain more information as well as Court documents by visiting www.CityofScrantonRefuseClassAction.com or by calling 1-855-571-5832.

**PLEASE READ THIS NOTICE CAREFULLY AS IT
DESCRIBES THE OPTIONS AVAILABLE TO YOU AND
THE CONSEQUENCES OF THE OPTION YOU PURSUE**

1. Background of the Action

Plaintiff, Adam Guiffrida, is a resident of the City of Scranton who has paid the City’s annual refuse fee governed by the City’s Refuse Ordinance. Plaintiff has also been assessed penalties and interest for delinquent refuse fees. On December 15, 2016, Plaintiff filed a Class Action Complaint seeking a declaration from the Court that the City was in violation of the Refuse Ordinance because it had collected monies in excess of the “costs incurred directly for the disposal of refuse”; failed to maintain the refuse fees in a special interest-bearing account; and used the refuse funds for the general welfare of the City. Plaintiff claims that he, as well as all other similarly situated residents, should be entitled to a proportional refund of the difference between the actual cost the City incurred for the disposal of refuse and the amount the City collected each year from January 1, 2014, to the present.

The City disputes Plaintiff’s claim and asserts that the fee is commensurate with the actual costs incurred directly for the disposal of refuse.

The Court is yet to decide who is right.

2. The Class Certification Ruling

A class action is a type of lawsuit in which one or several individuals prosecute claims on behalf of all members of a group of similarly-situated persons to obtain Court-ordered relief for the benefit of the entire group. Class actions avoid the necessity of each member of a class having to file his or her own separate lawsuit to obtain relief. Class actions are used to decide legal and factual issues that are common to all members of a class.

The Court has permitted this case to proceed as a class action on behalf of all residential property owners who paid the City’s refuse fee between January 1, 2014, and the present.

You can obtain a copy of the Court’s Order and Opinion by visiting: www.CityofScrantonRefuseClassAction.com.

3. What Are Your Options?

Because of the Order, you have two options:

A. REQUEST TO PARTICIPATE IN THE CLASS ACTION: You can request to participate in the lawsuit and be represented by Plaintiff and Class Counsel. To do so, you must fill out the attached **AGREEMENT TO PARTICIPATE** to be a party to the lawsuit. You must complete and return the **AGREEMENT** no later than July 25, 2019.

B. DO NOTHING. If you do not want to participate in the Class Action or wish to file your own claim either individually or with your own lawyer representing you, there is no need to complete and return the **AGREEMENT TO PARTICIPATE** form.

4. What Are the Consequences of the Option You Pursue?

These are the consequences of the option you pursue:

A. THE CONSEQUENCES OF PARTICIPATING IN THE CLASS:

(i.) PLAINTIFF AND CLASS COUNSEL WILL REPRESENT YOUR INTERESTS: Your interests will be represented by Plaintiff and Class Counsel. This means that if a settlement is reached or Plaintiff is successful at trial, you will be assisted by Class Counsel on an individual basis in seeking a refund from the City for any excess refuse fees collected.

(ii.) YOU WILL BE BOUND BY A JUDGMENT: If you elect to participate, you **WILL BE** bound by whatever favorable or unfavorable judgment is entered in the Class Action. This means that if Plaintiff is not successful in the Class Action, **YOU WILL BE FOREVER BARRED FROM ASSERTING ANY CLAIM AGAINST THE CITY RELATING TO THE REFUSE FEE.**

(iii.) COSTS AND ATTORNEYS' FEES: If you elect to have Plaintiff and Class Counsel represent your interests, Class Counsel will be entitled to recover their attorneys' fees and costs for prosecuting the lawsuit. Class Counsel will seek up to 25% of the refuse fee refunds obtained for reimbursement for their costs and time spent for both obtaining the right to each individual refund as well as actually obtaining each individual refund. This is because Class Counsel is representing Class members on a contingent basis, which means their compensation depends on successfully obtaining a refund for each person that elects to participate.

HOW TO PARTICIPATE: If you wish to participate in the Class, please complete the **AGREEMENT TO PARTICIPATE**. The **AGREEMENT** must be postmarked and/or emailed on or before July 25, 2019 for the request to be valid. It can be returned via mail or email to the following:

**THE CITY OF SCRANTON REFUSE CLASS ACTION
P.O. Box 3127
Portland, OR 97208-3127**

EMAIL: RefuseFeesClassAction@smbb.com

B. THE CONSEQUENCES OF DOING NOTHING:

(i.) YOU WILL NOT BE BOUND BY A JUDGMENT: If you do not elect to participate in the Class, you will **NOT** be bound by any judgment rendered in the Action, favorable or unfavorable. In addition, you can decide to not assert any claim relating to the refuse fees, or you can bring your own claim based on any other theory either as an individual or through another lawyer.

(ii.) ATTORNEYS' FEES AND EXPENSES: If you decide to bring your own claim relating to refuse fees and retain your own attorney, you **WILL BE** responsible for costs and attorneys' fees. If you have any questions about costs and attorneys' fees that may be owed by bringing your own claim, you should consult with an attorney.

5. Who Are the Attorneys for the Class?

There are three law firms representing Plaintiff and the Class. Their contact information is as follows:

PATRICK HOWARD
SALTZ, MONGELUZZI, BARRETT
& BENDESKY, P.C.
One Liberty Place, 52nd Floor
1650 Market Street
Philadelphia, PA 19103
Phone: (215) 575-3895
Email: phoward@smbb.com

PAUL G. BATYKO III
BATYKO LAW
7 Sharon Drive
Moosic, PA 18507
Phone: (570) 510-2503
Email: pbatyko@batykolaw.com

JOSEPH T. HEALEY
BURNS WHITE
575 Pierce Street, Suite 202
Kingston, PA 18704
Phone: (570) 338-6112
Email: jthealey@burnswhite.com

If you have any questions regarding your rights as a Class member or the consequences of the option you wish to pursue, you may contact Class Counsel without charge. You can also obtain more information by visiting www.CityofScrantonRefuseClassAction.com or by calling 1-855-571-5832.

Alternatively, you are free to represent yourself or retain your own attorney to represent you in the Action at your own expense.

6. Defendant Does Not Admit Liability

This Notice is not an admission by or an expression of any opinion of the Court concerning the merits of the Class Action, or a finding by the Court that the claim asserted by Plaintiff is valid. This Notice is intended solely to advise you of the Action and of your rights in connection with it. There is no settlement or monetary recovery at this time. Defendants have denied Plaintiff's claim and contend they are not liable.

PLEASE DO NOT CONTACT THE COURT