

NOTICE OF CLASS ACTION SETTLEMENT

DISTRICT COURT, SIXTH JUDICIAL DISTRICT, STATE OF IDAHO, COUNTY OF BANNOCK

If you paid the City of Pocatello user fees that included a “payment in lieu of taxes” (PILOT) component from April 14, 2012 through April 14, 2014, you may be a Class Member in a proposed class action settlement.

YOUR LEGAL RIGHTS ARE AFFECTED WHETHER OR NOT YOU ACT.

PLEASE READ THIS NOTICE CAREFULLY.

- The Plaintiffs in this class assert that the User Fee Payers who paid user fees to the City of Pocatello containing a PILOT component constitutes an unlawful taking under the Takings Clause of the United States Constitution and/or an unjust enrichment to the City. The Plaintiffs in this class also assert that the payment of the user fees to the City of Pocatello containing an illegal PILOT component unjustly enriched the City of Pocatello to the extent it unlawfully used those fees to raise revenue for the City of Pocatello.
- The parties (Plaintiffs and Defendant) have agreed to settle this case, instead of going to trial. The purpose of this notice is to inform you about the settlement and explain your legal rights to you. If you fall within the “Settlement Class” as defined herein, you will be bound by the settlement unless you expressly exclude yourself in writing pursuant to the instructions below. This notice is also to inform you of the nature of the action and your rights in connection with it.
- This notice is not an expression by the Court of any opinion as to the merits of any of the claims or defenses asserted by either side in this case. This notice is intended merely to advise you of the settlement and of your rights with respect to it, including, but not limited to, the right to remain a member of these Settlement Classes or to exclude yourself from them.
- Your **LEGAL** rights and options, and the deadlines to exercise them, are explained in this notice.
 - If you currently receive utility services from the Defendant, and you paid user fees to the Defendant from April 14, 2012 through April 14, 2014, then you do not need to submit a claim to participate in the settlement.
 - If you do **NOT** currently receive utility services from the Defendant, but you paid user fees to the Defendant from April 14, 2012 through April 14, 2014, you must submit a claim as outlined in this Notice within twelve (12) months of the Court’s Fairness Hearing and Final Approval of the Settlement on **September 16, 2019**.
 - If you wish to **EXCLUDE YOURSELF FROM THE SETTLEMENT CLASS** you must follow the instructions detailed below. Excluding yourself from the settlement is the only way you can be part of any other lawsuit against the Defendant for conduct at issue in this case. You will not get payment from this Settlement.
 - If you do not agree with all or part of this settlement you may **OBJECT TO THE SETTLEMENT BY SEPTEMBER 3, 2019**. To do so you may:
 - Write to the Court to say why, or
 - Ask to speak during the Court hearing about the fairness of the settlement,
 - Or both

Even if you object you will remain a member of the Settlement Classes. You must follow the instructions detailed below in order to object.

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BASIC INFORMATION

1. Why did I receive this notice?

This legal notice is to inform you of the Settlement that has been reached in the class action lawsuit,

Ricky G. & Logan D Robinson Hill-View Mobile Home Parks v. City of Pocatello, Civil Case No. 2014-1520-OC pending in the District Court, Sixth Judicial District, State of Idaho, County of Bannock. You are being sent this notice because you have been identified as a potential payer of user fees that included a payment in lieu of taxes (PILOT) from April 14, 2012 to April 14, 2014. The settlement agreement can be viewed at the City of Pocatello's webpage, www.pocatello.us/settlement.

2. What is this lawsuit about?

The Plaintiffs in this class assert that the User Fee Payers who paid user fees to the City of Pocatello containing a PILOT component constitutes an unlawful taking under the Takings Clause of the United States Constitution and/or an unjust enrichment to the City. The Plaintiffs in this class also assert that the payment of the user fees to the City of Pocatello containing an illegal PILOT component unjustly enriched the City of Pocatello to the extent it unlawfully used those fees to raise revenue for the City of Pocatello. The Plaintiffs assert that the Defendant needs to repay the PILOT fee to the user fee payers, along with accrued interest as determined by statute. The Defendants have denied all of the claims and have asserted other defenses.

3. Who are the Plaintiffs?

Plaintiffs represent both themselves (the named plaintiff Ricky G. & Logan D Robinson Hill-View Mobile Homes) and the one Class of individuals or entities that paid user fees to the City of Pocatello that contained the PILOT component from April 14, 2012 to April 14, 2014. The class is defined as:

All persons and entities who, between April 14, 2012 and April 14, 2014 paid user fees to the City of Pocatello that contained an PILOT component.

4. Who is the Defendant?

The Defendant is the City of Pocatello, an Idaho municipality.

5. Why is this a class action?

Plaintiffs brought this lawsuit as a class action because they believe, among other things, that a class action is superior to filing individual cases in which each plaintiff's recovery would be too small to justify the costs of bringing an individual case, and that the claims of each member of the class present and share common questions of law and fact.

6. Why is there a settlement?

The Court has not decided which side was wrong or if any laws were violated. Instead, both sides agreed to settle the case and avoid the cost and risk of trial and appeals that would follow a trial. In this case, the settlement is the product of extensive negotiations. Settling this case allows class members to receive payments and other benefits now. The Class Plaintiffs and their lawyers believe the settlement is best for all class members.

7. Am I part of this settlement?

The Defendant's records show that you are probably a member of the Settlement Class.

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SETTLEMENT BENEFITS FROM THE LAWSUIT

8. How much money will be available from this settlement?

The parties agreed to settle the case against the Defendant for \$4,500,000.00. The money in this fund will be used to pay Settlement Class members and will also be used to pay the cost of settlement administration and notice, as approved by the Court, and any attorneys' fees, not to exceed 40 percent of the Settlement amount, and litigation expenses, that may be approved by the Court.

The settlement will be distributed on a *pro rata* basis among the members of the Class. Your *pro rata* share of the Settlement Amount will be based on the dollar amount of your user fees paid to the City of Pocatello containing the PILOT component from April 14, 2012 to April 14, 2014. The Court retains the power to approve or reject, in part or in full, any individual claim of a Class Member based on equitable grounds.

9. Are there other benefits from the settlement?

No.

10. Am I giving up anything by filing a claim or not filing a claim?

If you do not exclude yourself, the Settlement will be binding upon you and all other members of the Settlement Classes if the Court grants final approval of the Settlement Agreement. By remaining part of the Settlement, if approved, you will give up any claims against Defendants and certain other entities, identified in the Settlement Agreement, relating to the claims made or which could have been made in this lawsuit, whether or not you file a claim.

Important! If you want to keep your right to be part of any other lawsuit that asks for money based on similar claims, you must opt-out (exclude yourself) from the Settlement Class.

YOUR RIGHTS AND OPTIONS

11. What happens if I do nothing at all?

If you do nothing at all, you will still be bound by the Settlement. If you currently receive utility services from the City of Pocatello, and you paid user fees to the Defendant from April 14, 2012 to April 14, 2014, and do not opt-out, you will receive your pro rata share of the monetary benefits of the Settlement within ninety (90) days of Final Approval of the Settlement.

If you do not currently receive utility services from the City of Pocatello and have not opted out, you must submit a claim form as outlined in this Notice.

12. What happens if I want to object to the settlement?

You may tell the Court you object to (disagree with) all or part of the Settlement. The Court will consider your objection(s) when it decides whether or not to finally approve the Settlement. You will still be part of the Class if you do not exclude yourself, even if you object. Objecting means you tell the Court which part(s) of the settlement you disagree with. This is different from "excluding" yourself from the Settlement. Excluding yourself (also called "opting-out") means you do not want to be, and are not, a member of the Settlement Class.

13. How do I object to the settlement?

You must file a Statement of Objections with the Court at this address:

DISTRICT COURT, SIXTH JUDICIAL DISTRICT, STATE OF IDAHO, COUNTY OF BANNOCK
OFFICE OF THE CLERK OF THE COURT
624 E. Center
Pocatello, Idaho 83201

You must also send a copy of your Statement of Objections to Class Counsel and Counsel for the Defendant at the following addresses:

Counsel for Plaintiffs:

Michael D. Gaffney
Beard St. Clair Gaffney PA
2105 Coronado Street
Idaho Falls, Idaho 83404

Nathan M. Olsen
Petersen Moss Hall & Olsen
485 "E" Street
Idaho Falls, Idaho 83402

Counsel for Defendants:

Blake G. Hall
Hall Angel & Associates
1075 S. Utah Avenue, Suite 150
Idaho Falls, Idaho 83402

You must send your Statement of Objections postmarked no later than **September 3, 2019**.

Your Statement of Objections must contain the following information: District Court, Sixth Judicial District, County of Bannock

RICKY G. ROBINSON & LOGAN D ROBINSON HILL-VIEW MOBILE HOME PARKS v. CITY OF POCATELLO, Civil Case No. CV-2014-1520-OC

Statement of Objections

I am a member of the Settlement Class in the case called *RICKY G. ROBINSON & LOGAN D ROBINSON HILL-VIEW MOBILE HOME PARKS v. CITY OF POCATELLO, Civil Case No. CV-2014-1520-OC*

I am a Class member because [List information that will prove you are a class member, such as your business name and address, and information indicating that you paid user fees to the City of Pocatello from April 14, 2012 to April 14, 2014, that included the PILOT component]. I object to the settlement in this lawsuit. I object to [list what part(s) of the Settlement you disagree with, e.g. the settlement amount, notice procedures, other features.] [Note that you may also object to any requests for attorneys' fees and expenses as part of the same objection, or as part of a separate objection described below].

My reasons for objecting are: [list reasons]

The laws and evidence that support each of my objections are: [list applicable materials] My personal information is:

Name (first, middle, last):

Address:

Phone No.:

The contact information for my lawyer (if any) is:

14. What happens if I want to be excluded from the settlement?

If you want to be excluded from the Settlement, this means that you will not be bound by the Settlement and may bring your own case against the Defendant or other parties released from future litigation related to these claims as provided by the Settlement Agreement and explained above. However, if you exclude yourself, you will not be entitled to any money from this settlement.

15. How do I exclude myself from the class?

To opt-out (exclude yourself) from the Class, send a letter to the following:

Michael D. Gaffney
Beard St. Clair Gaffney PA
2105 Coronado Street
Idaho Falls, Idaho 83404

Nathan M. Olsen
Petersen Moss Hall & Olsen
485 "E" Street
Idaho Falls, Idaho 83402

Blake G. Hall
Hall Angel & Associates
1075 S. Utah Avenue, Suite 150
Idaho Falls, Idaho 83402

Your letter must be postmarked by **August 28, 2019**. You cannot exclude yourself by phone, fax, email or online. Send your letter by first-class mail and pay for the postage. Keep a copy for your records. Your letter must be signed by a person authorized to do so and state as follows:

I want to exclude [name of class member] from the Settlement Class of the settlement in the case

RICKY G. ROBINSON & LOGAN D ROBINSON HILL-VIEW MOBILE HOME PARKS v. CITY OF POCATELLO, Civil Case No. CV-2014-1520-OC

My personal information is: Name (first, middle, last): Position:

Name of Company:

Address:

Phone No.:

My position at the business that gives me the authority to exclude it from the Settlement Class is as follows:

Warning! If your letter is sent after the deadline it will be considered invalid. If this happens, you won't be excluded from the Settlement Class, and you will still be part of the settlement and will be bound by all of its terms.

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THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

Yes. The Court has appointed the law firms listed below to represent you in this Settlement. These law firms are called Settlement Class Counsel. Because you are a class member, you do not have to pay any of these lawyers. They will be paid from the settlement funds.

Michael D. Gaffney
Beard St. Clair Gaffney PA
2105 Coronado Street
Idaho Falls, Idaho 83404

Nathan M. Olsen
Petersen Moss Hall & Olsen
485 “E” Street
Idaho Falls, Idaho 83402

If you want to be represented by your own lawyer, you may hire one at your own expense.

17. How will the lawyers be paid?

Settlement Class Counsel and other attorneys representing the plaintiffs in this case, in compensation for their time and risk in prosecuting the litigation on a wholly contingent fee basis, intend to apply to the Court for an award, from the Settlement Fund, of attorneys’ fees in an amount not to exceed 40 percent of the cash settlement, as well as the costs and expenses incurred (the “Fee Petition”), including fees and costs expended to provide Notice to the Class and administer the Settlement Fund (including the plan of allocation).

Class Counsel have filed their Fee Petition. The Fee Petition, which will identify the specific amount of fees requested and the expenses to be reimbursed, will be available on the City of Pocatello’s website, www.pocatello.us/settlement, on that date. Any attorneys’ fees and reimbursement of litigation costs will be awarded only as approved by the Court in amounts it determines to be fair and reasonable.

If you are a Class Member and you wish to object to the Fee Petition, you may file with the Court an objection to the Petition in writing no later than **October 1, 2019**. The Court will decide the amount of attorney fees and costs to be awarded on **October 15, 2019 at 2:00 p.m.**, at the following address:

BANNOCK COUNTY COURTHOUSE
624 E. Center
Pocatello, Idaho 83201

In order for the Court to consider your objection, your objection must be sent according the instructions provided under Question No. 13 above.

18. Where can I get more information?

For more detailed information concerning matters relating to the Settlement, you may wish to review the “STIPULATION AND SETTLEMENT AGREEMENT BETWEEN PLAINTIFFS AND DEFENDANT” (signed June 21, 2019) available at www.pocatello.us/settlement.

Documents and other more detailed information concerning the matters discussed in this notice may be obtained from the pleadings, orders, transcripts and other proceedings, and other documents filed in these actions, all of which may be inspected free of charge during regular business hours at the Office of the Clerk of the Court, located at the address set forth in Question No. 13.

THE COURT'S FAIRNESS HEARING

19. When and where will the Court decide whether to approve the settlement?

The Court has scheduled a "Fairness Hearing" at **2:00 p.m. on September 16, 2019** at the following address:

BANNOCK COUNTY COURTHOUSE
624 E. Center
Pocatello, Idaho 83201

The purpose of the Fairness Hearing is to determine whether the Settlement is fair, reasonable, and adequate and whether the Court should enter judgment granting final approval of it. The Court will also consider the Fee Petition during this Fairness Hearing.

20. Do I need to come to the hearing to get my money?

You do not need to attend this hearing to get settlement benefits. You or your own lawyer may attend the hearing if you wish, at your own expense.

Please note that the Court may choose to change the date and/or time of the Fairness Hearing without further notice of any kind. Class Members are advised to check www.pocatello.us/settlement for any updates.

21. What if I want to speak at the hearing?

You must file a Notice of Intention to Appear with the Court at the address listed in Question 19:

Your Notice of Intention to Appear must be filed by **September 3, 2019**. You must also mail a copy of your letter to Class Counsel and Counsel for the Defendants at the addresses listed in Question 13.

Your Notice of Intention to Appear must be signed and contain the following information: DISTRICT COURT, SIXTH JUDICIAL DISTRICT, STATE OF IDAHO, COUNTY OF BANNOCK

RICKY G. ROBINSON & LOGAN D ROBINSON HILL-VIEW MOBILE HOME PARKS v. CITY OF POCATELLO, Civil Case No. CV-2014-1520-OC

_____: Notice of Intention to Appear

I want to speak at the Fairness Hearing for the case called *RICKY G. ROBINSON & LOGAN D ROBINSON HILL-VIEW MOBILE HOME PARKS v. CITY OF POCATELLO*,

My personal information is: Name (first, middle, last):

Address:

Phone No.:

Personal information for other people (including lawyers) who want to speak at the hearing:

PLEASE DO NOT CONTACT THE COURT FOR INFORMATION REGARDING THIS LAWSUIT.