

**IN THE CIRCUIT COURT OF BARBOUR COUNTY, ALABAMA,
EUFAULA DIVISION**

BACH ENTERPRISES, INC. d/b/a)
RANDALL GREENE AUTOMOTIVE,)
et al.;)
)
Plaintiffs,)
)
v.)
)
ADVANCED DISPOSAL SERVICES)
SOUTH, INC., et al.)
)
Defendants.)

Civil Action No.:
69-cv-2013-900090.00

**If you are or were a customer of Advanced Disposal, you
could get a payment from a class action settlement.**

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

- Three plaintiffs in three separate class action lawsuits (the “Litigation”) filed in two different states sued certain Advanced Disposal companies, including Advanced Disposal Services, Inc., Advanced Disposal Services Solid Waste Southeast, Inc., Advanced Disposal Services Alabama, LLC, Advanced Disposal Services Atlanta, LLC, and Advanced Disposal Services South, LLC, together with their current, predecessor, and successor parents, subsidiaries, affiliates, purchasers, and related companies (collectively, “Advanced Disposal”), alleging Advanced Disposal improperly charged its customers “fuel surcharges,” “fuel fees,” “energy recovery fees,” “energy charges,” “environmental fees,” “environmental charges,” “administrative fees,” “administrative charges,” “late fees,” and “service fees,” and any substantively similar charges (regardless of term used when charged) (“Fees”). The three class actions have since been consolidated through amendment into this action to seek approval of a class wide settlement.
- The Court has allowed the lawsuit to proceed as a class action on behalf of all customers in Georgia and Alabama which paid Advanced Disposal one or more of the Fees during a prescribed Class Period.
- This settlement was reached after almost ten years of litigation and seven mediation sessions. The litigation included the review of hundreds of thousands of documents and the depositions of approximately fifteen witnesses. Six separate law firms have expended

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thousands of hours of attorney time pursuing three cases in two different states for the plaintiffs. The two most recent mediation sessions which led to this settlement were overseen by Terrence M. White, Esq.

- **Your legal rights are affected whether you act or don't act. The deadlines to exercise these rights are explained in this notice. Read carefully:**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
SUBMIT A CLAIM FORM	The only way to get a payment from the settlement is to timely submit a valid claim form either online or through the U.S. Mail. The deadline to submit a claim form is <u>November 4, 2019</u> .
EXCLUDE YOURSELF	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 Advanced Disposal about the legal claims in this case.
OBJECT	Write to the Court about why you don't like the settlement.
DO NOTHING	If you do nothing, you will not receive a payment. But you still will give up your right to sue Advanced Disposal and/or the Released Parties about the legal claims in this case (unless you exclude yourself). To receive a payment, you must submit a claim form.

BASIC INFORMATION

1. Why did I get this notice?

You may be or may have been a customer of Advanced Disposal that paid one or more of the Fees.

The case has been settled, and the Court has ordered that you be sent this Notice 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 timely submits a valid claim.

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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 Circuit Court for Barbour County, Alabama, Eufaula Division. The judge in this case is the Honorable Burt Smithart.

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 Advanced Disposal improperly charged and collected the “Fees.” According to Plaintiffs, Advanced Disposal did not have the right to charge the Fees. Advanced Disposal denies that it did anything wrong, and the Court has not found that Advanced Disposal did anything wrong. This settlement is entered solely to resolve disputed and contested claims.

The First Amended and Restated Class Action Complaint has more information about the lawsuit and is available online at www.BachSettlement.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. The settlement also ensures that the class members affected will get compensation. In return, the Released Parties get a general release of all claims against them that were made or could have been made in the lawsuit. The Class Representatives and Class Counsel believe the settlement is in the best interests of everyone affected.

WHO IS IN THE SETTLEMENT

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

The Court has certified a class (the “Class” or “Settlement Class” or “Class Members”) defined as:

All individuals and entities in Alabama or Georgia that paid the Released Parties one or more of the Fees at any time within the Class Period. Excluded from the Settlement Class are: (1) municipalities, (2) landfill or transfer station customers (but only as to the amounts paid to a landfill or transfer station), (3) any individual or entity whose hauling services were performed in Pennsylvania, (4)

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any individual currently in bankruptcy,(5) any individual or entity whose obligations were discharged in bankruptcy, (6) any judicial officer who has presided over any of the pending litigation in Alabama or Georgia; and (7) any Georgia customer who paid only a service or late fee and no other Fees.

If you received written notice of the settlement by postcard or email, then the parties believe that you are a member of the Class based upon Advanced Disposal's records.

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

You still are a class member even if you only paid one of the following Fees during the applicable class period: "fuel surcharges," "fuel/environmental fees," "administrative fees," and/or "service charges", or a substantially similar charge identified differently. However, customers in Georgia who only paid the service or late fee are not class members.

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.BachSettlement.com or obtain free assistance by calling the settlement administrator appointed by the Court at 1-800-526-8244.

THE SETTLEMENT BENEFITS — WHAT YOU CAN GET

8. What does the settlement provide?

The settlement is for a total of \$2,999,000.00, a portion of which is to be paid to Class Members who timely submit valid claims after any Court approved amounts for attorney's fees, class representative incentive awards, and reimbursed litigation expenses are paid from this amount. This remaining amount is referred to as the "net settlement fund." No money from the Settlement Fund will revert to ADS if the Settlement receives Final Approval.

9. What can I get from the settlement?

If you are a Class Member who timely submits a valid claim, you will be eligible to receive up to one hundred (100%) of the total amount of Fees you paid during the periods set forth in the Class definition (as noted in Section 5 above). However, if the total value of all claims exceeds the amount of the net settlement fund, you will receive a reduced recovery based on your pro-rata share of Fees you paid. The total amount of the Fees you paid as a percentage of the total amount of Fees paid by all Class Members who timely submit valid claims will ultimately determine your percentage share of the net settlement fund.

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HOW YOU GET A PAYMENT — SUBMITTING A CLAIM FORM

10. How can I get a payment?

To qualify for payment, you must submit a claim form by November 4, 2019. If you were sent notice of this settlement by electronic mail or by postcard, you should submit the claim form online, found at www.BachSettlement.com. If you choose not to submit your claim form online, you must submit a paper claim form to the settlement administrator appointed by the Court by November 4, 2019. The claim form is attached as Exhibit A to this notice. To receive additional copies of the claim form or to receive instructions on submitting a paper claim form, please contact the settlement administrator at 1-800-526-8244 or visit www.BachSettlement.com.

Your settlement funds will be sent to you by check unless you choose to receive them digitally. Instead of receiving a check, you may choose to have your settlement funds digitally sent to you. To receive your settlement funds digitally, you must provide a current, valid email address and mobile phone number with your claim form submission. If the email address or mobile phone number you include with your claim form submission becomes invalid for any reason, it is your responsibility to update the Settlement Administrator with accurate contact information in order to receive your payment. When you receive the email and/or mobile phone text notifying you of your Settlement payment, you will be provided with a number of digital payment options such as PayPal, an electronic Visa gift card or Amazon to immediately receive your settlement payment.

In the event that all of the Settlement funds are not claimed after the initial distribution, one subsequent re-distribution will be made to Settlement Class Members who filed a claim form by settlement check or digital payment. After this first re-distribution, any future re-distributions will only be made by digital payment, so you must provide a current, valid email address and mobile phone number if you want to receive future, digital re-distribution payments, if any are made.

11. How many claim forms should I submit if I have multiple locations?

Submit only one claim form, even if you had multiple locations serviced by Advanced Disposal.

12. Do I need to submit any documents or information with the Claim Form?

You do not need to submit any documentation with your Claim Form. The claim form is simple to complete and tells you exactly what information, if any, you need to submit. Make sure you follow all instructions on the claim form. If you need any assistance completing the claim form or need any instructions regarding the claim form, please call or write the Settlement Administrator at 1-800-526-8244 or Bach Enterprises, Inc. v. Advanced Disposal Settlement, c/o A.B. Data, Ltd., P.O. Box 173041, Milwaukee, WI 53217 or info@BachSettlement.com.

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13. When would I get my payment?

The Court will hold a hearing on August 21, 2019 at 1:30 p.m. to decide whether to approve the settlement. If Judge Smithart approves the settlement after that, and if anyone filed an objection, there could be appeals. If there are any appeals, these appeals could delay payment of claims, possibly for more than a year. Updates will be provided online at www.BachSettlement.com.

EXCLUDING YOURSELF FROM THE SETTLEMENT

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

To exclude yourself from the settlement (“opt-out”), you must, among other things as more specifically set forth on the settlement website and in the Preliminary Approval Order, send a letter by U.S. Mail stating that you want to be excluded from “*Bach Enterprises, Inc. d/b/a Randall Green Auto v. Advanced Disposal, et al.* (Civil Action No.: 69-CV-2013-900090)”. You also must include your name, address, telephone number, and signature. You must submit your exclusion request no later than August 7, 2019 to *each* of the following:

Bach Enterprises, Inc. v.	Bryan O. Balogh	J. Matthew Stephens
Advanced Disposal Settlement	Attn: Bach Settlement	Attn: Bach Settlement
EXCLUSIONS	Burr & Forman LLP	Methvin, Terrell, Yancey,
c/o A.B. Data, Ltd.	420 North 20th Street	Stephens & Miller, P.C.
P.O. Box 173001	Suite 3400	2201 Arlington Avenue South
Milwaukee, Wisconsin 53217	Birmingham, Alabama 35203	Birmingham, Alabama 35205

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. You also will not be bound by the settlement and may be able to sue (or continue to sue) Advanced Disposal regarding the claims in this lawsuit.

15. 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 can’t sue, continue to sue, or be part of any other lawsuit against Advanced Disposal and/or any of their agents, employees, attorneys, officers, directors, predecessors, successors, representatives, insurers, assignees, administrators, parents, subsidiaries, and/or affiliates (collectively, the “Released Parties”) regarding the claims in this lawsuit. It also means that all of the Court’s orders will legally bind you. Specifically, you will release all matters arising out of or relating to Plaintiffs’ claims as alleged, or which could have been alleged regarding or relating to the fees, surcharges, and rates, in the First Amended and Restated Complaint, including, but not limited to, any and all claims for 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, statues, or ordinances, regulations, contracts, common law, or any other source, known or unknown, whether or not

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concealed or hidden, that Plaintiffs and the Settlement Class have against Advanced Disposal and/or the Released Parties described in Section 22 below regarding, arising out of, or in any way related to 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.

IF YOU DO NOTHING

16. What happens if I do nothing at all?

If you do nothing, you'll get no money from the settlement and you will release all claims against the Released Parties about the legal issues in this case, as discussed above.

THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer in this case?

The Court has appointed attorneys from the law firm of Methvin, Terrell, Yancey, Stephens & Miller, P.C., Birmingham, Alabama ("Class Counsel"), 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.

18. How will the lawyers be paid?

Under the terms of the settlement, the appointed lawyers can ask the Court for an award of attorneys' fees of up to one-third (1/3) of the total value of the class recovery and for reimbursement of litigation expenses they've incurred up to \$150,000.00. This award is to compensate the six law firms for the ten years and thousands of hours of attorney time spent pursuing three different lawsuits, filed in two separate states, and the risk they took that no resolution would ever be reached. The appointed lawyers may also seek payments up to \$10,000.00 for each of the three (3) 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 separately by Class Counsel and will also reduce the amount of the settlement fund. This money will remain in a federally insured, interest bearing account. Any interest accrued on this account will be added to the settlement fund.

OBJECTING TO THE SETTLEMENT

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19. How do I object to the Court if I don't like the settlement?

If you're a Class Member, you may object to any part of the settlement you don't 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 August 7, 2019 (the "Objection Deadline") by all of the following.**

Paige Q. Smith, Clerk
Barbour County Courthouse
303 East Broad St.
Eufaula, Alabama 36027

Bryan O. Balogh
Attn: Bach Settlement
Burr & Forman LLP
420 North 20th Street
Suite 3400
Birmingham, Alabama 35203

J. Matthew Stephens
Attn: Bach Settlement
Methvin, Terrell, Yancey,
Stephens & Miller, P.C.
2201 Arlington Avenue South
Birmingham, Alabama 35205

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 *Bach Enterprises, Inc. d/b/a Randall Green Auto v. Advanced Disposal, et al.* (Civil Action No.: 69-CV-2013-900090)";
- (b) your full name, title, current address and telephone number and other information sufficient to identify your account with Advanced Disposal;
- (c) 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;
- (d) certification that you are a Class Member;
- (e) a statement of each objection you assert;
- (f) a detailed description of the facts underlying each objection you assert;
- (g) a detailed description of the legal authorities, if any, supporting each objection you assert;
- (h) copies of exhibits and/or affidavits you may offer during the final approval hearing, if any;
- (i) 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
- (j) the signature, full name, firm name, and business address of all attorneys who have a financial interest in your objection.

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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 Stipulation of 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 parties identified above a notice of intent to appear, and your 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 Class, and to have released the claims as defined in the Stipulation of Settlement Agreement (which is available online at www.BachSettlement.com).

THE COURT'S FAIRNESS HEARING

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

The Court will hold a Final Fairness Hearing at 1:30 p.m. on August 21, 2019 in Courtroom 1, at the Barbour County Courthouse, 303 East Broad St., in Eufaula, Alabama. 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 Smithart will consider them. Judge Smithart will listen to people who have made a prior written request to speak at the hearing. Judge Smithart 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

21. Are there more details about the settlement?

This Notice is just a summary, and you are entitled, if you wish, to read the entire Stipulation of Settlement Agreement. The Stipulation of Settlement Agreement and some other documents filed in this lawsuit can be found online at www.BachSettlement.com.

22. What claims are being released by the Settlement?

Class Members are releasing any and all claims for 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,

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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 Advanced Disposal and/or the Released Parties regarding, arising out of, or in any way related to 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. “Released Parties” include Defendants Advanced Disposal Services, Inc.; Advanced Disposal Services Solid Waste Southeast, Inc.; Advanced Disposal Services Alabama, LLC; Advanced Disposal Services Atlanta, LLC; Advanced Disposal Services South, LLC; Highstar Capital Holdings, LLC; and Highstar Capital, LP; and each and all of their respective predecessors, successors, successor parents, successor affiliates, successor employees, successor agents, purchasers, direct and indirect parents and subsidiaries, acquired companies, divisions, related or affiliated entities, and any entity in which any of them have a controlling interest, and for each and every above referenced entity, its respective past, present, and future directors, managers, shareholders, officers, employees, agents, attorneys, insurers, co-insurers, reinsurers, and each and all of their respective predecessors, assigns, and legal representatives.

23. How do I get more information?

You can call or write to the Settlement Administrator at 1-800-526-8244 or Bach Enterprises, Inc. v. Advanced Disposal Settlement, c/o A.B. Data, Ltd., P.O. Box 173041, Milwaukee, WI 53217 or info@BachSettlement.com. You can also visit the website at www.BachSettlement.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.

QUESTIONS? CALL 1-800-526-8244 or VISIT www.BachSettlement.com

EXHIBIT A

ADVANCED DISPOSAL CLASS ACTION SETTLEMENT CLAIM FORM

- To receive a settlement payment, you must file your claim online at www.BachSettlement.com **or** return this claim form to the address below no later than November 4, 2019.
- This is a very simple process. To submit a claim for settlement payment related to the “fuel surcharges,” “fuel fees,” “energy recovery fees,” “energy charges,” “environmental fees,” “environmental charges,” “administrative fees,” “administrative charges,” “late fees,” and “service fees,” and any substantively similar charges (regardless of term used when charged) (the “Fees”) you paid, you must complete the information below and sign where indicated. Failure to include this information and sign this Claim Form will result in denial of your claim(s).
- Your settlement funds will be sent to you by check unless you choose to receive them digitally.
- Instead of receiving a check, you may choose to have your settlement funds digitally sent to you. To receive your settlement funds digitally, you must provide a current, valid email address and mobile phone number with your claim form submission. If the email address or mobile phone number you include with your claim form submission becomes invalid for any reason, it is your responsibility to update the Settlement Administrator with accurate contact information in order to receive your payment. When you receive the email and/or mobile phone text notifying you of your Settlement payment, you will be provided with a number of digital payment options such as PayPal, an electronic Visa gift card or Amazon to immediately receive your settlement payment.
- In the event that all of the Settlement funds are not claimed after the initial distribution, one subsequent re-distribution will be made to Settlement Class Members who filed a claim form by settlement check or digital payment. After this first re-distribution, any future re-distributions will only be made by digital payment, so you must provide a current, valid email address and mobile phone number if you want to receive future, digital re-distribution payments, if any are made.

Full legal name of as it appears or appeared on your contract with Advanced Disposal:

Principal address (your check will be mailed here unless you elect to receive digital payments):

SIGNATURE *

DATE

By: _____
(Print Name)

TITLE

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(OPTIONAL INFORMATION TO RECEIVE DIGITAL PAYMENTS)

Current & Valid Email Address: _____

Mobile Phone number: _____

Please ensure you provide a current, valid email address and mobile phone number with your claim form submission. If the email address or mobile phone number you include with your submission becomes invalid for any reason, it is your responsibility to provide the Settlement Administrator with a current, valid email address and mobile phone number for payment.

RETURN THIS FORM, NO LATER THAN NOVEMBER 4, 2019, TO:

**Bach Enterprises v. Advanced Disposal Settlement
c/o A.B. Data, Ltd.
P.O. Box 173041
Milwaukee, WI 53217**

QUESTIONS or HELP: Call 1-800-526-8244 or write to Bach Enterprises, Inc. v. Advanced Disposal Settlement, c/o A.B. Data, Ltd., P.O. Box 173041, Milwaukee, WI 53217 or info@BachSettlement.com

*** By signing above, you are affirming, to the best of your knowledge, that you are or were an Advanced Disposal customer and the information stated on this form is true and correct.**

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