

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK**  
*Heigl v. Waste Management of New York, LLC*, Case No. 1:19-cv-05487-WFK-ST

IF YOU HAVE OR HAD A RESIDENTIAL ACCOUNT WITH WASTE MANAGEMENT BETWEEN SEPTEMBER 27, 2016 AND AUGUST 27, 2020 YOU MAY BE ENTITLED TO A PAYMENT FROM A CLASS ACTION SETTLEMENT.

***A court authorized this Notice. You are not being sued. This is not a solicitation from a lawyer.***

- A Settlement has been reached in a class action lawsuit against Waste Management of New York, LLC (“Waste Management”). The class action lawsuit involves whether Waste Management charged its customers an Administrative Charge in order to receive a paper billing statement and/or pay by United States mail, which is alleged to violate New York law.
- You are included if you have or had a residential account with Waste Management with a New York mailing address between September 27, 2016 and August 27, 2020 and were charged and paid an Administrative Charge.
- Those included in the Settlement will be eligible to receive a *pro rata* (meaning proportional) portion of the Settlement Fund, based on the total amount of Administrative Charges you paid via your Waste Management account between September 27, 2016 and August 27, 2020.
- Read this Notice carefully. Your legal rights are affected whether you act or don’t act.

| <b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</b> |  |
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| <b>DO NOTHING</b>                                       | <p>If you have an <b><u>active</u></b> residential account with Waste Management, once the Settlement becomes Final, you will receive a <i>pro rata</i> share of the Settlement Fund in the form of a credit to your account, based on the total amount of Administrative Charges you paid via your account between September 27, 2016 and August 27, 2020. If you close your residential account with Waste Management after August 27, 2020, then you will receive a <i>pro rata</i> share of the Settlement Fund in the form of a check issued to you, rather than via a credit to the account.</p> <p>If you have a <b><u>closed</u></b> residential account with Waste Management, you must submit a claim to receive a <i>pro rata</i> share of the Settlement Fund in the form of a check, based on the total amount of Administrative Charges you paid via your account between September 27, 2016 and August 27, 2020. If you have a <b><u>closed</u></b> Waste Management account and do nothing, you won’t get a share of the Settlement benefits and will give up your rights to sue Waste Management about the claims in this case.</p> |

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|--|---|
| <b>SUBMIT A CLAIM FORM BY FEBRUARY 20, 2021</b>            | If you have a <b>closed</b> Waste Management account, this is the only way to receive payment.<br><br>If you have an <b>active</b> Waste Management account, you do not need to file a Claim Form. You will automatically receive a <i>pro rata</i> share of the Settlement Fund, as long as you do not exclude yourself from the Settlement. |
| <b>EXCLUDE YOURSELF FROM THE CLASS BY NOVEMBER 6, 2020</b> | You will receive no benefits, but you will retain any rights you currently have to sue Waste Management about the claims in this case. Excluding yourself is the only option that allows you to ever bring or maintain your own lawsuit against Waste Management regarding the allegations in this case ever again.                           |
| <b>OBJECT BY NOVEMBER 6, 2020</b>                          | Write to the Court explaining why you don't like the Settlement and think it shouldn't be approved. Filing an objection does not exclude you from the Settlement.   |

These rights and options—**and the deadlines to exercise them**—are explained in this Notice.

The Court in charge of this action has preliminarily approved the Settlement as fair, reasonable, and adequate, and must decide whether to give final approval to the Settlement. The relief provided to Class Members will be provided only if the Court gives final approval to the Settlement and, if there are any appeals, after the appeals are resolved in favor of the Settlement. *Please be patient.*

### BASIC INFORMATION

#### 1. Why was this Notice issued?

The Court authorized this Notice because you have a right to know about a proposed Settlement of this class action lawsuit and about all of your options, before the Court decides whether to give final approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

The Honorable Steven L. Tiscione, of the U.S. District Court for the Eastern District of New York, is overseeing this case. The case is called *Heigl v. Waste Management of New York, LLC*, Case No. 1:19-cv-05487-WFK-ST. The person who sued is called the Plaintiff. The Defendant is Waste Management of New York, LLC.

#### 2. What is a class action?

In a class action, one or more people called class representatives (in this case, Julianne Heigl) sue on behalf of a group or a “class” of people who have similar claims. In a class action, the court resolves the issues for all class members, except for those who exclude themselves from the Class.

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### 3. What is this lawsuit about?

This lawsuit claims that Waste Management violated New York law by charging its customers an additional fee to receive a paper billing statement and/or pay by United States mail. Waste Management denies the claims in the lawsuit and contends that it did not do anything wrong and denies that class certification is warranted or appropriate. The Court did not resolve the claims and defenses raised in this action. Nor has the Court determined that Waste Management did anything wrong or that this matter should be certified as a class action except if the Settlement is fully approved by the Court. Rather, the Parties have, without admitting liability, agreed to settle the lawsuit to avoid the uncertainties and expenses associated with ongoing litigation.

### 4. Why is there a Settlement?

The Court has not decided whether the Plaintiff or Waste Management should win this case. Instead, both sides agreed to a Settlement. That way, they avoid the uncertainties and expenses associated with ongoing litigation, and Class Members will get compensation sooner rather than, if at all, after the completion of a trial.

**The issuance of this Notice is not an expression of the Court's opinion on the merit or the lack of merit of the Representative Plaintiff's claims or the defenses in the lawsuit. Both parties recognize that to resolve the issues raised in the lawsuit would be time-consuming, uncertain, and expensive.**

#### WHO'S INCLUDED IN THE SETTLEMENT?

### 5. How do I know if I am in the Settlement Class?

The Court decided that everyone who fits the following description is a member of the **Settlement Class**:

All Waste Management residential subscription customers (*i.e.*, individual consumers who subscribed to Waste Management's residential services, but not including individuals whose residential waste collection service is/was provided by Waste Management pursuant to a contract awarded following a competitive bidding process) with a New York mailing address who from September 27, 2016 to and through August 27, 2020 were charged and paid Waste Management's Administrative Charge.

#### THE SETTLEMENT BENEFITS

### 6. What does the Settlement provide?

**Monetary Relief:** A Settlement Fund has been created totaling \$2,700,000. Class Member payments as well as the cost to administer the Settlement, the cost to inform people about the Settlement, attorneys' fees, and an award to the Class Representative, will come out of this fund (*see* Question 12).

**Prospective Relief:** Waste Management has agreed not to reinstate the Administrative Charge for its New York residential subscription customers unless New York General Business Law § 399-zzz is amended, repealed, ruled unconstitutional, or otherwise invalidated. This will not be understood to prohibit Waste Management from offering a credit or other incentive for its New York customers to elect a specific payment or billing option.

A detailed description of the Settlement benefits can be found in the Settlement Agreement which can be found in the ‘Documents’ section of the website.

#### **7. How can I get a payment from the Settlement?**

If you have an **active** residential account with Waste Management, you will automatically receive a *pro rata* share of the Settlement Fund via a credit to your account, so long as you do not request to be excluded from the Settlement Class. If you close your Waste Management account after August 27, 2020, then you will receive a *pro rata* share of the Settlement Fund in the form of a check issued to you, rather than via a credit to the account.

If you have a **closed** residential account with Waste Management, you must submit a timely and properly completed Claim Form **no later than February 20, 2021**. Claim Forms can be found and submitted on-line or you may have received a Claim Form in the mail as a postcard attached to a summary of this Notice. To submit a Claim Form on-line or to request a paper copy, go to [www.WasteManagementPaperBillingSettlement.com](http://www.WasteManagementPaperBillingSettlement.com) or call toll free 1-844-271-4789.

#### **8. When will I get my payment?**

The hearing to consider the fairness of the settlement is scheduled for **January 6, 2021**. If the Court approves the Settlement, eligible Class Members whose claims were approved by the Settlement Administrator will receive their payment within 60 days after the Settlement has been finally approved and/or after any appeals process is complete. Class Members with an **active** Waste Management account will receive their payments in the form of a credit to their account. Class members with a **closed** Waste Management account will receive their payment in the form of a check, and all checks will expire and become void 180 days after they are issued.

### **REMAINING IN THE SETTLEMENT**

#### **9. What am I giving up if I stay in the Class?**

If the Settlement becomes final, you will give up your right to sue Waste Management and other Released Parties for the claims being resolved by this Settlement. The specific claims you are giving up against Waste Management are described in the Settlement Agreement. You will be “releasing” Waste Management and certain of its affiliates, employees and representatives as described in Section 3.2 of the Settlement Agreement. Unless you exclude yourself (*see* Question 13), you are “releasing” the claims, regardless of whether you submit a claim or not. The Settlement Agreement is available through the “Documents” section of the website.

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The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions you can talk to the lawyers listed in Question 11 for free or you can, of course, talk to your own lawyer if you have questions about what this means.

#### **10. What happens if I do nothing at all?**

If you have an **active** residential account with Waste Management, once the Settlement becomes Final, you will receive a *pro rata* share of the Settlement Fund based on the total amount of Administrative Charges you paid via your account between September 27, 2016 and August 27, 2020.

If you have a **closed** residential account with Waste Management, you must submit a claim to receive a *pro rata* share of the Settlement Fund in the form of a check, based on the total amount of Administrative Charges you paid via your account between September 27, 2016 and August 27, 2020. If you have a **closed** Waste Management account and do nothing, you won't get a share of the Settlement benefits and will give up your rights to sue Waste Management about the claims in this case.

### **THE LAWYERS REPRESENTING YOU**

#### **11. Do I have a lawyer in the case?**

The Court has appointed Bursor & Fisher, P.A to be the attorneys representing the Settlement Class. They are called "Class Counsel." They believe, after conducting an extensive investigation, that the Settlement Agreement is fair, reasonable, and in the best interests of the Settlement Class. You will not be charged for these lawyers. If you want to be represented by your own lawyer in this case, you may hire one at your expense.

#### **12. How will the lawyers be paid?**

Any Class Counsel attorneys' fees and costs awarded by the Court will be paid out of the Settlement Fund in an amount to be determined by the Court. The fee petition will seek no more than one-third of the Settlement Fund; the Court may award less than this amount. Under the Settlement Agreement, any amount awarded to Class Counsel will be paid out of the Settlement Fund.

Subject to approval by the Court, the Class Representative may be paid up to \$5,000 from the Settlement Fund.

### **EXCLUDING YOURSELF FROM THE SETTLEMENT**

#### **13. How do I get out of the Settlement?**

To exclude yourself from the Settlement, you must mail or otherwise deliver a written request for exclusion stating that you want to be excluded from the *Heigl v. Waste Management of New York, LLC*, Case No. 1:19-cv-05487-WFK-ST Settlement. Your letter

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or request for exclusion must also include your name, your address, your signature, the name and number of this case, and a statement that you wish to be excluded. You must mail or deliver your exclusion request postmarked no later than **November 6, 2020** to:

Heigl v. Waste Management  
c/o Settlement Administrator  
PO Box 7767  
Philadelphia, PA 19101-7767

**14. If I don't exclude myself, can I sue Waste Management for the same thing later?**

No. Unless you exclude yourself, you give up any right to sue Waste Management for the claims being resolved by this Settlement.

**15. If I exclude myself, can I get anything from this Settlement?**

No. If you exclude yourself, you will not receive a *pro rata* share of the Settlement Fund.

**OBJECTING TO THE SETTLEMENT**

**16. How do I object to the Settlement?**

If you are a Class Member and do not exclude yourself from the Settlement Class, you can object to the Settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must file with the Court a letter or brief stating that you object to the Settlement in *Heigl v. Waste Management of New York, LLC*, Case No. 1:19-cv-05487-WFK-ST and identify all your reasons for your objections (including citations and supporting evidence) and attach any materials you rely on for your objections. Your letter or brief must also include your name, your address, the basis upon which you claim to be a Class Member, the name and contact information of any and all attorneys representing, advising, or in any way assisting you in connection with your objection, and your signature. If you, or an attorney assisting you with your objection, have ever objected to any class action settlement where you or the objecting attorney has asked for or received payment in exchange for dismissal of the objection (or any related appeal) without modification to the settlement, you must include a statement in your objection identifying each such case by full case caption. You must also mail or deliver a copy of your letter or brief to Class Counsel and Waste Management's Counsel listed below.

Class Counsel will file with the Court and post on the website its request for attorneys' fees on or about **October 23, 2020**.

If you want to appear and speak at the Final Approval Hearing to object to the Settlement, with or without a lawyer (explained below in answer to Question Number 20), you must say so in your letter or brief and file the objection with the Court and mail a copy to these two different places postmarked no later than **November 6, 2020**. **IF YOU DO NOT TIMELY MAKE YOUR OBJECTION, YOU WILL BE DEEMED TO HAVE**

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**WAIVED ALL OBJECTIONS AND WILL NOT BE ENTITLED TO SPEAK AT THE FAIRNESS HEARING.**

| <b>Court</b>  | <b>Class Counsel</b>   | <b>Waste Management's Counsel</b>   |
|---|--|---|
| The Honorable Steven L. Tiscione<br>United States District Court for the Eastern District of New York<br>225 Cadman Plaza East, Room N505<br>Brooklyn, NY 11201 | Philip L. Fraietta<br>Bursor & Fisher P.A.<br>888 Seventh Avenue<br>New York, NY 10019 | Philip G. Spellane<br>Harris Beach PLLC<br>99 Garnsey Road<br>Pittsford, NY 14534 |

**17. What's the difference between objecting and excluding myself from the Settlement?**

Objecting simply means telling the Court that you don't like something about the Settlement. You can object only if you stay in the Class. Excluding yourself from the Class is telling the Court that you don't want to be part of the Class. If you exclude yourself, you have no basis to object because the Settlement no longer affects you.

**THE COURT'S FINAL APPROVAL HEARING**

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

The Court will hold the Final Approval Hearing **at 2:00 p.m. on January 6, 2021** in Courtroom N504 at the Theodore Roosevelt Federal Courthouse, 225 Cadman Plaza East, Brooklyn, NY 11201. The purpose of the hearing will be for the Court to determine whether to approve the Settlement as fair, reasonable, adequate, and in the best interests of the Class; to consider the Class Counsel's request for attorneys' fees and expenses; and to consider the request for an incentive award to the Class Representative. At that hearing, the Court will be available to hear any timely filed objections and arguments concerning the fairness of the Settlement.

The hearing may be postponed to a different date or time without notice, so it is a good idea to check [www.WasteManagementPaperBillingSettlement.com](http://www.WasteManagementPaperBillingSettlement.com) or call 1-844-271-4789. If, however, you timely objected to the Settlement and advised the Court that you intend to appear and speak at the Final Approval Hearing, you will receive notice of any change in the date of such Final Approval Hearing.

**19. Do I have to come to the hearing?**

No. Class Counsel will answer any questions the Court may have. But, you are welcome to come at your own expense. If you send an objection or comment, you don't have to come to Court to talk about it. As long as you filed and mailed your written objection on time, the Court will consider it. You may also pay another lawyer to attend, but it's not required.

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## **20. May I speak at the hearing?**

Yes. So long as you timely filed an objection to the settlement, you may ask the Court for permission to speak at the Fairness Hearing, but do not have to. To do so, you must include in your letter or brief objecting to the settlement a statement saying that it is your “Notice of Intent to Appear in *Heigl v. Waste Management of New York, LLC*, Case No. 1:19-cv-05487-WFK-ST.” It must include your name, address, telephone number and signature as well as the name and address of your lawyer, if one is appearing for you. Your objection and notice of intent to appear must be filed with the Court and postmarked no later than **November 6, 2020** and be sent to the addresses listed in Question 16.

### **GETTING MORE INFORMATION**

## **21. Where do I get more information?**

This Notice summarizes the Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at [www.WasteManagementPaperBillingSettlement.com](http://www.WasteManagementPaperBillingSettlement.com). You may also write with questions to Heigl v. Waste Management c/o Settlement Administrator, PO Box 7767, Philadelphia, PA 19101-7767. You can call the Settlement Administrator at 1-844-271-4789 or Class Counsel at 1-646-837-7150, if you have any questions. Before doing so, however, please read this full Notice carefully. You may also find additional information elsewhere on the case website. Please do not telephone the Court to inquire about the Settlement or the claims process.