

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS**

BRIAN WILLIAMS, Individually and on
Behalf of all Others Similarly Situated,

Plaintiff,

v.

GREENLIGHT ENERGY, INC.,

Defendant.

Index No.: 708394/2019

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

This Notice is to inform you of a proposed settlement of a class action lawsuit pending against GREENLIGHT ENERGY, INC. ("Greenlight"). As described below, this settlement is on behalf of All Persons or Entities that were: (i) customers of Greenlight; and (ii) charged a variable rate for electricity by Greenlight in New York, New Jersey, Maryland, or Pennsylvania between March 1, 2014 to May 13, 2019.

Greenlight's records indicate that you may be a member of the Class. This Notice affects your legal rights and is given to you pursuant to New York CPLR 901 *et seq.* Please read this document carefully. **IF YOU ARE A MEMBER OF THIS CLASS OF PERSONS OR ENTITIES, YOU SHOULD READ THIS NOTICE CAREFULLY BECAUSE IT WILL AFFECT YOUR LEGAL RIGHTS AND OBLIGATIONS.**

NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT		
SUBMIT A CLAIM FORM	This is the only way to get a settlement payment under the Settlement. Submit an online Claim Form at www.GreenlightEnergySettlement.com by using the code on the front of the postcard mailed to you. You can also download a Claim Form to submit by mail at www.GreenlightEnergySettlement.com or receive one by calling 1-844-455-0808.	Deadline: August 12, 2021
EXCLUDE YOURSELF	If you exclude yourself from the Settlement, you will not receive a settlement payment under the Settlement. Excluding yourself is the only option that allows you to ever bring or maintain your own lawsuit against Greenlight regarding the allegations in the Action ever again.	Deadline: August 12, 2021

OBJECT	You may write to the Court about why you object to (<i>i.e.</i> , don't like) the Settlement and think it shouldn't be approved. Filing an objection does not exclude you from the Settlement.	Deadline: August 12, 2021
DO NOTHING	You will not receive a settlement payment under the Settlement. You will also give up your right to object to the Settlement and you will be not be able to be part of any other lawsuit about the legal claims in this case.	N/A

- These rights and options—**and the deadlines to exercise them**—are explained in more detail below.
- 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.***

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1. Why did I get this notice?

You received this Notice because a Settlement has been reached between the parties. According to Greenlight’s available records you may be a member of the Class and may be eligible for the relief detailed below.

This Notice explains the nature of the Greenlight Action, the general terms of the proposed Settlement, and your legal rights and obligations. To obtain more information about the Settlement, including information about how you can see a copy of the Settlement Agreement (which defines certain capitalized terms used in this Notice), see Section 13 below.

2. What is the lawsuit about?

This settlement resolves a class action against Greenlight, entitled *Brian Williams v. Greenlight Energy, Inc.* (Supreme Court of the State of New York, County of Queens). Plaintiff Brian Williams (the “Representative Plaintiff”) filed the lawsuit against Greenlight on behalf of himself and all others similarly situated. The lawsuit alleges that Greenlight made misleading representations, contrary to its obligations under applicable laws. Plaintiff also alleges that Greenlight’s rates did not comply with its customer contracts.

Greenlight denies each and every one of the allegations of wrongdoing or liability and contends that its rates were adequately and fully disclosed, that it never made any misleading representations or statements, and that it did not overcharge any customer for electricity service, and numerous defenses have been asserted to the lawsuit. Greenlight also denies that class certification is warranted or appropriate.

The Court did not resolve the claims and defenses raised in this action. The Court has not determined that this matter should be certified as a class action, except if the Settlement is

fully approved by the Court. Nor has the Court determined that Greenlight did anything wrong.

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 the Plaintiff and Greenlight recognize that to resolve the issues raised in the lawsuit would be time-consuming, uncertain, and expensive.

For information about how to learn about what has happened in the lawsuit to date, please see Section 9 below.

3. *Why is this lawsuit a class action?*

In a class action lawsuit, one or more people called “Representative Plaintiff(s)” (in this case, Brian Williams) sues on behalf of other people who have similar claims. For purposes of this proposed Settlement, one court will resolve the issues for all Class Members. The company sued in this case, Greenlight, is called the Defendant.

4. *Why is there a Settlement?*

The Representative Plaintiff has made claims against Greenlight. Greenlight denies that it has done anything wrong or illegal and denies any liability. The Court has **not** decided that the Representative Plaintiff or Greenlight should win the lawsuit, nor has the Court ever determined that Greenlight did anything wrong. Instead, after an extensive investigation by Plaintiff’s counsel, both sides agreed to a Settlement recognizing that the outcome of the action is uncertain. Plaintiff’s counsel has concluded that the Settlement is in the best interest of the Class Members. Under the Settlement, Plaintiff avoids the cost of a trial, and the Class Members will receive relief now rather than years from now, if at all.

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

The Court has decided that everyone who fits this description is a Class Member for purposes of the proposed Settlement:

All Persons or Entities that were (i) customers of Greenlight; and (ii) charged a variable rate for electricity by Greenlight in New York, New Jersey, Maryland, or Pennsylvania between March 1, 2014 to May 13, 2019.

Excluded from the Class Members are: Greenlight; any of its parents, subsidiaries, or affiliates; any entity controlled by it; any officer, director, employee, legal representative, predecessor, successor, or assignee of Greenlight; federal, state, and local governments (including all agencies and subdivisions thereof, but excluding employees thereof) and the judge to whom this action is assigned and any member of his immediate family.

6. *I’m still not sure if I am included.*

If you are still not sure whether you are included, you can contact the Settlement Administrator for free help about whether you are a Class Member. The email address of the Settlement Administrator is Info@GreenlightEnergySettlement.com, the U.S. postal (mailing) address is *Greenlight Energy Settlement Administrator*, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103, and the toll-free telephone number is 1-844-455-0808.

7. *What relief does the Settlement provide to the Class Members?*

Each Class Member may elect to receive a Settlement Payment in the form of a check. Your *actual* benefit will vary depending upon the total amount you paid Greenlight for electricity service during the Class Period. The specific amount of a customer's check will be calculated this way:

Settling Class Members that were customers of Greenlight in New York, New Jersey, Maryland, or Pennsylvania and charged a variable rate for electricity between March 1, 2014 to May 13, 2019 will receive a check in the amount of five percent (5%) of all amounts paid to Greenlight in connection with each variable rate electricity account that the Settlement Class Member maintained with Greenlight.

In exchange for the relief outlined above, Class Members who do not opt out of the Settlement (as described below) will relinquish their right to bring claims on their own behalf, including claims for monetary relief, and Class Members will not be able to sue Greenlight on the same or any related claims. The proposed Settlement does not mean that any law was violated or that Greenlight did anything wrong. Plaintiff and Class Counsel believe the proposed Settlement is fair and in the best interests of all Class Members.

8. *How can I get a Settlement Payment?*

To qualify for a settlement payment, you must send in a Claim Form by the deadline. A Claim Form is available on the Internet at the website www.GreenlightEnergySettlement.com. The Claim Form may be submitted electronically or by postal mail. Read the instructions carefully, fill out the form, and postmark it by August 12, 2021 or submit it online not later than 11:59 p.m. (Eastern) on August 12, 2021.

9. *When will I get a Settlement Payment?*

As described in Sections 17 and 18 below, the Court will hold a hearing on August 18, 2021 at 9:30a.m., to decide whether to approve the Settlement. If the Court approves the Settlement, after that, there may be appeals. It's always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. You can check on the progress of the case on the website dedicated to the Settlement at www.GreenlightEnergySettlement.com. *Please be patient.*

THE LAWYERS IN THIS CASE AND THE REPRESENTATIVE PLAINTIFF

10. *Do I have a lawyer in this case?*

The Court has ordered that the law firms of Shub Law Firm LLC, Whitfield Bryson LLP, Greg Coleman Law, and Kohn, Swift & Graf, P.C. ("Class Counsel") will represent the interests of all Class Members. You will not be separately charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

11. *How will the lawyers be paid?*

Greenlight has agreed to pay Class Counsel's attorney's fees and costs up to \$97,500, subject to approval by the Court. You will not be required to pay any attorney's fees or costs for Class Counsel's attorney's fees and costs.

12. *Will the Representative Plaintiff receive any compensation for his efforts in bringing this Action?*

The Representative Plaintiff will request a service award (also known as a "named plaintiff enhancement award") of \$7,500 to be paid to him for his services as class representative and efforts in bringing the lawsuit. The Court will make the final decision as to the amount to be paid to the Representative Plaintiff.

DISMISSAL OF ACTION AND RELEASE OF ALL CLAIMS

13. *What am I giving up to obtain relief under the Settlement?*

If the Court approves the proposed Settlement, unless you exclude yourself from the Settlement, you will be releasing your claims against Greenlight. This means that you will not be able to file a lawsuit, continue prosecuting a lawsuit, or be part of any other lawsuit against Greenlight regarding rates or amounts charged to you for its electricity. The Settlement Agreement, available on the Internet at the website www.GreenlightEnergySettlement.com contains the full terms of the release.

14. *How do I exclude myself from the Settlement?*

Any potential Class Member who desires to be excluded from the Settlement Class must give written notice of the election to Opt-Out on or before the date specified in the Preliminary Approval Order, with copies mailed to the Settlement Administrator, Class Counsel, and counsel for Greenlight. Opt-Out requests must: (i) be signed by the Class Member who is requesting exclusion; (ii) include the full name, address, and phone number(s) of the Class Member requesting exclusion; and (iii) include the following statement: "I/We request to Opt-Out from the settlement in the Greenlight Action." No Opt-Out request will be valid unless all of the information described above is included and you clearly state your intention to opt-out of the settlement. If you timely request exclusion from the Class, you will be excluded from the Class, you will not be bound by the judgment entered, and you will not be precluded from bringing your own timely, individual claims against Greenlight based on the conduct complained of in the lawsuit. No Class Member, or any person acting on behalf of or in concert or participation with that Class Member, may exclude any other Class Member from the Settlement Class. If you wish to Opt-Out of the Settlement, you must submit your written request postmarked by no later than August 12, 2021.

15. *How do I tell the Court that I object to the Settlement?*

At the date, time, and location stated in Section 18 below, the Court will hold a Fairness Hearing to determine if the Settlement is fair, reasonable, and adequate, and to also consider Class Counsel's request for an award of attorneys' fees and costs, and service awards to the Representative Plaintiff.

If you wish to object to the fairness, reasonableness, or adequacy of the Settlement Agreement or the proposed Settlement, you must submit a written objection to the Court, Class Counsel, and Greenlight's Counsel listed below, postmarked no later than August 12, 2021.

COURT	CLASS COUNSEL
Clerk of Court The Queens County Clerk Supreme Court Building 88-11 Sutphin Blvd Jamaica, NY 11435	Jonathan Shub Kevin Laukaitis Shub Law Firm LLC 134 Kings Hwy. E., 2 nd Floor Haddonfield, NJ 08033
GREENLIGHT'S COUNSEL	SETTLEMENT ADMINISTRATOR
Charles A. Fitzpatrick IV, BLANK ROME LLP One Logan Square 130 N. 18 th Street Philadelphia, PA 19103	Greenlight Energy Settlement Administrator ATTN: CLASS ACTION OBJECTIONS P.O. Box 58220 Philadelphia, PA 19102

Any Objection must (a) attach documents establishing, or provide information sufficient to allow the Parties to confirm that the objector is a Class Member; (b) include a statement of such Class Member's specific Objection; (c) state the grounds for the Objection; (d) identify any documents such objector desires the Court to consider; and (e) provide all information requested on the Claim Form. In addition, any Settlement Class Member objecting to the Settlement shall provide a list of all other Objections submitted by the objector, or the objector's counsel, to any class action settlements submitted in any Court in the United States in the previous five years. If the Settlement Class Member or his/her or its counsel has not objected to any other class action settlement in the United States in the previous five years, he/she or it shall affirmatively so state in the Objection. You may, but need not, submit your Objection through counsel of your choice. If you do make your objection through an attorney, you will be responsible for your personal attorney's fees and costs. You will not be permitted to raise any grounds for objecting to the settlement that are not clearly stated in your written Objection.

IF YOU DO NOT TIMELY MAKE YOUR OBJECTION, YOU WILL BE DEEMED TO HAVE

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

If you submit a written Objection, you may appear at the Fairness Hearing, either in person or through personal counsel hired at your expense, to object to the Settlement Agreement. You are not required, however, to appear. If you, or your attorney, intend to make an appearance at the Fairness Hearing, you must include on your timely and valid written Objection a statement substantially similar to “Notice of Intention to Appear.”

16. *What is the difference between excluding myself and objecting to the Settlement?*

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

FAIRNESS HEARING

17. *What is the Fairness Hearing?*

The Court has preliminarily approved the Settlement as fair, reasonable, and adequate to the Settlement Class and will hold a hearing to decide whether to give final approval to the Settlement. The purpose of the Fairness Hearing will be for the Court to make a final determination as to whether the Settlement should be approved as fair, reasonable, adequate, and in the best interests of the Settlement Class; to consider the award of attorneys’ fees and costs to Class Counsel; and to consider the request for service award to the Representative Plaintiff.

18. *When and where is the Fairness Hearing?*

The Court will hold a Fairness Hearing (also known as a “Final Approval Hearing”) at 9:30 a.m. on August 18, 2021, in Courtroom 26 of The Queens County Supreme Court Building, 88-11 Sutphin Boulevard, Jamaica, NY 11435. The hearing may be postponed to a different date or time or location without notice. Please check the Court docket or www.GreenlightEnergySettlement.com for any updates about the Settlement generally or the Fairness Hearing specifically. If the date or time of the Fairness Hearing changes, an update to the Settlement website will be the only way you will be informed of the change.

19. *May I speak at the hearing?*

At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement.

You may attend, but you do not have to. As described above in Section 15, you may speak at the Fairness Hearing only if (a) you have timely served and filed an objection, and (b) you have timely and validly provided a Notice of Intent to Appear.

If you have requested exclusion from the Settlement, however, you may not speak at the Fairness Hearing.

ADDITIONAL INFORMATION

20. *How do I get more information?*

To see a copy of the Settlement Agreement, the Court's Preliminary Approval Order, Class Counsel's application for attorneys' fees and costs, and the operative complaints filed in the lawsuits, please visit the Settlement website located at: www.GreenlightEnergySettlement.com. Alternatively, you may contact the Claims Administrator at the email address: www.GreenlightEnergySettlement.com, the U.S. postal address (mailing): Greenlight Energy Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103, or the toll-free telephone number 1-844-455-0808.

The description of the lawsuit is general and does not cover all of the issues and proceedings that have occurred. In order to see the complete file you should visit <https://iapps.courts.state.ny.us/nyscef> or the Clerk's office at 88-11 Sutphin Boulevard Jamaica, NY 11435. The Clerk will tell you how to obtain the file for inspection and copying at your own expense.

21. *What if my address or other information has changed or changes after I submit a Claim Form?*

Contact the Settlement Administrator at:

Greenlight Energy Settlement Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19103
1-844-455-0808
info@GreenlightEnergySettlement.com

DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR THE LITIGATION TO THE CLERK OF THE COURT OR THE JUDGE.

Dated: May 14, 2021

By Order of the Court
CLERK OF THE COURT
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS