

STATE OF NORTH CAROLINA
COUNTY OF CARTERET

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
20-CVS-403

GEORGE ROBERT ARMISTEAD, JR.,
MADISON ARMISTEAD, GREG
RHODES, and WILLIAM YATES,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

CARTERET COUNTY,

Defendant.

NOTICE OF CLASS ACTION LAWSUIT

THIS NOTICE MAY AFFECT YOUR LEGAL RIGHTS.

A COURT AUTHORIZED THIS NOTICE.
THIS IS NOT A SOLICITATION FROM A LAWYER.
YOU ARE NOT BEING SUED.

PLEASE READ CAREFULLY.

If you have questions regarding the contents of this Notice, do **not** contact the Court, but instead, please contact Class Counsel as identified below in this Notice.

To Members of the Following Classes:

All natural persons, corporations, or other entities who (a) at any point from April 28, 2017, through the date of judgment, (b) paid a Green Box Fee to Carteret County, but (c) who have a waste collection service.

and

All natural persons, corporations, or other entities who (a) at any point from April 28, 2017, through the date of judgment, (b) paid a Landfill Fee to Carteret County, but (c) who have a waste collection service.

and

All natural persons, corporations, or other entities who (a) at any point from April 28, 2017, through the date of judgment, (b) were charged a Green Box and/or a Landfill Fee.

QUESTION? Visit www.carteretsolidwastelawsuit.com or call 1-833-313-4322.

You have been sent this Notice (the “Notice”) because you have been identified as a potential class member in the above-styled class action lawsuit among one or more of the defined classes above because Carteret County records indicate you were charged a Green Box Fee and/or Landfill Fee (collectively, the “Fees”) by Defendant Carteret County (the “County”).

Your rights may be affected by a lawsuit pending in the Superior Court of Carteret County, Case No. 20-CVS-403 (the “Lawsuit”). The Class Representatives sued the County and alleged that the Fees were not authorized by statute and/or the County’s ordinances and were thus invalid. The Court has allowed the Lawsuit to proceed as a class action on behalf of all individuals who are members of the above-defined classes.

The Court has not decided whether the County did anything wrong. The County has denied and continues to deny each and all of the claims alleged by Plaintiffs in the Lawsuit. There is no final judgment against the County. However, your legal rights are affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS

DO NOTHING -- STAY IN THE CLASS(ES) **Stay in the Class(es). Await the outcome of the Lawsuit. Give up your right to file a separate lawsuit.**

By doing nothing, you will share in any recovery if there is an award of damages against the County or a settlement that provides benefits to class members in the Lawsuit. You will give up any right to file a separate lawsuit on any claim that is or could have been included in this Lawsuit, and you will be bound by any final judgment entered in this case.

EXCLUDE YOURSELF FROM THE CLASS(ES)

Exclude yourself from the Class(es). Get no benefits from the Lawsuit. Keep your right to file a separate lawsuit.

By excluding yourself from the Class(es), you will not be bound by the outcome in this Lawsuit. This means that if there is an award of damages or a settlement that provides benefits to class members in the Lawsuit, you won’t share in those damages or benefits. You would maintain your right to file a separate lawsuit against the County on this issue, if you so choose.

- These rights and options – and the deadlines to exercise them – are explained in this Notice.
- Claims against the County must still be proven. If money or other benefits are in fact

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obtained from the County, you will be notified about how your share of such money or other benefits will be distributed to you, if you have not excluded yourself from the Class(es).

BASIC INFORMATION

1. Why did I get this Notice?

The County's records indicate that you were charged and paid a Green Box Fee and/or Landfill Fee on or after April 28, 2017. The Court decided to allow a class action lawsuit to proceed against the County related to the lawfulness of charging the Fees. You have legal rights and options that you may exercise before trial. This Lawsuit will determine the outcome of the claims being made against the County. The Lawsuit may settle or be dismissed before a trial or on appeal.

North Carolina Superior Court Judge R. Kent Harrell (the "Court") is overseeing this case. The case is known as *George Robert Armistead, Jr., Madison Armistead, Greg Rhodes, and William Yates, individually and on behalf of all others similarly situated v. Carteret County*, Carteret County Case No. 20-CVS-403. The individuals who sued are called the "Plaintiffs." The County is called the "Defendant."

2. What is a class action and who is involved?

In a class action lawsuit one or more people called "Class Representatives" sue on behalf of other people who have similar claims. Together, those other people are "Class Members" and form a "Class." The Class Representatives who sued—and all the Class Members like them—are called the Plaintiffs. The entity they sued (in this case the County) is called the Defendant. One court resolves the issues for everyone in the Class—except for those people who choose to exclude themselves from the Class. The Class is represented by lawyers called "Class Counsel."

3. Why is this Lawsuit a class action?

The Court decided that this Lawsuit meets the requirements of N.C. Gen. Stat. § 1A-1, Rule 23, which governs class actions in North Carolina courts. The Court's decision means the Lawsuit can proceed as a class action. Specifically, the Court found that the Class Members are sufficiently numerous, there are questions of law and fact that are common to all Class Members that predominate over questions affecting individual Class Members, the Class Representative's claims are typical of those of the Class, the Class Representative and Class Counsel are adequate to represent the Class, and proceeding as a Class is superior to the alternatives.

More information about the Court's Order Granting Motion for Class Certification is available at www.carteretsolidwastelawsuit.com.

THE CLAIMS IN THE LAWSUIT

4. What is the Lawsuit about?

This Lawsuit is about whether the County's Green Box Fees and/or Landfill Fees complied with N.C. Gen. Stat. § 153A-292(b) (the "Statute") and the County's Code of Ordinances §§ 14-56 to 14-59 (the "Ordinance") and whether the County must refund some or all of the Green Box and/or Landfill Fees. The Statute and the Ordinances govern the circumstances under which the County may charge solid waste fees.

Plaintiffs generally allege that: (1) the Green Box Fees violate the Statute and/or the Ordinance because the County charges Green Box Fees to properties receiving private waste collection service; (2) the Landfill Fees violate the Statute and/or the Ordinance because the County charges Landfill Fees to properties receiving private waste collection service; and (3) the Green Box Fees and Landfill Fees violate the Statute and/or the Ordinance because the amount of the Fees charged by the County exceed the County's costs to operate the Green Box Sites. Plaintiffs seek the refund of Green Box Fees and Landfill Fees charged and collected by the County from April 28, 2017 through the present, plus interest. These claims are described in Plaintiffs' First Amended Complaint ("Complaint") at www.carteretsolidwastelawsuit.com.

The County denies Plaintiffs' claims and asserts multiple defenses. The County contends, among other things, that the Fees and the manner in which the County charged the fees are valid and authorized by the Statute and the Ordinance because the County properly charges the Fees absent documentation sufficient for the Tax Administrator to issue a release or exemption and the County has not collected Fees in excess of the costs of providing and operating solid waste disposal facilities. These defenses are described in Defendant's Answer to Plaintiffs' First Amended Complaint at www.carteretsolidwastelawsuit.com.

5. Has the Court decided who will win?

No. The Court has not decided and has not suggested who will win this case.

6. What are Plaintiffs asking for?

Plaintiffs are asking that the County be ordered to refund all Green Box Fees and Landfill Fees they contend were unlawfully collected, plus interest, and seek permanent injunctive relief to enjoin the County from continuing to charge and collect Fees in violation of the Statute and/or the Ordinance.

7. Is there any money available now?

No money or benefits are available now, and there is no proposed settlement of the Lawsuit at this time. The case is still in active litigation. There is no guarantee that money or benefits will be obtained by Class Members.

QUESTION? Visit www.carteretsolidwastelawsuit.com or call 1-833-313-4322.

WHO IS IN THE CLASSES

8. Am I part of the Class(es)?

The Court has certified three Classes consisting of:

The Green Box Fee / Waste Collection Class

All natural persons, corporations, or other entities who (a) at any point from April 28, 2017, through the date of judgment, (b) paid a Green Box Fee to Carteret County, but (c) who have a waste collection service.

The Landfill Fee / Waste Collection Class

All natural persons, corporations, or other entities who (a) at any point from April 28, 2017, through the date of judgment, (b) paid a Landfill Fee to Carteret County, but (c) who have a waste collection service.

The Solid Waste Fee / Cost to Operate Class

All natural persons, corporations, or other entities who (a) at any point from April 28, 2017, through the date of judgment, (b) were charged a Green Box and/or a Landfill Fee

If someone who would otherwise be a Class Member is deceased, his or her legal representatives may be Class Members.

9. How can I confirm that I am in one or more Classes?

If you are not sure whether you are included in one or more Classes, you should consult the information at the website, www.carteretsolidwastelawsuit.com, which also contains information on how to contact Class Counsel.

YOUR RIGHTS AND OPTIONS

10. What happens if I do nothing at all?

You don't have to do anything now if you want to keep the possibility of getting money or benefits from this Lawsuit. By doing nothing you are staying in the Class(es) and you will be legally bound by the orders the Court issues and judgments the Court makes in this class action. If you stay in the Class(es) and the Class Representatives obtain money or benefits on behalf of the Class, as a result of the Lawsuit, you will either be compensated automatically or will be notified about how to apply for a share. Keep in mind that if you do nothing now, regardless of whether the Class Representatives wins or lose the Lawsuit, you will not be able to sue the County about any claim that is or could have been included in this Lawsuit.

You will be entitled to notice of, and an opportunity to be heard on, any proposed settlement of the case, if a settlement were to occur. To ensure proper notice, as well as to participate in any recovery, you are requested to notify Class Counsel of any corrections in your name or address by

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sending such corrections to Class Counsel, whose contact information is set out below.

11. Why would I ask to be excluded?

If you do not want to be a part of the Lawsuit or if you want to bring your own lawsuit against the County related to the issues presented in this case, you should exclude yourself from the Class(es). Unless you exclude yourself, you give up any right to sue the County for the claims that are or could have been asserted in the Lawsuit. If you choose to exclude yourself, you will not get any money or benefits from this Lawsuit even if the Plaintiffs obtain them as a result of the Lawsuit. If you start your own lawsuit against the County after you exclude yourself, you will have to hire and pay your own lawyer for that lawsuit, and you will have to prove your claims. If you exclude yourself because you want to start your own lawsuit against the County, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

12. How do I ask the Court to exclude me from the Class(es)?

To ask to be excluded, also sometimes referred to as “opting out” of the Class(es), you must send the exclusion request included in this Notice (“Exclusion Request”), stating that you want to be excluded from *George Robert Armistead, Jr., Madison Armistead, Greg Rhodes, and William Yates, individually and on behalf of all others similarly situated v. Carteret County*. Be sure to include your name, the name of your company (if applicable), mailing address, telephone number, e-mail address, the file number of this case (No. 20-CVS-403), and identification of which classes you seek to exclude yourself from. Your Exclusion Request must be filed with the Carteret County Clerk of Superior Court, 300 Courthouse Square, Beaufort, NC 28516, on or before **October 6, 2026**. The form for your use is included in this Notice.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

Yes, if you choose to remain in the Class(es). The Court appointed the following lawyers as Class Counsel to represent all members of the Class(es):

James R. DeMay
Scott C. Harris
J. Hunter Bryson
BRYSON HARRIS SUCIU DEMAY PLLC
900 W. Morgan Street
Raleigh, North Carolina 27603
Telephone: (919) 600-5000
jdemay@brysonpllc.com
sharris@brysonpllc.com
hbryson@brysonpllc.com

QUESTION? Visit www.carteretsolidwastelawsuit.com or call 1-833-313-4322.

Matthew D. Quinn
James A. Roberts III
LEWIS & ROBERTS, PLLC
P.O. Box 17529
Raleigh, NC 27619
Telephone: (919) 719-8538
mdq@lewis-roberts.com
jar@lewis-roberts.com

If you have any questions, you may contact Class Counsel. You will not be charged for contacting Class Counsel. If you want to be represented by your own lawyer, however, you may hire one at your own expense.

14. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel are working on your behalf.

But, if you want your own lawyer, you will have to pay that lawyer. You can ask him or her to appear in court for you in this Lawsuit if you want someone other than Class Counsel to speak for you.

15. How will the lawyers be paid?

Class Counsel have not been paid or reimbursed for their time and expenses incurred in pursuing this case. You will not have to pay these fees and expenses. If Class Counsel obtains money or benefits for the Class(es), they may ask the Court for their fees and expenses. Any motion seeking fees and expenses will be available at the website, www.carteretsolidwastelawsuit.com. If the Court grants Class Counsel's request, the fees and expenses would be either deducted from any money obtained for the Class(es) or paid separately by the County.

WHAT HAPPENS NEXT

16. How and when will the Court decide who is right?

Unless the Lawsuit is resolved by a settlement or otherwise, Class Counsel will have to prove the Plaintiffs' claims. During the Lawsuit, a jury or the Judge will hear all the evidence and/or legal arguments to help them reach a decision about whether Plaintiffs or the County should prevail in this Lawsuit. Because the Lawsuit has not been decided, be sure to regularly check the website, www.carteretsolidwastelawsuit.com for updates.

GETTING MORE INFORMATION

17. How do I get more information?

Visit the website www.carteretsolidwastelawsuit.com, where you will find the Court's Class Certification Order, Plaintiffs' First Amended Complaint, Defendant's Answer to Plaintiffs' First Amended Complaint, as well as the Exclusion Request form, or call 1-833-313-4322. As the Lawsuit proceeds, be sure to check the website regularly for updates and new information.

[PLEASE DO NOT CALL THE COURT, THE COUNTY'S COUNSEL, OR THE COUNTY ABOUT THIS NOTICE.]

EXCLUSION REQUEST FORM

*George Robert Armistead, Jr., Madison Armistead, Greg Rhodes, and William Yates,
individually and on behalf of all others similarly situated v. Carteret County,
Case No. 20-CVS-403*

**This is NOT a Claim Form. It EXCLUDES you from the Class(es).
DO NOT use this form if you wish to remain IN the Class(es).**

Name of Class Member: _____

Name of Company (if applicable): _____

Address: _____

Telephone: _____

Email: _____

I am asking to be excluded from (check all that apply):

☐ The Green Box Fee / Waste Collection Class

☐ The Landfill Fee / Waste Collection Class

☐ The Solid Waste Fee / Cost to Operate Class

I understand that by asking to be excluded from the Class(es), I will not be eligible to receive any recovery that may result from this Lawsuit, if there is any such recovery.

Date

Signed Signature of Class Member

To be effective as an exclusion from this Class Action, this form must be completed (name, company name (if applicable), and address), signed and sent by regular mail, postmarked no later than DATE to the address listed below.

You must act within 60 days of the date of the Notice of Class Action Lawsuit. The consequences of returning this form are explained in the Notice of Class Action Lawsuit.

You must file this form with the Carteret County Clerk of Superior Court, 300 Courthouse Square, Beaufort, NC 28516 NO LATER THAN October 6, 2026.

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