

**IN THE SUPERIOR COURT OF CHATHAM COUNTY
STATE OF GEORGIA**

BOBBY BLACK,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. SPCV25-01358-ST
)	
GARDEN CITY, GEORGIA,)	
)	
Defendant.)	

PRELIMINARY APPROVAL ORDER

WHEREAS, Plaintiff Bobby Black (the “**Named Plaintiff**”), individually and on behalf of all persons similarly situated and Defendant City of Garden City, Georgia (the “**City**” or the “**Defendant**”) have agreed to a settlement of the above referenced matter (the “**Lawsuit**”); and

WHEREAS, this matter is before the Court on the Unopposed Motion and Supporting Memorandum of Law for Preliminary Approval of Class Action Settlement, Preliminary Certification of Settlement Class, Approval of Notice Program and to Schedule Final Approval Hearing (the “**Joint Motion**” or “**Motion**”) pursuant to O.C.G.A. § 9-11-23(e) in which the Court has been asked (1) to give preliminary approval to the Proposed Order and Judgment (the “**Proposed Order and Judgment**”) submitted by Named Plaintiff and unopposed by Defendant, through counsel, which, together with the exhibits thereto, sets forth the terms and conditions of the proposed resolution of this Lawsuit, and to authorize certain activities pursuant to the Proposed Order and Judgment and O.C.G.A. § 9-11-23 and (2) to provisionally certify the settlement class;

WHEREAS, the Court having considered the entire record of this Lawsuit, including the parties’ Joint Motion and Memorandum of Law in support of preliminary approval, the Proposed Order and Judgment and the exhibits thereto, and the arguments and representations of counsel, and good cause appearing in the record, **IT IS ORDERED AND ADJUDGED** as follows:

1. The Court has jurisdiction over the subject matter and parties.
2. Venue is proper.

**Provisional Class Certification
And
Appointment of Class Representative and Class Counsel**

3. In deciding whether to provisionally certify a settlement, a court must consider the same factors that it would consider in connection with a proposed litigation class – *i.e.*, all O.C.G.A. §9-11-23(a) factors and at least one of the requirements under O.C.G.A. §9-11-23(b) must be satisfied – except that the court need not consider the manageability of a potential trial, since the settlement if approved, would obviate the need for a trial. *See Macham Products, Inc. v. Windsor*, 521 U.S. 591, 620 (1997).

4. The Court finds, for settlement purposes, that the O.C.G.A. § 9-11-23 factors are present and thus certification of the proposed settlement class is appropriate. The Court, therefore, provisionally certifies the following class:

all customers of the Garden City Fire Protection Utility who were assessed and paid a Fire Fee at any time between October 7, 2020, and the date of final approval of this Judgment (hereinafter the “Refund Class” or “Settlement Class”).

5. The Court specifically determines that, for settlement purposes, the proposed Settlement Class meets all the requirements of O.C.G.A. §9-11-23(a) and O.C.G.A. §9-11-23(b)(1) and O.C.G.A. §9-11-23(b)(2) namely that the Settlement Class is so numerous that joinder of all members is impractical; that there are common issues of law and fact; that the claims of the class representative are typical of absent class members; that the class representative will fairly and adequately protect the interests of the Settlement Class, as he has no interests antagonistic to or in conflict with the Settlement Class and has retained experienced and

competent counsel to prosecute this Lawsuit; that the prosecution of separate actions by or against individual class members would create a risk of inconsistent or varying adjudications with respect to individual class members which would establish incompatible standards of conduct for the party opposing the class or adjudications with respect to individual class members which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests; that Defendant has acted or refused to act on grounds generally applicable to each Class Member, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to members of the Class.¹

6. The Court appoints Named Plaintiff Bobby Black as class representative.

7. The Court appoints Roberts Tate, LLC and Manly Shipley, LLC as Class Counsel.

The Court finds that Class Counsel is experienced and will adequately protect the interests of the Settlement Class.

Preliminary Approval of the Settlement

8. The Court does hereby preliminarily approve the Proposed Order and Judgment finding it to be fair, reasonable and adequate, subject to further consideration at the Final Approval Hearing described below.

9. The Proposed Order and Judgment establishes a process for the identification of Class Members and the calculation of individual refunds and a methodology for the refund

¹ Additionally, while the Court has elected to only certify the Class under O.C.G.A. § 9-11-23(b)(1) and O.C.G.A. § 9-11-23(b)(2), the Court also finds that certification under O.C.G.A. § 9-11-23(b)(3) would be appropriate as questions of law or fact common to the members of the class predominate over questions affecting only individual members, satisfying the requirements of O.C.G.A. § 9-11-23(b)(3) and a class action is superior to other methods available for the fair and efficient adjudication of this controversy satisfying the requirements of O.C.G.A. § 9-11-23(b)(3).

payment process. The Court preliminarily approves the process for the identification of Class Members and the calculation of individual refunds set forth in the Proposed Order and Judgment. The Court also preliminarily approves the methodology for the refund payment process set forth in the Proposed Order and Judgment.

Final Approval Hearing

10. The Court directs that a final approval hearing (the “**Final Approval Hearing**”) be held in the Chatham County Courthouse at _____ on _____ to rule: (i) whether the proposed Settlement Class should be finally certified for settlement purposes pursuant to O.C.G.A. §9-11-23(e); (ii) whether the Settlement set forth in the Proposed Order and Judgment should be finally approved as fair, reasonable, adequate and in the best interest of the Settlement Class; (iii) whether the Proposed Order and Judgment should be entered dismissing the Lawsuit against Defendant; (iv) whether Class Counsel’s application for attorney’s fees and expenses (the “**Fee Petition**”) should be approved; (v) whether Class Representative’s Service Award should be approved (the “**Class Service Petition**”); and (vi) on such other matters as may be appropriate in the implementation of this Settlement. The Court may adjourn the Final Approval Hearing or modify any of the dates set forth herein without further notice to the Class. Additionally, in the event that no objections are filed, the Court may elect to conduct the hearing telephonically or virtually.

11. All papers of the Parties in support or opposition of the final approval of the Proposed Order and Judgment shall be filed with the Court and served by electronic-filing, overnight mail or hand delivery on or before seven (7) days before the Final Approval Hearing.

Approval of Notice and Notice Program

12. The Court orders that the notice of the Proposed Order and Judgment and notice

of the Final Approval Hearing be given, in the name of the Clerk of the Court, to the Class Members² as follows (collectively referred to as the “**Notice Program**”):

- a. The Parties shall cause to be mailed by first class mail, as soon as practicable after entry of this Order, to all Class Members to their last known addresses as appearing on the records maintained by the City, a copy of the notice (the “**Full Notice**”) substantially in the form attached to the Motion as Exhibit “3”;
- b. The City shall cause, as soon as practicable after entry of this Order, a webpage be added to its website (the “**Settlement Webpage**”) where Class Members may access this Order, the Proposed Order and Judgment, the Full Notice, other related documents and information concerning this Lawsuit and the date that the Final Approval Hearing will occur; and
- c. The Parties shall cause, as soon as practicable after entry of this Order, a notice to be placed in the Savannah Morning News (the “**Publication Notice**”) once a week for four (4) consecutive weeks substantially in the form attached to the Motion as Exhibit “4”.

13. The Court approves the form and content of the Full Notice and the Publication Notice and the Notice Program, and finds:

- a. The mailing and website posting of the Full Notice and the publication of the Publication Notice in the manner set forth in the Notice Program set forth in Paragraph 12 above: (i) constitutes the best notice practicable under the circumstances; (ii) is reasonably calculated, under the circumstances, to apprise

² Notice shall be sent to those set forth in Exhibit “A”. Those set forth in Exhibit “A” are potential class members.

the Class Members of the Proposed Order and Judgment resolving this Lawsuit, the effect of the Proposed Order and Judgment (including the claims released), the right to object to any aspect of the Proposed Order and Judgment or the Fee Petition or the Class Service Petition and the right to appear at the Final Approval Hearing;

- b. Constitutes due, adequate and sufficient notice to all persons entitled to receive notice of the Proposed Order and Judgment; and
- c. Satisfies the requirements of O.C.G.A. § 9-11-23, including due process and all other applicable law and rules.

Claim Forms and Forms to be Used in the Administration of the Settlement

14. The Court approves the form, content and use of the Claim Form for Category 2 Class Members attached to the Motion as Exhibit “5” for use by Class Members who are no longer customers of the Garden City Fire Protection Utility and for whom a refund is determined to be owed.

15. The Court approves the form, content and use of the Claim Form for Missing Class Member attached to the Motion as Exhibit “6” for use by customers who believe that they are entitled to a refund but are not listed as a Class Member.

16. The Court approves the form, content and use of the Objection Form for Class Member attached to the Motion as Exhibit “7” for use by Class Members to object to the individual refund calculations.

17. The Court approve the form, content and use of the Address Update Form attached to the Motion as Exhibit “8” for use by Class Members to update their addresses.

18. The Court approves the form, content and use of the Notice of Completion

attached to the Motion as Exhibit "9" for use by the Qualified Settlement Fund Administrator upon completion of the administration of the Settlement.

Objections by Class Members

19. The Court orders that Class Members may serve written objections to the Proposed Order and Judgment or the Fee Petition or the Class Service Petition. Class Members may also appear and request to be heard at the Final Approval Hearing and show cause, if they have any reason why the Proposed Order and Judgment should not be approved as fair, reasonable and adequate, or why a Final Order and Proposed Order and Judgment should not be entered thereon or why attorneys' fees, expenses and class service payment should not be awarded as requested; **provided however**, no Class Member shall be heard or entitled to contest the approval of the terms and conditions of the Proposed Order and Judgment, or if approved, the Final Order and Proposed Order and Judgment to be entered thereon approving same, or the attorneys' fees, expenses and class service payment, unless the person or entity has hand delivered or mailed a written objection postmarked at least ten (10) days prior to the Final Approval Hearing to the following four (4) addresses:

Court	Clerk of the Superior Court of Chatham County 400 W. Oglethorpe Avenue Suite 178 Savannah, Georgia 31401
Class Counsel	James L. Roberts, IV, Esq. Roberts Tate, LLC Post Office Box 21828 St. Simons Island, Georgia 31522 John Manly, Esq Manly Shipley, LLP Post Office Box 10840 Savannah, GA 31412

Counsel for Defendant	James P. Gerard, Esq. Oliver Maner LLP 218 W. State Street Post Office Box 10186 Savannah, Ga 31412
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Additionally, no Class Member shall be heard or entitled to contest the approval of the terms and conditions of the Proposed Order and Judgment, or if approved, the Final Order and Proposed Order and Judgment to be entered thereon approving same, or the attorneys' fees, expenses and class service payment, unless the person or entity complies with the following requirements:

The objection must also set forth:

- a. The name of the Lawsuit;
- b. The objector's full name, address and telephone number;
- c. An explanation of the basis upon which the objector claims to be a Class Member;
- d. All grounds for the objection, accompanied by any legal support for the objection known to the objector or the objector's counsel;
- e. The number of times the objector has objected to a class action settlement within the five (5) years preceding the date on which the objector files the objection, the caption of each case in which the objector has made such objection, and a copy of any orders or opinions to or ruling upon the objector's prior such objections that were issued by any court in each listed case;
- f. The identity of all counsel who represented the objector, including any former or current counsel who may be entitled to any compensation for any reason related to the objection to the Proposed Order and Judgment or to Fee Petition and Class

Service Petition;

- g. The number of times the objector counsel and/or counsel's law firm have objected to a class action settlement within the last five (5) years preceding the date the objector files the objection, the caption of each case in which the counsel or the firm has made such objection, and a copy of any order or opinions related to or ruling upon counsel or the firm's prior such objections that were issued by any court in each listed case;
- h. Any and all agreements that relate to the objection or the process of objecting – whether written or verbal – between the objector or objector's counsel and any other person or entity;
- i. The identity of all counsel representing the objector who will appear at the Final Approval Hearing;
- j. A list of all persons which will be called to testify at the Final Approval Hearing in support of the objection;
- k. A statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing; and
- l. The objector's signature (an attorney's signature is not sufficient).

20. Any Class Member who does object to the Proposed Order and Judgment, or to the award of attorneys' fees, expenses or class service payments must make themselves available to be deposed regarding the grounds for their objection.

21. Any Class Member who does not make their objection in the manner provided in the Full Notice and as set forth in Paragraph 19 above or does not make themselves available to be deposed as set forth in Paragraph 20 above, shall be deemed to have waived such objection

and shall forever be foreclosed from making any objection to the fairness, reasonableness or adequacy of the Proposed Order and Judgment, or to the award of attorneys' fees, expenses and class service payments, unless otherwise ordered by this Court, but shall otherwise be bound by the Judgment to be entered and the release to be given.

22. All Class Members shall be bound by all orders, determinations and judgments in this Lawsuit concerning the Proposed Order and Judgment, whether favorable or unfavorable to the Class Members or any of them.

Filing of the Fee Petition

23. The Court directs the Fee Petition and the Class Service Petition be filed with the Court at least twenty (20) days prior to the Final Approval Hearing. The Court shall make the final determination on the award of attorneys' fees and reimbursement of expenses in the Final Order and Proposed Order and Judgment.


Retention of Jurisdiction

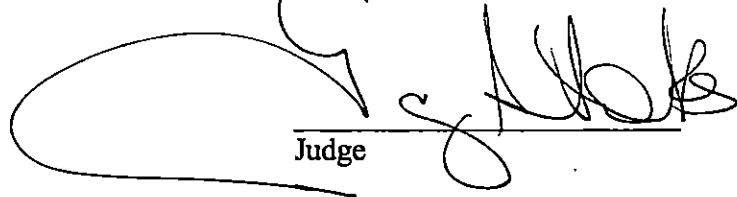
24. The Court retains jurisdiction to consider all further applications arising out of or connected with the Proposed Order and Judgment or the enforcement thereof. The Court may approve the Proposed Order and Judgment with such modifications as may be agreed to by the settling Parties, if appropriate, without further notice to the Class.

Failure to Grant Final Approval

25. This Order shall become null and void and shall be without prejudice to the rights of the Parties, all of which shall be restored to their respective positions existing immediately before this Court entered this Order, if the Proposed Order and Judgment is not finally approved by the Court. In such event, the Proposed Order and Judgment shall become null and void and be of no further force and effect, and neither the Proposed Order and Judgment nor the Court's

Order, including this Order, relating to the Proposed Order and Judgment shall be used or referred to for any purpose whatsoever.

SO ORDERED. This 27th day of March, 2026. 


Judge

Order prepared by:

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