

Notice of Eligibility for Recycling Services Payment Refund

You are receiving this notice because you may be eligible for a refund for payments previously made for certain multi-family dwelling recycling services in Oakland between July 1, 2015 and December 31, 2021. As a result of a lawsuit called *City of Oakland v. California Waste Solutions, Inc.*, Case No. RG17853559, pending in the Alameda County Superior Court (“Lawsuit”).

In order to get a refund of this potential overpayment, you must complete and return the attached claim form by January 12, 2025 or you can file a claim form online at www.CWSSettlement.com.

Here are some more details about the situation:

1. What is this Lawsuit about?

a. Description of Lawsuit

In this Lawsuit, the City of Oakland (“City”) sued California Waste Solutions (“CWS”) for allegedly overcharging some residents for certain recycling services to recover the overpayments for Oakland residents.

CWS provides recycling collection services to Oakland residents under the 2015 Residential Recycling Services Contract (“Recycling Contract”). The City alleges that CWS overcharged some owners or residents of multifamily dwellings (“MFDs”) for certain premium backyard recycling cart services from July 1, 2015, through the end of 2021. The City alleges that the correct contract rate for the premium backyard recycling cart services at MFDs was originally \$27.85 per month per cart, but CWS initially charged \$152.68 for the service. The City alleges that this overcharge was a breach of the Recycling Contract.

Although CWS does not admit to the allegations, CWS chose to settle this case without admitting liability. The Court has not decided which party is right. Rather, the parties have agreed to a Settlement so that persons who paid CWS’ charges for MFD premium backyard recycling cart services can be refunded some of the payments they made to CWS.

b. Terms of Settlement

CWS agreed to pay a settlement amount of at least \$6,223,508.00 to be made available to all persons who may have been overcharged for premium backyard services for carts at MFDs from July 1, 2015 until December 31, 2021. CWS has deposited the settlement into an escrow account (“Reimbursement Fund”) managed and distributed by a third-party claims administrator. Each overcharged person may submit a claim to receive a share of the Reimbursement Fund, and that share will be calculated according to that person’s actual overpayments made to CWS.

c. Eligibility for Payment

Those persons who made overpayments to CWS for premium backyard services for carts at MFDs at any time from July 1, 2015 until December 31, 2021 are eligible for refunds.

d. Additional resources

For complete information about the settlement, go to www.CWSSettlement.com. You may also email the claims administrator at CWSSettlement@cptgroup.com or call 1-833-493-1547.

2. What are your next steps?

As a claimant identified to be potentially entitled to a refund, you may claim your refund check, dispute the claim, or opt-out of the settlement. You cannot receive a refund check without agreeing to give up and release all your claims against CWS and the City. By accepting a refund check, you are agreeing to the Claimant's Release described below.

a. Instructions for Claiming Refund Check

You may claim your refund in the amount identified above by 1) submitting the attached claim form, OR 2) completing the claim form online at www.CWSSettlement.com. On the form, you must provide your preferred form of payment, most current mailing address, and confirmation of agreement to the terms of the Claimant's Release. The Claimant's Release states the following:

In consideration of the refund referenced herein, Claimant hereby releases and forever discharges California Waste Solutions, Inc. and the City of Oakland, and each of their respective parents, subsidiaries, officers, directors, shareholders, partners, servicers, attorneys, investors, trustees, affiliates, predecessors, successors, representatives, insurers, assignees, agents, employees, administrators, and all persons acting by, through, or in any way on behalf of California Waste Solutions, Inc. and/or the City of Oakland (collectively, the "Released Parties") of and from any and all claims, debts, defenses, liabilities, costs, attorneys' fees, actions, suits, demands, contracts, expenses, covenants, controversies, agreements, variances, trespasses, judgments, executions, damages, whether general, specific, or punitive, exemplary, contractual or extra-contractual, and causes of action of any kind or nature, in law or equity (collectively, "Claims") which Claimant may now have or claims to have against the Released Parties, including all Claims which in any way, directly or indirectly, arise from, relate to, or are connected with, payments made for premium backyard cart services rendered by California Waste Solutions, Inc., from the beginning of time through December 31, 2021.

Claimant agrees that this Release may be pleaded or asserted by or on behalf of California Waste Solutions, Inc. and/or the City of Oakland as a defense and complete bar to any action or claim that may be brought against or involving California Waste Solutions, Inc. and/or the City of Oakland by anyone acting or purporting to act on behalf of Claimant with respect to any of the matters within the scope of this Release.

Claimant has read section 1542 of the California Civil Code which provides:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR OR RELEASED PARTY DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED PARTY."

After reading this provision and having had an opportunity to discuss this provision with their counsel, Claimant intends to and does specifically waive and relinquish each and every right, protection and benefit to which Claimant would be entitled under section 1542.

It is expressly understood and agreed that the possibility of unknown claims existing has been explicitly taken into account in entering into this Release and that Claimant is waiving the provisions of section 1542 in order to receive the refund amount and help end all litigation between California Waste Solutions, Inc. and the City of Oakland, which litigation might otherwise be expensive, time-consuming, and of uncertain result. Claimant's waiver of all rights and benefits afforded by section 1542 is done with her understanding and acknowledgement of the significance of such a specific waiver of section 1542.

For more information visit www.CWSSettlement.com or call 1-833-493-1547.

b. Instructions for Disputing Claim Amount

If you are disputing the refund amount identified on this notice, the claims administrator will review your claim and all supporting documentation you provide.

To begin the process for disputing the claim amount, you must complete the Dispute Form, which may be obtained by visiting the website at www.CWSSettlement.com. Complete the form and identify the amount you believe that you were overcharged. You must provide proof of payment or other documents to support your claim (e.g., bank or credit-card statements, copies of checks, etc.).

In addition, you must provide the claims administration two forms of identification which may include: 1) driver's license, 2) state issued identification, 3) passport, or 4) birth certificate.

The claims administrator will advise you of the outcome of your dispute.

If you agree with the outcome, you will need to agree to the Claimant's Release in order to be paid any amount that the claims administrator agrees you are entitled to receive.

If you do not agree with the outcome, you must advise so in writing within 30 days of receipt of the outcome letter. You will receive no refund payment from the Reimbursement Fund and will be considered opted out of the settlement, as described below.

c. Instructions for Opting Out

You may opt out of this settlement 1) by selecting the "Opt-Out" option on the claim form, 2) by disputing the claim amount and then disagreeing with the outcome, or 3) if you do not return the claim form by January 12, 2025. Opting out means you are relinquishing your claim to the Reimbursement Fund and agreeing to the terms of the Opt-Out Release, but retaining your right to file your own lawsuit against CWS. Your deadline to sue is December 31, 2024. The terms of the Opt-Out Release is as follows:

Claimant hereby relinquishes their right to receive the refund amount that is identified in the Notice of Eligibility for Overpayment Refund to Claimant ("Claimant's Pre-identified Claim Amount"), from the Reimbursement Fund set up by the settlement of City of Oakland v. California Waste Solutions, Inc., Case No. RG17853559. Instead, Claimant maintains their right to bring a lawsuit against CWS for any claims which in any way, directly or indirectly, arise from, relate to, or are connected with, payments made for premium backyard cart services rendered by California Waste Solutions, Inc., from July 1, 2015 through December 31, 2021. The deadline for any such lawsuit is December 31, 2024.

If Claimant brings such a lawsuit by December 31, 2024, Claimant's Pre-identified Claim Amount will be refunded to CWS from the Reimbursement Fund and Claimant's claim for the Pre-identified Claim Amount is forever extinguished. If Claimant opts out of this settlement but does not bring such a lawsuit by December 31, 2024, Claimant's Pre-identified Claim Amount will be deemed as unclaimed funds, which will be applied to Oakland community projects and/or in the Oakland public interest, subject to Court supervision.