

## **NOTICE OF CLASS ACTION LAWSUIT**

*BBJL Properties, LLC v. Flood Bros. Disposal Co., d/b/a Flood Brothers*

In the Circuit Court of Cook County, Illinois

County Department, Chancery Division

Case No.: 2017 CH 02318

**This is NOT an attempt to collect anything from you.**

**This is NOT a notice of a lawsuit against you.**

**You may benefit from reading this Notice.**

**Because you are or were a customer of Flood Brothers Disposal Company that may have paid an environmental and regulatory charge at any time from February 15, 2014, to February 20, 2026, you may be a member of a certified Class in a class action lawsuit that may affect your rights. Please carefully read the information below.**

**For more information, you may contact Class Counsel for Plaintiff at (800) 210-7476 or visit the Class website at [www.FloodBrothersClassAction.com](http://www.FloodBrothersClassAction.com). (See ¶ 9 below)**

- On June 26, 2025, the Circuit Court of Cook County, Illinois, Circuit Judge Michael T. Mullen, certified a class action lawsuit consisting of certain current and former commercial customers of Flood Brothers Disposal Company (“Flood Brothers”) who paid an “environmental and regulatory charge” (as set out in the Order certifying the Class) at any time from February 15, 2014, to February 20, 2026. The class action seeks monetary damages for BBJL Properties, LLC (“Plaintiff”) and all Class Members, which may include you, pursuant to the Illinois Consumer Fraud Act, 735 ILCS 5/2-801, *et seq.* Based on the business records of Flood Brothers, you may be a Class Member.
- The Circuit Court has appointed the following law firms and attorneys as counsel for the Class Members:

**METHVIN TERRELL, YANCEY,  
STEPHENS & MILLER P.C.**  
Robert Methvin, Jr. and James Terrell  
2201 Arlington Avenue South  
Birmingham, Alabama 35205

**PRACTUS, LLP**  
Patrick Keating  
332 South Michigan Avenue  
Suite 121-2176  
Chicago, Illinois 60604

**PATRICK MARSHALL LAW, LLC**  
Patrick Marshall  
The Massey Building  
2025 3<sup>rd</sup> Avenue North  
Suite 325  
Birmingham, Alabama 35203

- The Court has not decided whether there is any merit to Plaintiff’s claims against Flood Brothers. The fact that a Class has been certified does not mean that Plaintiff will win this case, that any monetary damages will be awarded, or that Flood Brothers did anything wrong. It only means that this case will proceed from this time forward as a class action. Unless you opt out of this class action lawsuit as set

forth below, your rights against Flood Brothers for the claims asserted in the class action lawsuit will be decided in this case.

- You may exclude yourself (opt out) from further participation as a Class Member if you wish. Read this Notice carefully for details on how to opt out, and consult an attorney if you feel it is appropriate to do so.

<b>YOUR LEGAL RIGHTS AND OPTIONS AS A CLASS MEMBER</b>	
<b>IF YOU WANT TO REMAIN IN THE CLASS:</b>	To remain in the Class, you do not need to do anything. Any legal claims that you may have against Flood Brothers arising from the allegations in the class action lawsuit will be represented by the law firms and attorneys appointed by the Circuit Court to act as Class Counsel. If you wish, your own attorney may participate in this class action to protect your interests. (See ¶ 7 Option 2, below)
<b>IF YOU WANT TO EXCLUDE YOURSELF FROM THE CLASS (“OPT OUT”), YOU MUST DO SO BEFORE APRIL 3, 2026.</b>	Excluding yourself (“opting out”) from the Class is the only option you have to pursue your own separate claim against Flood Brothers. If you opt out, you will receive nothing if any settlement or judgment results from the claims in this class action case. You also will not be bound by any judgment in favor of Flood Brothers if Flood Brothers prevails. Customers that wish to opt out must do so by the deadline. (See ¶ 8, below).

## **BASIC INFORMATION**

### **1. Why did I get this Notice?**

Under the Illinois Rules of Civil Procedure, you are entitled to receive notice whenever a court “certifies” a class of which you are or may be a member. In this case, you are or may be a member of a Class certified by the Circuit Court of Cook County, Illinois in a class action lawsuit against Flood Brothers.

On June 26, 2025, the Circuit Court of Cook County, Illinois certified this class action (See Class description at ¶ 4, below). Based on the records of Flood Brothers, you are or may be included in this Class.

This class action lawsuit is ongoing. The fact that you have received this Notice does not mean that either party in the class action lawsuit described herein is right or wrong or that any monetary damages will be awarded. It simply means that you have rights at this point of which you are legally entitled to be notified.

### **2. What is this lawsuit about?**

The basis, in summary, for Plaintiff’s Illinois Consumer Fraud Act, 735 ILCS 5/2-801, *et seq.* (“ICFA”) claim is that Flood Brothers consistently and uniformly concealed and misrepresented important facts concerning the environmental and regulatory charge to its Illinois customers. Plaintiff contends that the environmental and regulatory charge is illegitimate, as it does not relate to Flood Brothers’ actual environmental or regulatory costs, and that such costs are already recovered in the base service rate that Flood Brothers charges its customers (a practice known as “double-dipping”). Instead, Plaintiff contends

that the environmental and regulatory charge is a veiled attempt to increase Flood Brothers' profit margins, as opposed to recouping actual or increasing environmental and regulatory costs. Plaintiff alleges that by representing the environmental and regulatory charge as an "environmental and regulatory charge," Flood Brothers deceptively conveyed a particular basis for the environmental and regulatory charge, *i.e.*, that the environmental and regulatory charge is legitimate and tethered to Flood Brothers' actual environmental and regulatory costs. Lastly, Plaintiff alleges that Flood Brothers failed to disclose to customers that the environmental and regulatory charge was merely a profit enhancer.

Flood Brothers denies all of Plaintiff's allegations. Flood Brothers denies that the environmental and regulatory charges are deceptive. Flood Brothers denies that the environmental and regulatory charge bears no relation to Flood Brothers actual environmental and regulatory costs. Flood Brothers denies that its environmental and regulatory charge caused any monetary damage to its customers, and denies that it has engaged in any activity that would constitute wrongdoing under the ICFA. Flood Brothers contests the validity of the Court's certification of Plaintiff's Class in this matter and alleges that other meritorious defenses (not yet considered by the Court) will otherwise prevent the Plaintiff from succeeding on the merits in this class action lawsuit. Flood Brothers disputes Plaintiff's allegations and claims, and believes it will ultimately prevail in this matter.

### **3. What is a class action?**

In a class action, the Plaintiff, called a "Class Representative" (in this case, BBJL Properties, LLC), sues on behalf of customers and entities that have similar claims. All other similarly situated customers and entities are "Class Members." One court will resolve the issues for all Class Members, except those who exclude themselves from the class.

### **4. Who are the members of the certified Class?**

The Circuit Court certified a Class of current and former commercial customers described as follows:

From February 15, 2014, through February 20, 2026, all persons (including legal entities) who: (1) are resident citizens of Illinois; (2) are or were commercial customers of Flood Brothers Disposal Co.; (3) executed a written contract with Flood Brothers; and (4) paid Flood Brothers and/or its related entities an "environmental and regulatory charge."

### **5. When will Plaintiff's claims against Flood Brothers be decided?**

The Circuit Court has set the case for trial on September 14, 2026. At this point in time, many issues are contested, and the outcome of the litigation is uncertain.

**ALTHOUGH THE COURT HAS AUTHORIZED THE PUBLICATION OF THIS NOTICE, THE COURT HAS RENDERED NO OPINION CONCERNING WHETHER FLOOD BROTHERS IS LIABLE TO THE PLAINTIFF, CLASS MEMBERS, OR ANYONE ELSE, OR THE AMOUNT OF DAMAGES (IF ANY) THAT WILL BE PAID BY OR TO ANY PERSON OR ENTITY IN CONNECTION WITH THIS SUIT. THIS NOTICE IS FOR THE SOLE PURPOSE OF NOTIFYING POTENTIAL CLASS MEMBERS OF THIS ACTION AND DETERMINING THE IDENTITY OF THOSE PERSONS AND ENTITIES WHO DO NOT WISH TO BE INCLUDED IN THE CLASS DESCRIBED IN THIS NOTICE.**

## 6. What if I signed an arbitration agreement with Flood Brothers?

If you signed any contract with Flood Brothers from February 15, 2014, through February 20, 2026 that does not contain an arbitration provision, then you are a member of this Class. If the only contract(s) that you signed with Flood Brothers contain an arbitration agreement, then you are not a member of this Class. If you signed multiple contracts with Flood Brothers before or after February 15, 2014, and some contracts do not contain an arbitration provision while other contracts do contain an arbitration provision, then you are still a member of this Class but you will only be able to recover damages in this class action for those environmental and regulatory charges paid by you **before** the date you entered into an arbitration agreement with Flood Brothers.

## 7. What are my options at this point?

- Option 1:** Do nothing and remain in the Class. If you select this option, you do not need to do anything at this time. Your interests will be represented by Class Counsel approved by the Circuit Court and identified on the first page of this Notice. If the representative Plaintiff succeeds in its case, you will be entitled to a share of any judgment or settlement that results from its efforts. If the representative Plaintiff loses, you will be bound by that judgment, and you will have no further claim to pursue. As a Class Member, you will not be responsible for the payment of any expenses or attorneys' fees that Class Counsel incurred as a result of the prosecution of the class action lawsuit. If the class action lawsuit is successful and a recovery is obtained for the Class, Class Counsel will apply to the Court to approve the payment of reasonable legal costs, expenses and attorneys' fees to be paid, and a class representative incentive award. In the event that the class action lawsuit is unsuccessful, you will not be responsible for, nor have to pay, any legal costs or attorney fees, unless you hire your own attorney as set out in Option 2 below.
- Option 2:** Remain in the Class and hire your own attorney(s) to participate. While you are not required to have your own attorney(s), you are permitted to do so (if you do not hire your own attorney, you will be represented by the attorneys for the Class, as set out herein). If you wish, your own attorney(s) may file an appearance in this case to monitor your rights and interests in the litigation as it proceeds. If you do elect to hire your own attorney, you will be responsible for the costs and attorney fees of your attorney.
- Option 3:** Exclude yourself from the Class entirely. In order to do this, you must read and carefully follow the instructions in ¶ 8 of this Notice. Once you exclude yourself, you no longer have a right to participate in the proceeds of any settlement or judgment that results from this litigation, but you also will not be bound by any judgment that may be entered in favor of Flood Brothers, if Flood Brothers prevails in this case. By excluding yourself, however, you retain the right to pursue your own claims against Flood Brothers, if you so choose. If you exclude yourself, your rights will not be affected by further proceedings in this case.

## 8. How do I request to be excluded from this Class if I do not want to participate?

If you wish to exclude yourself from this Class entirely (Option 3 above), you must do so by sending a letter entitled “Request for Exclusion” in which you state the following:

The undersigned hereby requests that the customer named on this page or attachments hereto requests to be excluded from the Class of plaintiffs maintaining a class action lawsuit in *BBJL Properties, LLC v. Flood Bros. Disposal Co., d/b/a Flood Brothers*, Case No. 2017 CH 02318, presently pending in the Circuit Court of Cook County, Illinois.

Your request must be signed, and if you represent a corporation or other entity, the entity name, address, and telephone number must be clearly legible, your title or office must be stated, and your request must be postmarked by the deadline stated below to the following address:

Flood Brothers Class Action  
A.B. DATA, LTD.  
Attn: Exclusion  
P.O. Box 173099  
Milwaukee, WI 53217

*If you wish to request exclusion in accordance with these instructions, you must do so by a letter postmarked no later than April 3, 2026.*

## 9. What if I want further information?

This Notice contains only a summary of the allegations and defenses in the class action. The complete pleadings filed in this class action lawsuit can be inspected or copied during normal business hours at the Clerk of Court’s Office, Cook County Courthouse, Richard J. Daley Center, 50 W. Washington Street, Chicago, Illinois 60602.

For convenient reference, certain relevant documents and pleadings in this class action lawsuit can be reviewed online at the following website: [www.FloodBrothersClassAction.com](http://www.FloodBrothersClassAction.com).

If you have questions about your options or other matters that may require legal advice, you may call or contact (at no cost to you) the following attorneys for the certified Class:

Robert G. Methvin, Jr. ([rgm@mtattorneys.com](mailto:rgm@mtattorneys.com))  
James Terrell ([jterrell@mtattorneys.com](mailto:jterrell@mtattorneys.com))  
**Methvin Terrell, Yancey, Stephens & Miller, P.C.**  
2201 Arlington Avenue South  
Birmingham, AL 35205  
Phone: (800) 210-7476  
Fax: (205) 939-0399  
Class Counsel’s Website: <http://mtattorneys.com>

Patrick Marshall ([pmarshall@patrickmarshalllaw.com](mailto:pmarshall@patrickmarshalllaw.com))  
**Patrick Marshall Law, LLC**  
The Massey Building

2025 3<sup>rd</sup> Avenue North, Suite 325  
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Patrick Keating ([Patrick.Keating@practus.com](mailto:Patrick.Keating@practus.com))  
**Practus, LLP**  
332 South Michigan Avenue, Suite 121-2176  
Chicago, IL 60604

*Please **do not** contact the Court or Clerk of Court with any questions regarding this case.*