

NOTICE OF CLASS ACTION SETTLEMENT

Janice Magliacane v. City of Gardner v. SUEZ Water Environmental Services, Inc.
Massachusetts Superior Court, Civil Action No. 1785-CV-02005B

**PLEASE READ THIS CLASS CERTIFICATION NOTICE CAREFULLY.
IT MAY AFFECT YOUR RIGHTS.**

A \$325,000 Settlement has been reached in a certified class action lawsuit regarding the defendant City of Gardner (the “City”) and third party defendant SUEZ Water Environmental Services, Inc. (“SUEZ”), the City’s private water system operator. The class action concerns the City and SUEZ’s supply of water to Gardner residents, property owners and businesses, which water plaintiff Janice Magliacane alleges caused copper heating coils in tankless hot water heating systems in Gardner to fail.

Affected Gardner residents, property owners and businesses may be eligible to receive a cash payment upon the submission of a valid claim form by May 11, 2026.

Your legal rights are affected whether you act or do not act. Please read this notice carefully.

Summary of Your Legal Rights and Options in This Settlement	
Submit a Claim	If you are a Class Member, to receive the cash benefit described in this notice, you must submit a claim form by mail (using the form attached to this notice) or online at www.CityofGardnerCoilsClassActionSettlement.com by May 11, 2026 .
Object	Write to the Court and the lawyers for both sides if you object to the Settlement. The Court will consider your objection in determining whether to approve the Settlement.
Do Nothing	Remain in the Settlement and receive no benefits.

The rest of this notice provides further information about the Action, this Settlement, and your legal rights and options in connection with the Settlement. Capitalized terms in this notice are defined in the Stipulation and Agreement of Settlement, which is available on the Settlement Website.

Questions? Visit www.CityofGardnerCoilsClassActionSettlement.com

Why did I get this notice?

A Court authorized this notice because you may be part of the Class described below, in which case you have a right to know that the Class has been certified and to know about a proposed Settlement of this class action and about all of your options before the Court decides whether to give final approval to the Settlement. This Notice explains the lawsuit, the Settlement, and your legal rights.

The case is pending in Worcester Superior Court and is known as *Magliacane v. City of Gardner et al.*, Civ. Act. No. 1785-CV-02005B (the “Action”). The person who sued is Janice Magliacane. The defendant is the City of Gardner, and the third party defendant is SUEZ.

What is the case about?

Plaintiff brought this class action alleging claims against the City for negligence, gross negligence and nuisance relating to the supply of water to Gardner residents, property owners and businesses, which Plaintiff alleged caused copper heating coils in tankless hot water heating systems in Gardner to fail. The City denies any wrongdoing, however if there was an error the City alleges third party claims against its private water system operator SUEZ for breach of contract, indemnity and contribution. SUEZ denies any wrongdoing.

Am I a class member?

The court has allowed this case to proceed as a class action. The Class includes all Gardner residents, property owners and businesses who were supplied water by the City and whose copper heating coils in their tankless hot water heating systems failed and had to be replaced.

What are the terms of the Settlement?

Under the proposed Settlement, the City and SUEZ have agreed to pay \$325,000, collectively, to resolve this action (the “Settlement Amount”).

If the Settlement is approved, Class Members will be prevented from bringing any claims against the City or SUEZ (as well as each of their present, former, or future subsidiaries, parents, affiliates, successors, predecessors, insurers, insurance administrators, claims administrators, officers, directors, employees, elected officials, appointed officials, representatives, agents or principals) that were asserted, or which could have been asserted, in the Action by Plaintiff, including but not limited to claims for negligence, gross negligence or nuisance, relating to the supply of water to Gardner residents, property owners and businesses, which allegedly caused their Coils to fail.

How is the Settlement Amount being distributed?

The lawyers for the Class will ask the Court to award them attorneys’ fees of up to 33% of the Settlement Amount, plus expenses, from the Settlement Amount. Class Counsel will also ask the Court to award up to \$15,000 to the plaintiff who brought this lawsuit to compensate her for her efforts in the case, including responding to discovery requests and giving a deposition, to be paid out of the Settlement Amount. Class Counsel will also ask the Court to allow the costs of providing notice and administering the Settlement to be paid out of the Settlement Amount.

The remaining amount available to be paid to the Class Members (the “Net Settlement Amount”) will be distributed to Class Members who mail or submit online a completed valid claim form by **May 11, 2026**. Each Class Member who submits a valid, timely Claim Form will be entitled to receive their *pro rata* share of the Net Settlement Amount, which will be divided among Class Members who have submitted valid, timely Claim Forms based on the number of Coils they replaced up to a maximum of 3 coils.

To illustrate, by way of example only, assuming the Net Settlement Amount was \$180,000, if there were 1,000 claimed coil replacements, class members would receive \$180 per coil replacement (up to a maximum of three coil replacements, or \$540). If there are fewer claimed coil replacements, the amount per coil will be higher. If there are more claimed coil replacements, the amount per coil will be lower.

No later than thirty (30) days after the entry of the Preliminary Approval Order, Class Counsel shall give notice to the Massachusetts IOLTA Committee pursuant to Mass. R. Civ. P. 23(e)(3), for the limited purpose of allowing the committee to be heard on whether it ought to be a recipient of any or all residual funds.

How can I get my share of the Class Recovery?

If the Settlement is approved by the Court, and you complete and submit a valid, timely Claim Form, your *pro rata* share of the Net Settlement Amount, if any, will be sent by check to your most recent mailing address. If you have a more current address, please notify the Settlement Administrator.

If you are a Class Member and want to receive the cash benefit described in this Settlement, you **MUST** submit a claim form, either by mailing a completed, signed claim form attached to this notice, or by submitting a claim form online at www.CityofGardnerCoilsClassActionSettlement.com.

What if I do not want to be part of the Class?

Under Massachusetts law, class members do not have the right to exclude themselves from the Class. So, if you are a Gardner resident, property owner or and business who was supplied water by the City and whose copper heating coils in your tankless hot water heating systems failed and had to be replaced, you are and will remain part of the Class.

Who represents the Class in this case?

Plaintiff Janice Magliacane and the Class have been represented throughout this case by the Boston law firm of Shapiro Haber & Urmy LLP (“Class Counsel”).

How will the lawyers be paid?

Since this case was filed more than seven years ago, Class Counsel has not received any payment for any of their legal services they have provided or any reimbursement of any of the out-of pocket expenses they have incurred in the case. Class Counsel plan to ask the Court to award them attorneys’ fees of up to 33% of the Settlement Amount, plus expenses, from the Settlement Amount.

Will the Court review the fairness of the Settlement and Class Counsel’s fee request?

Yes, the Court will hold a Final Approval Hearing on March 10, 2026 at 2:00 p.m. in Courtroom 19, Worcester Superior Court, 225 Main Street, Worcester, MA 01608. The Court may reschedule the hearing without further notice. At the hearing, the Court will consider whether: (a) the Settlement is fair, reasonable and adequate; (b) the Court should approve payment of a service award of up to \$15,000 to Plaintiff Janice Magliacane from the Settlement Amount; and (c) the Court should approve Class Counsel’ request for attorneys’ fees and expenses of up to 33% of the Settlement Amount, plus expenses, from the Settlement Amount.

What should I do if I object to the Settlement?

If you are a Class Member, you may object to any aspect of the Settlement, including the applications for a Service Award to Plaintiff Janice Magliacane and the award of attorneys’ fees and expenses to Class Counsel. In order to object, you must, on or before **February 16, 2026**, submit a written notice to the Worcester Superior Court, 225 Main Street, Worcester, MA 01608, which contains: (a) the case name and number, (b) your name, address and telephone number, (c) a statement setting out your objections and the basis for them, along with any documentation you intend to rely on at the Final Approval Hearing, (d) a statement of whether you intend to appear at the Final Approval Hearing, and (e) a statement indicating the number of times in the past three years you and/or your counsel have objected to a class action settlement, listing each one by name of case, jurisdiction, docket number and outcome of the objection.

Send copies of all of these materials by first-class mail to counsel at:

Class Counsel

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How can a Class Member get more information?

This Notice is a summary and does not describe all the details of the Settlement. You are encouraged to read the Settlement Agreement, the Preliminary Approval Order, and other documents. You may obtain a copy of these documents online at www.CityofGardnerCoilsClassActionSettlement.com, or you may obtain further information regarding the Settlement by calling the Settlement Administrator toll-free at 866-562-0832, or by emailing questions to the Settlement Administrator at CityofGardnerCoilsSettlement@noticeadministrator.com.

You may also contact Class Counsel with any questions by mail at Shapiro Haber & Urmy LLP, One Boston Place, Boston, MA 02108, by toll-free telephone at 1-888-233-1782 or by email at shu@shulaw.com.

PLEASE DO NOT CALL OR WRITE THE COURT FOR INFORMATION OR LEGAL ADVICE.

DATED: November 1, 2025