

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

A \$325,000 Settlement has been reached in a certified class action lawsuit against 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. The City and SUEZ deny any wrongdoing.

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**.

What does the Settlement provide? The settlement creates a fund of \$325,000. Each Class Member who files a valid and timely claim form will be eligible to receive a cash payment. A Claim Form is enclosed with this Notice, and is also available at www.CityofGardnerCoilsClassActionSettlement.com. The City and SUEZ deny any wrongdoing.

Am I a Class Member? You are a class member if you are a Gardner resident, property owner and or business who was supplied water by the City and who had copper heating coils in a tankless hot water heating system fail and have to be replaced.

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, as well as to award the plaintiff who brought this lawsuit up to \$15,000 for her efforts in this case, from 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. 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.

What are my options? To receive payment, **you must mail or submit online a completed claim form by May 11, 2026**. You may object to the settlement by **February 16, 2026**. The specific details for filing an objection are in the detailed notice available at www.CityofGardnerCoilsClassActionSettlement.com. The Court will hold a hearing on **March 10, 2026**, to consider the settlement and class counsel’s request for an award of attorneys’ fees of up to 33% of the settlement amount, plus expenses, as well as a service award for the plaintiff of up to \$15,000. You do not have to attend this hearing.

Your legal rights are affected whether you act or do not act. If you think you may be a Class Member, please go to www.CityofGardnerCoilsClassActionSettlement.com to read the full notice concerning this settlement.

DATED: November 1, 2025