STATE OF NORTH CAROLINA

COUNTY OF WAKE

GREGORY, INC., individually and on behalf of all others similarly situated,

Plaintiff,

v.

TOWN OF FUQUAY-VARINA,

Defendant.

FILED
2019 JUL 12 P 12:43
WAKE CO. C.S.C.
BY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
19-CVS-8602

CLASS ACTION COMPLAINT

NOW COMES Plaintiff, by and through its undersigned counsel, on behalf of itself and all others similarly situated, and complaining of Defendant, alleges and says as follows:

1. Plaintiff brings this class action on behalf of itself and others similarly situated to recover certain one-time water and sewer fees unlawfully imposed by the Town of Fuquay-Varina (the "Town") without authority from the North Carolina General Assembly. The Town has used various names to refer to the fees challenged herein, including, but not limited to "acreage fees," "capacity fees", "impact fees" and/or "system development fees,", but by whatever name they have been called, said Town's unlawful fees are collectively referred to herein as the "Impact Fees."

2. This is a class action filed pursuant to Rule 23 of the North Carolina Rules of Civil Procedure on behalf of Plaintiff and others similarly situated who were charged Impact Fees by the Town within three (3) years prior to the commencement of this action.

3. Plaintiff Gregory, Inc. is a North Carolina corporation with a principal

office in Harnett County, North Carolina, and which conducts business in Wake County, North Carolina.

4. The Town is a political subdivision of the State of North Carolina as prescribed by Chapter 160A of the North Carolina General Statutes with the capacity to sue and be sued pursuant to N.C. Gen. Stat. § 160A-11.

5. This case arises, in part, under the North Carolina Uniform Declaratory Judgment Act, N.C. Gen. Stat. § 1-253, *et seq.,* for this Court to determine whether the Town had authority, at all times relevant hereto, to charge the Impact Fees.

6. A genuine controversy exists between the parties in that Plaintiff contends that the assessment of the Impact Fees was illegal, whereas upon information and belief the Town contends the Impact Fees were legal.

7. Plaintiff has standing to bring this action for declaratory judgment pursuant to N.C. Gen. Stat. § 1-253, *et. seq.*, and Rule 57 of the North Carolina Rules of Civil Procedure.

8. In addition, Plaintiff seeks the return of all Impact Fees paid to the Town by Plaintiff and the class members, along with pre-judgment interest on refunded Impact Fees at the rate of 6% per annum from the date of payment of the Impact Fees, as provided by N.C. Gen. Stat. § 160A-363(e), and post-judgment interest at the legal rate, for the Town's violation of the rights of Plaintiff and the class members to equal protection and substantive due process as guaranteed by Article 1, Sec. 19 of the North Carolina Constitution.

9. This action has been filed within all applicable statutes of limitation

and repose, and all conditions precedent to the filing of this action have been complied with.

10. This Court has jurisdiction over the parties to and subject matter of this action pursuant to N.C. Gen. Stat. §§ 1-253 and 1-254, in that the rights of Plaintiff and the class members were and are directly and adversely affected by the Impact Fees and ordinances of the Town, and venue is proper in the County of Wake.

11. A copy of this complaint has been served on the Attorney General of North Carolina pursuant to N.C. Gen. Stat. § 1-260.

THE TOWN'S ILLEGAL WATER AND SEWER IMPACT FEES

12. The preceding paragraphs are reincorporated by reference as if fully set forth herein.

13. The Town owns and/or operates a public enterprise water and sewer system.

14. The Town's authority to operate the water and sewer public enterprise system is derived from Article 16, Chapter 160A of the North Carolina General Statutes.

15. Prior to 01 October 2017, the Town possessed only narrow statutory authority to set water and sewer rents, rates, fees, charges, and penalties limited to "the use of or the services furnished by" its water and sewer systems. *See* former N.C. Gen. Stat. § 160A-314(a) (emphasis added).

16. The Town adopted and charged its Impact Fees pursuant to certain sections of the Code of Ordinances, Town of Fuquay-Varina, North Carolina (the Town's "Code of Ordinances"), including § 5-1016, which establishes the Town's

Impact Fees and provides for their collection as follows:

> (b) In addition to all other charges prescribed by ordinance or resolution now in effect, **there shall be a capacity fee charge for connecting to the water system and the sewer system of the Town.** For residential development, these charges shall be calculated on a per dwelling unit basis. For nonresidential development, these charges shall be based upon the meter size for the project, as well as an impact fee for fire protection water service based upon the main line tap size. These charges are to be paid as follows:
>
> (1) In the case of a **residential subdivision, these fees are payable *prior to the approval of the final plat* of the subdivision or an approved phase of the subdivision.**
>
> (2) In nonresidential application, or when there is no subdivision of land involved, **these fees are payable prior to the issuance of the building permit.**

See Town's Code of Ordinances § 5-1016(b) (emphasis added).

17. At the time that the Town required payment of the Impact Fees, properties did not have the contemporaneous use of and were not being furnished services by the Town's water and/or sewer systems. Accordingly, the Town's Impact Fees exceeded its authority to impose fees for "the use of or services furnished by" its water and sewer systems set forth in former N.C. Gen. Stat. § 160A-314(a).

18. The Town's Code of Ordinances further provides that "[t]he charges for water and sewer service capacity fees and water service impact fees shall be **based upon such fee schedules prescribed and adopted by the Town Board of Commissioners.**" Town's Code of Ordinances § 5-1016(e) (emphasis added).

19. Upon information and belief, effective 01 January 2016, the Town charged Impact Fees in the amount of $1,500 per dwelling unit for water and $2,750 per dwelling unit for sewer for each residential dwelling.

20. Upon information and belief, effective 01 October 2016, the Town

increased its Impact Fees to $2,000 per dwelling unit for water and $3,250 per dwelling unit for sewer for each residential dwelling, and continues to charge Impact Fees in said amounts today.

21. Upon information and belief, for fiscal years 2015-16, 2016-17, 2017-18, and 2018-19, the Town charged Water and Sewer Non-residential Capacity Impact Fees pursuant to the following schedule:

Table B.) NON-RESIDENTIAL CAPACITY FEES:

All Non-Residential uses shall pay capacity fees based on the following schedule.

Building Service Water Meter Size	Water Acre Fee Per Metered Tap Based on Water Tap Size	Sewer Acre Fee Per Metered Tap Based on Water Tap Size	Total
3/4"	$1,500.00	$1,500.00	$3,000.00
1"	$2,750.00	$2,750.00	$5,500.00
1 1/2"	$5,000.00	$5,000.00	$10,000.00
2"	$6,333.00	$6,333.00	$12,666.00
3"	$15,000.00	$15,000.00	$30,000.00
4"	$41,667.00	$41,667.00	$83,334.00
6"	$83,333.00	$83,333.00	$166,666.00

22. The Town, at all times relevant hereto, charged the Impact Fees prior to a property's connection to the Town's water and/or sewer systems.

23. At the time the Impact Fees were charged by the Town for new development/construction, the subject property was not receiving water and/or sewer service from the Town.

24. The Impact Fees were charged by the Town as a mandatory condition to the issuance of development approvals and/or permits, including, but not limited to, preliminary plat approval and/or building permits.

25. Upon information and belief, the Town used the revenue from the Impact Fees to fund future capital improvements and expansion of the Town's water

and/or sewer systems, and/or for future discretionary spending.

26. The stated purpose of the Impact Fees was, at least in part, "to build capital reserve funds for ***future investment*** in water and sewer collection, distribution and treatment facilities." (emphasis added). *See* Town's Code of Ordinances § 5-1016.

27. The Impact Fees were charged by the Town separate and apart from the Town's tap and/or connection fees, which covered the costs alleged to be incurred by the Town to connect the subject property to the water and/or sewer systems.

28. Unlike some other North Carolina municipalities, the Town failed to obtain any special legislation from the North Carolina General Assembly to charge and collect its illegal Impact Fees. *See Quality Built Homes, Inc.*, 369 N.C. 21, 789 S.E.2d at 459 ("Municipalities routinely seek and obtain enabling legislation from the General Assembly to assess impact fees... Yet it appears that Carthage has elected not to pursue such legislation.") (citations omitted).

29. Prior to the General Assembly's enactment of Session Law 2017-138, the sole enabling statute granting municipalities the authority to set water and sewer rates and charge fees, N.C. Gen. Stat. § 160A-314, provided that "[a] Town may establish and revise... rents, rates, fees, charges, and penalties for the use of or the services furnished by any public enterprise." N.C. Gen. Stat. § 160A-314(a) (emphasis added).

30. On August 19, 2016, the North Carolina Supreme Court filed a decision in *Quality Built Homes, Inc. v. Town of Carthage*, 369 N.C. 15, 789 S.E.2d 454 (2016), holding that municipalities lacked authority under N.C. Gen. Stat. § 160A-314 to

charge fees for future water and sewer service, "to be furnished in the future," including "impact fees."

31. The Supreme Court in *Quality Built Homes* held that N.C. Gen. Stat. § 160A-314 only authorized municipalities to charge a property owner for the property's actual, contemporaneous use of the water and/or sewer systems and did not authorize "impact fees."

32. The Supreme Court in *Quality Built Homes* held that N.C. Gen. Stat. § 160A-314 does not authorize municipalities to collect fees for future discretionary spending and/or future capital improvement projects.

33. Under the unambiguous holding of *Quality Built Homes*, Defendant Town lacked authority to impose and assess its Impact Fees.

34. Following the *Quality Built Homes* decision, the Town continued to charge its illegal Impact Fees.

35. Session Law 2017-138 ("H.B. 436"), effective October 1, 2017, established the "Public Water and Sewer System Development Fee Act," codified as Article 8 of Chapter 162A of the North Carolina General Statutes, which granted municipalities the power to charge certain fees, called "system development fees," for water and sewer services "to be furnished," "only in accordance with the conditions and limitations" set forth in Article 8. *See* N.C. Gen. Stat. § 162A-203(a).

36. Session Law 2017-138 (HB 436) expressly provides that it does not retroactively authorize municipalities to charge fees for water and sewer services "to be furnished," including impact fees. *See* Session Law 2017-138, § 10(b).

37. HB 436 makes clear that it does not provide any authority for municipalities, including the Town, to charge fees for water and sewer services "to be furnished" prior to the effective date of the law, and prior to a municipality's adoption of a proper "system development fee" in conformance with the law.

38. Upon information and belief, the Town has not adopted a lawful "system development fee" in conformance with HB 436.

39. Upon information and belief, at all times during the period three (3) years prior to the commencement of this action through the present, the Town has been without any lawful authority to charge its Impact Fees.

40. At all times relevant hereto, the Town, without any lawful authority from the North Carolina General Assembly, engaged in *ultra vires* conduct by, among other things:

(a) Charging and collecting its Impact Fees for future water and sewer services to be furnished to a property;

(b) Charging and collecting Impact Fees from property owners prior to the Town furnishing water and sewer service to the property and/or the property using the Town's water and sewer services;

(c) Charging and collecting Impact Fees which were calculated and/or spent by the Town on future costs of the Town's water and sewer systems;

(d) Charging and collecting Impact Fees which were used for future discretionary spending by the Town;

(e) Conditioning the issuance of development approval and/or permits upon the payment of Impact Fees for water and sewer service to be furnished to the property in the future; and/or

(f) Continuing to charge its illegal Impact Fees without properly adopting and/or accounting for and/or expending lawful "system development fees" in accordance with the conditions and limitations of Session Law 2017-138, codified as Article 8 of Chapter 162A of the North Carolina General

Statutes.

See Quality Built Homes, Inc., 369 N.C. 15, 789 S.E.2d 454 (2016).

41. Unlike some other North Carolina municipalities, the Town failed to obtain any special legislation from the North Carolina General Assembly to charge and collect its illegal Impact Fees. *See Quality Built Homes, Inc.*, 369 N.C. 21, 789 S.E.2d at 459 ("Municipalities routinely seek and obtain enabling legislation from the General Assembly to assess impact fees... Yet it appears that Carthage has elected not to pursue such legislation.") (citations omitted).

FACTS SPECIFIC TO PLANTIFF

42. The preceding paragraphs are reincorporated by reference as if fully set forth herein.

43. Plaintiff has been required to pay, and has paid, Impact Fees to the Town within the three (3) year period preceding the commencement of this action.

44. The Town was without authority to assess its Impact Fees to Plaintiff.

45. As alleged herein, Plaintiff has suffered injury as a result of the Town's exaction of the Impact Fees.

COMMON CLASS ALLEGATIONS

46. The preceding paragraphs are reincorporated by reference as if fully set forth herein.

47. Pursuant to Rule 23 of the North Carolina Rules of Civil Procedure, Plaintiff brings this action individually and on behalf of a class initially defined as:

> All natural persons or corporations who (a) at any point within the three (3) years preceding the filing of Plaintiff's Complaint

through the pendency of this action (b) paid "acreage fees," "capacity fees," "impact fees" and/or "system development fees" to the Town that were not adopted in compliance with Session Law 2017-138.

48. Plaintiff reserves the right to redefine the Class prior to certification.

49. Upon information and belief, the class members are so numerous that joinder of all is impractical. The names and addresses of potential class members are readily identifiable through the business records of the Town, and the class members may be notified of the pendency of this action by published and/or mailed notice.

50. Upon information and belief, within the time period relevant to this action, the Town collected unlawful Impact Fees from hundreds of potential class members.

51. The requirements of Rule 23 are met in that this class, upon information and belief, consists of hundreds of entities and individuals who have paid Impact Fees to the Town.

52. Common questions of law and fact predominate over any individual issues that may be presented by this action because the Town has a pattern, practice, and policy of collecting said Impact Fees from class members. Common questions include, but are not limited to:

a. Whether the Town's pattern, practice, and policy of collecting Impact Fees violates applicable North Carolina law;

b. Whether the Town improperly charged and collected Impact Fees without any special authority from the General Assembly of North Carolina to charge such Impact Fees; and

c. Whether the Town failed to adopt a lawful "system development fee" in accordance with the conditions and limitations of Session Law 2017-138;

and

d. Whether Plaintiff and the class members have been deprived of their property interests by action of the Town having no rational relation to a valid governmental objective.

53. Plaintiff's claims are typical of the claims of each class member and all claims are based on the same facts and legal theories in that the Town has a specific and uniform policy of collecting the unlawful Impact Fees from each member of the proposed class.

54. Plaintiff has no interests adverse or antagonistic to the interests of other members of the class.

55. Plaintiff will fairly and adequately represent and protect the interests of the class and has retained experienced counsel, competent in both class litigation and the prosecution of actions for the return of unlawful impact fees, and whom were counsel in the *Quality Built Homes, Inc. v. Town of Carthage* case.

56. Neither Plaintiff nor its counsel have any interests that might cause them not to vigorously pursue this action. Plaintiff is aware of its responsibilities to the putative class and has accepted such responsibilities.

57. The Town has acted on grounds generally applicable to the class, thereby making appropriate final declaratory relief with respect to the class as a whole.

58. A class action is superior to other methods for the fair and efficient adjudication of the claims herein asserted. Plaintiff anticipates that no unusual difficulties are likely to be encountered in the management of this class action.

Plaintiff further alleges that certification of the class is appropriate in that:

a. A class action will permit a large number of similarly situated persons to prosecute their common claims in a single forum simultaneously, efficiently, and without duplication of the effort and expense that numerous individual actions would engender;

b. Each and every class member of the proposed class is subject to the same ordinance and schedule of Impact Fees challenged herein;

c. Class treatment will permit the adjudication of relatively small claims by many class members who could not otherwise afford to seek legal redress for the wrongs complained of herein; and

d. Absent a class action, the class members will continue to suffer loss of statutorily protected rights as well as monetary damages, and if the Town's unlawful conduct continues unchallenged the Town will continue to retain the proceeds of its ill-gotten gains.

FIRST CLAIM FOR RELIEF
(Declaration that the Town's Adoption and Enforcement of the Challenged Impact Fees and Ordinances Exceeded the Authority of the Town and was *Ultra Vires*)

59. The preceding paragraphs are reincorporated by reference as if fully set forth herein.

60. Pursuant to N.C. Const. Art. VII, Sec. 1 and N.C. Gen. Stat. § 160A-4, municipalities in North Carolina only have authority to exercise powers, duties, privileges, and immunities conferred upon them by the General Assembly.

61. The General Assembly did not authorize the Town to adopt and charge the water and sewer Impact Fees that are the subject of this action.

62. The Town exceeded its lawful authority by collecting the Impact Fees from Plaintiff and the class members as alleged herein.

63. Upon information and belief, the Town continues to charge its Impact Fees without lawful authority by failing to comply with the requirements of Session

Law 2017-138.

64. Plaintiff and the class members are entitled to a judgment declaring that the Town's Impact Fees were unlawful and *ultra vires* because the Town exceeded its lawful authority in adopting and imposing the Impact Fees.

SECOND CLAIM FOR RELIEF
(Declaration that the Town's Adoption and Enforcement of the Challenged Impact Fees Violated Plaintiff's and the Class Members' Rights to Equal Protection and Substantive Due Process under N.C. Const. Art. I, Sec. 19)

65. The preceding paragraphs are reincorporated by reference as if fully set forth herein.

66. Pursuant to N.C. Const. Art. VII, § 1 and the General Statutes of North Carolina, municipalities in North Carolina do not have authority to exercise powers contrary to state law and the public policy of the state.

67. The Town's Impact Fees were unlawful and *ultra vires* because the Town lacked authority from the General Assembly to charge Impact Fees for water and sewer services to be furnished by the Town in the future.

68. Upon information and belief, the Town continues to charge its Impact Fees without lawful authority by failing to comply with the requirements of Session Law 2017-138.

69. The Town's adoption and imposition of the unlawful water and sewer Impact Fees was contrary to state law and the public policy of the state.

70. The Town's adoption and imposition of the unlawful water and sewer Impact Fees was arbitrary and capricious and constituted an abuse of discretion.

71. By adopting and imposing unlawful water and sewer Impact Fees, the

Town subjected Plaintiff and the class members to disparate treatment under the laws without a rational basis and in derogation of Plaintiff's and the class members' fundamental rights, and the Town acted outside the legitimate objectives permitted for ordinances enacted by municipalities in North Carolina.

72. By adopting and imposing the unlawful water and sewer Impact Fees the Town violated Plaintiff's and the class members' rights to equal protection and to substantive due process as provided by Article 1, Sec. 19 of the North Carolina Constitution.

73. Plaintiff is entitled to a judgment declaring that the Town's Impact Fees were unlawful because they violated Plaintiff's and the class members' rights to equal protection and substantive due process as provided by Article 1, Sec. 19 of the North Carolina Constitution. Plaintiff and the class members are also entitled to a declaration that the imposition of the Impact Fees was arbitrary and capricious and constituted an abuse of discretion by the Town.

THIRD CLAIM FOR RELIEF

(Refund of All Impact Fees Paid by Plaintiffs and the Class Members for Violation of Rights to Equal Protection and Substantive Due Process under N.C. Const. Art. I, Sec. 19, and for Violation of N.C. Gen. Stat. § 160A-314)

74. The preceding paragraphs are reincorporated by reference as if fully set forth herein.

75. Plaintiff and the class members have clearly established rights under state law to be free from the assessment of illegal Impact Fees by the Town.

76. The Town's assessment of the illegal Impact Fees was in violation of Plaintiff's and the class members' rights to equal protection and substantive due

process as provided by Article 1, Section 19 of the North Carolina Constitution.

77. The Town's assessment of the illegal Impact Fees was in violation of N.C. Gen. Stat. § 160A-314.

78. Plaintiff and the class members' have suffered pecuniary loss due to the Town's assessment of the illegal Impact Fees.

79. The well-settled law in North Carolina is that a local government shall refund illegally charged development Impact Fees, such as the Town's Impact Fees. *See, e.g., Smith Chapel Baptist Church v. Town of Durham*, 350 N.C. 805, 517 S.E.2d 874 (1999); *Durham Land Owners Ass'n v. Cnty. of Durham*, 177 N.C. App. 629, 630 S.E.2d 200 (2006); *Amward Homes, Inc. v. Town of Cary*, 206 N.C. App. 38, 64, 698 S.E.2d 404, 422 (2010); *China Grove 152, LLC v. Town of China Grove*, 242 N.C. App. 1, 773 S.E.2d 566 (2015); *Point S. Props., LLC v. Cape Fear Public Utility Authority*, 243 N.C. App. 508, 778 S.E.2d 284 (2015); *Tommy Davis Constr., Inc. v. Cape Fear Public Utility Authority*, 807 F.3d 62 (4th Cir. 2016).

80. Plaintiff and the class members are entitled to a refund of all Impact Fees paid to the Town as damages for the Town's violation of Plaintiff's and the class members constitutional rights.

81. The Town will be unjustly enriched if it is allowed to retain revenue from illegal Impact Fees assessed without authority from the North Carolina General Assembly and in violation of state law.

82. Plaintiff and the class members are further entitled to pre-judgment interest on their refunded Impact Fees at the rate of 6% per annum from the date of

payment of the Impact Fees, as provided by N.C. Gen. Stat. § 160A-363(e), and post-judgment interest at the legal rate.

FOURTH CLAIM FOR RELIEF
(Costs, Expenses, and Attorney's Impact Fees)

83. The preceding paragraphs are reincorporated by reference as if fully set forth herein.

84. The North Carolina Supreme Court held in *Quality Built Homes v. Town of Carthage*, 369 N.C. 15, 789 S.E.2d 454 (2016) that municipalities lack authority to charge Impact Fees for future water and sewer services.

85. In its unanimous decision in *Quality Built Homes* Court noted that since at least 1982, the North Carolina Supreme Court had "cautioned that municipalities may lack the power to charge for prospective [water and sewer] services." *Id.* (citing and quoting *Bissette v. Town of Spring Hope*, 305 N.C. 248, 251, 287 S.E.2d 851, 853 (1982) ("[W]e agree that under [N.C.G.S. § 160A–314(a)] a municipality may not charge for services 'to be furnished.'").

86. The Town ignored the North Carolina Supreme Court's decisions and the plain statutory language of N.C. Gen. Stat. § 160A-314 by charging its *ultra vires* Impact Fees which were not authorized by the General Assembly.

87. Upon information and belief, the Town continued to charge its illegal Impact Fees even *after* the North Carolina Supreme Court filed its decision in the *Quality Built Homes* case on August 19, 2016.

88. Upon information and belief, the Town has failed to adopt a lawful "system development fee" "in accordance with the conditions and limitations of" the

System Development Fee Act after the Act became effective on 01 October 2017, and continues to charge *ultra vires* Impact Fees which are not authorized by law.

89. The Town has acted, and upon information and belief, continues to act, outside the scope of its legal authority in charging and collecting the illegal Impact Fees.

90. The Town has violated statutes and/or case law setting forth limits on its authority which are unambiguous and not reasonable susceptible to multiple constructions, as detailed hereinabove.

91. It was an abuse of discretion for the Town to charge and collect the Impact Fees without authority from the General Assembly.

92. Plaintiff and the class members are entitled to recover their actual costs, expenses, and attorney's fees incurred in this action pursuant to N.C. Gen. Stat. § 6-21.7, N.C. Gen. Stat. § 1-253, *et. seq.,* and/or other applicable law.

FIFTH CLAIM FOR RELIEF
(Accounting)

93. The preceding paragraphs are reincorporated by reference as if fully set forth herein.

94. Plaintiff and the class members are entitled to an accounting from the Town of all Impact Fees paid by Plaintiff and the class members through the date of the accounting, and then updates to the accounting through the pendency of this action, as applicable.

WHEREFORE, Plaintiff, individually and on behalf of the other class members, prays the Court for the following relief:

1. That the Court certify the class and appoint Plaintiff and its counsel to represent the class;

2. That the subject Impact Fees exacted by the Town be declared unlawful and *ultra vires*;

3. That the Impact Fees exacted from Plaintiff and class members by the Town be declared unlawful as violating Plaintiff's and class members' rights to equal protection and substantive due process as provided by Article 1, Section 19 of the North Carolina Constitution;

4. That Plaintiff and class members have and recover of the Town all Impact Fees paid to the Town as damages for the Town's violation of Plaintiff's and class members' rights to equal protection and substantive due process as provided by Article 1, Section 19 of the North Carolina Constitution, and for the Town's violation of N.C. Gen. Stat. § 160A-314, together with interest at 6% per annum from the date of payment of the Impact Fees as provided in N.C. Gen. Stat. § 160A-363(e);

5. That the Town provide an accounting of all Impact Fees paid by Plaintiff and class members through the date of the accounting, and then updates to the accounting through the pendency of this action, as applicable;

6. That Plaintiff and class members have and recover the costs of this action, including attorneys' fees, as provided by N.C. Gen. Stat. § 6-21.7, N.C. Gen. Stat. § 1-253, *et. seq.,* and/or other applicable law; and

7. That Plaintiff and the class members have such other relief as may be just and proper.

This, the 12th day of July, 2019.

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