

Katherine Veilleux, et al. v. Electricity Maine, LLC, et al.
Case No: 1:16-cv-571-LEW

LONG FORM NOTICE OF SETTLEMENT

If you purchased electric supply from Electricity Maine, LLC between January 1, 2011 and November 30, 2019, you could receive a cash payment from a class action settlement. This Notice may affect your legal rights. Please read it carefully.

A court has authorized this Notice. This is not a solicitation from a lawyer.

This Notice informs you of a proposed settlement in a class action lawsuit concerning rates for electricity charged by Electricity Maine, LLC (“Electricity Maine”).

The lawsuit is captioned *Katherine Veilleux, et al. v. Electricity Maine, LLC, et al.*, Case No. 1:16-v-571-LEW (the “Action”), and it was filed in the United States District Court, District of Maine (the “Court”). In the Action, Plaintiffs allege that Defendants engaged in deceptive marketing practices which caused Plaintiffs to purchase electricity from Electricity Maine, and to pay more than they otherwise would have for their electric supply. Defendants deny these allegations and any wrongdoing or unlawful conduct.

- The settlement provides for payments that will provide up to \$14,000,000 to pay claims to those residential and small-business customers who purchased electricity from Electricity Maine between January 1, 2011, and November 30, 2019.
- Electricity Maine has also agreed to waive payments of amounts owed by Settlement Class Members for electricity purchased during the Class Period that were more than one hundred twenty (120) days overdue as of November 30, 2019.
- The Settlement of the Action will resolve claims against Electricity Maine, Spark HoldCo, LLC, Provider Power, LLC, Kevin Dean, and Emile Clavet (“Defendants”). The Settlement affects all individual residential and small business consumers who purchased electric supply from Electricity Maine, at any time from January 1, 2011 through and including November 30, 2019. Excluded from the Settlement Class are: (a) the Defendants; (b) officers, directors, shareholders, and employees of Defendants; (c) parents, subsidiaries, and affiliates of any Defendant; (d) any entity in which a Defendant has a controlling interest; (e) any attorneys representing Defendants in this Action, and their employees; (f) any judge to whom the Action is currently assigned or was previously assigned, and their staff; (g) Plaintiffs’ Counsel and their employees; and (h) any heirs, immediate family members, successors, and assigns of all such persons.
- To make a claim, submit the Claim Form enclosed in your Notice Packet or visit the Settlement Website, www.VeilleuxSettlement.com, to submit a Claim through the Claims Portal.

Questions? Visit www.VeilleuxSettlement.com or call 844-484-0405

YOUR RIGHTS AND OPTIONS IN THIS SETTLEMENT		DEADLINE
Submit a Claim Form	To receive a payment under the Settlement, you must submit a valid Claim Form by the Claim Deadline.	Thursday, September 10, 2020
Opt-Out	You may exclude yourself from the Action and the Settlement. This is the only option that allows you ever to bring or join another lawsuit raising the same legal claims against the Defendants. You will receive no cash payment from this Settlement.	Thursday, September 10, 2020
File Objection	Write to the Court about any aspect of the Settlement you don't think is fair, adequate, or reasonable. If you object to any aspect of the Settlement, you must submit a written Objection and a Claim Form by the Objection Deadline.	Thursday, September 10, 2020
Go to a Hearing	Speak to the Court about the Settlement (if you object to any aspect of the Settlement, you must first submit a written Objection by the Objection Deadline noted above).	Date TBD – check Settlement Website
Do Nothing	You will not receive any cash payment; also, you will have no right to sue later for the claims released by the Settlement.	

- These rights and options—and the deadlines to exercise them—are explained in this Notice.
- To settle the case and to avoid the further inconvenience, expense, and disruption of this lawsuit, Defendants have agreed to pay each Settlement Class Member who submits a Valid Claim an amount equal to \$0.0023565 per kilowatt hour purchased by the Claimant as a customer of Electricity Maine, during the period of January 1, 2011 through and including November 30, 2019. In no event shall the Calculated Payment paid to any Claimant be less than \$2.50.
- The Court still has to decide whether to finally approve the Settlement. Payments will be sent to Settlement Class Members only if the Court approves the Settlement and the Settlement Class Member timely submits a Valid Claim. If there are appeals, payments will not be made until the appeals are resolved and the Settlement becomes effective.
- **Final Approval Hearing.** The Court will hold a hearing to determine: (i) whether the proposed Settlement should be approved as fair, reasonable, and adequate and should receive final approval; (ii) whether the Action and claims raised therein should be dismissed with prejudice; (iii) whether the Released Persons should be released from the Released Claims; (iv) whether Class Counsel's application for Attorneys' Fees and Costs should be granted in whole or in part; and (v) whether the motion for the Named Plaintiffs' Enhancement Award should be granted in whole or in part. The hearing will be held before the Honorable Lance E. Walker. The date and location of the hearing have not yet been determined. Consult the Settlement Website at www.VeilleuxSettlement.com, or the Court docket in this case, for updated information on the hearing date and time.

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- The lawyers who brought the Action will ask the Court for up to \$3,920,000 in attorneys’ fees and expenses, which, if approved by the Court, will be paid by Defendants. Defendants have the right to oppose this request for attorneys’ fees and expenses.
- The Plaintiffs, Katherine Veilleux, Jennifer Chon, Rocky Coast Acupuncture PC, and James Tilton, will ask the Court for \$5,000 each in Named Plaintiffs’ Enhancement Awards in recognition of their assistance in the prosecution of the Action, which, if approved by the Court, will be paid by Defendants.
- **Your legal rights are affected whether you act or do not act. Read this Notice carefully.**

This Notice summarizes the proposed Settlement. For the precise terms and conditions of the Settlement, please see the Settlement Agreement available at www.VeilleuxSettlement.com, or contact the Settlement Administrator at P.O. Box 34727, Philadelphia, PA 19101-4727

PLEASE DO NOT TELEPHONE THE COURT OR THE COURT CLERK’S OFFICE TO INQUIRE ABOUT THIS SETTLEMENT OR THE CLAIM PROCESS.

Table of Contents

1.	How Do I Know If I Am Affected By The Settlement?	1
2.	What Is the Action About?	1
3.	Why Is This Action Being Settled?	1
4.	What Can I Receive From The Settlement?	1
5.	How Do I Make A Claim?	2
6.	When Do I Get My Payment?.....	2
7.	Who are My Lawyers and What Do Plaintiffs and Their Lawyers Get?.....	3
8.	What Happens If I Do Not Opt-Out From The Settlement?.....	3
9.	How Do I Opt-Out From The Settlement?	4
10.	How Do I Object To The Settlement?	4
11.	When Will The Court Decide If The Settlement Is Approved?.....	5
12.	How Do I Get More Information?	5

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1. How Do I Know If I Am Affected By The Settlement?

The Action involves claims arising from electricity rates charged by Electricity Maine.

For purposes of Settlement only, the Court has conditionally certified a Settlement Class that is defined as:

- All individual residential and small business consumers who purchased electric supply from Electricity Maine at any time from January 1, 2011 through and including November 30, 2019.

Excluded from the Settlement Class are: (a) the Defendants; (b) officers, directors, shareholders, and employees of Defendants; (c) parents, subsidiaries, and affiliates of any Defendant; (d) any entity in which a Defendant has a controlling interest; (e) any attorneys representing Defendants in this Action, and their employees; (f) any judge to whom the Action is currently assigned or was previously assigned, and their staff; (g) Plaintiffs' Counsel and their employees; and (h) any heirs, immediate family members, successors, and assigns of all such persons. If the Settlement does not become effective (for example, because it is not finally approved, or the approval is reversed on appeal), then the Action will continue.

2. What Is the Action About?

Plaintiffs allege that Defendants engaged in deceptive marketing practices that caused Plaintiffs to purchase electric supply from Electricity Maine at rates higher than they otherwise would have paid during the period from January 1, 2011 through and including November 30, 2019. Defendants deny those allegations and that they have any liability to Plaintiffs or the Settlement Class.

3. Why Is This Action Being Settled?

Counsel for both Plaintiffs and Defendants have determined that there is significant risk, disruption, and expense in continuing the Action. Among other issues, the issues in the case include:

(i) Whether Defendants acted improperly; (ii) whether Plaintiffs suffered any damages; and (iii) whether Defendants can prove other defenses to the Action. In particular, even if Plaintiffs convince the Judge or jury that they are entitled to damages, there is a substantial risk that a Judge or jury would not impose any damages. Even if Plaintiffs were to succeed in the trial court, any judgment would be at risk on appeal and the collectability of that judgment might be uncertain. After considering the risks and costs of further litigation, the Parties have concluded that it is in everyone's best interest that the Plaintiffs' claims be settled and dismissed on the terms of the Settlement. Plaintiffs and Class Counsel believe that the terms and conditions of the Settlement are fair, reasonable, adequate, and equitable, and that the Settlement is in the best interest of the Settlement Class.

4. What Can I Receive From The Settlement?

The settlement will provide up to \$14,000,000 to pay claims to those residential and small-business customers who purchased electricity from Electricity Maine between January 1, 2011, and November 30, 2019. Settlement Class Members who submit Valid Claims shall be paid up to an amount equal to \$0.0023565 per kilowatt hour purchased by the Claimant, as a customer of Electricity Maine, during the

period of January 1, 2011 through and including November 30, 2019. In no event shall the Calculated Payment paid to any Claimant be less than \$2.50. In order to file a Valid Claim, each Settlement Class Member must follow the directions on the Claim Form or submit a Claim through the online Claims Portal on the Settlement Website at www.VeilleuxSettlement.com. Valid Claims will be paid only if the Court approves the Settlement.

Under the settlement, Electricity Maine has also agreed to waive payments of amounts owed by Settlement Class Members for electricity purchased during the Class Period that were more than one hundred twenty (120) days overdue as of November 30, 2019.

5. How Do I Make A Claim?

To make a Claim, you must either (1) complete and mail the Claim Form received in your Notice Packet or (2) submit a Claim through the online Claims Portal on the Settlement Website.

Claim Forms and Claims submitted online through the Claims Portal must be received by the Settlement Administrator by 11:59 p.m. Eastern Time on Thursday, September 10, 2020.

To receive a benefit, Settlement Class Members must submit a signed or e-signed certification that the Settlement Class Member (1) has read the Settlement Agreement and agrees to its terms, including the release; (2) is or was a named account holder with Electricity Maine during the Class Period; did not have, and is not seeking to have, the account balance discharged due to bankruptcy or receivership; (4) has not filed to Opt-Out or otherwise sought to be excluded from the Settlement, but instead, hereby waives the right to Opt-Out and agrees to be bound by the Settlement; (5) has not already received a payment from Electricity Maine from the Electricity Maine account that is the subject of this Claim; (6) has provided information through the Claims Portal that is accurate and complete to the best of their knowledge; (7) has not been excluded from the Settlement Class under Section 3.1 of the Agreement; (8) will timely provide any additional information requested by the Settlement Administrator to validate a Claim; (9) understands that by submitting a Claim through the Claims Portal, the Settlement Class Member is deemed to have given a complete Release of all Released Claims; and (10) understands that Claims will be audited for veracity, accuracy, and fraud.

Payments will be issued only if the Court gives final approval to the proposed Settlement and after the final approval is no longer subject to appeal. Please be patient as this may take months or even years in the event of an appeal.

6. When Do I Get My Payment?

Filing a Claim does not provide a guaranteed payment. If the Court approves the Settlement and there are no appeals, then benefit payments will be distributed after the Settlement is no longer subject to appeal or review and the Settlement Administrator has completed its review and audit of all Claim Forms to validate the veracity of the Claims and prevent the payment of Claims which represent waste, fraud, or abuse. If the Court does not approve the Settlement, or if the Settlement is overturned on appeal, no payments will be issued.

7. Who are My Lawyers and What Do Plaintiffs and Their Lawyers Get?

The Court has appointed Thomas Hallett and Benjamin Donahue of Hallett, Whipple, Weyrens P.A., and Robert Cummins of The Cummins Law Firm, P.C. as Class Counsel. Class Counsel can be reached at (800-898-4255) or www.hww.law.

To date, Class Counsel has not been compensated for any of their work on the Action since it was filed in 2016. As part of the Settlement, Class Counsel may apply to the Court to award them fees and costs in an amount to be determined, up to a total maximum amount of twenty-eight percent of the maximum settlement amount, or \$3,920,000, from Defendants. Defendants have the right to oppose Class Counsel's application for such Attorneys' Fees and Expenses.

In addition, the named Plaintiffs will apply to receive a Named Plaintiffs' Enhancement Award of \$5,000 each, which, if approved by the Court, will be paid by Defendants. This payment is designed to compensate the named Plaintiffs for the time, effort, and risks they undertook in pursuing litigation.

Class Counsel shall file their application for Attorneys' Fees and Expenses and the motion for Named Plaintiffs' Enhancement Award, as well as the motion for final approval of the Settlement, within sixty (60) days after Notice is sent to Settlement Class Members. A copy of that application and the motions will be available on the Settlement Website. The Court will determine the amount, if any, of Attorneys' Fees and Expenses, as well as the amount of the Named Plaintiffs' Enhancement Award. Any award of Attorneys' Fees and Expenses shall be in addition to, and not part of or subject to, the amount paid to Class Members or the cap on the Maximum Settlement Amount.

8. What Happens If I Do Not Opt-Out From The Settlement?

If you are a Settlement Class Member and you do not Opt-Out from the Settlement, you will be bound by all orders and judgments of the Court, and you will also be legally bound by the Settlement, including to the Release of claims. This means that in exchange for being a Settlement Class Member and being eligible for the benefits of the Settlement, you will not be able to sue, continue to sue, or be part of any other lawsuit against Electricity Maine or any of the Released Persons that involves the Released Claims.

You will not be responsible for any out-of-pocket costs or attorneys' fees concerning this Action if you stay in the Settlement Class.

Staying in the Settlement Class also means that you agree to the following terms of the Settlement:

Upon the entry of a Final Approval Order and without any further action by the Court or by any Party to the Agreement, the Settlement Class Members and Plaintiffs, including any person claiming rights derivative of any Settlement Class Member or Plaintiffs as their spouse, parent, child, heir, guardian, associate, co-owner, attorney, agent, administrator, executor, predecessor, successor, assignee, representative of any kind, shareholder, partner, director, employee or affiliate, shall be deemed to have, and by operation of the judgment shall have, fully, finally, and forever released, relinquished, and discharged against the Released Persons all Released Claims (including, without limitation, any unknown claims).

Without limiting the foregoing, the Release specifically extends to any claims that the Releasers do not know or suspect to exist in their favor at the time that the Settlement, and

the Release contained in the Agreement, become effective. In connection with such Release, the Releasers acknowledge that they are aware that they may hereafter discover facts in addition to, or different from, those facts that they now know or believe to be true with respect to the subject matter of the Settlement, but that it is their intention to release fully, finally, and forever all Released Claims with respect to the Released Persons, and in furtherance of such intention, the Release of the Released Claims will be and remain in effect notwithstanding the discovery or existence of any such additional or different facts.

The full definitions of Released Claims and Released Persons and a full explanation of the scope of the Release are set forth in the Settlement Agreement, which is available on the Settlement Website.

9. How Do I Opt-Out From The Settlement?

You can Opt-Out from the Settlement if you wish to retain the right to sue Defendants separately for the Released Claims. If you Opt-Out, you cannot file a Claim or Objection to the Settlement.

To Opt-Out, you must mail an Opt-Out request to the Settlement Administrator at P.O. Box 34727, Philadelphia, PA 19101-4727. The Opt-Out requests must: (i) be signed by the Settlement Class Member who is requesting exclusion; (ii) include the full name, address, and phone number(s) of the Settlement Class Member requesting exclusion; and (iii) include the following statement: "I request to Opt-Out from the Settlement in the Electricity Maine Class Action." The Opt-Out request must be received by the Settlement Administrator by the Opt-Out Deadline set forth above.

10. How Do I Object To The Settlement?

You can ask the Court to deny approval of the Settlement by timely filing an Objection with the Court. You cannot ask the Court to order a larger Settlement, but instead, the Court can only approve or disallow the Settlement proposed. If the Court denies approval to the entire Settlement, no benefit payments will be made, and the Action will continue.

You can also ask the Court to disapprove the requested payments to Plaintiffs and to their attorneys.

If you want to raise an Objection to the Settlement for the Court to consider at the Final Approval Hearing, you must submit that Objection, in writing, by the Objection Deadline set forth above. You may also file a notice of your intention to appear before the Court at the Final Approval Hearing on or before the Objection Deadline. Any Objection must (1) state whether the objection applies only to the objector, to a specific subset of the class, or to the entire class; (2) include a statement of such Settlement Class Member's specific objection(s); (3) state the grounds for the objection(s); (4) identify any documents such objector desires the Court to consider; and (5) state whether the Settlement Class Member would like to present his or her position at a hearing on the merits of the Settlement.

Failure to include this information and documentation may be grounds for overruling and rejecting your Objection. All information listed herein must be filed with the Clerk of the Court, delivered by mail, express mail, personal delivery, or electronic filing, such that the Objection is received by the Clerk on or before the Objection Deadline set forth above.

If you raise an Objection, you may also file notice of your intent to appear at the Final Approval Hearing, either in person or through your own attorney. If you appear through your own attorney, you are responsible for paying that attorney. No Settlement Class Member who fails to submit a notice of intent to appear will be permitted to offer testimony or argument at the Final Approval Hearing.

By filing an Objection, you consent to the jurisdiction of the Court, including to any order of the Court to produce documents or provide testimony prior to the Final Approval Hearing. You further consent to a deposition, if permitted by the Court, at the request of Class Counsel or Defendants' Counsel prior to the Final Approval Hearing.

If you file an Objection to the Settlement, you still must timely submit a Claim according to the instructions described above.

You **must** also send a copy of your Objection and serve any notice of intention to appear before the Court at the Final Approval Hearing to the Settlement Administrator, Class Counsel, and Defendants' Counsel:

Class Counsel:

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Benjamin N. Donahue
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11. When Will The Court Decide If The Settlement Is Approved?

The Court will hold a Final Approval Hearing on to consider whether to approve the Settlement. The hearing will be held before the Honorable Judge Lance E. Walker. The date and location of the hearing have not yet been determined. The hearing is open to the public. Consult the Settlement Website at www.VeilleuxSettlement.com, or the Court docket for this Action, for updated information on the hearing date, time, and location.

12. How Do I Get More Information?

You can inspect certain court documents connected with the Action on the Settlement Website. Other papers filed in this Action are available by accessing the Court docket.

You can contact the Settlement Administrator at P.O. Box 34727, Philadelphia, PA 19101-4727.