

**IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT
IN AND FOR MARION COUNTY, FLORIDA**

**DISCOUNT SLEEP OF OCALA, LLC
d/b/a MATTRESS WAREHOUSE,
individually, and as a Representative of a
Class of all similarly situated others, and
DALE W. BIRCH, individually and as a
Representative of a Class of all similarly
situated others,**

Case No.: 2014 CA 000426

Plaintiffs,

v.

**CITY OF OCALA, FLORIDA, a political
subdivision of the State of Florida,**

Defendant.

ORDER APPROVING CLASS NOTICE OF FINAL HEARING

This cause came to be heard on February 11, 2022, on Plaintiffs' Motion to Approve Class Notice of Final Hearing, and the Court, having reviewed the file, duly considered the arguments of counsel and being fully advised in the premises,

ORDERS and ADJUDGES:

1. Plaintiffs' Motion to Approve Class Notice of Final Hearing is GRANTED.
2. The Fifth District Court of Appeal, on the third appeal in this case, determined the City's fire service "user fee" was an unlawful tax and remanded the case to this Court for establishment of a common fund to refund the illegally collected tax. *See Discount Sleep of Ocala, LLC, et al v. City of Ocala*, 300 So.3d 316, 322 (Fla. 5th DCA 2020).
3. On October 11, 2021, this Court ordered the City fund the common in the amount of \$79,282,909.44 to pay for fees, costs, and refunds.

4. On December 31, 2021, Plaintiffs filed their Motion to Disburse Attorneys' Fees, Costs, Class Representatives' Service Awards, and Class Refunds and Incorporated Memorandum of Law ("Motion to Disburse"). In the Motion to Disburse, Plaintiffs request the Court order the City to disburse the common fund as follows: pay Class Counsel \$6,649,681.08 from the \$79,282,909.44 common fund to pay \$6,480,957.75 in attorneys' fees, reimburse Class Counsel for \$68,723.33 in non-taxable costs, pay each class representative \$50,000.00, and pay for direct refunds to each class member from the remaining \$72,633,228.36 in the common fund as ordered by the Court.

5. Although not required under Florida Statutes or the Florida Rules of Civil Procedure, Plaintiffs request and this Court agrees the class should have an opportunity to be heard regarding the proposed final disbursement of the common fund.


6. The attached Notice of Final Hearing to Disburse Refunds, Attorneys' Fees, Costs, and Class Representative Service Awards ("Notice") is approved.

7. The Court shall conduct the hearing on May 10, 2022 at 1:30 p.m. in Courtroom 3A of the Marion County Judicial Center, 110 N.W. First Avenue, Ocala, Florida.

8. The City shall mail, at its expense, the approved attached Notice to each class member within 30 days after the date of this Order. Prior to mailing each Notice, the City shall verify each class member's current mailing address through the United States Postal Service, Experian, Xverify or another nationally recognized address verification service.

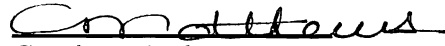
9. This Court retains jurisdiction to oversee and manage all aspects of this class action case.

DONE and ORDERED this 11th day of February, 2022, in Ocala, Marion County, Florida.


ROBERT W. HODGES
Circuit Court Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been filed through the Florida Court's E-portal this 11th day of February, 2022, which will send electronic notice and copies to counsel.



Carolyn Matthews
Judicial Assistant

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IN AND FOR MARION COUNTY, FLORIDA**

**DISCOUNT SLEEP OF OCALA, LLC et
al,**

Case No.: 2014 CA 000426

Plaintiffs,

v.

CITY OF OCALA, FLORIDA,

Defendant.

**Notice of Final Hearing to Disburse Refunds, Attorneys' Fees, Costs
and Class Representative Service Awards**

You have received this notice because you are a class member in this case and you paid the City of Ocala ("City") the illegal tax it charged you on your utility bill. The City imposed the illegal tax on its in-city utility customers from February 20, 2010, through July 21, 2020. Under the law, the amount of the illegal tax the City collected will be refunded by the City directly to each class member, less attorneys' fees, costs, and service awards for the class representatives, in an amount determined by the Court.

On May 10, 2022, at 1:30 p.m. in Courtroom 3A of the Marion County Judicial Center, 110 N.W. First Avenue, Ocala, Florida, the Court will hold a final hearing on Plaintiffs' request for disbursement of the \$79,282,909.44 common fund as follows: \$6,649,681.08 to Class Counsel to pay \$6,480,957.75 in attorneys' fees, to reimburse Class Counsel for \$68,723.33 in non-taxable costs, to pay each class representative \$50,000.00, and \$72,633,228.36 to pay for direct refunds (over 91%) to each class member as ordered by the Court. If the common fund is not depleted after the expiration period as ordered by the Court, Plaintiffs' counsel may request disbursement of additional attorneys' fees and costs in an amount determined by the Court which shall not to exceed \$100,000.00.

You have the right to object to any of the above requested disbursements. You also have the right to be heard at this hearing provided you file with the court, at least 20 days before the hearing, a document stating your name, the nature of the statements you intend to make to the Court and, if you object, your specific objection to the proposed disbursements ("Statement"). A copy of Plaintiffs' motion requesting the disbursements was filed on December 31, 2021, and can be accessed at <https://www.civitekflorida.com/ocrs/county/42/disclaimer.xhtml> under the tab "case search" by entering the year the case was filed, 2014, Circuit Civil, and the case number, 000426. If you have any questions, do not contact the Court. This hearing on May 10, 2022, will be the final opportunity for you to be heard on this matter. If you do not file your Statement at least 20 days before the hearing, you will not have an opportunity to be heard at the hearing.

BY ORDER of the Marion County Circuit Court.