

SHIREWOOD LAKES APARTMENTS, LLC
d/b/a/ LAKEVILLE TOWNHOMES,
INDIVIDUALLY AND ON BEHALF OF A
CLASS OF SIMILARLY SITUATED
PERSONS

SUIT NO.: 616.821-C

VERSUS

FIRST JUDICIAL DISTRICT COURT

CITY OF SHREVEPORT

CADDO PARISH, LOUISIANA

ORIGINAL CLASS ACTION PETITION

NOW INTO COURT, come SHIREWOOD LAKES APARTMENTS, LLC d/b/a LAKEVILLE TOWNHOMES, individually and on behalf of a class of similarly situated natural and juridical persons, Plaintiffs herein, and file this Original Class Action Petition against the City of Shreveport, Louisiana, and in support thereof show that:

PARTIES, VENUE and BASIS

1.

The individuals and entities comprising the Plaintiff Class, including Petitioners, SHIREWOOD LAKES APARTMENTS, LLC d/b/a LAKEVILLE TOWNHOMES is:

- a. A juridical person having an account for water and sewer services with the City of Shreveport during the last ten (10) years (the "Accounts");
- b. Are subject to paying monthly water or sewer charges pursuant to the provisions of Section 94-165 of Shreveport's Code of Ordinances (the "Sewer Ordinance") and, Section 94-164 of the Shreveport Code of Ordinances (the "Water Ordinance"); and,
- c. Have been overcharged for such water and sewer services as a result of the City of Shreveport imposing more than one "Monthly Sewage Charge" flat fee and/or more than one "Monthly Water Charge" flat fee.

2.

Made Defendant herein is the City of Shreveport, Louisiana, a political subdivision of the State of Louisiana (sometimes referred to hereinafter as the "City"), which may be served with process in these proceedings through its Mayor, Adrian Perkins, or, in his absence, through any employee of suitable age and discretion, at 505 Travis Street, Suite 200, Shreveport, Louisiana 71101.

3.

This court has jurisdiction and venue over this action pursuant to La. R.S. 13:1504(B).

4.

As more fully set forth more fully herein, this action is brought and may be maintained as a class action because there is a well-defined community of interest among many persons who comprise a readily ascertainable class because plaintiffs and all the members of the class were subjected to the same wrongful practices and are entitled to the same relief.

5.

Plaintiffs bring this action to recover, *inter alia*, ten (10) years of overcharges for water and sewer services by the City of Shreveport to the class of affected accounts (the "Accounts").

6.

The law applicable to the wrongful conduct that forms the basis for all causes of action asserted herein are two Ordinances which assess accounts for both sewer services and water services: (i) two separate flat, service charges for water and sewer to each account per billing cycle (hereinafter referred to as the "monthly charges" for simplicity) and, (ii) "quantity charges" for water and sewer, which are based on usage. Accounts are assessed the "monthly charges", hereinafter referred to as the Monthly Water Charge and the Monthly Sewer Charge regardless of whether there is any actual use measured on that account.

7.

Section 94-165 of the City of Shreveport Code of Ordinances, entitled "Sewerage charges", (hereinafter "the Sewer Ordinance") provides in pertinent part, as follows:

The following rates shall be charged for wastewater collection and treatment provided for customers served by the sanitary sewer system of the city. The charges provided in this section are to be for the full payment of the costs of operation and maintenance, including replacement, of the wastewater collection and treatment system.

(1) *Monthly sewerage charge.* A monthly service charge for all users is established as follows:

- a. *Effective October 1, 2013:*
 - Inside city—\$5.55
 - Outside city—\$11.10

- b. *Effective January 1, 2015:*
 Inside city—\$6.33
 Outside city—\$12.66
- c. *Effective January 1, 2016:*
 Inside city—\$7.22
 Outside city—\$14.44
- d. *Effective January 1, 2017:*
 Inside city—\$7.87
 Outside city—\$15.74
- e. *Effective January 1, 2018:*
 Inside city—\$8.42
 Outside city—\$16.84
- f. *Effective January 1, 2019:*
 Inside city—\$9.01
 Outside city—\$18.02
- g. *Effective January 1, 2020:*
 Inside city—\$9.55
 Outside city—\$19.10
- h. *Effective January 1, 2021:*
 Inside city—\$9.74
 Outside city—\$19.48
- i. *Effective January 1, 2022:*
 Inside city—\$9.93
 Outside city—\$19.86

Id. (a copy of the Sewer Ordinance is annexed hereto as **Exhibit “A”**).¹

8.

Section 94-161 of the City of Shreveport Code of Ordinances (annexed hereto as **Exhibit “B”**) defines “Sewerage service charge” as “a minimum amount billed monthly to all sewer accounts regardless of class and regardless of whether or not any sewage is discharged into the sanitary sewerage system.

9.

The City uses three different terms to designate the Monthly Sewer Charge. In the Sewer Ordinance, it refers to the “Sewerage Service Charge”. In the rate schedule of the Ordinance it refers to the “Monthly Sewerage Charge”. On its invoices, it refers to the “Sewer Customer

¹ Subsection (2) of the Sewer Ordinance contains provisions, not directly relevant to overcharges complained of herein, for “Quantity Charges”.

Charge”. For convenience and consistency, the term Monthly Sewer Charge shall refer to all these designations, which refer to a single charge, defined above.

10.

Section 94-164 of the City of Shreveport Code of Ordinances, entitled “Water charges” (hereinafter “the Water Ordinance”), provides in pertinent part as follows:

The following monthly rates shall be charged for water furnished to residential, commercial and industrial customers:

(1) *Monthly water customer charge.* Effective October 1, 2013, the monthly water customer

| Water Meter Size (inches) | Inside City | Outside City |
|---------------------------|-------------|--------------|
| 5/8 | \$4.80 | \$9.60 |
| ¾ | \$5.53 | \$11.06 |
| 1 | \$6.24 | \$12.48 |
| 1½ | \$9.98 | \$19.96 |
| 2 | \$14.06 | \$28.12 |
| 3 | \$29.87 | \$59.74 |
| 4 | \$51.65 | \$103.30 |
| 6 | \$101.54 | \$203.08 |
| 8 | \$151.69 | \$303.38 |
| 10 | \$205.77 | \$411.54 |

(2) *Monthly water customer charge.* Effective February 1, 2015, the monthly water customer charge shall be as follows:

| Water Meter Size (inches) | Inside City | Outside City |
|---------------------------|-------------|--------------|
| 5/8 | \$6.54 | \$13.08 |
| ¾ | \$7.49 | \$14.98 |
| 1 | \$9.39 | \$18.78 |
| 1½ | \$14.14 | \$28.28 |
| 2 | \$19.83 | \$39.66 |
| 3 | \$33.13 | \$66.26 |
| 4 | \$52.12 | \$104.24 |
| 6 | \$99.59 | \$199.18 |
| 8 | \$156.57 | \$313.14 |
| 10 | \$223.03 | \$446.06 |

(3) *Monthly water customer charge.* Effective January 1, 2016, the monthly water customer charge shall be as follows:

| Water Meter Size (inches) | Inside City | Outside City |
|---------------------------|-------------|--------------|
| 5/8 | \$7.54 | \$15.08 |
| ¾ | \$8.64 | \$17.28 |
| 1 | \$10.83 | \$21.66 |
| 1½ | \$16.30 | \$32.60 |
| 2 | \$22.86 | \$45.72 |
| 3 | \$38.20 | \$76.40 |
| 4 | \$60.09 | \$120.18 |
| 6 | \$114.82 | \$229.64 |
| 8 | \$180.51 | \$361.02 |
| 10 | \$257.13 | \$514.26 |

(4) *Monthly water customer charge.* Effective January 1, 2020, the monthly water customer charge shall be as follows:

| Water Meter Size (inches) | Inside City | Outside City |
|---------------------------|-------------|--------------|
| 5/8 | \$8.54 | \$17.08 |
| ¾ | \$9.78 | \$19.56 |
| 1 | \$12.26 | \$24.52 |
| 1½ | \$18.46 | \$36.92 |
| 2 | \$25.89 | \$51.78 |
| 3 | \$43.26 | \$86.52 |
| 4 | \$68.06 | \$136.12 |
| 6 | \$130.05 | \$260.10 |
| 8 | \$204.45 | \$408.90 |
| 10 | \$291.23 | \$582.46 |

(5) *Monthly water customer charge.* Effective January 1, 2022, the monthly water customer charge shall be as follows:

| Water Meter Size (inches) | Inside City | Outside City |
|---------------------------|-------------|--------------|
| 5/8 | \$9.45 | \$19.08 |
| ¾ | \$10.93 | \$21.86 |
| 1 | \$13.70 | \$27.40 |
| 1½ | \$20.63 | \$41.26 |
| 2 | \$28.93 | \$57.86 |
| 3 | \$48.33 | \$96.66 |
| 4 | \$76.03 | \$152.06 |
| 6 | \$145.27 | \$290.54 |
| 8 | \$228.39 | \$456.78 |
| 10 | \$325.34 | \$650.68 |

[Bulk water purchase]. In all cases, monthly water customer charges for bulk water purchase shall be the same as for regular commercial quantity rate, plus an administrative fee of \$10.00 per month.

Id. (annexed hereto as **Exhibit “C”**).²

11.

Section 94-161 of the City of Shreveport Code of Ordinances defines “Water customer charge” as “a minimum amount billed monthly to all water accounts based on meter size even if no water is consumed.” (See Exhibit “B”).

12.

As set forth more fully hereinbelow, for more than a decade, the City of Shreveport has wrongfully imposed more than one Monthly Sewer Charge on certain water and sewer accounts, particularly in instances where those accounts have more than one water meter. There is nothing in the Sewer Ordinance, nor elsewhere, which permits the imposition of more than one Monthly Sewer Charge.

13.

An examination of City water and sewer billing practices reveals as many as sixteen (16) Monthly Sewer Charges to a single account (exemplars annexed hereto as **Exhibit “D”**).

14.

Plaintiffs do not have complete data, but based on information received and reviewed, estimate, on information and belief, that the City has overbilled Monthly Sewer Charges to customers by approximately three million dollars (\$3,000,000.00), although precise measurement is not possible or appropriate here.

15.

As set forth more fully hereinbelow, for more than a decade, the City of Shreveport has wrongfully imposed more than one Monthly Water Charge on certain water and sewer accounts, particularly in instances where those accounts have more than one water meter or a single “compound meter” with two dials. There is nothing in the Water Ordinance, nor elsewhere, which permits the imposition of more than one Monthly Water Charge.

² Subsections (6)-(11) of the Water Ordinance contain provisions, not directly relevant to overcharges complained of herein, and sets forth the rates for the charges, based on the quantity of water consumed.

16.

An examination of City water and sewer billing practices reveals as many as sixteen (16) Monthly Water Charges to a single account. (See Exhibit "D").

17.

Plaintiffs do not have complete data, but based on information received and reviewed, estimate, on information and belief, that the City has overbilled Monthly Water Charges to customers by amounts which may exceed twenty-five million dollars (\$25,000,000) over the last decade, although precise measurement is not possible or appropriate here.

18.

The City continues to improperly charge multiple Monthly Water Charges and the Monthly Sewer Charges to Plaintiff Class; and, upon information and belief, will continue to do so, even after the filing of this Petition. As such, Plaintiffs seek to recover the amounts due and owing as a result of the City's continuing actions, past the date of the filing of this Petition.

NECESSITY OF THE CLASS

19.

The Plaintiff Class is too numerous to require separate lawsuits that would result in time consuming and costly duplication.

20.

Prosecuting separate actions would present the possibility of inconsistent outcomes and contradictory rulings.

21.

The predominant questions of law and fact that are common far outweigh any question of law or fact that would not be common.

22.

The individual claims share typicality among the Plaintiff Class members.

23.

A class action is superior to any other available method for a fair and equitable adjudication.

24.

There is no pre-existing litigation pending which addresses the issues of law and fact that are present in this matter.

25.

There are no anticipated management issues that would render a class action impractical in this matter.

26.

The nature of the Plaintiffs' relief sought herein justifies the costs and burdens attendant to a class action.

BACKGROUND FACTS

A. City Water and Sewer Billing Inaccuracies

27.

The City of Shreveport provides water and sewer services to residents and businesses inside and outside the City limits. As such, the City acts as a "utility" and possesses a "natural monopoly" over such services.

28.

At all times pertinent hereto, every residential, commercial or industrial customer (located inside the city ["Inside City"] or outside of the city ["Outside City"]) who has an account with the City of Shreveport for water and sewer services, has a contract with the City for those services, as detailed in Section 94-2 of the City of Shreveport Code of Ordinances.

29.

Unlike other monopolies and utilities in this state, the utilities operated by the City, as a political subdivision, is not subject to the oversight and regulation provided by the Louisiana Public Services Commission, leaving adjustment and resolution of improper practices to the courts.

30.

As a utility, the City is obligated to provide not only water and sewer services, but to provide accurate bills for those services.³

31.

Despite repeated public and private acknowledgment by City Officials of widespread billing errors in the water and sewer billings, the City persists in sending erroneous water and sewer bills and disconnecting those accounts who do not pay these inaccurate bills.

32.

The City of Shreveport, through the February 10, 2017 testimony of [then] Mayor Ollie Tyler, has acknowledged, under oath, that the water and sewer bills of the City of Shreveport are consistently inaccurate.

33.

The City of Shreveport has acknowledged, through its own internal audit process, that the City has inadequate safeguards to detect and correct inaccuracies in its water and sewer billing systems.

34.

Recently, the City issued a water and sewer bill to a customer for \$11,505,383.75, despite previous bills being around three-thousand dollars. (water bill annexed hereto as **Exhibit "E"**).

³ The obligations of utilities have been discussed at length in legal scholarship:

Unquestionably the utility must provide the units of . . . water. A utility, however, maintains an obligation to provide more than those units as part of its service; it has an obligation to provide correct bills. The provision of a bill is not superfluous, it is an essential part of a utility's service to the customer. Obtaining a regular and correct meter reading, for example, as opposed to mere estimates, represents an obligation enforced by many commissions. In short, timely and accurate billing is part of the utility's obligation to render "reasonably adequate service." More importantly, timely and accurate billing encompasses part of the utility service that each utility customer buys.

....

A utility is liable for all damages proximately caused by the rendition of inadequate service. Accordingly, if there is a delay in providing a complete and accurate bill—willful, negligent or otherwise—the utility has not provided the service which it has been paid to provide and it can be sued in either tort or contract.

Roger D. Colgan, "Protecting Against the Harms of Mistaken Utility Undercharge", 39 WASH. U.J. URB. & CONTEMP. L. 99 (1991), at pp.124-25, 129, available at: http://openscholarship.wustl.edu/law_urbanlaw/vol39/iss1/4.

35.

As noted in two pending class action lawsuits, Suit No. 599,698, First Judicial District Court, entitled *T. Scott Pernici, Michael Jones and Mark DeFatta, et al v. City of Shreveport* and Suit No. 610,530, First Judicial District Court, entitled *The Haven, et al v. City of Shreveport*, much of the “inaccurate” billing appears to be knowing, intentional overbilling, which the City has engaged in for years at a time, in order to increase its revenues.

36.

By way of example only, as noted in Suit No. 599,698, communications between a City employee and the [then] City Chief Administrative Officer acknowledged that the City engages in a process of “rounding up” meter readings of water consumption to calculate average winter consumption (AWC) because that practice enabled the City to collect almost half a million dollars (\$500,000.00) annually in additional revenue, despite the total absence of any authority for this practice in the relevant ordinance. This disclosure ended exploration of a proposal to abandon the “rounding up” of consumption. At that time, the water rates were \$3.58... now they are \$9.01.

37.

The City has previously advised that it has engaged both internal and external audits to reveal and correct billing inaccuracies in its water and sewer billing, but consistent with propensity for revenue enhancement, as revealed by its knowing and intentional overbilling, these audits have primarily found only instances of UNDERBILLING. For example, Internal Audit Report 600017-06, dated October 4, 2017 was commissioned to examine the very Water and Sewer Service Charges which are the subject matter of this lawsuit, a copy of which is annexed hereto as **Exhibit “F”**. Consistent with other such audits, the City was able to determine there had been \$102,383 of UNDERCHARGES for water and sewer accounts in 2015 and 2016 and \$2,324 in overcharges.

38.

Neither the Exhibit “F” audit (nor any other audit, to Petitioner’s knowledge) have revealed the millions of dollars of OVERCHARGES in the same two years covered by the audit of these very same charges, as disclosed herein.

39.

This is not an aberration. Similar audits have failed to reveal the tens of millions of dollars of overbilling documented in detail in Suit Nos. 599,698 and 610,530, all of which involve separate instances of years-old, overbilling practices.

B. Water Meters

40.

Each water account must have a water meter, which measures the amount of water consumed. This measurement is used to calculate the Water Quantity Charge.

41.

The City installs water meters for each account, and the size of these water meters vary from five-eighths ($5/8$) of an inch to ten (10) inches and the size permits greater or lesser amounts of water to pass through and to be accurately measured.

42.

Some accounts have two sets of dials on one meter in one housing attached to a single pipe, which arrangement is sometimes referred to as a "compound meter".

43.

The City makes the determination as to whether to install a compound meter, as this arrangement permits it to more accurately measure consumption at very low periodic flows, on accounts which also experience high periodic flows (i.e. apartments, which have high flows in morning and evening, but low flows during the day). Such compound meters or dials are in the city's financial interest as they allow it to measure consumption which might otherwise escape detection at lower flows.

44.

The City sometimes installs multiple water meters for a single account, and where this occurs, the accounts bill should record the quantity measured by each meter. Each meter is assigned a separate number, but there should be only one account number, even if it is assigned multiple meters with multiple meter numbers.

45.

The City properly assigns only one (1) meter number to these “compound meters”.

46.

According to the City, there are approximately 60,000 commercial and residential accounts for water and sewer, with the exact number varying from time to time.

47.

According to the City, it reads 81,000 meters assigned to the 60,000 accounts, which means that there are approximately 21,000 meters which are either ordinary multiple meters for one account or irrigation meters.

48.

A limited number of City water and sewer customers have irrigation meters, as the term indicates, which measures water used solely for irrigation purposes. Such usage should have no sewer charge(s), as this water is consumed on the lawns and does not enter the wastewater system.

49.

The City has adopted Ordinance 94-85 for these separate irrigation meters which states in pertinent part: “Customers using a separate water meter for one or more seasonal purposes, such as, but not limited to lawn watering, shall pay at least the minimum monthly charge prescribed section 94-164 [Water Ordinance] monthly for each account throughout the year, whether such service is active or not.”

50.

According to email communications between City water and sewer department employee, Della Saxton, and Barbara Featherston in July 2016, the City has a total of 6,075 accounts with irrigation services with only 2,876 being “active” as of July 18, 2016.

51.

As noted extensively in Suit No. 610,530, there are no meters for sewer or wastewater use or consumption, and these amounts are calculated on the basis of water consumed (and measured in water meters) during the winter months for residential customer accounts, when it is assumed that all water used goes into the wastewater/sewer system, and for every month of the year for commercial and industrial customer accounts.

C. The City Wrongfully Imposes Multiple Monthly Sewer Charges

52.

As set forth more fully in the Sewer Ordinance, the City is authorized to charge each account a single Monthly Sewer Charge. At all times pertinent hereto, there has been but one charge per month that is authorized by the ordinance.

53.

There is nothing in the Sewer Ordinance which permits the City to assess more than one Monthly Sewer Charge. Nevertheless, the City has knowingly, and repeatedly assessed many Monthly Sewer Charges to single accounts, at all times relevant herein, as demonstrated by exemplar water bills annexed hereto. (See **Exhibit “G”**, **Exhibit “H”**, **Exhibit “I”**, and **Exhibit “J”**; See also Exhibit “D”).

54.

The City previously had on its website, a description of the Monthly Sewer Charge (“Sewer Customer Charge”), which stated that customers “will be charged the same amount each month regardless of customer class or meter size.” (screenshot annexed hereto as **Exhibit “K”**, Page 3).

55.

The City of Shreveport’s website now reads, in the FAQ Section: “The monthly water service includes a customer charge and a usage charge.” (screenshot with date stamp of May 21, 2019, annexed hereto as **Exhibit “L”**), It goes on to explain, apparently, the water customer charge; and, explains the “wastewater **usage** charge”(emphasis added) (the sewer charge based on quantity or AWC). There is no mention of a “sewer **customer** charge.”

56.

When asked to describe the various charges on the City’s water bills, Director for Water and Sewer Services of the City of Shreveport testified on February 17, 2017, as follows:

HARPER: “Okay. Let’s look at the Sewer Customer Charge. How is this calculated?”

FEATHERSTON: “The sewer customer charge is a flat charge for the sewer account.”

57.

Despite the clarity of the foregoing, the City has for many years charged multiple sewer fees to a single account, charging as many sewer fees as there are meters associated with that account, and thereby substantially overcharging each such affected customer.

58.

Petitioners allege, on information and belief, that the City may not have even been aware of the Monthly Sewer Charge overbilling at its inception, as demonstrated by Ms. Featherston's testimony set forth above.

59.

Petitioners allege, on information and belief, that the inception of the overbilling of the Monthly Sewer Charge was due to errors in inputting these charges in the City billing software in approximately 2010.

60.

Notwithstanding the foregoing, the City and Ms. Featherston appear to have discovered this overbilling error and, rather than disclosing it to the public and reimbursing affected customers for such overcharges, is now attempting to amend the Sewer Ordinance to legitimize future, multiple Monthly Sewer Charges, based on the number of water meters associated with each account.

61.

As set forth more fully in **Exhibit "M"**, annexed hereto, Ms. Featherston has presented an Ordinance to amend and reenact "certain provisions in Chapter 94" which are to be effective on June 1, 2019. The amendments seek to implement a rate increase without notice to the customers to allow the City to continue to collect the improper multiple Monthly Sewer Charges on an ongoing basis, based on the number of water meter "faces" associated with the account.

62.

As set forth more fully in Exhibit "M", at "Page 4 of 6", the relevant portion of the Sewer Ordinance, to be placed as a "note" below Section 94-165(1)(i), is amended to read "Customer charge shall be paid per face billed for water meter." (emphasis added). Thus, if passed, the City will now be assessing as many Monthly Sewer Charges as there are water meter "faces".

63.

The Ordinance is even more non-sensical because water meters have nothing to do with sewer or wastewater. The City has no sewer meters, and water meters do not measure sewer usage, no matter how many meters associated with an account.

64.

Nevertheless, the existence of the Ordinance, regardless of its wisdom, draftsmanship or deceptiveness, demonstrates that multiple Monthly Sewer Charges at all times prior to the filing hereto are not authorized by the existing ordinance.

D. The City Wrongfully Imposes Multiple Monthly Water Charges

65.

As set forth more fully in the Water Ordinance, the City is authorized to charge each account a single Monthly Water Charge. At all times pertinent hereto, there has been but one charge that is permitted under the ordinance.

66.

There is nothing in the Water Ordinance which permits the City to assess more than one Monthly Water Charge. Nevertheless, the City has knowingly, and repeatedly assessed many Monthly Water Charges to single accounts, at all times relevant hereto, as demonstrated by exemplar water bills. (See Exhibit "D", Exhibit "G", Exhibit "H", Exhibit "I", and Exhibit "J").

67.

The City previously had on its website a description of the Water "Customer Charges" wherein the City acknowledges that it assesses a separate charge to each account for each meter: "Customer Charges: are monthly minimum charges. Water Customer Charge is based on meter size and is charged for each meter." (See Exhibit "K"). There is no language in the Water Ordinance authorizing multiple charges for multiple meters.

68.

The City of Shreveport's website, in the FAQ section, now provides "The customer charge will always appear on your water bill regardless of how much or how little water you use. It is the service charge that helps recover the cost of meter reading and maintaining the water distribution and wastewater collection system." (See Exhibit "L").

69.

Barbara Featherston, Director of Water and Sewer, has acknowledged under oath that the Monthly Water Charge is based on meter size; but, despite being directly questioned, made no mention of the fact that a customer incurs a Monthly Water Charge on every meter on their account.

HARPER: "...Now the water customer charge, I saw your YouTube⁴ and I understand that this is a flat charge that is incurred for the services of reading the meters?"

FEATHERSTON: "Reading the meters, maintaining the meters, replacing meters."

HARPER: "All right. How did you come up – how do you come up with this charge is per person? Per user?"

FEATHERSTON: "That charge is based on meter size and that charge was determined in our rate study.... that was conducted by a consulting firm."

70.

The City has for many years charged multiple Monthly Water Charges to a single account, charging as many Monthly Water Charges as there are meters associated with that account, and thereby substantially overcharging each such affected customer.

71.

Petitioners allege, on information and belief, that the City may not have even been aware of the Monthly Water Charge overbilling at its inception, as demonstrated by Ms. Featherston's testimony set forth above.

72.

Notwithstanding the foregoing, the City and Ms. Featherston appear to have discovered this overbilling error and, rather than disclosing it to the public and reimbursing affected customers for such overcharges, is now attempting to amend the Water Ordinance to legitimize future, multiple Monthly Water Charges, based on the number of water meters associated with each account.

73.

⁴ Undersigned counsel notes that, despite attempts to locate the "YouTube" video referred to herein, this video appears to have been removed by the City since Ms. Featherston provided this testimony in February 2017.

As set forth more fully in Exhibit “M”, Ms. Featherston has presented an Ordinance to amend and reenact “certain provisions in Chapter 94” which are to be effective on June 1, 2019. The amendments seek to implement a rate increase without notice to the customers to allow the City to continue to collect the improper multiple Monthly Water Charges on an ongoing basis, **based on the number of water meter “faces” associated with the account.**

74.

As set forth more fully in Exhibit “M”, at “Page 3 of 6”, the relevant portion of the Water Ordinance, to be placed as “text below table (5) of Section 94-164”, is amended to include the following language:

Compound Meters. In all cases the monthly water customer charge for meters with multiple faces shall be equal to the sum of the monthly water customer charges for the corresponding constituent sizes of compound meter faces.

Thus, if passed, the City will now be assessing as many Monthly Water Charges as there are water meter “faces”, even if there is only one “meter”.

75.

Nevertheless, the existence of the Ordinance, regardless of its wisdom, draftsmanship or deceptiveness, demonstrates that multiple Monthly Water Charges at all times prior to the filing hereto are not authorized by the existing ordinance.

WHEREFORE, Plaintiff, Shirewood Lakes Apartments, LLC d/b/a LAKEVILLE TOWNHOMES, individually and on behalf of a class of similarly situated natural and juridical persons, pray for judgment herein as follows:

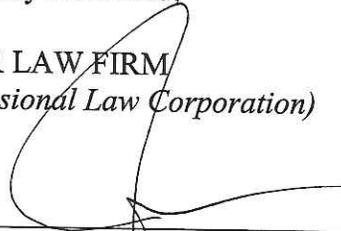
1. For certification of Plaintiff Class as Louisiana residents and entities who (a) are or have been deemed “residential”, “commercial”, or “industrial” customers of water and/or sewer services from the City of Shreveport for any time period commencing May 24, 2009, through present and thereafter for as long as the City continues to improperly charge; and, (b) have been charged for more than one Monthly Water Charge and/or Monthly Sewer Charge.
2. Finding and declaring that the City of Shreveport to have overcharged Plaintiff class as a result of its billing and collection of more than one Monthly Water Charge and/or

Monthly Sewer Charge per account; and, awarding such overcharges as damages to Plaintiff Class; and,

3. Awarding Plaintiff Class damages, interest, attorneys' fees, including costs, and such other relief as it shall show itself justly entitled.

Respectfully submitted,

HARPER LAW FIRM
(A Professional Law Corporation)

BY: 

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**ATTORNEYS FOR PLAINTIFFS,
SHIREWOOD LAKES APARTMENTS, LLC
d/b/a LAKEVILLE TOWNHOMES, individually
and on behalf of a class of similarly situated
juridical persons**

PLEASE SERVE:

CITY OF SHREVEPORT
Through its Mayor
The Honorable Adrian Perkins
Municipal Plaza
505 Travis Street, Suite 200
Shreveport, LA 71101

