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## NOTICE OF CLASS ACTION LAWSUIT AND PROPOSED SETTLEMENT

THE COURT HAS AUTHORIZED THIS NOTICE. THIS IS NOT A SOLICITATION FROM A LAWYER.  
YOU MAY RECEIVE MONEY FROM A SETTLEMENT

- **If you were a customer of Starion Energy and paid a variable rate for electric supply services, your rights may be affected by this class action settlement.**
- **Plaintiffs claim that the variable rates charged by Starion Energy violate the terms of its contracts with its customers. The court has not decided who is right or wrong. Instead, the parties agreed to settle the case to avoid the risk and cost associated with further litigation.**
- **Eligible Class Members who submit a valid Claim Form will be eligible to receive a payment from the \$2,580,000 settlement fund.**
- **Go to [www.VariableElectricSettlement.com](http://www.VariableElectricSettlement.com) for more details.**

**What is this?** This is a Notice of a proposed settlement in a class action lawsuit. This Notice explains your legal rights.

**What is this lawsuit about?** This settlement would resolve the lawsuit captioned *Gruber v. Starion Energy, Inc.*, Case No. HHD-CV-17-6075408-S, filed in the Superior Court of the State of Connecticut. The lawsuit alleges that Starion Energy falsely claimed in its contracts with customers that its variable rate for electricity supply services would fluctuate based on the “cost of electricity obtained from all sources,” but in practice failed to decrease its variable rate when wholesale cost of electricity went down. Starion Energy denies all of Plaintiff’s claims and says that it did nothing wrong. Starion Energy specifically states that it followed all terms of its contract with customers, and that Plaintiff’s claims are without factual or legal merit. The Court has not ruled on the merits of Plaintiff’s claims or Starion Energy’s defenses.

**Why am I getting this Notice?** You were identified as someone who was a variable electric rate customer of Starion Energy with regard to a property located in Connecticut, District of Columbia, Delaware, Illinois, Maryland, Massachusetts, New Jersey, New York, Ohio or Pennsylvania.

**What does the settlement provide?** Starion Energy has agreed to pay a total of \$2,580,000 into a Settlement Fund. The Settlement Fund will pay cash awards to Class Members who have filed a valid claim, as well as (a) attorneys’ fees, costs, and expenses; (b) incentive payments to the lead plaintiff and class representatives; and (c) third party costs to provide notice and to administer the settlement. Upon final approval, individual Starion Energy customers who have filed a Claim Form (“claimants”) will be eligible to receive a share of the Settlement Fund based upon the power used by each claimant in each “Eligible Month” multiplied by the amount of the over- or under- charge in each month (as determined by the parties with assistance from electricity industry experts) to determine an amount of damages for each class member each month. The “Eligible Months” shall be based upon a simple calculation of the months in which Starion Energy’s electricity sales exceeded its total costs plus margin based upon Starion Energy’s financial records. In the event that claims made exceed the value of the net Settlement Fund after deducting all Settlement Costs (including the costs of notice and administration of the settlement and attorneys’ fees and costs incurred by Class Counsel and Service Awards as may be approved by the Court), each Claimant would receive a *pro rata* share of the net Settlement Fund based on his or her calculated loss. Because each potential claimant used a different amount of electricity and because we do not know the number of eligible claimants who will file valid claims, we cannot estimate the per-person recovery. However, claimants whose calculated loss totals less than \$3 will not receive

any payment. The Lead Plaintiff and class representatives will request an incentive payment not to exceed \$2,000 each for their work in representing the Class, and Class Counsel will ask the Court to approve an award up to one-third (33⅓%) of the Settlement Fund for attorneys' fees, plus costs.

**How do I get a payment?** To ask for a payment you must complete and submit a Claim Form. You may visit [www.VariableElectricSettlement.com](http://www.VariableElectricSettlement.com) to fill out a Claim Form online or to download a Claim Form that you can print. You can also request that a Claim Form be mailed to you by calling 1-844-540-6004. The deadline to file your claim online is **October 30, 2017**. If filing a paper claim, you must mail your Claim Form postmarked no later than **October 30, 2017** to: *Gruber v. Starion Energy*, Claims Administrator, P.O. Box 43034, Providence, RI 02940-3034.

**Do I have to be included in the settlement?** If you do not want to be part of the settlement and you want to keep the right to sue or continue to sue Starion Energy on your own, then you must exclude yourself from the settlement. You will not get any money from this settlement if you exclude yourself. The Court will exclude any Class Member who properly requests exclusion by sending a letter or other written document by mail saying that you want to be excluded from *Gruber v. Starion Energy*. Your exclusion request must also list your public electric utility account number(s) for the period(s) during which you were enrolled with Starion Energy and must include, for each account listed: (1) The full names and current addresses of everyone whose name is on the account; (2) A statement of intention to exclude everyone whose name is on the account from the Settlement Class; and (3) The signature of everyone whose name is on the account. Be sure to include your full name, address, signature, and date. You must mail your request for exclusion postmarked by **October 23, 2017** to: *Gruber v. Starion Energy* Claims Administrator, P.O. Box 43034, Providence, RI 02940-3034. You cannot ask to be excluded on the phone, by email, or at the website.

**If I don't like something about the settlement, how do I tell the Court?** If you don't exclude yourself from the settlement, you can object to any part of it. You must file your objection with the Court, and mail your written objection to Class Counsel and Starion Energy's counsel by **October 23, 2017**. You may enter an appearance through an attorney if you so desire, but you do not have to do so. Complete details about how to object are set forth in the full Notice available on at [www.VariableElectricSettlement.com](http://www.VariableElectricSettlement.com).

**What if I do nothing?** If you do nothing, you will not be eligible for a payment. All Class Members that do not opt out will be bound by the settlement and the decisions of the Court, and will release Starion Energy (and the other Released Parties defined in the Settlement Agreement available at [www.VariableElectricSettlement.com](http://www.VariableElectricSettlement.com)) from all Released Claims (as also defined in the Settlement Agreement).

**When is the Final Approval Hearing?** The Court will hold a hearing in this case to consider whether to approve the settlement at 2:00 p.m. on **November 13, 2017**, at the Connecticut Superior Court, Judicial District of Hartford, Court Room No 400, 95 Washington Street, Hartford, CT 06106. You may go to the hearing, but you do not have to. The Final Approval Hearing may be moved to a different date without additional notice, so it is recommended that you periodically check [www.VariableElectricSettlement.com](http://www.VariableElectricSettlement.com) for updated information.

**How do I get more information about the settlement?** This email Notice contains limited information about the settlement. For more information, to view additional settlement documents (including the Settlement Agreement and the full Notice), and to review additional information concerning your rights and/or the filing of a claim, visit [www.VariableElectricSettlement.com](http://www.VariableElectricSettlement.com) or call 1-844-540-6004.