

***Rolland v. Spark Energy, LLC, No. 3:17-cv-02680 (D.N.J.);***  
***IUE-CWA Local 901 v. Spark Energy Gas, LLC, No. 1:19-cv-00389 (N.D. Ind.);***  
***Burger v. Spark Energy Gas, LLC, No. 1:19-cv-08231 (N.D. Ill.)***

***NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT***

This Notice is to inform you of a proposed settlement of three class action lawsuits pending against SPARK ENERGY, LLC, or SPARK ENERGY GAS, LLC (“Spark Energy” or “Defendant”). The three lawsuits are *Rolland v. Spark Energy, LLC, No. 3:17-02680 (D.N.J.)*, *IUE-CWA Local 901 v. Spark Energy Gas, LLC, No. 1:19-00389 (N.D. Ind.)*, and *Burger v. Spark Energy Gas, LLC, No. 1:19-08231 (N.D. Ill.)*. As described below, this Settlement is on behalf of all residential Persons who became Spark Energy customers prior to January 1, 2016, and who paid Spark Energy a variable rate for electricity and all residential Persons or small businesses who became Spark Energy customers prior to January 1, 2016, and who paid Spark Energy a variable rate for natural gas supplied in any of the following states, during the Class Period beginning on the dates listed below<sup>1</sup> through July 18, 2022:

State	Electricity	Natural Gas
California	N/A	December 17, 2015
Connecticut	April 19, 2011	N/A
Delaware	N/A	December 17, 2015
Illinois	April 19, 2011	December 17, 2009
Indiana	N/A	August 14, 2009
Maryland	April 19, 2014	December 17, 2016
Massachusetts	April 19, 2011	N/A
Michigan	N/A	December 17, 2013
New Jersey	April 19, 2011	December 17, 2013
New York	April 19, 2011	December 17, 2013
Ohio	N/A	December 17, 2011
Pennsylvania	April 19, 2013	N/A
Texas	April 19, 2013	N/A

This Notice affects your legal rights and is given to you pursuant to Rule 23 of the Federal Rules of Civil Procedure.

**IF YOU ARE A MEMBER OF THIS CLASS OF PERSONS, YOU SHOULD READ THIS NOTICE CAREFULLY BECAUSE IT WILL AFFECT YOUR LEGAL RIGHTS AND OBLIGATIONS.**

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<sup>1</sup> All dates are the dates invoices were generated for customers.

## YOUR OPTIONS

<b>SUBMIT A CLAIM FORM</b>	This is the only way to receive a Payment under the Settlement.  Submit an online Claim Form at <b>www.MultiStateEnergySettlement.com</b> by using the Class Member ID on the front of the postcard mailed to you. You can also download a Claim Form to submit by mail at <b>www.MultiStateEnergySettlement.com</b> or receive one by calling <b>1-833-512-2317</b> .	Deadline: <b>November 12, 2022</b>
<b>EXCLUDE YOURSELF</b>	If you exclude yourself from the Settlement, you will not receive a Settlement Payment. Excluding yourself is the only option that allows you to ever bring or maintain your own lawsuit against Spark Energy regarding the allegations in the Actions.	Deadline: <b>November 12, 2022</b>
<b>OBJECT</b>	You may write to the Court about why you object to ( <i>i.e.</i> , do not like) the Settlement and think it should not be approved. Filing an objection does not exclude you from the Settlement.	Deadline: <b>November 12, 2022</b>
<b>DO NOTHING</b>	You will not receive a Payment under the Settlement. You will also give up your right to object to the Settlement and you will not be able to be a part of any other lawsuit about the legal claims in this case.	N/A

These rights and options—**and the deadlines to exercise them**—are explained in more detail below.

The United States District Court in the District of New Jersey has preliminarily approved the Settlement and must decide whether to give final approval to the Settlement. The relief provided to Class Members will be provided only if the Court gives final approval to the Settlement and, if there are any appeals, after the appeals are resolved in favor of the Settlement. ***Please be patient.***

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## BACKGROUND INFORMATION

### 1. *Why did I get this notice?*

You received this Notice because a Settlement has been reached between the Parties. According to Spark Energy's records, you are a member of the Settlement Class and are eligible for the relief detailed below.

This Notice explains the nature of the Actions, the general terms of the proposed Settlement, and your legal rights and obligations. To obtain more information about the Settlement, including information about how you can see a copy of the Settlement Agreement (which defines certain capitalized terms used in this Notice), see Section 20 below.

### 2. *What are the lawsuits about?*

This Settlement resolves class actions against Spark Energy, entitled *Rolland v. Spark Energy, LLC*, No. 3:17-cv-02680 (D.N.J.), *IUE-CWA Local 901 v. Spark Energy Gas, LLC*, No. 1:19-cv-00389 (N.D. Ind.), and *Burger v. Spark Energy Gas, LLC*, No. 1:19-cv-08231 (N.D. Ill.). Plaintiffs Janet Rolland, Michael Harty, IUE-CWA Local 901, and Becky Burger (the "Named Plaintiffs") sued Spark Energy individually and on behalf of other Spark Energy customers. They allege that Spark Energy charged variable rates for electricity and natural gas contrary to its obligations under its contracts and other laws. Spark Energy denies any and all liability and/or any wrongdoing alleged.

**The issuance of this Notice is not an expression of the Court's opinion on the merits or the lack of merits of the Named Plaintiffs' claims in the lawsuits.**

For information about how to learn about what has happened in the lawsuits to date, please see Section 20 below.

### 3. *Why is this a class action?*

In a class action lawsuit, one or more people called "Named Plaintiff(s)" (in this case, Janet Rolland, Michael Harty, IUE-CWA Local 901, and Becky Burger) sue individually and on behalf of other people who have similar claims. For purposes of this proposed Settlement, one court will resolve the issues for all Class Members. The company sued in this case, Spark Energy, is called the Defendant.

### 4. *Why is there a Settlement?*

The Named Plaintiffs have made claims against Spark Energy. Spark Energy denies that it has done anything wrong or illegal and admits no liability. The Court has not decided that the Named Plaintiffs or Spark Energy should win the lawsuits. Instead, both sides agreed to a Settlement. That way, they avoid the cost of a trial, and the Class Members will receive relief now rather than years from now, if at all.

### 5. *How do I know if I am part of the Settlement?*

The Court has decided that everyone who fits the following description is a Class Member for purposes of the proposed Settlement: all residential Consumers who became Spark Energy, LLC customers prior to January 1, 2016 and who paid Spark Energy, LLC for electricity supply on a variable rate during the Class Period, and all residential Consumers and small

businesses who became Spark Energy Gas, LLC customers prior to January 1, 2016 and who paid Spark Energy Gas, LLC for natural gas supply on a variable rate during the Class Period beginning on the dates listed below<sup>2</sup> through July 18, 2022:

State	Electricity	Natural Gas
California	N/A	December 17, 2015
Connecticut	April 19, 2011	N/A
Delaware	N/A	December 17, 2015
Illinois	April 19, 2011	December 17, 2009
Indiana	N/A	August 14, 2009
Maryland	April 19, 2014	December 17, 2016
Massachusetts	April 19, 2011	N/A
Michigan	N/A	December 17, 2013
New Jersey	April 19, 2011	December 17, 2013
New York	April 19, 2011	December 17, 2013
Ohio	N/A	December 17, 2011
Pennsylvania	April 19, 2013	N/A
Texas	April 19, 2013	N/A

Excluded from the class are: (a) the Spark Energy Defendants; (b) the officers, directors, and employees of the Spark Energy Defendants; (c) any entity in which the Spark Energy Defendants have a controlling interest; (d) any affiliate or legal representative of the Spark Energy Defendants; (e) the Judge to whom the Action is assigned, the Judge’s staff and any member of their immediate family; and (f) any heirs, assigns, and/or successors of any such Persons or entities in their capacity as such.

**6. *I’m still not sure if I am included.***

If you are still not sure whether you are included, you can contact the Settlement Administrator for free help about whether you are a Class Member. Call toll-free 1-833-512-2317, visit the contact section of the Settlement Website at [www.MultiStateEnergySettlement.com](http://www.MultiStateEnergySettlement.com), or send mail to the address below:

*Rolland v. Spark Energy*  
c/o Kroll Settlement Administration LLC  
P.O. Box 225391  
New York, NY 10150-5391

**THE PROPOSED SETTLEMENT**

**7. *What relief does the Settlement provide to the Class Members?***

Current and former customers of Spark Energy who submit a Valid Claim will receive \$.003 per kilowatt hour for which they paid a variable price for electricity and \$.0293 per therm for which they paid a variable price for natural gas. Notwithstanding the calculated Benefit, current and former customers of Spark Energy who submit a Valid Claim will receive a Benefit of at least \$2.50.

<sup>2</sup> All dates are the dates invoices were generated for customers.

In exchange for the relief outlined above, Class Members who do not Opt-Out of the Settlement (as described below) will relinquish their right to bring claims on their own behalf, including claims for monetary relief, and Class Members will not be able to sue Spark Energy on the same or any related claims.

## SUBMITTING A CLAIM FORM

### 8. *How can I get a Settlement Payment?*

To qualify for a Settlement Payment, you must send in a Claim Form by the deadline. A Claim Form is available by clicking [HERE](#) or on the Internet at the Website at [www.MultiStateEnergySettlement.com](http://www.MultiStateEnergySettlement.com). The Claim Form may be submitted electronically or by postal mail. Read the instructions carefully, fill out the form, and postmark it by **November 12, 2022**, or submit it online not later than 11:59 p.m. ET on **November 12, 2022**.

### 9. *When will I get a Settlement Payment?*

As described in Sections 17 and 18 below, the Court will hold a hearing on **December 1, 2022**, at **2 p.m. ET**, to decide whether to approve the Settlement. If the Court approves the Settlement, after that, there may be appeals. It's always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. You can check on the progress of the case on the Settlement Website at [www.MultiStateEnergySettlement.com](http://www.MultiStateEnergySettlement.com). *Please be patient.*

## THE LAWYERS IN THIS CASE AND THE NAMED PLAINTIFFS

### 10. *Do I have a lawyer in this case?*

The Court has ordered that the law firms of Finkelstein, Blankinship, Frei-Pearson & Garber LLP and Mazie Slater Katz & Freeman, LLC (“Class Counsel”), will represent the interests of all Class Members. You will not be separately charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

### 11. *How will the lawyers be paid?*

Spark Energy has agreed to pay Class Counsel’s attorneys’ fees of up to \$2,860,000 and litigation expenses of up to \$250,000, subject to approval by the Court. You will not be required to pay any of Class Counsel’s attorneys’ fees or costs. The Court will make the final decision as to the amount to be paid to Class Counsel.

### 12. *Will the Named Plaintiffs receive any compensation for their efforts in bringing the Actions?*

The four Named Plaintiffs will request Service Awards of up to a total of \$25,000 for their services as Class Representatives and efforts in bringing the lawsuits. The Court will make the final decision as to the amount to be paid to the Named Plaintiffs.

## DISMISSAL OF ACTIONS AND RELEASE OF ALL CLAIMS

### 13. *What am I giving up to obtain relief under the Settlement?*

If the Court approves the proposed Settlement, unless you exclude yourself from the Settlement, you will be releasing your claims against Spark Energy. This generally means that you will not be able to file a lawsuit, continue prosecuting a lawsuit, or be part of any other lawsuit against Spark Energy regarding the allegations in the lawsuits. The Settlement Agreement, available on the Settlement Website at [www.MultiStateEnergySettlement.com](http://www.MultiStateEnergySettlement.com), contains the full terms of the release.

### 14. *How do I exclude myself from the Settlement?*

Any potential Class Member who desires to be excluded from the Settlement Class must give written notice of the election to Opt-Out on or before the date specified in the Preliminary Approval Order, with copies mailed to the Settlement Administrator, Class Counsel, and counsel for Spark Energy. Opt-Out requests must: (i) be signed by the Class Member who is requesting exclusion; (ii) include the full name, address, and phone number(s) of the Class Member requesting exclusion; and (iii) include substantially similar language as the following statement: "I/We request to Opt-Out from the Settlement in the Spark Energy Action." No Opt-Out request will be valid unless all of the information described above is included. If you timely request exclusion, you will be excluded from the Class, you will not be bound by the judgment entered, and you will not be precluded from prosecuting any timely, individual claim against Spark Energy based on the conduct complained of in the lawsuit.

### 15. *How do I tell the Court that I do not like the Settlement?*

At the date, time, and location stated in Section 18 below, the Court will hold a Fairness Hearing to determine if the Settlement is fair, reasonable, and adequate, and to also consider Class Counsel's request for an award of attorneys' fees and costs, and service awards to the Named Plaintiffs.

If you wish to object to the fairness, reasonableness, or adequacy of the Settlement Agreement or the proposed Settlement, you must submit a written objection to the Court, Class Counsel, and Spark Energy's Counsel listed below, postmarked no later than **November 12, 2022**.

COURT	CLASS COUNSEL	Spark Energy's COUNSEL
Clerk of Court Clarkson S. Fisher Building & U.S. Courthouse U.S District Court for the District of New Jersey 402 East State Street Trenton, NJ 08608	D. Greg Blankinship Todd S. Garber Chantal Khalil Finkelstein, Blankinship, Frei-Pearson & Garber LLP 1 North Broadway, Suite 900 White Plains, NY 10601	Kevin P. Allen Thomas E. Sanchez Duane Morris LLP 625 Liberty Avenue, Suite 1000 Pittsburgh, PA 15222

Any Objection must (a) attach documents establishing, or provide information sufficient to allow the Parties to confirm, that the objector is a Class Member; (b) include a statement of such Class Member's specific Objection; (c) state the grounds for the Objection; (d) identify any documents such objector desires the Court to consider; and (e) provide all information requested on the Claim Form. In addition, any Settlement Class Member objecting to the Settlement shall provide a list of all other Objections submitted by the objector, or the objector's counsel, to any class action settlements submitted in any Court in the United States in the previous five years. If the Settlement Class Member or their counsel has not objected to any other class action settlement in the United States in the previous five years, they shall affirmatively so state in the Objection. You may, but need not, submit your objection through counsel of your choice. If you do make your objection through an attorney, you will be responsible for your personal attorney's fees and costs.

**IF YOU DO NOT TIMELY MAKE YOUR OBJECTION, YOU WILL BE DEEMED TO HAVE WAIVED ALL OBJECTIONS.**

If you submit a written objection, you may appear at the Fairness Hearing, either in person or through personal counsel hired at your expense, to object to the Settlement Agreement. You are not required, however, to appear. If you, or your attorney, intend to make an appearance at the Fairness Hearing, you must include on your timely and valid written objection a statement substantially similar to "Notice of Intention to Appear."

**16. *What is the difference between excluding myself and objecting to the Settlement?***

Objecting is simply telling the Court that you don't like something about the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you don't want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because the Settlement no longer affects you.

**FAIRNESS HEARING**

**17. *What is the Fairness Hearing?***

The Court has preliminarily approved the Settlement and will hold a hearing to decide whether to give final approval to the Settlement. The purpose of the Fairness Hearing will be for the Court to determine whether the Settlement should be approved as fair, reasonable, adequate, and in the best interests of the Settlement Class; to consider the award of attorneys' fees and expenses to Class Counsel; and to consider the request for service awards to the Named Plaintiffs.

**18. *When and where is the Fairness Hearing?***

The Court will hold a Fairness Hearing (also known as a "Final Approval Hearing") at **2 p.m. ET on December 1, 2022**, in Courtroom 7E of Clarkson S. Fisher Building & U.S. Courthouse, U.S. District Court for the District of New Jersey, 402 East State Street, Trenton, NJ 08608. The hearing may be postponed to a different date or time or location without notice. Please check the Settlement Website at **[www.MultiStateEnergySettlement.com](http://www.MultiStateEnergySettlement.com)** for any updates about the Settlement generally or the Fairness Hearing specifically. If the date or time of the Fairness Hearing changes, an update to the Settlement Website will be the only way you will be informed of the change.



**19. *May I speak at the hearing?***

At that hearing, the Court will be available to hear any objections and arguments concerning the fairness of the Settlement.

You may attend, but you do not have to. As described above in Section 15, you may speak at the Fairness Hearing only if (a) you have timely served and filed an objection, and (b) you have timely and validly provided a Notice of Intent to Appear.

If you have requested exclusion from the Settlement, however, you may not speak at the Fairness Hearing.

**ADDITIONAL INFORMATION**

**20. *How do I get more information?***

To see a copy of the Settlement Agreement, the Court's Preliminary Approval Order, Class Counsel's application for attorneys' fees and costs, and the operative complaints filed in the lawsuits, please visit the Settlement Website located at: **www.MultiStateEnergySettlement.com**. Alternatively, you may contact the Settlement Administrator using the toll-free telephone number **1-833-512-2317**, or by sending mail to the address below:

*Rolland v. Spark Energy*  
c/o Kroll Settlement Administration LLC  
P.O. Box 225391  
New York, NY 10150-5391

The description of the lawsuits is general and does not cover all of the issues and proceedings that have occurred. In order to see the complete file, you should visit **www.pacer.gov** or the Clerk's office at 402 East State Street, Trenton, NJ 08608. The Clerk will tell you how to obtain the files for inspection and copying at your own expense.

**21. *What if my address or other information has changed or changes after I submit a Claim Form?***

Contact the Settlement Administrator at:

*Rolland v. Spark Energy*  
c/o Kroll Settlement Administration LLC  
P.O. Box 225391  
New York, NY 10150-5391

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**DO NOT ADDRESS ANY QUESTIONS ABOUT THE SETTLEMENT OR THE LITIGATION TO THE CLERK OF THE COURT OR THE JUDGE.**