NOTICE OF CLASS ACTION

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

CONNECTICUT SUPERIOR COURT
JUDICIAL DISTRICT OF HARTFORD

Kennynick, LLC v. Standard Petroleum Company
Docket # (X03) HHD-CV-09-5042760-S
and
Standard Petroleum Company v. Faugno Acquisition LLC
Docket # (X03) HHD-CV-09-5042762-S

If you purchased gasoline from Standard Petroleum Company ("Standard Petroleum") on any date after September 27, 2004, and paid either Connecticut Gross Receipts Tax or Federal Gasoline Tax, a class action lawsuit may affect your rights.

Two former dealers who claim to be franchisees (the "Franchisees") have sued Standard Petroleum Company, alleging overcharges with respect to Connecticut Gross Receipts Tax and Federal Gasoline Tax.

The Court has recently certified this case as a class action on behalf of all customers of Standard Petroleum who purchased gasoline after September 27, 2004 and who were charged Connecticut gross receipts tax and/or federal gasoline tax under certain conditions (described below).

The court has not decided whether Standard Petroleum did anything wrong. There is no money available now, and no guarantee that there will be. However, your legal rights are affected, and you have a choice to make now:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
DO NOTHING	**Stay in this lawsuit. Await the outcome. Keep any benefits from this suit.**
	By doing nothing, you keep the possibility of getting money that may come from a trial or settlement. But, you give up any rights to sue Standard Petroleum separately about the same legal claim in this lawsuit.
ASK TO BE EXCLUDED	**Get out of this lawsuit. Get no benefits from it. Keep right to sue separately.**
	If you ask to be excluded and money is later awarded, you will not share in that recovery. But, you keep any rights to sue Standard Petroleum separately about the same legal claims in this lawsuit.

Your options are explained in this notice. **To ask to be excluded, you must act before [30 DAYS FROM DATE CLASS NOTICE IS SENT].**

The class lawyers must prove the claims against Standard Petroleum at a trial scheduled to start on December 3, 2019. If money is obtained from Standard Petroleum, you will be notified about your rights.

PLEASE READ THIS NOTICE CAREFULLY AND COMPLETELY.

A LAWSUIT BROUGHT BY THE FRANCHISEES AGAINST STANDARD PETROLEUM WAS RECENTLY CERTIFIED AS A CLASS ACTION BY THE CONNECTICUT SUPERIOR COURT. THE CLASS REPRESENTATIVES ALLEGE THAT AFTER SEPTEMBER 27, 2004, STANDARD PETROLEUM INTENTIONALLY OVERCHARGED ITS CUSTOMERS FOR CONNECTICUT GROSS RECEIPTS TAX. THE CLASS REPRESENTATIVES ALSO ALLEGE THAT BETWEEN JANUARY 1, 2005 AND DECEMBER 31, 2011 STANDARD PETROLEUM INTENTIONALLY OVERCHARGED ITS CUSTOMERS FOR FEDERAL GASOLINE TAX BY WITHHOLDING THE VOLUMETRIC ETHANOL EXCISE TAX CREDIT THAT WAS IN EFFECT NATIONWIDE. STANDARD PETROLEUM DENIES ALL OF THESE CLAIMS. PURSUANT TO CONNECTICUT PRACTICE BOOK §9-8, ANY JUDGMENT ENTERED IN THIS ACTION MAY BE BINDING UPON ALL CLASS MEMBERS. SINCE YOU HAVE BEEN IDENTIFIED AS A POTENTIAL CLASS MEMBER, YOUR RIGHTS MAY BE AFFECTED.

Why did you get this notice?

1. You should read this notice because your rights might be affected by a class action lawsuit. The purpose of this notice is to inform you about the lawsuit and to advise you of your right to retain a personal attorney to represent your interests if you choose. The lawsuit may affect the rights of certain people who purchased gasoline from Standard Petroleum on any date after September 27, 2004, and paid either Connecticut Gross Receipts Tax or Federal Gasoline Tax. There is no settlement or other award of money at this time, and Standard Petroleum is contesting the claims in this lawsuit. If the parties reach a settlement in the future, the judge in this case will order a further notice to be sent to all known class members. The Court may approve a settlement only after a hearing and on a finding that the settlement is fair, reasonable,

and adequate. If this notice applies to you, you will then have an opportunity to indicate in writing if you object to any settlement, before the judge decides whether to approve it.

2. The fact that you have been sent a notice does not mean that you qualify as a class member and are entitled to compensation, but only that you may be. This is because the court and the class representatives are depending upon information contained in certain records provided by Standard Petroleum. However, the records are not detailed enough to determine if a class member may be entitled to compensation. Thus, the notice is being sent to all those who the records suggest might be class members.

3. The rest of this notice explains the lawsuit, how to determine whether this lawsuit applies to you, and how you can file the appropriate papers regarding your participation in the lawsuit.

Does this notice apply to you?

4. This notice applies to you if you purchased gasoline from Standard Petroleum on any date after September 27, 2004, and paid either Connecticut Gross Receipts Tax, Federal Gasoline Tax or both.

What is this lawsuit about?

5. The *Kennynick, LLC* lawsuit was brought in 2009 by the Franchisees who allege that Standard Petroleum overcharged them for Connecticut Gross Receipts Tax and Federal Gasoline Tax based upon their review of invoices presented to them by Standard Petroleum for payment. The businesses that originally brought the lawsuit are Kennynick, LLC, which operates a service station in Shelton, Connecticut, and Faugno Acquisition, LLC, which operates a service station in Stamford, Connecticut. The businesses who initially brought the lawsuit, are called the "class representatives".

6. These class representatives filed the lawsuit entitled *Kennynick, LLC v. Standard Petroleum Company* on their own behalf and on behalf of all other persons like them ("plaintiffs"). Several weeks later, Standard Petroleum Company, filed a separate lawsuit, on other grounds, against Faugno Acquisition, LLC. Those lawsuits were later joined together.

7. The class representatives allege in their complaint that the Connecticut Gross Receipts Tax is imposed pursuant to Conn. Gen. Stat. §12-587 and section 12-602-1a of the Regulations of Connecticut State Agencies. They claim that, under the statute and regulation, the tax should be

imposed at the time of the "first sale" of gasoline in the State of Connecticut. The class representatives allege that instead of billing customers for the Gross Receipts Tax based upon the "first sale," Standard Petroleum charged its customers Gross Receipts Tax based upon the price of gasoline at the time the gasoline was delivered to its customers (not the "first sale" in Connecticut) and on items other than gasoline.

8. The class representatives also allege in their complaint that despite actual knowledge of the Volumetric Ethanol Excise Tax Credit enacted by Congress, Standard Petroleum continued to invoice and charge customers Gasoline Excise Tax without applying the credit while at the same time paying or remitting the proper amount of tax (including the VEETC credit).

9. The class representatives' complaint claims rights of recovery for breach of contract, unjust enrichment, and misrepresentation as well as violations of the Connecticut Petroleum Franchise Act, the Connecticut Unfair Trade Practices Act, and the Uniform Commercial Code.

10. Standard Petroleum denies the allegations of the class representatives and contests the merits of the lawsuit. Standard Petroleum alleges that it properly charged both Gross Receipts Tax and the Federal Gasoline Tax, and asserts that the class is not entitled to any recovery.

Why Is This A Class Action?

11. In a class action, one or more persons, called the Class Representative(s), sue on behalf of a group of people who have similar claims – the Class Members. One court then resolves the issues for all Class Members, except for those who exclude themselves from the class.

Are There Lawyers Representing You?

12. The Court has approved lawyers (called "Class Counsel") to represent all Class Members as a group. You will not be asked to pay your own personal money for the services of these attorneys and their associates and staff in litigating this case or negotiating any settlement. Instead, the lawyers intend to seek payment from the defendants, or from funds recovered in the settlement, subject to final approval of the Court. Only Class Counsel may act on behalf of the class. **However, that does not prevent you from hiring your own lawyer to advise you personally about your rights, options or obligations as a Class Member in this lawsuit or to enter an appearance in this case on your behalf.** If you want to be represented by your own lawyer, you may hire one at your own expense.

Has the court decided who is right?

13. The court has not decided whether the class representatives or Standard Petroleum are correct, and there is no guarantee of any payment or other compensation. If the class representatives obtain money as a result of the trial or a settlement, you will be notified about how to participate. You do not need to do anything at this time.

14. If you want to exclude yourself from the lawsuit, you must do so in writing by completing and mailing the attached Opt-Out Form to: John Morgan, Barr & Morgan, 84 West Park Place, 3rd Floor, Stamford, CT 06901. IF YOU CHOOSE THIS OPTION, YOUR RIGHT TO PAYMENT MAY TERMINATE AND YOU MAY BE FOREVER BARRED FROM MAKING ANY CLAIM FOR MONEY BASED UPON THE SAME GROUNDS ASSERTED BY THE CLASS REPRESENTATIVES.

What Happens If I Do Nothing?

15. If you do nothing, you will be deemed part of the Class Action, and the Class Representatives and the Class Counsel will continue to represent your interests as a Class Member until the case concludes.

16. DO NOT CALL THE COURT. THE COURT DOES NOT ACCEPT PHONE CALLS ABOUT THIS NOTICE. YOU MUST SUBMIT ANY QUESTIONS IN WRITING.

Will I Receive Further Notices?

17. You will receive further notices from the Court if something happens which might further affect your rights. For instance, you will receive notice of any settlement or judgement entered in your favor.

OPT-OUT FORM

Kennynick, LLC v. Standard Petroleum Company
Docket # (X03) HHD-CV-09-5042760-S

- and -

Standard Petroleum Company v. Faugno Acquisition LLC
Docket # (X03) HHD-CV-09-5042762-S

Connecticut Superior Court, Judicial District of Hartford

Name _____

Address: _____
Street City State Postal Code

Telephone (optional): _____

I understand that by opting out of this Class Action, I will not be eligible to receive any compensation that may result from any trial or settlement of this lawsuit, if there is one.

If you wish to opt out of this Class Action, please check the box below.

☐ By checking this box, I affirm that I wish to be excluded from this Class Action.

_____ _____
Date Signed Signature of Class Member and Title (if applicable)

This form must be mailed to Plaintiffs' counsel NO LATER THAN APRIL 20, 2019, at the address below, or else you will lose your right to opt out.

John J. Morgan, Esq.
Barr & Morgan
84 West Park Place
Stamford, CT 06901
(203) 356-1595 (phone)