

**TWENTY NINTH JUDICIAL DISTRICT COURT**

**PARISH OF ST. CHARLES**

**STATE OF LOUISIANA**

<b>DONNA HOWARD, ET AL.</b>	*	<b>NUMBER 50,339</b>
	*	
<b>VERSUS</b>	*	<b>DIVISION "E"</b>
	*	
<b>UNION CARBIDE CORPORATION</b>	*	

**NOTICE OF PROPOSED CLASS ACTION SETTLEMENT**

**IF YOU LIVED OR WERE LOCATED BETWEEN THE UNION CARBIDE PLANT AND THE TOWNS OF TAFT AND KILLONA, INCLUDING IN THE TOWNS OF TAFT AND KILLONA AND THOSE DOMICILED IN THE TOWN OF MONTZ, WHO WERE PRESENT FOR SOME TIME FROM 10:00 PM ON SEPTEMBER 10, 1998 UNTIL 3:00 PM ON SEPTMEBER 11, 1998, PLEASE READ THIS NOTICE CAREFULLY BECAUSE IT MAY AFFECT YOUR RIGHTS IN A PENDING LAWSUIT**

**This notice provides you with important information in connection with the settlement of a lawsuit concerning a release of naphtha from the Union Carbide plant in Taft, Louisiana on September 10, 1998. You should read this Notice carefully.**

*A district court has authorized this Notice. This is not a solicitation from a lawyer. This Notice has been issued pursuant to Article 594 of the Louisiana Code of Civil Procedure and an Order of the Twenty Ninth Judicial District Court ("the Court"). The purpose of this Notice is to inform you of the pendency and proposed Settlement of this class action lawsuit, and of the hearing to be held by the Court to consider the fairness, reasonableness, and adequacy of the Settlement. This Notice is not intended to be, and should not be construed as, an expression of any opinion by the Court with respect to the truth of the allegations in this litigation, or the merits of the claims or defenses asserted. This Notice describes the rights you may have in connection with the settlement and what steps you may take in relation to the Settlement and this class action lawsuit.*

**WHY DID I RECEIVE THIS NOTICE?**

Article 594(A)(2) of the Louisiana Code of Civil Procedure requires that all class members be given proper notice of a proposed class action settlement. You received this Notice because you have been identified as member or potential member of the class.

**WHY SHOULD YOU READ THIS NOTICE?**

You should read this Notice because you may be eligible to receive money and other benefits from the settlement of a class action lawsuit relating to the release of naphtha at the Union Carbide Plant on September 10, 1998.

**WHY IS THIS LAWSUIT A CLASS ACTION?**

In a class action, one or more people called Class Representatives sue on behalf of people who have similar claims. All of these people are referred to collectively as the Settlement Class, or individually as Settlement Class Members. One Court resolves the issues for all Settlement Class Members, except for those who exclude themselves from the Settlement Class.

**HOW DO I KNOW IF I AM A CLASS MEMBER?**

The Court has determined that the following persons are members of the Settlement Class:

*[T]hose persons domiciled or working between the Union Carbide Plant and the towns of Taft and Killona, including the towns of Taft and Killona, and those domiciled in the town of Montz, who were present in these locations for some*

*time, from 10:00 p.m. on September 10, 1998 until 3:00 p.m. on September 11, 1998, and who experienced the physical symptoms which include any or all of the following – eyes, nose or throat irritation, coughing, choking or gagging, or nausea, as a result of their exposure to naphtha or other chemical substance released from Union Carbide. Excluded from the class are all visitor claimants who are domiciled and worked outside the class boundaries but claim they were present in these locations.*

Class members were identified by presenting their claims at a proof of claim office in a timely manner as had been established by the Court after class certification was granted.

**If you are a class member, your name will appear on a list that can be found:**

- Attached to the Class Notice at the St. Charles Parish Court House in Hahnville, LA
- Howard Class Members list on the website of [www.lemmonlawfirm.com](http://www.lemmonlawfirm.com)
- Howard Class Members list on the website of [www.bblawla.com](http://www.bblawla.com)

**WHY IS THERE A SETTLEMENT?**

The Court did not decide the merits of this case in favor of Plaintiffs or Union Carbide. Instead, the Class Representatives and their attorneys have reached a settlement during mediation that they believe is best for all Class Members. This agreement cannot be changed by the Court or the parties.

**WHAT AM I ENTITLED TO RECEIVE UNDER THE SETTLEMENT?**

The total settlement fund is \$500,000.00 which includes payment of all claims, court costs, expenses, and attorneys' fees approved by the Court. The Court costs are approximately \$185,000, and the attorneys have requested 1/3 of the total settlement as attorneys' fees. The amount of the payment to you will be determined by John Perry, the same mediator who facilitated the settlement between Plaintiffs and Union Carbide, who has been approved by the Court to make the allocation.

**HOW DO I MAKE A CLAIM UNDER THE SETTLEMENT?**

If you have received a copy of this Notice, you have already made a claim under the settlement and do not have to do anything further. If you did not receive notice but made a claim in the litigation, you may check the list of claimants at:

- Attached to the Class Notice at the St. Charles Parish Court House in Hahnville, LA
- Howard Class Members list on the website of [www.lemmonlawfirm.com](http://www.lemmonlawfirm.com)
- Howard Class Members list on the website of [www.bblawla.com](http://www.bblawla.com)

If you are not on the list, you are not eligible to make a claim. No further claims will be accepted.

**WHAT IS THE LEGAL EFFECT OF THE SETTLEMENT?**

The settlement provides for a broad release of all claims relating to the incident that occurred at Union Carbide's facility on September 10 and 11, 1998.

**WHO WILL DETERMINE IF THE SETTLEMENT IS FAIR?**

The Court has ordered that a Final Approval hearing be held on \_\_\_\_\_, 2016 at \_\_\_\_:\_\_ o'clock \_\_.m in Courtroom \_\_\_\_ of the courthouse in Hahnville, Louisiana to determine whether the proposed settlement is fair, reasonable, and adequate; whether it should be approved by the Court; whether the judgement should be entered dismissing the lawsuit with prejudice; and the amount of attorneys' fees and costs to be awarded to Class Counsel. The Settlement Hearing may be postponed and continued from time to time by the Court without further notice.

**CAN I OBJECT TO THE SETTLEMENT?**

A Settlement Class Member wishing to object to the settlement must file a written objection to the Settlement with the Court, and must also mail copies of the objection to Class Counsel and Union Carbide's Counsel at the addresses listed below, postmarked on or before \_\_\_\_\_.

All objections must be signed by the Objecting Class Member, and must: (1) contain the title of the case, "*Donna Howard, Et Al v. Union Carbide Corporation*, Docket No. 50,339," (2) fully specify the specific legal and factual basis for the objection, (3) include all documents, including affidavits, relied upon in support of the objection, including all documents that may be submitted or relied on during the Final Approval hearing, (4) identify by name, address, and telephone number each witness, if any, the objecting Class Member will call to testify at the Final Approval hearing, together with a summary of each witness's proposed testimony, (5) state whether the objecting Class Member intends to appear at the Final Approval hearing, either in person or through an attorney, and (6) state the name and address of any attorney representing the objecting Class Member. No Class Member may object on behalf of a class or group of persons.

All objectors must then personally appear at the final approval hearing to present the objection. Objectors are cautioned that the review of the objection will include all aspects of your claim, just as if you had not received an allocation.

**ANY SETTLEMENT CLASS MEMBER WHO DOES NOT OBJECT IN THE WAY DESCRIBED ABOVE SHALL BE DEEMED TO HAVE WAIVED SUCH OBJECTION AND SHALL NOT HAVE A RIGHT TO OBJECT TO ANY ASPECT OF THE SETTLEMENT.**

<u>Clerk of Court</u>	<u>Class Counsel</u>	<u>Union Carbide's Counsel</u>
15045 River Road	Andrew A. Lemmon Lemmon Law Firm, LLC	David M. Bienvenu, Jr. Bienvenu Bonnezeze Foco Viator Holinga APLLC
P.O. Box 424 Hahnville, LA 70057	P.O. Box 904 Hahnville, LA 70057	4210 Bluebonnet Boulevard Baton Rouge, LA 70809

#### **WHO REPRESENTS THE CLASS?**

The Court appointed class counsel to represent the interests of the class. The membership of this appointed committee has changed from time to time and included, among others: ANDREW A. LEMMON, DANIEL E. BECNEL, JR., DON ALMERICCO, JOHN H. MUSSER, IV, PATRICK W. PENDLEY, GORDON HACKMAN, J. ROBERT ATES, ROY F. AMEDEE, VICTOR E. BRADLEY, JR., A.J. REBENNACK.

#### **WHEN WILL I RECEIVE MY PAYMENT?**

Checks to class members will be mailed out 60 days after the Court signs the Judgment of Dismissal.

#### **DO I HAVE TO ATTEND THE HEARING?**

No. Settlement Class Counsel will answer any questions the Court may have at the hearing.

#### **WHERE CAN I GET ADDITIONAL INFORMATION?**

This Notice is intended only as a summary of the lawsuit and proposed settlement. It is not a complete statement of the lawsuit or proposed settlement. You may inspect the pleadings and other papers (including the proposed settlement agreement) that have been filed in this lawsuit at the Office of the Clerk of Court, at the courthouse in Hahnville, Louisiana. If you have any questions about this notice or the proposed settlement, you may contact Class Counsel at the address listed above. **DO NOT CONTACT THE COURT OR THE DEFENDANT FOR INFORMATION.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge Timothy S. Marcel