

West Virginia Water Contamination Settlement

Settlement will pay up to \$151 million to residents, businesses, and workers in Boone, Cabell, Clay, Jackson, Kanawha, Lincoln, Logan, Putnam and Roane counties

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

- West Virginia-American Water Company, American Water Works Service Company, Inc. and American Water Works Company, Inc., and Eastman Chemical Company have reached a Settlement involving the January 9, 2014 event that contaminated the drinking water source for portions of nine counties.
- West Virginia American Water and Eastman have agreed to pay:
 - Residential households either a simple claim payment or reimbursement for documented property damage, extra expenses, and discarded food;
 - Residents who demonstrate medical treatment or physical injury resulting from the water contamination;
 - Businesses either a simple claim payment or reimbursement for documented property damage, lost profits, lost inventory, and extra expenses;
 - Workers at businesses shut down or partially shut down who have documented lost hourly wages;
 - Women who were pregnant at the time; and
 - Governmental entities either a simple claim payment or reimbursement for documented property damage, lost revenue, and extra expenses.
- Your legal rights are affected even if you do nothing. Please read this Notice carefully.

YOUR RIGHTS AND CHOICES	
File a Claim	This is the <u>only</u> way to make sure you get any money from the Settlement.
Object	If you don't like the Settlement, you can write to the Court and explain why.
Exclude Yourself	You can ask to get out (opt out) of the proposed Settlement. If you do this, you cannot get any money from the Settlement, but you keep any right to sue West Virginia American Water and Eastman about the water contamination event.
Go to Fairness Hearing	You can ask to speak in Court about the fairness of the Settlement. You can only do this if you do not opt out.
Do Nothing	You may not be able to get any money from the Settlement and you give up the right to sue West Virginia American Water and Eastman about the issues in the lawsuit.

- These rights and options—and the deadlines to exercise them—are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the Settlement.
- This Notice is only a summary of the Amended Settlement Agreement and your rights. Capitalized terms are defined terms in the Amended Settlement Agreement, which is available at www.wvwaterclaims.com. You are encouraged to carefully review the complete Amended Settlement Agreement.

QUESTIONS? CALL 1-855-829-8121 OR VISIT WWW.WVWATERCLAIMS.COM

What This Notice Contains

PART 1: INTRODUCTION

BASIC INFORMATION.....Page 4

1. Why is this Notice being provided?
2. What is the litigation about?
3. What counties are included?
4. What is a class action?
5. Why is there a Settlement?
6. What are the benefits of the Settlement?
7. How will the Settlement Funds be distributed?

WHO IS PART OF THE SETTLEMENT?Page 6

8. Who is included in the Settlement?
9. What if I previously opted out or filed a case in State Court? Am I included?
10. Are people who owned a condo or rented or leased a property serviced by West Virginia American on January 9, 2014 included in the Settlement?
11. What if I am not sure whether I am included in the Settlement?

PART 2: SETTLEMENT BENEFITS

OVERVIEW OF SETTLEMENT OPTIONS.....Page 7

12. What can I get from the Settlement?

RESIDENTIAL HOUSEHOLDS.....Page 9

13. How do I get a Residential Household payment?
14. What type of Residential expenses are covered by the Settlement?
15. What is the Do Not Use Period?
16. What type of medical expenses or personal injury claims are covered by the Settlement?
17. How do I get a Pregnancy Claim payment?

BUSINESSES.....Page 10

18. How do I get a Business payment?
19. How much will my set business payment be?
20. If I represent a Governmental Entity, how do I get a payment?
21. What is considered an eligible Business “Shut Down”?
22. What does reimbursement for Business and Governmental Entity Property Damage include?

WAGE EARNERS.....Page 12

23. How do I get a Wage Earner payment?

PART 3: YOUR RIGHTS

REMAINING IN THE SETTLEMENT.....Page 13

24. What am I giving up in exchange for the monetary Settlement benefits?
25. Am I releasing any personal injury or wrongful death claims if I remain in the Settlement?

QUESTIONS? CALL 1-855-829-8121 OR VISIT WWW.WVWATERCLAIMS.COM

HOW TO GET A PAYMENT.....Page 13

- 26. How do I get Settlement benefits?
- 27. Is it better if I file a Simple Claim Form?
- 28. What if my claim is denied or I am not satisfied with my payment?
- 29. If I receive a payment, will it be taxable?

EXCLUDING YOURSELF FROM THE SETTLEMENT.....Page 14

- 30. How do I get out of the Settlement?
- 31. If I do not exclude myself, can I sue American Water and Eastman for the same thing later?
- 32. If I exclude myself, can I still get benefits from this Settlement?

THE LAWYERS REPRESENTING YOU.....Page 15

- 33. Do I have a lawyer in the case?
- 34. How will the lawyers be paid?

OBJECTING TO THE SETTLEMENT.....Page 16

- 35. How do I tell the Court if I do not like the Settlement?
- 36. What is the difference between objecting to the Settlement and excluding myself?

THE COURT’S FAIRNESS HEARING.....Page 17

- 37. When and where will the Court decide whether to approve the Settlement?
- 38. Do I have to attend the hearing?
- 39. May I speak at the hearing?

GETTING MORE INFORMATION.....Page 17

- 40. How do I get more information?

MEDICAL CLAIMS INFORMATION TABLE.....Page 18

PART 1: INTRODUCTION

BASIC INFORMATION

1. Why is this Notice being provided?

The Court in charge of this case authorized this Notice because you have a right to know about the proposed Settlement of this lawsuit and all of your options before the Court decides whether to give final approval to the Settlement. This Notice summarizes the Settlement and explains your legal rights and options.

Judge John T. Copenhaver, Jr. of the United States District Court for the Southern District of West Virginia is overseeing this case. The case is known as *Good v. West Virginia-American Water Company*, No. 2:14-cv-01374. The people who sued are called the “Plaintiffs.” West Virginia-American Water Company, American Water Works Service Company, Inc. and American Water Works Company, Inc. (together called “American Water”), and Eastman Chemical Company (“Eastman”) are the “Defendants.”

2. What is the litigation about?

On January 9, 2014, a chemical leak into the Elk River at the Freedom Industries tank farm near Charleston caused over two hundred thousand residential and business water users served by West Virginia-American Water Company (“West Virginia American”) to be without tap water other than for toilet flushing and fire protection. Freedom Industries purchased the chemical, Crude MCHM, from Eastman. The class action lawsuit claims that American Water and Eastman could have prevented or avoided the event with better precautionary measures, compliance with applicable regulations and the use of reasonable care.

Portions of nine counties in West Virginia—more than 224,000 residents and 7,300 businesses—were affected by the water contamination.

American Water and Eastman strongly dispute the claims in the class action lawsuit and deny any fault or liability for the chemical leak or contamination of the drinking water.

3. What counties are included?

The Settlement includes portions of the following counties: Boone, Cabell (Salt Rock/Culloden area), Clay, Jackson, Kanawha, Lincoln, Logan, Putnam and Roane.

4. What is a class action?

In a class action, one or more people or companies (who are called “class representatives”) sue on behalf of themselves and other people with similar claims. In this case, there are 14 class representatives. All the people with similar claims are the proposed class or class members. When a class action is settled, the settlement resolves the claims for all class members, except for those who exclude themselves. Excluding yourself means that you will not receive any benefits from the Settlement. The process for excluding yourself is described in Question 30 of this Notice.

5. Why is there a Settlement?

The class representatives and their lawyers (“Settlement Class Counsel,” *see* Question 33) believe that the proposed Settlement is best for everyone who is affected. A settlement is an agreement between a plaintiff and a defendant to resolve a lawsuit. This Settlement resolves the lawsuit without the court or a jury ruling in favor of the plaintiff or the defendant. A settlement allows the parties to avoid the cost and risk of a trial, as well as the delays of litigation.

QUESTIONS? CALL 1-855-829-8121 OR VISIT WWW.WVWATERCLAIMS.COM

6. What are the benefits of the Settlement?

The Settlement will pay:

- Eligible Settlement Class Members,
- Attorneys' fees and expenses (*see* Question 34), and
- The cost of notice and compensation for a settlement administrator to oversee aspects of the Settlement.

Under the Settlement:

- West Virginia American will pay \$76 million to be used initially for simple set payments to residential households and businesses, and
- West Virginia American will pay up to an additional \$50 million for reimbursement and payment to:
 - businesses and residential households based on specific, documented losses,
 - residents who demonstrate medical claims resulting from the spill and contamination,
 - women who were pregnant at the time,
 - governmental entities based on specific documented losses, and
 - hourly workers who lost wages because their place of employment was shut down or partially shut down.
- Eastman will pay up to \$25 million for property damage and physical injury claims including simple payments to residential household and business claimants.
- West Virginia American (1) will not seek rate recovery from or through the Public Service Commission of West Virginia for response costs relating to the Freedom Chemical Spill; (2) will not seek rate recovery from or through the Public Service Commission of West Virginia for amounts paid pursuant to the final Amended Settlement Agreement; and (3) will work cooperatively with the West Virginia Bureau of Public Health for the purpose of entering into an agreement to provide for the reasonable use by the Bureau of Public Health during emergencies or other water quality investigations of Gas Chromatograph/Mass Spectrometer equipment at West Virginia American's Kanawha Valley Water Treatment Plant.
- The proceeds of the prior settlements reached in the *Good v. American Water Works Company, Inc.* action with Defendants Dennis Farrell (\$50,000) and Gary Southern (\$350,000), if approved by the Court, will be distributed by the Settlement Administrator in this Settlement to pay simple claim payments to Residential Households.
- A portion of the total amount paid by the Defendants will be used to pay attorneys' fees, litigation costs, and administrative expenses.

The Amended Settlement Agreement provides more details about the Settlement and is available at www.wvwaterclaims.com.

7. How will the Settlement Funds be distributed?

The Settlement Funds will be distributed according to the Settlement Fund Distribution Protocols document that is available at www.wvwaterclaims.com. The following is a summary of how the settlement funds will be distributed:

There are three mechanisms for determination of compensation and payment of eligible Settlement Class Members: (1) the Simple Claim Form Option providing set amount payments, (2) the Individual Review

Option providing reimbursement of documented losses, and (3) the Check Distribution Process providing a set payment for residential customers who do not otherwise make a claim.

The Simple Claim Form Option is available for Settlement Class Members who submit a Simple Claim Form for a Residential Household Claim or a Business Claim. Class Members who submit Simple Claim Forms will receive payment based on the Simple Claim Form and will not be required to submit documentation of specific losses. Eastman funds and then the American Water initial \$76 million contribution will be used to pay Class Members whose Simple Claim Forms are approved.

The Individual Review Option is available for Settlement Class Members who believe that their documented eligible losses exceed the amount of the Simple Claim Form payment. Individual review option Claimants will be required to submit reliable documentation to support their claimed losses and claimed losses that are not supported with such documentation will be denied. The Individual Review Option is available for Residential Claimants and Business Claimants (including governmental entities) that do not elect the Simple Claim Form Option. The Individual Review Option is also available for individuals who seek payment for medical expenses or personal injury or pregnancy claims or lost hourly wages. In the Summary Notice, these claims are described as “Documented Claims.”

Finally, after all Claim Forms are submitted and all Claimants are identified, the Settlement Administrator will identify any Residential Direct Customer Users who are on West Virginia American’s Customer List, who have confirmed addresses and who have not submitted either a Simple Claim Form or an Individual Review Option Claim Form. The Settlement Administrator will, subject to the guidance in the Settlement Fund Distribution Protocols, distribute checks to these residential direct customer users in an amount to be determined by the Settlement Fund Distribution Protocols, provided that there are sufficient funds available after paying all Simple Claim Form claims. If the claims exceed the amount available to pay simple claim payments or the amount available to pay individual review claims, respectively, the approved claims payments of that type will be reduced so that all valid claims of that type can be paid.

Benefits will not be distributed to Class Members until after the Court grants final approval to the Settlement and it becomes final after any appeals are resolved. If the parties all agree and can demonstrate to the Court that any appeals do not affect payments to Class Members, the Court may decide to allow payments to some Class Members while the appeals are pending.

WHO IS PART OF THE SETTLEMENT?

You need to decide whether you are included in the Settlement.

8. Who is included in the Settlement?

This Settlement includes residential households, businesses and workers (hourly wage earners):

Residential Households: Any resident of a residence provided tap water service from West Virginia American’s Kanawha Valley Water Treatment Plant (“KVTP”) on January 9, 2014.

Businesses: A business that operated at a property location provided tap water service from West Virginia American’s KVTP on January 9, 2014. Includes for-profit businesses, non-profit organizations and governmental entities.

Wage Earners: A person employed on January 9, 2014 at a Business that was Shut Down or Partially Shut Down as a result of the spill and contamination and who has documented lost hourly wages.

QUESTIONS? CALL 1-855-829-8121 OR VISIT WWW.WVWATERCLAIMS.COM

The Settlement does not include: (1) American Water (including West Virginia American) and any affiliates of American Water and their officers, directors and employees; (2) Eastman and any affiliates of Eastman and their officers, directors, and employees; (3) Judicial officers assigned to this case and their immediate family members and associated court staff (other than court reporters) assigned to this case; (4) Settlement Class Counsel, and attorneys who have made an appearance for the Defendants in this case; (5) the Settlement Administrator, Notice Administrator, the guardian ad litem and other consultants and associated staff working on claims administration; and (6) anyone who excludes themselves from the Class (*see* Question 30).

9. What if I previously opted out or filed a case in State Court? Am I included?

Yes, you are included unless you decide to exclude yourself now (see Question 30). This Settlement is intended, to the greatest extent possible, to resolve all of the pending cases arising out of the Freedom Industries chemical spill and all existing and future claims. The Court earlier certified a class for litigation. The proposed certification described in this notice is for settlement, and you are included even if you chose to exclude yourself from the earlier class. If you don't want to be included in the settlement, you must exclude yourself from this new settlement class. All of the plaintiffs in the cases currently pending before this Court and the West Virginia Mass Litigation Panel ("MLP") in State Court are included in this Settlement unless they exclude themselves. Lead Counsel in the MLP cases (who are part of Settlement Class Counsel here) participated in the negotiation of this Settlement and fully support this Settlement.

10. Are people who owned a condo or rented or leased a property serviced by West Virginia American on January 9, 2014 included in the Settlement?

Yes, even if you do not receive a bill from West Virginia American, you are included if your residence or business was supplied with tap water from the KVTP on January 9, 2014.

11. What if I am not sure whether I am included in the Settlement?

If you are not sure whether you are included in the Settlement, you may call 1-855-829-8121 with questions or visit www.wvwaterclaims.com. You may also write with questions to WV Water Settlement Administrator, P.O. Box 4227, Charleston, WV 25364. You may also consult with your own attorney at your own expense.

PART 2: SETTLEMENT BENEFITS

OVERVIEW OF SETTLEMENT PROGRAM OPTIONS

12. What can I get from the Settlement?

The parties have estimated the likely amount that certain class members will receive if they choose to ask for a simple claim payment. However, the exact amount that any Class Member can receive through the Settlement depends on the specific nature of the claim that is made and on the total amount of the claims received by the Settlement Administrator. All claims submitted are subject to audit by the Settlement Administrator.

CLASSIFICATION	WHAT CAN YOU GET?	CLAIM FORM	MORE INFO
Residential Household	<p><u>Estimated Simple Claim Payment:</u> \$550 for household including first person in household plus \$180 for each additional person living in the household (including children) on January 9, 2014;</p> <p style="text-align: center;">OR</p> <p><u>Reimbursement for:</u> Documented losses for specific property damage, extra expenses, and discarded food.</p>	Simple	Questions 13 - 17
		Residential Household Individual Review	
	<p><u>Eligible Residents in a residential household may also request payment for:</u></p> <p><u>Medical Claims:</u></p> <ul style="list-style-type: none"> • Out of pocket expenses and additional payment of \$750 for medical treatment after January 9, 2014 spill event • Higher payments for demonstrated permanent injury or wrongful death caused by exposure to or interruption in tap water 	Individual Review for Medical Claims	
	<p><u>Pregnancy Claims:</u></p> <ul style="list-style-type: none"> • Payment of \$1,500 for women who were pregnant on January 9, 2014 and are not making other medical claims. 	Pregnancy Claim Individual Review	
	<p><u>Wage Earner Claims</u></p>	See Below	
Business Governmental Entities	<p><u>Estimated Simple Claim Payment:</u> Eligible businesses and governmental entities and non profit organizations can get estimated payment of \$1,875; businesses ordered to Shut Down or Partially Shut Down are estimated to get up to \$41,875 (based on revenue); lodging businesses estimated to get up to \$64,000 (based on revenue).</p> <p style="text-align: center;">OR</p> <p><u>Reimbursement for:</u> Documented losses for specific property damage, lost profits, lost inventory, and extra expenses.</p> <p>Governmental entities can also recover lost revenues.</p>	Simple	Questions 18 - 22
		Business Individual Review OR Governmental Entity Individual Review	
Wage Earner	Recover documented lost hourly wages if your place of employment was Shut Down or Partially Shut Down because of the water contamination.	Wage Earner Individual Review	Question 23

QUESTIONS? CALL 1-855-829-8121 OR VISIT WWW.WVWATERCLAIMS.COM

RESIDENTIAL HOUSEHOLDS

13. How do I get a Residential Household payment?

You need to decide if you want a simple claim payment or if you want to provide documentation and request reimbursement for property damage, extra expenses, and discarded food. Only one claim of this type per household is allowed. You and other residents in your household can also file a claim for medical expenses or personal injury claims, or pregnancy claims and/or lost hourly wages.

- The Simple Claim Form Option is estimated to pay \$550 for the household including one person and \$180 for each additional person in your household. For example, if you had five people in your household on January 9, 2014 you could get a payment of \$1,270 (\$550 + (4 x \$180)). If you want to receive a simple claim payment you need to fill out and submit a Simple Residential Claim Form (*see* Question 27).
- The Individual Review Option will pay expenses the Household had and that you can prove by documentation (*see* Question 14). If you want to submit documents to prove your losses and request reimbursement of your reasonable expenses, you will need to fill out and submit a Residential Household Individual Review Claim Form.
- For medical expense or personal injury claims or pregnancy claims and/or lost hourly wages claims, you need to fill out and submit the Medical Individual Review Form and/or the Pregnancy Claim Individual Review Form and/or the Wage Earner Individual Review Form with your Residential Simple or Residential Individual Review Claim Form (*see* Questions 16, 17, and 23). You can seek your medical expenses or personal injury damages or pregnancy claim payment and/or your lost wages even if you don't file a claim for a simple claim payment or seek reimbursement of your documented residential household losses.

14. What type of Residential expenses are covered by the Settlement?

You can be reimbursed for reasonable documented costs related to:

- Property Damage - Repair/Replacement Costs: repair or replacement of any parts or other items associated with the residential water system that was due to the Freedom Chemical Spill. This includes hiring someone to clean and flush the water system as directed in the flushing guidelines provided by West Virginia American or as directed by any government office. You may also recover 50% of the cost of replacing an appliance including hot water heaters, dishwashers, washing machines, refrigerators, and humidifiers up to a maximum of \$750 per appliance. You can also recover the full cost of repairing or replacing CPAPs or similar breathing devices. **Time Period:** repair/replacement must have occurred between January 9, 2014 and February 18, 2014 (unless you can show a good reason for delaying the repair/replacement).
- Extra Expenses: such as costs for bottled water or other alternative water supplies, paper plates, plasticware, pre-prepared meals, sanitation supplies, restaurant expenses, water testing, alternative lodging and laundry expenses. **Time Period:** extra expenses must have occurred between January 9, 2014 and end of the Do Not Use Period for the Eligible Residential Location, unless you can show a good reason for continuing extra expenses. No extra expenses after February 1, 2014 will be eligible, except that documented bottled water or replacement water expenses are eligible if purchased through March 3, 2014.
- Discarded Food: food that you threw out as result of the Freedom Chemical Spill. **Time Period:** you must have purchased food on or before January 9, 2014 and discarded it during the Do Not Use Period for your Eligible Residential Location, unless you can show a good reason for discarding the

QUESTIONS? CALL 1-855-829-8121 OR VISIT WWW.WVWATERCLAIMS.COM

food later. No discarded food costs after February 1, 2014 will be eligible.

15. What is the Do Not Use Period?

The Do Not Use Period was the period of time when you were subject to the Do Not Use notice issued by West Virginia American that the tap water supplied from the KVTP should not be used other than for toilet flushing or fire protection. The Do Not Use Period differs based on the location of the Residence or Business but does not extend beyond January 18, 2014 for anyone in the Class.

16. What type of medical expenses or personal injury claims are covered under the Settlement?

The Settlement covers documented medical expenses for people who were treated for an injury/illness or death that was related to or caused by the exposure to tap water or the delay in water service that occurred during the Freedom Chemical Spill. The Distribution Protocols, available at www.wvwaterclaims.com or by calling 1-855-829-8121, provide additional details. The table on pages 18-19 provides additional details about the medical benefits available in this Settlement.

Note: If any other entity (such as Medicare, Medicaid, a hospital, a health insurance company, or governmental entity) paid any medical expenses resulting from the illness or injury, they may have a medical cost repayment claim or lien against you. If this is the case, your Settlement payment may be delayed, reduced, or paid to the other entity in whole or in part unless other arrangements can be made.

17. How do I get a Pregnancy Claim payment?

The Settlement also provides benefits to women who were pregnant at the time of the Freedom Chemical Spill. If a pregnant woman has not made a claim for medical expenses or personal injury, she may complete an Individual Review Form for Pregnancy Claims and recover an estimated set payment of \$1,500. The Distribution Protocols, available at www.wvwaterclaims.com or by calling 1-855-829-8121, provide additional details.

BUSINESSES

18. How do I get a Business payment?

You first need to decide which type of business claim you want to make. You can receive a simple claim payment based on the type of business and its annual revenue. Or, if you want to provide documentation, you can receive reimbursement for property damage, lost profits, lost inventory, and extra expenses. Only one claim per Business location is allowed.

- Simple Claim Payment Option will be based on the category of the business and, as applicable, the revenues of the business (*see* Question 19). If you want to receive a simple claim payment you need to fill out and submit a Simple Business Claim Form.
- Individual Review Option for specific property damage requires documentation (*see* Question 22). If you want to request reimbursement of specific property damage, lost profits, lost inventory and extra expenses, you will need to fill out and submit a Business Individual Review Claim Form.

Please note that you are only eligible to receive a Business payment **or** a Residential Household payment, not both, if your business and home are located at the same address (except if an Eligible Location was a multi-use building that contained both businesses and residences on January 9, 2014). If your Business operated at multiple locations, however, you should submit a separate Claim Form for each Eligible Business Location.

QUESTIONS? CALL 1-855-829-8121 OR VISIT WWW.WVWATERCLAIMS.COM

19. How much will my set business payment be?

The estimated amount of your simple claim payment will depend on the category of business you owned on January 9, 2014 and the amount of revenue as outlined below:

CATEGORY	ANNUAL REVENUE*	ESTIMATED PAYMENT
Business was Shut Down** or Partially Shut Down during the Do Not Use Period	Up to and including \$1 million	\$1,875 plus 4% of annual revenue
	Over \$1 million	\$41,875
Lodging***	Up to and including \$156,250	\$5,000
	Over \$156,250 up to and including \$2 million	3.2% of annual revenue
	Over \$2 million	\$64,000
Other (Not Shut Down or partially shut down)	Includes non-profit and governmental entities	\$1,875

*Adjusted on annual sales for 2013 or Substitute Revenue Data for the Eligible Business Location.

**A regulation or government agency required that you shut down all or part of your business during the Do Not Use period (see Question 21).

***Lodging Businesses include businesses that provide traveler accommodation and qualify to be classified under the NAICS prefix “721” (but does not include recreational vehicle parks or campgrounds).

20. If I represent a Governmental Entity, how do I get a payment?

Governmental entities have two claiming options:

- **Simple Claim Form:** Governmental entities may use the simple claim form for businesses to obtain the set payment amount applicable to businesses that were not shut down. See Question 19 above for the estimated payment amount.
- **Individual Review Option:** If the governmental entity wants to receive payment for specific property damage, extra expenses or lost revenues, the governmental entity must submit the Governmental Entity Individual Review Option Claim Form and supply supporting documentation. The requirements and costs that can be recovered are explained in Question 22.

21. What is considered an eligible business “Shut Down”?

“Shut Down” means that the Business was (i) conducted at a location where the Business making the Business Claim possessed a West Virginia Business Registration Certificate for the location that is the subject of the Business Claim and (ii) with respect to that location, was subject to a regulation requiring it to cease operations, or a direct order or instruction from a regulatory agency to cease the operations regulated by that regulatory agency, during the Do Not Use Period as a result of the Freedom Chemical Spill. A separate Business that operates at the same location as another Business and meets the definition of Shut Down is considered to have been Shut Down even if other separate Businesses operating in the same location were not Shut Down; however, an individual who leases space from a Business that was Shut Down but who does not have any ownership interest in the Business that was Shut Down does not meet the

definition of Shut Down under the Amended Settlement Agreement. A voluntary decision to cease or reduce operations does not meet the definition of “Shut Down” under this Settlement.

“Partially Shut Down” or “Partial Shut Down” means a Business that was Shut Down only with respect to certain activities conducted by the Business while other business activities continued (e.g., food service operations within a larger retail store).

22. What does reimbursement for Business and Governmental Entity Property Damage include?

If you had property damage as a result of the Freedom Chemical Spill you can get reimbursed for reasonable documented costs related to:

- Repair/Replacement: Repair or replacement of any parts or other items associated with the Business water system that was due to the Freedom Chemical Spill. This includes hiring someone to clean and flush the water system as directed in the flushing guidelines provided by West Virginia American and/or to meet any applicable health department or other regulatory requirements. The Business may recover 75% of the paid cost of replacing any affected appliance or equipment used to operate the Business. **Time Period**: Repair/replacement must have occurred between January 9, 2014 and February 18, 2014, unless the Business can show a good reason for delaying such repair/replacement.
- Lost Profits or Lost Revenues: Businesses with property damage may recover lost profits. Governmental entities may also recover for lost revenues. **Time Periods**: Lost profits/revenues will be limited to: (a) the period January 9, 2014 through March 31, 2014 for Businesses that were Shut Down; (b) the period January 9, 2014 through March 31, 2014 for Businesses that were Partially Shut Down with respect to Lost Profits attributable to the portion of the Business that was Partially Shut Down; (c) the period January 9, 2014 through February 24, 2014 for all other Businesses. Lost profits/revenues for a time period beyond mandatory shutdown and for Businesses not subject to mandatory shutdown will be determined on a case by case basis as discussed in more detail in the Distribution Protocols.
- Lost Inventory: If you had to stop operations as a result of a health department or other regulatory direction you may receive the value of inventory that had to be destroyed or discarded. This covers inventory that was not usable as a result of the business closure. **Time Period**: Lost Inventory must have been on hand during the Do Not Use Period and must have been discarded or destroyed within one week of the Business resuming operations, unless the Business can demonstrate a specific good reason for delayed loss or destruction of such inventory.
- Extra Expenses: A Business or governmental entity may recover costs paid for the Property Damage along with the reasonable and actual cost paid to support additional losses, such as bottled water or other substitute water supplies or alternative cleaning supplies (does not require water) during the Do Not Use Period. **Time Period**: Extra expenses must have occurred during the Do Not Use Period (unless the Business can demonstrate a specific good reason for delayed extra expenses). Documented bottled water or other replacement water bought through March 3, 2014 is eligible for recovery. No payment may be made for extra expenses incurred after March 3, 2014.

WAGE EARNERS

23. How do I get a Wage Earner payment?

You can recover lost wages if you were an hourly worker on January 9, 2014 and were prevented from working because your place of employment was Shut Down or Partially Shut Down as a result of the

QUESTIONS? CALL 1-855-829-8121 OR VISIT WWW.WVWATERCLAIMS.COM

Freedom Chemical Spill. Salaried workers are not eligible for a payment from the Settlement. You can only recover lost wages if you were scheduled to work during the period your place of employment was Shut Down or Partially Shut Down and you did not otherwise make up the lost wages. Restaurant workers and other workers who are paid tips will be reimbursed at no less than minimum wage. **Time Period:** You can only recover wages that were lost during the period of Shut Down or Partial Shut Down for the Eligible Business Location.

You will need to fill out and submit an Individual Review Claim Form for Wage Earners to request a payment from the Settlement. Your recovery may be reduced if the total claims payable to wage earners exceed \$4 million, which is the amount allowed in the Settlement for payment of wage earner claims.

PART 3: YOUR RIGHTS

REMAINING IN THE SETTLEMENT

24. What am I giving up in exchange for the monetary Settlement benefits?

If the Settlement becomes final, you will give up your right to sue American Water and Eastman and related parties for the claims being resolved by this Settlement unless you exclude yourself from the Settlement.

Section 9 of the Amended Settlement Agreement contains the complete text and details of what Class Members give up unless they exclude themselves from the Settlement, so please read it carefully. The Amended Settlement Agreement is available at www.wvwaterclaims.com. If you have any questions about what this means you can talk to the law firms listed in Question 33 for free or you can talk to your own lawyer at your own expense.

25. Am I releasing any personal injury or wrongful death claims if I remain in the Settlement?

Yes. The Settlement does release any personal injury claims you may have, now or in the future. This means you cannot sue American Water or Eastman for any future personal injuries claimed to be related to the Freedom Chemical Spill.

HOW TO GET A PAYMENT

26. How do I get Settlement benefits?

To get benefits, you will need to fill out and complete the appropriate claim form. Claim forms are available at www.wvwaterclaims.com or by calling 1-855-829-8121. You can file a claim online or by mail. The deadline to file a claim is **February 21, 2018**.

27. Is it better if I file a Simple Claim Form?

That depends. You should file a Residential Household Individual Review Claim Form or Business Individual Review Claim Form if the recoverable damages you can prove you suffered are higher than the amount you can receive through filing a Simple Claim Form for a set payment. You can determine the estimated amount you will receive for the simple claim payment (*see* Questions 13 and 19 above). If the Settlement Administrator determines that your recoverable damages are lower than the amount you can receive through filing a Simple Claim Form, you will be contacted to supplement your claim and re-submit your Residential Household Individual Review Claim Form. If you do not respond to the request, you will only be eligible to get a simple claim payment. If you have questions on which claim form you should file, contact the Settlement Administrator for assistance by calling 1-855-829-8121 or submit a question at www.wvwaterclaims.com.

QUESTIONS? CALL 1-855-829-8121 OR VISIT WWW.WVWATERCLAIMS.COM

28. What if my claim is denied or I am not satisfied with my payment?

The Settlement provides a process to resolve disagreements about how much money you should get. You will get further details in the letter you receive after your claim has been processed. If your claim is denied, or if you are not satisfied with the amount of your payment, you may file an appeal for a second review. If you are not satisfied with the amount of your payment after the second review, you may appeal that decision to the Appeal Adjudicator. The decision of the Appeal Adjudicator is final. The Appeal process is described more fully in the Amended Settlement Agreement, which is available at www.wvwaterclaims.com.

29. If I receive a payment, will it be taxable?

Receiving Settlement benefits might have tax consequences for you. You should consult your own tax advisor at your own expense to determine any federal, state, local or foreign tax consequences that could result from receiving Settlement benefits.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want to receive benefits from this Settlement, and you want to retain the right to sue Defendants about the legal issues in this case, then you must take steps to remove yourself from the Settlement. You can do this by asking to be excluded from – or “opting out” of – the Settlement. If you wish to exclude yourself from this Settlement, you must act to do so even if you previously opted out of the earlier litigation class certification.

30. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must mail a letter or other written document to the Settlement Administrator. Your request must include:

- Your name, mailing address, email address (if any) and telephone number;
- Location of the Residence or Business that was serviced by KVTP on January 9, 2014;
- Identification of the position of authority for the person submitting the Opt Out for a Business;
- A statement regarding whether you intend to bring a separate claim against American Water or Eastman;
- Your signature; and
- Date.

You must mail your exclusion request, postmarked no later than **December 8, 2017**, to WV Water Settlement Opt Outs, P.O. Box 4227, Charleston, WV 25364.

31. If I do not exclude myself, can I sue American Water and Eastman for the same thing later?

No, unless you exclude yourself, you give up the right to sue American Water or Eastman for all of the claims that this Settlement resolves. If you want to maintain your own lawsuit relating to the claims released by the Settlement, then you must exclude yourself by **December 8, 2017**.

32. If I exclude myself, can I still get benefits from this Settlement?

No. If you exclude yourself, you will not be eligible for any money from the Settlement.

THE LAWYERS REPRESENTING YOU

33. Do I have a lawyer in the case?

The Court has appointed a number of lawyers to represent all Settlement Class Members as “Settlement Class Counsel.” They include the lawyers who served as Class Counsel for the certified class in *Good v. American Water Works Company, Inc.*:

Stuart Calwell The Calwell Practice, LC 500 Randolph Street Charleston, WV 25302	Van Bunch Bonnett, Fairbourn, Friedman and Balint P.C. 2325 E. Camelback Rd. Suite 300 Phoenix, AZ 85016	Kevin Thompson Thompson Barney 2030 Kanawha Boulevard East Charleston, WV 25311
---	---	--

Class Counsel in *Good v. American Water Works Company, Inc.*, are Lead Settlement Class Counsel in this Settlement. The Mass Litigation Panel (“MLP”) appointed lawyers to be Lead Counsel in the proceedings before it in West Virginia state court:

Anthony J. Majestro Powell & Majestro, PLLC 405 Capitol Street Suite P-1200 Charleston, WV 25301	Benjamin L. Bailey Bailey Glasser LLP 209 Capitol Street Charleston, WV 25301	Marvin W. Masters The Masters Law Firm L.C. 181 Summers Street Charleston, WV 25301
--	--	--

These MLP Lead Counsel lawyers participated in the negotiation of the settlement as Settlement Class Counsel and fully join in recommending approval of the Settlement.

You will not be charged for contacting these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

34. How will the lawyers be paid?

At the upcoming final fairness hearing, Settlement Class Counsel will ask the Court to reimburse them for (a) certain costs and expenses and (b) attorneys’ fees based on their services in achieving and administering this Settlement. Attorneys’ fees will not exceed 25% of the total funds distributed from the \$76 million contribution from West Virginia American Water and of the \$25 million contribution from Eastman. The attorney fee request will also include 25% of the amount needed to pay Class Members who submit a valid Individual Review Claim Form once the initial \$101 million in funds are exhausted. Attorneys representing Claimants in the Individual Review Option may earn up to 15% of the award as a contingent fee from a Claimant, provided that the net payment to the Claimant must exceed the applicable Simple Claim Amount. Attorneys may not charge for processing Simple Claim Forms, except that attorneys representing individual Business Claimants with 2013 Annual Revenue in excess of \$100,000, may earn up to 15% of the amount awarded for a Simple Claim if it was necessary to analyze the claim as an Individual Review Option claim to determine whether the claimant should file a Simple Claim or an Individual Review Option claim.

Class Counsel also will request awards be paid to the Class Representatives who worked with the Class Counsel on behalf of the entire Class. For the Settlement Class Representatives in the *Good* Action, Class Counsel will request an award of \$15,000 each. For the Class Representatives in the Second Consolidated Amended Class Action in the MLP action, Class Counsel will request an award of \$10,000 each.

QUESTIONS? CALL 1-855-829-8121 OR VISIT WWW.WVWATERCLAIMS.COM

Any payment for attorneys' fees and costs or expenses requires Court approval, and the Court may award less than the requested amount. The attorneys' fees, costs, and expenses that the Court orders, plus the costs to provide notice and to administer the Settlement, will come out of the total Settlement Fund. Please note the Court has preliminarily approved the attorney fee and incentive award structures noted above.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the Settlement or some part of it.

35. How do I tell the Court if I do not like the Settlement?

If you do not exclude yourself from the Settlement, you can object to it if you do not like some part of it. The Court will consider your views. To object to the Settlement, you or your attorney must submit your written objection to the Court. Your objection must include the following:

- Your name, mailing address, and telephone number;
- A statement saying that you “object to the Settlement in *Good v. West Virginia-American Water Company*, No. 2:14-cv-01374”;
- A detailed statement of your objection(s), as well as the specific reasons, if any, for each objection, including any evidence and legal authority you want to bring to the Court's attention;
- A statement that you have reviewed the Settlement Class definition and have not Opted Out of the Settlement Class, and any other supporting papers, materials, or briefs you want the Court to consider when reviewing the objection, including information sufficient to demonstrate that you are in fact a Settlement Class Member; and
- Your signature and date.

In addition, if you intend to appear at the final approval hearing (the “Fairness Hearing”), you must submit a written notice of your intent (*see* Question 39 below).

Your objection must be filed with the Clerk of the Court in person, through the Clerk's online system or by mailing your objection to the address below, postmarked no later than **December 8, 2017**:

COURT
Clerk of the Court Robert C. Byrd United States Courthouse 300 Virginia Street East Charleston, WV 25301

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

Objecting is simply telling the Court that you do not like something about the Settlement or want it to say something different. You can object only if you do not exclude yourself from the Settlement. Excluding yourself is telling the Court that you do not want to be part of the Settlement, and you do not want to receive any Settlement benefits. If you exclude yourself, you will not receive any settlement benefits and you have no basis to object because the Settlement no longer affects you.

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you do not have to. The Court will determine if you are allowed to speak if you request to do so (*see* Question 39).

37. When and where will the Court decide whether to approve the Settlement?

The Court will hold the Fairness Hearing at 10:00 a.m. on **January 9, 2018**, at the United States District Court for the Southern District of West Virginia, Robert C. Byrd United States Courthouse, located at 300 Virginia Street East, Charleston, WV 25301. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.wvwaterclaims.com or call 1-855-829-8121. At this hearing, the Court will hear evidence about whether the Settlement is fair, reasonable and adequate. If there are objections, the Court will consider them and may listen to people who have asked to speak at the hearing. The Court will then decide whether to approve the Settlement. We do not know how long these decisions will take.

The Court will consider the request for attorneys' fees and reasonable costs by Class Counsel (*see* Question 34) at the Fairness Hearing.

38. Do I have to attend the hearing?

No. Settlement Class Counsel will answer questions the Court may have. But you are welcome to attend at your own expense. If you timely file an objection, you do not have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also have your own lawyer attend at your expense, but it is not necessary.

39. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. The Court will determine whether to grant you permission to speak. To do so, you must send a letter stating that it is your "Notice of Intention to Appear in *Good v. West Virginia-American Water Company*, No. 2:14-cv-01374." Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be postmarked no later than **December 8, 2017**, and sent to the address listed in Question 35.

GETTING MORE INFORMATION

40. How do I get more information?

This Notice summarizes the proposed Settlement. More details are in the Amended Settlement Agreement and the exhibits to that Agreement. You can get a copy of the Amended Settlement Agreement at www.wvwaterclaims.com. You also may write with questions to WV Water Settlement Administrator, P.O. Box 4227, Charleston, WV 25364 or call 1-855-829-8121.

TYPE OF MEDICAL CLAIM	TIME OF EXPOSURE	WHEN ILLNESS OCCURRED	PROOF REQUIRED (FURTHER DETAILS IN DISTRIBUTION PROTOCOLS)	BENEFITS
Contemporaneous Medical Treatment: <ul style="list-style-type: none"> Treated for illness/injury* Medical expenses up to and including \$5,000 	January 9, 2014 – February 15, 2014	January 9, 2014 – February 15, 2014	Medical Records	Up to \$5,000 to reimburse out of pocket medical expenses plus \$750
Other Medical Issues (serious injury, illness or death) <ul style="list-style-type: none"> Treated for illness/injury Medical expenses over \$5,000 	January 9, 2014 – February 28, 2014	January 9, 2014 – February 28, 2014	Medical Records plus Sworn statement from qualified medical expert that condition was related to exposure to tap water	<ul style="list-style-type: none"> Proven injury or illness = a payment equal to four times past medical costs plus \$5,000 per night of hospitalization for proven injury or diagnosis. Permanent visual impairment (one that cannot be corrected by glasses) = (a) a base payment of \$6,000 times the Vision Impairment Rating percentage in the American Medical Association’s Guides to the Evaluation of Permanent Impairment (5th Ed.) related to the water contamination event, with the total payment under this subsection (a) not to exceed \$300,000 after accounting for all adjustments; (b) plus two times past medical costs you had for proven permanent visual impairment. Death = (a) a base payment of \$290,000, adjusted upwards by \$10,000 for every year under age 66 and downwards by \$10,000 for every year over 66, with the total payment under this subsection (a) not to exceed \$500,000 after accounting for all adjustments; (b) plus four times past medical costs you had for proven injury or illness that caused the wrongful death; (c) up to a total maximum of \$750,000 for both (a) and (b).

QUESTIONS? CALL 1-855-829-8121 OR VISIT WWW.WVWATERCLAIMS.COM

				<ul style="list-style-type: none"> Permanent Total Occupational Disability = a base payment of \$380,000, adjusted upwards by \$10,000 for every year under age 62 and downwards by \$10,000 for every year over age 62, with the total payment under this subsection (a) not to exceed \$750,000 after accounting for all adjustments; (b) plus five times past medical costs you had for the injury or illness that caused the total occupational disability; (c) up to a total maximum of \$1,000,000 for both (a) and (b).
<p>Water Interruption Medical Issues</p> <ul style="list-style-type: none"> Treated for pre-existing chronic illness or condition that was delayed solely because of water interruption at the medical service provider's facility during the applicable Do Not Use Period Medical expenses over \$5,000 	January 9, 2014 – February 28, 2014	January 9, 2014 – February 28, 2014	Medical Records plus Sworn statement from qualified medical expert that condition was related to treatment delay from water interruption	Same as Other Medical Issues Benefits

* Includes skin rash or dermatitis, eye irritations, gastro-intestinal or respiratory distress or flu like illness. "Emotional distress" alone, without an accompanying physical injury, does not qualify.