

CLASS ACTION NOTICE

CLASS ACTION NOTICE

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION**

If you have used and paid for water provided by the City of Summerville, Georgia, during the period January 2020, to January 23, 2025, your rights may be affected by a proposed partial class action settlement.

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

The proposed Partial Class Action Settlement (“Settlement”) provides for the establishment of a Temporary Drinking Water Fund which will be used to provide temporary drinking water for members of the Class of Summerville water users who elect to receive it. You will have a choice of either delivery of bottled water or installation of a point-of-use filter in your home or business. You will not receive any direct payment as part of this Partial Settlement.

The Court in charge of this case must conduct a hearing to decide whether to approve the proposed Settlement. The Temporary Drinking Water Fund will not be established until the Court approves the Settlement and it becomes fully effective by its terms, and the time for all appeals has expired.

Your legal rights and options – and the deadlines to exercise them – are explained in this notice. Your rights are affected whether you act or don’t act. Please read this notice carefully.

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BASIC INFORMATION

1. Why did I get this notice package?

You have received this Notice of Partial Class Action Settlement (“Partial Settlement”) because you have been identified as a potential member of the class on whose behalf claims will be settled, if the Court approves the proposed Settlement. The case involved in this proposed Partial Settlement is *Parris v. 3M Company*, No. 4:21-CV-00040-TWT. The Court in charge of this case is the United States District Court for the Northern District of Georgia, Rome Division, the Honorable Thomas W. Thrash, Jr., presiding. The person who sued is called the Plaintiff, and the companies and government entities sued are called the Defendants.

The claims in the case are described in greater detail in Paragraph 2, below. The people who are eligible to obtain temporary drinking water under the proposed Partial Settlement (“the Class Members”) are all account holders and all ratepayers of water and/or sewer service with the City of Summerville, Georgia, during the period January 2020 to January 23, 2025.

The Court approved this notice being sent to you because you have a right to know about the proposed Partial Settlement of this class action lawsuit, and about your opportunity to object, before the Court decides whether to approve the Partial Settlement. If the Court approves the proposed Partial Settlement, and after any objections and appeals are resolved, the parties will proceed to fulfill their obligations in accordance with the terms of the Partial Settlement Agreement.

2. What is this lawsuit about?

The City of Summerville, Georgia, draws water for drinking water from Raccoon Creek and, after treatment, provides it to water users (Class Members) inside and outside the City who pay a monthly water bill. This case arises from the release of per-and polyfluoroalkyl substances (“PFAS”), including perfluorooctanoic acid (“PFOA”) and perfluorooctane sulfonate (“PFOS”), into Raccoon Creek from farm fields upstream of Summerville where sewage sludge from the Town of Trion, Georgia, wastewater treatment plant was applied to the land as fertilizer. As alleged in the lawsuit, that sludge contained PFAS from the use of PFAS-containing products sold by some of the Defendants to a textile mill in Trion to make fabric release stains more easily. PFOA and PFOS are considered potentially harmful to human health at very low concentrations, and, as a result, in 2024 the United States Environmental Protection Agency (“EPA”) set a Maximum Contaminant Limit (“MCL”) of 4 parts per trillion in drinking water, which water providers, like Summerville, will be required to meet by 2029.

The City of Summerville installed a temporary treatment system at its drinking water treatment plant to address PFAS, but this system is not capable of consistently removing PFOA and PFOS below the MCL. In 2021 Class Counsel filed an individual and class action lawsuit on behalf of Plaintiff Earl Parris, Jr., against Defendants 3M Company, Daikin America, Inc., E.I. Du Pont De Nemours and Company, Huntsman International, LLC, Mount Vernon Mills, Inc., The Chemours Company, Pulcra Chemicals, LLC, and The Town of Trion, Georgia, alleging that their actions have impacted and continue to impact Raccoon Creek and the Summerville drinking water. The

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City of Summerville has joined this lawsuit which ultimately seeks a new permanent water treatment system to remove PFAS and also seeks to force the Defendants to pay Class Members for the extra water fees they paid for the temporary PFAS removal system and other expenses incurred by Summerville and paid by the water rate payers (Class Members) due to the PFAS contamination. The Court filings setting forth the Plaintiffs' claims against the Defendants may be viewed at www.summervilleclasssettlement.com. That website also contains other relevant filings in this case.

The Class Representative and Pulcra Chemicals, LLC ("Pulcra") have reached an agreement to resolve this matter as to Pulcra, resulting in the proposed Partial Class Action Settlement. Pulcra has also entered a conditional settlement with the City of Summerville under which it will contribute an agreed-upon sum for the City to use in improvements to its water systems' capability to address PFAS. The settlement with Summerville will go forward if the Court approves this Partial Settlement and it becomes final and effective. Pulcra denies the allegations in this lawsuit and specifically denies and disputes the factual, scientific, medical, or other bases asserted in support of Plaintiff's and Summerville's claims, including the demand for a temporary drinking water supply.

The case and all pending claims will proceed against all Defendants other than the Defendant that has agreed in settlement to fund the Temporary Drinking Water Fund.

3. Why is this case a class action?

In a class action, Mr. Parris, called a Class Representative, has sued on behalf of people who have similar claims. All the people represented by the Class Representative are a "Class" or "Class Members." One Court presides over the class-wide claims the Court determines should be addressed in one proceeding for all Class Members.

On January 23, 2025, U.S. District Judge Thomas W. Thrash, Jr., conditionally certified the Settlement Class for purposes of a Class Settlement.

4. Why is there a Partial Settlement?

The Court did not decide in favor of the Class Representative or Pulcra in this case. The Class Representative, with the advice of Class Counsel, and Pulcra have agreed to the terms of this Partial Settlement to avoid the cost, delay and uncertainty that would come with additional litigation and trial. After considering, the Class Representative and Class Counsel think the Partial Settlement with Pulcra is best for Class Members because it provides certain relief now in the form of temporary drinking water. The agreement to settle is not an admission of fault by Pulcra. Pulcra specifically disputes the claims asserted in this case.

WHO IS IN THE PARTIAL CLASS SETTLEMENT

In order to be included in this Partial Settlement, you must be a Class Member.

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

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Judge Thrash has conditionally certified a class which includes everyone who fits the following description:

All account holders and all ratepayers of water and/or sewer service with the City of Summerville, Georgia from January 2020 to the time of approval of this Settlement, including but not limited to residential, commercial, and industrial ratepayers, and including all adult individuals who reside at a residence that receives water or sewer service from the City of Summerville.

Because you have received this Notice of Class Action Settlement, you may be a member of the class described above.

6. Which Defendants are included?

Pulcra is the only Defendant included in this proposed Partial Settlement. The class action lawsuit will continue against Defendants 3M Company, Daikin America, Inc., E.I. Du Pont De Nemours and Company, The Chemours Company, Huntsman International, LLC, Mount Vernon Mills, Inc., and The Town of Trion, Georgia. The City of Summerville and the Class Representative are seeking additional relief against these Defendants which, if granted, would benefit Class Members. Compared to many of the remaining Defendants, Pulcra is a small company with limited financial resources.

THE SETTLEMENT BENEFITS

7. What does the Partial Settlement provide?

The Partial Settlement provides for benefits to the Class Members to resolve the Class Claims against Pulcra. Specifically, the Partial Settlement provides for the establishment of a Temporary Drinking Water Fund to pay for either the delivery of bottled water or the installation of a point-of-use filter for every Class Member who requests this benefit. The purpose of the Fund is to provide temporary drinking water to Class Members until the City of Summerville has funded, designed, and constructed a new permanent drinking water treatment system based on Granular Activated Carbon System to treat the water supply to PFAS levels well below the EPA Drinking Water Health MCLs. Depending on the participation of Class Members, the Fund may be exhausted before the new treatment system is operating. If the Class settles with any additional Defendants for temporary drinking water before trial, the intent is to replenish the Fund.

Pulcra will fund the Temporary Drinking Water Fund with a payment of One Million Dollars (\$1,000,000). From this payment, Class Counsel can request up to Two Hundred Fifty Thousand Dollars (\$250,000) in attorney fees and litigation and administrative expenses, subject to approval by the Court. At least \$750,000 would be used for providing temporary drinking water to Class Members.

After several years of extensive litigation, Mr. Parris and Class Counsel have had the opportunity to thoroughly evaluate the likelihood of the claims against Pulcra succeeding on the merits if there

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is not a settlement and the risks of continuing with the litigation against Pulcra. Pulcra has raised substantial defenses concerning the merits of the claims. Without a settlement, Pulcra would continue to press those defenses, leading to costs, risks of delay, and a risk of losing either in the trial court or on appeal. Further, even if the case were to ultimately succeed against Pulcra, the proportion of any award that Pulcra might be responsible for, compared to the other remaining Defendants, is uncertain. Finally, Pulcra's comparatively limited financial resources could pose risks as to its ability to pay a final judgment even if one were obtained. With the settlement, Class Members avoid these risks and can receive meaningful benefits without delay while the case proceeds against the other Defendants. In light of these factors, Mr. Parris and Class Counsel have concluded the Partial Settlement is fair, adequate, and reasonable.

Pulcra has also entered a conditional settlement with the City of Summerville under which it will contribute an agreed-upon sum for the City to use in improvements to its water systems' capability to address PFAS. The settlement with Summerville will go forward if the Court approves this Settlement and it becomes final and effective.

Once the Court enters final approval, this Partial Settlement provides that Class Members, in exchange for these class benefits, will release and agree not to sue Pulcra for any of the claims in the Second Amended Class Complaint. The Class Complaint does not claim damages for any manifest personal injury, and the release and agreement not to sue will not cover alleged personal injuries and illnesses, if any. The release and agreement also will not cover any claims, if any, for property damage arising from the entry of PFOA or PFOS onto Class Members' property by means other than the delivery by Summerville of potable water or the discharge of wastewater by Summerville, such as direct deposit of PFAS contaminated sludge on the property.

Pulcra will not participate in the administration of the Temporary Drinking Water Fund or the distribution of the drinking water. If you have questions about the Fund, please do not contact Pulcra.

8. What do I have to do to receive class benefits?

Once the Court approves the Partial Settlement and it becomes effective by its terms, and the time for appeals expires or all appeals are resolved, the payment will be made by Pulcra to the Temporary Drinking Water Fund. At that time, you may request to participate in the Settlement by contacting the Settlement Administrator and showing proof that you are an eligible Class Member and by selecting the method by which you want to receive temporary drinking water.

THE LAWYERS REPRESENTING YOU

9. Do I have a lawyer in this case?

The Court approved the law firms of Davis, Johnston, & Ringger, PC, and the Causby Firm, LLC, to represent you and other Class Members. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

10. How will the lawyers be paid?

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As part of the final approval of this Partial Settlement, Class Counsel will ask the Court to approve payment of their reasonable attorneys' fees and expenses related to their work in this case for achieving this Partial Settlement. Class Counsel will make their request for Attorneys' Fees and Expenses through a motion that will be filed with the Court prior to date of the Fairness Hearing and prior to the deadline for Class Members to file their Objections. That motion will be made available at www.summervilleclasssettlement.com.

The Court will determine whether the payments and the specific amounts requested at that time are appropriate. These amounts will come out of the Settlement Amount. Pulcra does not oppose this request for fees and expenses.

OBJECTING TO THE PARTIAL SETTLEMENT

11. How do I tell the Court if I don't like the Partial Settlement?

If you are a Class Member, you can object to the Partial Settlement if you don't like any part of it. The Court will consider your views. To object, you must send a letter saying that you object to the *Parris v. Pulcra Chemicals, LLC*, Partial Settlement, and you must specifically state your objections, including whatever legal authority, if any, you are relying on regarding the objections. You must include your name, address, telephone number, and your signature; indicate whether you are a current or former employee, agent, or contractor of Pulcra or Class Counsel; and provide a detailed statement of the reasons (legal and factual) why you object to the Partial Settlement. Mail the objection to the three places listed below, **postmarked no later than February 24, 2025**:

Clerk of Court:

Kevin P. Weimer, Clerk of Court
Re: Parris v. 3M Company, et al., No. 4:21-cv-00040-TWT
United States District Court for the Northern District of Georgia
Richard B. Russell Federal Building & United States Courthouse
2211 United States Courthouse
75 Ted Turner Drive, SW
Atlanta, GA 30303-3309

Class counsel:

Gary A. Davis
Davis, Johnston, & Ringger, PC
21 Battery Park Avenue, Suite 206
Asheville, NC 28801

Pulcra's counsel:

Robert D. Mowrey
Kazmarek Mowrey Cloud Laseter LLP

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1200 Peachtree Street NE, Suite 600
Atlanta, GA 30309

THE COURT'S FAIRNESS HEARING

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

The Court will hold a Fairness Hearing at 10:00 am on April 23, 2025, at the United States District Court for the Northern District of Georgia, Richard B. Russell Federal Building & United States Courthouse, Courtroom 2108, United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303-3309. At this hearing the Court will consider whether the Partial Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court may also address Class Counsels' Motion for Attorney Fees and Expenses. After the hearing, the Court will decide whether to approve the Partial Settlement. We do not know how long these decisions will take.

13. Do I have to come to the hearing?

You do not have to come to the Fairness Hearing. Class Counsel will answer questions Judge Thrash may have, but you are welcome to come at your own expense. If you send 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 pay your own lawyer to attend, but it is not necessary.

14. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that it is your "Notice of Intention to Appear in the Fairness Hearing for the *Parris v. Pulcra Chemicals, LLC*, Partial Settlement." Be sure to include your name, address, telephone number, and your signature. Your "Notice of Intention to Appear" must be postmarked no later than April 9, 2025, and must be sent to the three addresses listed in the "Objecting to the Partial Settlement" section of this Notice.

IF YOU DO NOTHING

15. What happens if I do nothing at all?

If you do nothing at all, if the Partial Settlement is approved, becomes effective, and is not successfully appealed, you will be eligible to receive the temporary drinking water for free for as long as the Temporary Drinking Water Fund lasts, and you will be bound by the release of Pulcra as a Defendant in the lawsuit. The other Defendants will remain in the lawsuit, and you may receive additional relief from them in the future. Under the proposed Partial Settlement, you will not have the right to request exclusion from the class action.

GETTING MORE INFORMATION

16. How do I get more information?

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DO NOT CALL the Court or Pulcra with questions about this Partial Settlement. If you have questions about this Partial Settlement, you should contact Class Counsel or the Settlement Administrator at:

Class Counsel:

Gary A. Davis
Davis, Johnston, & Ringger, PC
21 Battery Park Avenue, Suite 206
Asheville, NC 28801
(828) 622-0044

Settlement Administrator:

Edgar C. Gentle, III
Gentle, Turner, and Benson, LLC
501 Riverchase Parkway East
Suite 100
Hoover, Alabama 35244
(205) 716-3000

Additional information and documents pertaining to the Partial Settlement can be found by visiting the website www.summervilleclasssettlement.com.