

**If You Suffered Property Damage And/Or Were Required to Clean your Property As a Result of the Catalyst Release on September 6, 2010**

- A Settlement has been reached with Chalmette Refining, LLC. and Eaton Corporation ("Defendants") about whether or not the Plaintiffs class in a certain geographic area suffered damage as a result of the catalyst discharge on September 6th, 2010, of a non-permanent nature which included the cost of cleaning affected property.
- Under the terms of the Settlement, a fund worth \$1.3 million has been created to pay eligible property and car owners. The lawsuit claims that Defendants were responsible for the discharge of catalyst on September 6, 2010 unto the Plaintiffs class in a certain geographic area and this caused damage of a non-permanent nature which included the cost of cleaning affected property.
- The Settlement will pay money to those who submit timely valid claims and who are determined to be eligible for a payment.
- Your legal rights are affected whether you act or don't act, so please read this notice carefully.

**SUBMIT A CLAIM FORM**

The only way to get a payment. See Question 12.

**OBJECT/COMMENT**

Write to the Court about what you think about the Settlement. See Question 21.

**GO TO A HEARING**

Ask to speak in Court about the Settlement. See Question 25.

**DO NOTHING**

Get no payment. Give up your rights.

- 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. Payments will be made if the Court approves the Settlement and after any appeals are resolved.

**FILED**  
NOV 19 2018  
DEPUTY CLERK OF COURT  
ST. BERNARD PARISH  
/S/ JEANINE PELLEGRINI

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## BASIC INFORMATION

### 1. Why was this notice issued?

A Court authorized this notice because you have a right to know about a proposed Settlement of this class action lawsuit and about all of your options, before the Court decides whether to give final approval to the Settlement. This notice explains the lawsuit, the Settlement, and your legal rights.

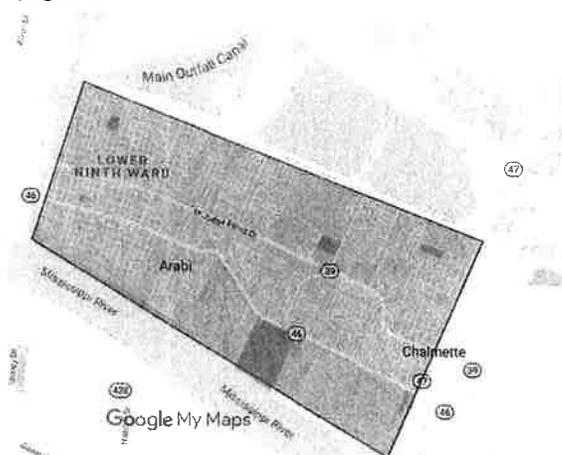
Judge Robert A. Buckley, Division "A", of the 34th Judicial District Court for the Parish of St. Bernard, Louisiana, is currently overseeing this case. The case is known as Vincent Caruso Jr. et. al v. Chalmette Refining, LLC. and Eaton Corporation, No.118-188 c/w 119-194. The people who sued are called the Plaintiffs. The Defendants are Chalmette Refining, LLC. and Eaton Corporation ("Defendants").

### 2. What is this lawsuit about?

The lawsuit claims that Defendants were responsible for the discharge of catalyst on September 6, 2010 unto the Plaintiffs class in a certain geographic area and this caused damage of a non-permanent nature which included the cost of cleaning affected property. Defendants deny these claims.

### 3. What is the certain geographic area that makes up the Class?

The certain geographic area for the Class is located in the Parishes of St. Bernard and Orleans and is defined as an area bounded on the south by the northern bank of the Mississippi River, on the east by the center line of Louisiana Highway 47 (known as Paris Road), on the north by the southern boundary of the marsh located south of Bayou Bienvenue, and on the west by the eastern bank of the Inner Harbor Navigation Canal (known as the "Industrial Canal") and can also be seen on the map given below:



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**4. What is the catalyst that Plaintiffs allege was discharged by Defendants on September 6, 2010?**

The catalyst was a white powdery dust that was allegedly discharged as a result of the Defendants actions on September 6th, 2010.

**5. What is the damage of a non-permanent nature?**

It is general cleaning damages. Damages that required only cleaning to remediate.

**6. Why is this a class action?**

In a class action, one or more people called "Class Representatives" (in this case, Vincent Caruso, Karen Reynolds, Audrey Raymond, John Smith and Nanette Hery ) sue on behalf of people who have similar claims. All of these people are a "Class" or "Class Members." One court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

**7. Why is there a Settlement?**

By agreeing to settle, both sides avoid the cost and risk of trial, and the people affected will get a chance to receive compensation. The Class Representatives and the lawyers representing them think the Settlement is best for all Class Members. The Settlement does not mean Defendants did anything wrong.

**WHO IS IN THE SETTLEMENT?**

**8. How do I know if I'm part of the Settlement?**

In order to be part of the Settlement you must meet the following requirements:

- (1) Owner or renter of a property within the Class area on September 6, 2010; or
- (2) Owned a car located in the Class area on September 6, 2010; and
- (3) Your property or car suffered damage as a result of the catalyst discharge of a non-permanent nature which included the cost of cleaning affected property.

**9. Are there any exceptions to being included?**

The Settlement does not include anyone who:

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- Has previously settled their claim with Defendants and signed a release
- Has had their claim dismissed by court order with prejudice.
- Has previously opted out of the Class.

**10. I'm not sure if I'm included in the Settlement?**

If you are not sure whether you are included in the Class, review the Class definition below:

"Louisiana residents who lived or owned property located in the Parishes of St. Bernard and Orleans within a geographic area stipulated to by the parties and whose property, moveable and/or immoveable, was impacted and/or contaminated as a result of the subject spent catalyst release from Chalmette Refining, L.L.C. facility on or about September 6, 2010, and who suffered property damage and/or were required to clean their property due to the release." The geographic area stipulated by the parties is defined as the area bounded on the south by the northern bank of the Mississippi River, on the east by the center line of Louisiana Highway 47 (known as Paris Road), on the north by the southern boundary of the marsh located south of Bayou Bienvenue, and on the west by the eastern bank of the Inner Harbor Navigation Canal (known as the "Industrial Canal").

The parties subsequently jointly stipulated that the damages recoverable by the class members are limited to and may include only claims for property damage of a non-permanent nature which includes the cost of cleaning affected property, and specifically do not include claims for personal injuries, damage to car paint, and/or air condition units.

If you have questions regarding whether you may qualify as a class member call 504-840-3850 or visit [www.CarusoClassaction.com](http://www.CarusoClassaction.com). You may also write the claims administrator with questions to: Caruso Class Action Administrators, P.O. Box 60600, New Orleans, LA. 70160

**THE SETTLEMENT BENEFITS- WHAT YOU GET**

**11. What does the Settlement provide?**

The Settlement has created a \$1.3 million Settlement Fund, plus interest, to pay eligible Class Members. Administration, notice costs as well as any court approved attorney fees, costs and payments to Class Representatives will come out of the Settlement Fund (see Question 24). The amount remaining after deducting these costs will be paid to eligible Class Members who submit valid claims. If there is any money left in the Settlement Fund after all claims, attorneys' fees and costs are paid, the Court will decide the best use of the money. More details are in a document called the Settlement Agreement, which is available at [www.Carusoclassaction.com](http://www.Carusoclassaction.com)

**HOW TO GET A PAYMENT**

**12. How can I get a payment?**

For more information:

Phone: 504-840-3850

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To ask for a payment, simply complete and submit a Proof of Claim Form. Proof of Claim Forms can be requested at [www.Carusoclassaction.com](http://www.Carusoclassaction.com) or by calling 504-840-3850. Please read the instructions carefully, fill out the Claim Form, and mail it postmarked no later than **February 15, 2019**, to:

Caruso Class Action Administrators  
P.O. Box 60600  
New Orleans, LA. 70160

**13. How much will my payment be?**

The exact amount of your payment cannot be determined at this time. Your payment will depend on the number of valid claims that are filed.

**14. Will my payment be reduced if I previously received money from Chalmette Refining, LLC?**

There could be a reduction of your Settlement payment if you previously received money from Chalmette Refining, LLC because of the catalyst release on September 6th, 2010. Previously receiving money from Chalmette Refining, LLC does not preclude you from being able to now file a claim in this Settlement if you did not also sign a Release. However, depending on the number of valid claims that are filed, any payment that you are scheduled to receive as a result of this Settlement could be reduced as a result of receiving a past payment from Chalmette Refining, LLC.

**15. When will I get my payment?**

Payments will be mailed to Class Members who send in valid Claim Forms on time, after the Court grants "final approval" to the Settlement, and after any appeals are resolved. If the Court approves the Settlement after a hearing on January 17, 2019, there may be appeals. It's always uncertain whether these appeals can be resolved, and resolving them can take time.

**16. What if my claim form is rejected?**

There is a process in the Settlement to resolve disagreements over whether you are eligible. You will get further details in the letter you receive about your eligibility. You have the right to appeal the decision on your eligibility by sending a letter to Caruso Class Action Administrators P.O. Box 60600, New Orleans, LA. 70160, asking for a review and detailing the reasons why you believe their decision was wrong. That letter must be postmarked within fifteen days of the mailing of your eligibility decision. The Caruso Class Action Administrators will review your request for a review and will come to a final decision on your claim. Once that decision has been made the Caruso Class Action Administrators will mail a notice to you letting you know of their decision on your request for a review. If you are still unsatisfied with the decision of Caruso Class Action Administrators after the Caruso Class Action Administrators review

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process you may send a letter to the Court requesting a final review. You must mail the request for a final review to the Court postmarked no later than fifteen days after the mailing of your eligibility decision.

## REMAINING IN THE SETTLEMENT

**17. Do I need to do anything to remain in the Settlement?**

You do not have to do anything to remain in the Settlement, but if you want a payment you will need to fill out and submit a Proof of Claim Form.

**18. What am I giving up as part of the Settlement?**

If the Settlement becomes final, you will give up your right to sue Defendants for the claims being resolved by this Settlement. The specific claims you are giving up against Defendants are described in the Settlement Agreement. You will be "releasing" Defendants and all related people as described in the Settlement Agreement. The Settlement Agreement is available at [www.Carusoclassaction.com](http://www.Carusoclassaction.com). The Settlement Agreement describes the released claims with specific descriptions, so read it carefully. If you have any questions you can talk to the lawyers listed in Question 24 for free or you can, of course, talk to your own lawyer if you have questions about what this means.

## CAN I EXCLUDE MYSELF FROM THE SETTLEMENT?

**19. Can I exclude myself from this Settlement?**

No. The Court previously certified this class and notice was sent out at that time allowing for an opt of the class. The Opt out period passed and therefore no class member can now exclude themselves from this settlement. The only class members excluded from this settlement are those who timely opted out after the original certification of this class.

**20. If I do nothing, can I sue Chalmette Refining, LLC. and Eaton Corporation for the same thing later?**

No. because the Opt out period passed, if you did not opt out during that time you gave up the right to sue Chalmette Refining, LLC. and Eaton Corporation for the claims that this Settlement resolves.

**21. If I do nothing, can I get a payment from this Settlement?**

No. You must submit a Proof of Claim Form to be considered for a payment. Because there are no Opt out rights in this settlement if you are a class member the only way you can recover for the claims made by the class is by submitting a claim form.

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## COMMENTING ON THE SETTLEMENT

### 22. How can I tell the Court what I think about the Settlement?

You can object to or comment on the Settlement. The Court order that any member of the Class who objects to the approval of the Settlement Agreement and the settlement set forth therein or to the entry of final judgment with respect thereto, and who timely and properly files the appropriate documentation of such objection, as described below, may appear at the fairness hearing and show cause why the Settlement Agreement and the settlement set forth therein should not be approved as fair, reasonable, and adequate. Objections to the Settlement Agreement shall be considered by the Court only if the objector properly files and provides a concise written statement describing the specific reason(s) for his or her objections, which must include: (i) the name, address, and telephone number of the Class Member and, if applicable, the name, address, and telephone number of the attorney of such Class Member; (ii) a statement that the objector is a member of the Class; (iii) the objection, including any supporting materials, papers, or briefs that the objector wishes the Court to consider, and (iv) the name and address of any witnesses to be presented at the fairness hearing, together with a statement as to the matters on which they wish to testify and a summary of the proposed testimony. Any Class Member who wishes to speak, personally or through his or her attorney, at the final fairness hearing must include a notice of intent to appear with his or her objection. Any member of the Class who does not make a timely objection in the manner specifically provided shall be deemed to have waived such objection and shall forever be foreclosed from making any objection to the fairness, reasonableness, or adequacy of the Settlement Agreement and the settlement set forth therein and to any final judgment that may be entered with respect thereto. The concise written statement and notice of intent to appear must be mailed and postmarked no later than **January 2, 2019**, to the two addresses listed below postmarked no later than **January 2, 2019**.

<b>34<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. BERNARD</b>	<b>CLASS ADMINISTRATOR</b>
Attn: Randy Nunez, Clerk of Court 1101 W St Bernard Hwy. Chalmette, LA 70043	Caruso Class Action Administrators P.O. Box 60600 New Orleans, LA. 70160

### 23. What's is an objection?

Objecting is simply telling the Court that you don't like something about the Settlement. You can object only if you are a member of the Class. If you previously timely opted out of the Class, you have no basis to object because the case no longer affects you.

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## THE LAWYERS REPRESENTING YOU

### 24. Do I have a lawyer in the case?

The Court has appointed Jeffrey P. Berniard, Berniard Law LLC, Gregory P. DiLeo of The Law Office of Gregory DiLeo, Jay Andry of the Andry Law Firm and Roberta Burns of the Law Offices of Sidney D. Torres, III APLC to represent you as "Class Counsel." You do not have to pay Class Counsel. If you want to be represented by your own lawyer, and have that lawyer appear in court for you in this case, you may hire one at your own expense.

### 25. How will the lawyer be paid?

Class Counsel will ask the Court for attorneys' fees, up to 40% of the Settlement fund as well as administrative costs and the costs they have incurred as a result of this litigation. Class Counsel will also ask for a payment of up to \$2,500.00 for the Class Representatives and plaintiffs, who helped the lawyers on behalf of the whole Class.

## THE COURT'S FAIRNESS HEARING

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

The Court will hold a Fairness Hearing at **9:30 a.m. on January 17<sup>th</sup>, 2019**, at the 34th Judicial District Court for the Parish of St. Bernard, Div. "A", 1101 W St Bernard Hwy, Chalmette, LA 70043. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check [www.Carusoclassaction.com](http://www.Carusoclassaction.com) or call 504-840-3850. If a change in the hearing date or location occurs, only the people who have filed written objections or comments will be notified. At this hearing the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections or comments about the Settlement, the Court will consider them. The Court will also consider how much to pay the lawyers representing Class Members and Class Counsel's request for the Class Representative award. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

### 27. Do I have to come to the hearing?

No. Class Counsel will answer any questions the Court may have. But, you are welcome to come at your own expense. If you send an objection or comment, you don't 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 another lawyer to attend, but it's not required.

### 28. May I speak at the hearing?

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Yes. 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 Intent to Appear in *Vincent Caruso Jr. et. al v. Chalmette Refining, LLC. and Eaton Corporation.*" It must include your name, address, telephone number, and signature as well as the name and address of your lawyer, if one is appearing for you. Your Notice of Intent to Appear must be postmarked no later than **January 2, 2019**, and be sent to the addresses listed in Question 22. You must also state in your objection that you plan on appearing at the hearing.

#### GETTING MORE INFORMATION

29. How do I get more information?

This notice summarizes the proposed Settlement. More details are in a Settlement Agreement. You can get a copy of the Settlement Agreement at [www.Carusoclassaction.com](http://www.Carusoclassaction.com). You may also write with questions to Caruso Class Action Administrators, P.O. Box 60600, New Orleans, LA. 70160. You can also request a Claim Form at the website, or by calling the phone number, 504-840-3850.

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