

## **MEMORANDUM:**

### **THE PARTIES' JOINT INTERPRETIVE GUIDANCE ON HOW TO WITHDRAW AN OPT-OUT ELECTION AFTER IT WAS SUBMITTED SPECIFIC TO THE DUPONT SETTLEMENT**

This memorandum provides guidance on how to withdraw an opt-out election (also called a “Request for Exclusion”) after it was submitted so that a Settlement Class Member who submitted an Opt-Out can instead participate in the settlement between Public Water Systems and The Chemours Company, The Chemours Company FC, LLC, DuPont de Nemours, Inc., Corteva, Inc., and E.I. DuPont de Nemours and Company n/k/a EIDP, Inc. (collectively, the “Parties”).

This question and issue have been posed to the Claims Administrator, the Notice Administrator and Class Counsel. As such, the Parties will ask the Court to supplement the Settlement Agreement with this memorandum and move to amend the Settlement Agreement.

### **CONSENT MOTION TO AMEND**

To ensure the true intent of the settlement is clear, the Parties will seek to amend the Settlement Agreement [Dkt. 3392], specifically Paragraph 9.7, to include the following clarifying language, identified in red:

9.7. Requests for Exclusion. Any Person within the Settlement Class who wishes to opt out of the Settlement Class and Settlement must file a written and signed statement entitled “Request for Exclusion” with the Notice Administrator and provide service on all Parties in accordance with Federal Rule of Civil Procedure 5.

A Settlement Class Member that has elected to opt out may withdraw its Request for Exclusion at any time on or before March 1, 2024.

### **PROCESS**

To further ensure that any Settlement Class Member can exercise the option to withdraw its Request for Exclusion, the Parties agree that the following expedited process shall constitute a valid withdrawal of any Request for Exclusion.

At any time until March 1, 2024, a Settlement Class Member may submit a **signed letter by email** from a representative legally authorized to act on behalf of the Settlement Class Member stating that:

- (1) They are a representative legally authorized to act on behalf of the Settlement Class Member regarding the Settlement; and
- (2) The Settlement Class Member formally withdraws its Request for Exclusion and elects to remain a class member.

The signed letter must be emailed to the following representatives:

**Settlement Administrator**

[info@pfaswatersettlement.com](mailto:info@pfaswatersettlement.com)

**Representative for DuPont Counsel**

Graham W. Meli  
[GWMeli@wlrk.com](mailto:GWMeli@wlrk.com)

Kevin T. Van Wart  
[kevinvanwart@kirkland.com](mailto:kevinvanwart@kirkland.com)

Michael T. Reynolds  
[mreynolds@cravath.com](mailto:mreynolds@cravath.com)

**Representative for Class Counsel**

Michael London  
[mlondon@douglasandlondon.com](mailto:mlondon@douglasandlondon.com)

\* \* \*

Any Settlement Class Member that has previously submitted a Request for Exclusion that fulfills the above criteria for withdrawal shall be considered a Settlement Class Member subject to the full terms and benefits of the Settlement.

\* \* \*

The Parties therefore ask that the above be included in the Settlement Agreement and that any Settlement Class Member that previously elected to opt out may be permitted to withdraw its Request for Exclusion until March 1, 2024.