

MEMORANDUM:

THE PARTIES' JOINT INTERPRETIVE GUIDANCE ON HOW TO WITHDRAW AN OPT-OUT ELECTION AFTER IT WAS SUBMITTED SPECIFIC TO THE 3M 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 an Eligible Claimant who submitted an Opt-Out can instead participate in the settlement between Public Water Systems and 3M Company (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

The Parties seek to amend Paragraph 8.5 of the Settlement to include the following revised language, identified in red:

- 8.5. **Opt Outs.** Any Eligible Claimant that wishes to opt out of the Settlement must serve a written, signed “Opt Out” statement designated “Request for Exclusion” on the Notice Administrator, the Special Master, the Claims Administrator, 3M’s Counsel, and Class Counsel in accordance with Paragraph 13.15. Any Request for Exclusion must be properly served by the deadline imposed by the Court. In seeking Preliminary Approval of this Settlement Agreement, the Class Representatives will ask the Court to set that deadline ninety (90) calendar days after the date the Notice is mailed. Any Eligible Claimant that has elected to opt out may withdraw its Request for Exclusion at any time **on or before March 1, 2024** and thereby accept all terms of this Settlement Agreement, including its Dismissal provisions.

PROCESS

To further ensure that any Eligible Claimant 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 on or before March 1, 2024, an Eligible Claimant may submit a **signed letter by email** from a representative legally authorized to act on behalf of the Eligible Claimant stating that:

- (1) They are a representative legally authorized to act on behalf of the Eligible Claimant regarding the Settlement; and
- (2) The Eligible Claimant 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

Representatives for 3M Counsel

Thomas J. Perrelli
TPerrelli@jenner.com

Richard F. Bulger
RBulger@mayerbrown.com

Representative for Class Counsel

Michael London
mlondon@douglasandlondon.com

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Any Eligible Claimant that has previously submitted a Request for Exclusion and 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 the time period allowed for any Eligible Claimant that previously elected to opt out to withdraw its Request for Exclusion be extended until March 1, 2024.