

Proposed amendments to the 3M PWS Settlement Agreement:

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 prior to March 1, 2024 and thereby accept all terms of this Settlement Agreement, including its Dismissal provisions. Withdrawal of a Request for Exclusion does not permit the Eligible Claimant to file an Objection, nor revive previously asserted Objections.

Proposed amendments to Parties’ Joint Interpretive Guidance:

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

* * *

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. However, the withdrawal of any Eligible Claimant's Request for Exclusion does not permit the Eligible Claimant to file an Objection, nor revive previously asserted Objections.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE: AQUEOUS FILM-FORMING FOAMS) Master Docket No.:
PRODUCTS LIABILITY LITIGATION) 2:18-mn-2873-RMG

CITY OF CAMDEN, et al.,)

Plaintiffs,)

v.)

3M COMPANY,)

Defendant.)

Civil Action No.:
2:23-cv-03147-RMG

**[PROPOSED] ORDER GRANTING JOINT MOTION TO AMEND
THE PRELIMINARILY APPROVED 3M SETTLEMENT AGREEMENT AND THE
PRELIMINARY APPROVAL ORDER**

Before the Court is the Parties’ joint motion to amend the preliminarily approved settlement agreement and the preliminary approval order (Dkt. No. __). The Parties seek to clarify the effect of withdrawal of a Request for Exclusion and confirm that withdrawing a Request for Exclusion does not permit an entity to file an Objection, nor does it revive previously asserted Objections. The parties have submitted amendments to the preliminarily approved 3M PWS Settlement Agreement and to the previously approved Joint Interpretive Guidance (Dkt. No. ____-1). For good cause shown, the Court GRANTS the parties’ motion.

The parties’ amendments to the Joint Interpretive Guidance are hereby adopted, and the Settlement Agreement is amended as follows (amendment in redline):

Settlement Agreement

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 prior to March 1, 2024 and thereby accept all terms of this Settlement Agreement, including its Dismissal provisions. Withdrawal of a Request for Exclusion does not permit the Eligible Claimant to file an Objection, nor revive previously asserted Objections.

Joint Interpretive Guidance on How to Withdraw an Opt-Out Election After it was Submitted

[...] 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. However, the withdrawal of any Eligible Claimant's Request for Exclusion does not permit the Eligible Claimant to file an Objection, nor revive previously asserted Objections.

AND IT IS SO ORDERED.

Charleston, South Carolina, this _____ day of _____, 2024.

Richard M. Gergel
UNITED STATES DISTRICT JUDGE