

**NOTICE OF PENDENCY OF CLASS ACTION,
PROPOSED SETTLEMENT AND HEARING**

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

- You might be eligible to receive benefits from a class action settlement.
- The Settlement resolves a lawsuit asserting claims about a chlorine gas release incident at the Birmingham Water Works’ Shades Mountain Treatment Facility in February 2019.
- The parties disagree about whether the two defendants (the Water Works Board for the City of Birmingham (“BWWB”) and Transwood, Inc. (“Transwood”)) acted improperly or whether their actions caused any loss. The parties have agreed to resolve their dispute by a settlement.
- Your legal rights are affected. Read this Notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
Remain in the Settlement Class	If you wish to remain in the lawsuit, you do not have to do anything now. But if the Settlement is later approved, you will need to file a Settlement Claim Form to receive the Settlement Benefits. Please contact the Settlement Administrator in the manner described in Section 8 below for more information about this process. The only way to get a payment from this Settlement is to submit a Settlement Claim Form.
Exclude Yourself	Get no benefit from the Settlement. This is the only option that allows you to ever be part of any other lawsuit against BWWB and/or Transwood about the legal claims in this case.
Object	Write to the Court about why you don’t like the Settlement.
Go To A Hearing	Ask to speak in Court about the fairness of the Settlement.

The rights and options—**and the deadlines to exercise them**—are explained in this Notice.

The Court still has to decide whether to approve this Settlement, which may take some time. Please be patient.

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BASIC INFORMATION

1. Why did I get this Notice package?

You are receiving this Notice because you have responded to other notices or internet postings and determined that you may be a member of a Settlement Class.

As such, the Court has approved this Notice because you have a right to know about a proposed settlement of the class action lawsuit, and about all of your options, before the Court decides whether to approve the Settlement.

This package explains the lawsuit, the Settlement, your legal rights, what benefits are currently available, who is eligible for them, and how to get them.

The Court in charge of the case is the Circuit Court of Jefferson County, Alabama, the Hon. Javan Patton presiding, The case is known as *Anna Spruiell, et al. v. The Water Works Board for the City of Birmingham*, Case No. CV-2019-900914. The people who sued are called the Plaintiffs, and BWWB and Transwood are the Defendants.

2. What is the lawsuit about?

Class Plaintiffs allege that on February 27, 2019 there was a release of chemical gas from the Shades Mountain Filter Plant on U.S. Highway 280. They further claim that this chemical release caused property damage and/or business losses. BWWB and Transwood each assert it acted in conformity with the law in all respects in connection with its practices regarding the chemical release incident. BWWB and Transwood have denied, and continue to deny, any wrongdoing, as well as any and all allegations that Class Plaintiffs or the Settlement Class Members have suffered any damage whatsoever, have been harmed in any way, or are entitled to any relief as a result of any conduct on the part of BWWB or Transwood as alleged by Class Plaintiffs in the Action.

This Notice does not imply that there has been any finding of any violation of the law by BWWB or Transwood or that recovery could be had in a certain amount. Although the Court has authorized Notice to be given of the proposed Settlement, this Notice does not express the opinion of the Court on the merits of the claims or defenses asserted by either side in the lawsuit.

3. Why is this a class action?

Class actions are lawsuits in which the claims and rights of many people are decided in a single court proceeding. Representative Plaintiffs (“Class Representatives”) are named in the lawsuit to assert the claims of the entire class. This avoids the necessity for a large number of people to file similar individual lawsuits and enables the court system to resolve similar claims in an efficient and economical way. Class actions provide a vehicle whereby people with similar claims are treated alike. In a class action, the court is guardian of the class interests and supervises the prosecution of the class claims by Class Counsel to assure that the representation is adequate. Class members are not individually responsible for the costs or fees of counsel, which are subject to court award.

4. Why is there a settlement?

Settlement Class Counsel have investigated the facts and applicable law regarding the Class Representatives’ claims and BWWB and Transwood’s defenses. The parties have engaged in lengthy and “arms-length” negotiations in reaching this Settlement, and have employed the services of a highly-skilled professional mediator. The Class Plaintiffs and Class Counsel believe that the proposed Settlement is fair, reasonable and adequate and in the best interests of the class. Both sides agree that, by settling, BWWB and Transwood are not admitting any liability or that they did anything wrong, but both sides want to avoid the uncertainties and substantial cost in time and money normally involved in litigation of this type. The Court has not yet decided this case in favor of the Class Representatives or defendants BWWB and Transwood.

WHO IS IN THE SETTLEMENT

To see if you will receive benefits from this Settlement, you first have to decide if you are a Class Member.

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

You are a part of the Settlement if you fall within one of the following two class descriptions:

(a) Business Loss Class. This Class consists of all businesses within a circle whose radius begins at the Shades Mountain Filter Plant and extends 10,560 feet therefrom. These Settlement Class Members may recover losses they incurred as a result of the Chemical Spill incident, and the brief blockage of U.S. Highway 280 as a result of that incident. The amount that any Business Loss Class Member can recover shall not exceed \$1,500. The aggregate recovery for all Business Loss Class Members shall not exceed \$65,000.

(b) Property Loss Class. This Class consists of all persons who owned real or personal property physically located in a circle whose radius extends 5,280 feet from the Shades Mountain Filter Plant. These Settlement Class Members may recover for injuries to their real and personal property they incurred as a result of the exposure of those properties to chlorine gas from the Chemical Spill incident. The amount that each Property Loss Class Member can recover shall not exceed \$1,000. The aggregate recovery for all Property Loss Class Members shall not exceed \$65,000.

These persons or entities will be referred to as “Settlement Class Members.”

Excluded from the class are:

Those persons or entities (a) who had claims pending against BWWB or Transwood before either a federal or state court as of the date of Preliminary Approval, where those claims related in any way to the chemical release incident on February 27, 2019 at the Shades Mountain Filter Plant; (b) who previously released all claims against BWWB or Transwood; (c) who had previously settled any claims they pursued (or could have pursued) against BWWB or Transwood, where the suits or claims were independent and unconnected to any Settlement Agreement reached in this case; or (d) who are BWWB or Transwood agents or employees, or are family members of BWWB or Transwood agents or employees, or who are otherwise affiliated with BWWB or Transwood.

Further, the class does not include people who assert claims for bodily injury arising from the Chemical Release Incident. Only claims for property damage or business losses are covered by this Settlement.

6. I'm still not sure if I am included.

If you are still not sure whether you are included, you may contact Class Counsel at the address listed in Section 14 below. PLEASE DO NOT CALL THE COURT.

THE SETTLEMENT BENEFITS - WHAT YOU GET

7. What does the Settlement provide?

If you determine that you are a member of the class, you may receive benefits under the Settlement. At this particular time, the Settlement provides that Class Members may receive a cash payment of up to \$1,500 if you are a member of the Business Loss Class and up to \$1,000 if you are a member of the Property Damage Class.

HOW YOU RECEIVE SETTLEMENT BENEFITS

8. How can I get this benefit?

If you wish to receive benefits under the Settlement, you will need to file a Settlement Claim Form. A copy of the Claim Form, along with instructions on how to obtain, complete, and mail the Claim are available for your review at www.BWWBSettlement.com. If you prefer, you can complete the Settlement Claim Form online by following the directions found on that website. If the Settlement is approved by the Court and your Settlement Claim Form is accepted, you will receive the benefits stated above. By receiving these benefits, you will be bound by any judgment entered in the case. For more information about the Settlement Benefits and how to claim them, please contact the Settlement Administrator by phone, at 1-888-726-1633 or by email at info@BWWBSettlement.com or by visiting the Settlement website at www.BWWBSettlement.com.

If you change your address, you must mail a notification of your new address to the Settlement Administrator, who you may contact at 1-888-726-1633.

9. When would I get my benefit?

The Court will hold a hearing on March 17, 2025 to decide whether to approve the Settlement. If the Settlement is approved, there may be appeals. Any payments to Settlement Class Members will only be made after the Settlement is finally approved and after any appeal is resolved, if any are filed. Again, this may take many months to occur, so please be patient.

10. What am I giving up to get a benefit or stay in the class?

Upon the Court's final approval of the Settlement, the Class Members who do not exclude themselves will release and forever discharge BWWB and Transwood, together with all their predecessors in interest, successors in interest, and any of their parents, subsidiaries, divisions or affiliates, and their officers, directors, employees, trustees, principals, attorneys, agents, insurers, representatives, vendors, shareholders, partners, limited partners, as well as any person acting or purporting to act on their behalf, from any and all claims, demands, debts, liabilities, actions, causes of action, obligations, damages, losses, and costs, relating in any way to or arising out of the chlorine gas release incident that occurred at the Birmingham Water Works' Shades Mountain Filter Plant on February 27, 2019.

On October 2, 2024, the Court entered a preliminary injunction barring and enjoining all Settlement Class Members from commencing or prosecuting any court actions asserting the settled claims, either directly, representatively, derivatively or in any other capacity, against BWWB or Transwood, pending the final determination of whether this Settlement should be approved. In order to file your own separate action asserting any of the settled claims against BWWB or Transwood, you must exclude yourself from the Settlement now. The Released Claims are also described more fully in Paragraphs 12 and 13 of the Class Action Settlement Agreement, which may be reviewed at www.BWWBSettlement.com.

EXCLUDING YOURSELF FROM THE SETTLEMENT

11. How do I get out of the Settlement?

If you choose to be excluded from the Settlement Class, you will not be bound by any judgment or other final disposition of the lawsuit. You will retain any claims against BWWB and/or Transwood you might have. To request exclusion, you must state in writing your desire to be excluded from the Settlement Class. You must sign your request for exclusion personally or by legal counsel. Requests seeking to exclude a class of persons are invalid and will not be accepted. Your request must include: (1) your full name and current address; (2) your signature; and (3) a specific statement that “I want to be excluded from the Settlement Class.” **This request for exclusion must be sent by first-class mail, postmarked on or before January 3, 2025**, addressed to:

Spruiell v. Birmingham Water Works Board Settlement Administrator
P.O. Box 301134
Los Angeles, CA 90030-1134

If the request is not postmarked on or before January 3, 2025, your request for exclusion will be invalid, and you will be included in the Settlement Class automatically. If you do not request exclusion, you will be bound by the terms of the Settlement if approved by the Court, including without limitation, any judgment ultimately rendered in the case.

12. If I don't exclude myself, can I file my own claim or sue BWWB or Transwood for the same thing later?

No. Unless you exclude yourself, you give up any right to sue BWWB or Transwood for the claims that this Settlement resolves. If you have a pending lawsuit against BWWB or Transwood, speak to your lawyer in that case immediately.

13. If I exclude myself, can I get benefits from this Settlement?

No. If you exclude yourself, you are not part of the Settlement. If you want a recovery against BWWB or Transwood, you would then have to file your own lawsuit at your own expense.

THE LAWYERS REPRESENTING YOU

14. Do I have a lawyer in this case?

The Court has conditionally appointed Mountain High Outfitters Cahaba Village/280; Altitude V, LLC, Active Exploration, LLC, Julie Kliner and Allen Bayne as Class Representatives. The Court has appointed the following attorneys as “Settlement Class Counsel”:

Taylor Bartlett
Caroline Hollingsworth
HENINGER GARRISON DAVIS, LLC
2224 1st Avenue North
Birmingham, AL 35203

Collectively, those lawyers have many years of experience practicing law. Settlement Class Counsel represents the interests of the Settlement Class. You may hire your own attorney to advise you, but if you hire your own attorney, you will be responsible for paying that attorney's fees and costs.

15. How will the lawyers be paid?

Settlement Class Counsel will apply to the Court for an award of reasonable attorneys' fees and expenses. They are requesting Court approval of a total sum of \$75,000 covering their attorneys' fees and expenses. BWWB and Transwood have agreed to pay this amount if approved by the Court. You will not have to pay any attorneys' fees and expenses. If the Settlement is approved and you submit a valid Settlement Claim Form, your recovery will not be reduced by any award of attorneys' fees or expenses. The Court will ultimately decide the appropriate amount of any reimbursement of costs or any fee award to Settlement Class Counsel.

OBJECTING TO THE SETTLEMENT

16. How do I tell the Court that I don't like the Settlement?

You can object to any aspect of the proposed Settlement by filing and serving a written objection. You must sign your objection personally or by legal counsel. Your objection must state your full name and current address, as well as a statement confirming that you are a Settlement Class Member. Please also provide your telephone number. You must also provide copies of any documents you intend to rely upon, the names and addresses of any witnesses who will appear on your behalf at the hearing, and the name of any counsel representing you. Your deposition may be taken in order to determine the grounds for your objection. The deposition will be limited to topics relating to the objection. Your objection must state why you object to the proposed settlement and any reasons supporting your position.

If you intend to appear in person or through your own attorney at the Fairness Hearing on March 17, 2025, described in Paragraph 18 below, you must include with your objection a notice of your intention to appear at the hearing.

You must mail any objection, along with any notice of intent to appear, postmarked on or before February 19, 2025, to Settlement Class Counsel, and counsel for BWWB and Transwood. The address for BWWB's counsel is:

Robert H. Rutherford
BURR & FORMAN LLP
420 North 20th Street, Suite 3400
Birmingham, AL 35203

The address for Transwood's counsel is:

Dennis O. Vann
CARR ALLISON
100 Vestavia Parkway
Birmingham, AL 35216

The address for the Settlement Class Counsel is:

Taylor Bartlett
Caroline Hollingsworth
HENINGER GARRISON DAVIS, LLC
2224 1st Avenue North
Birmingham, AL 35203

Any Settlement Class Member who does not file and serve an objection in the time and manner described above will not be permitted to raise that objection later.

17. What's the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the Settlement. You can object only if you stay in the class. Excluding yourself is telling the Court that you don't want to be part of the class. If you exclude yourself, you have no basis to object because the Settlement no longer affects you.

THE COURT'S FAIRNESS HEARING

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

There will be a hearing to consider approval of the proposed Settlement on March 17, 2025, at the Circuit Court of Jefferson County, Alabama Courthouse, 716 Richard Arrington Jr. Blvd., North, Birmingham, Alabama 35203, in Courtroom 650. The hearing may be postponed to a later date without further notice. The purpose of the hearing is to determine the fairness, reasonableness, and adequacy of the terms of settlement; whether the Settlement Class is adequately represented by the Class Representatives and Settlement Class Counsel; whether an order should be entered approving the proposed Settlement; and the amount of any attorneys' fees and expenses to be awarded to Class Counsel or any incentive payments to the Class Plaintiffs.

You will be represented at the hearing on the fairness of the Settlement by Class Counsel, unless you choose to enter an appearance in person or through your own counsel. The appearance of your own attorney is not necessary to participate in the hearing on the fairness of the Settlement.

19. Do I have to come to the hearing?

No. Class Counsel will represent the class at the hearing, but you are welcome to come at your own expense. If you send any objection, 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 your own lawyer to attend, but it's not necessary.

20. 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 with your objection a notice of intention to appear at the hearing as described in paragraph 16 above. You cannot speak at the hearing if you excluded yourself.

21. Are there more details about the Settlement?

This Notice is only a summary. For a more detailed statement of the matters involved in the lawsuits or the Settlement, you may refer to the papers filed in this case during regular business hours at the office of the Circuit Court of Jefferson County, Alabama Court File: *Anna Spruiell, et al. v. The Water Works Board for the City of Birmingham*, Case No: CV-2019-900914. The full Settlement Agreement and the pleadings filed in the case can be requested, in writing, from Class Counsel identified in Paragraph 16 above. You may also review certain documents online by visiting www.BWWBSettlement.com, the Settlement Administrator's website.

22. How do I get more information?

You can write Class Counsel at the address provided in Paragraph 16 above. Please do not contact the Court or Clerk's Office regarding this Notice.