

October 30, 2023

RE: Client Alert for Public Water Suppliers Regarding Potential Settlements from 3M and DuPont

Dear Client,

As part of the services that Lewis, Longman & Walker, PA provides to our clients, we endeavor to advise clients on current events that may affect their legal interests. As such, the following letter is being distributed to clients that provide public drinking water services to advise that 3M and DuPont, chemical and manufacturing companies, have reached potential Settlement Agreements in the federal product liability class action lawsuit MDL No. 2:18-mm-2873-RMG involving thousands of Public Water Systems (PWS) across the country. The potential settlements involve billions of dollars to be paid out to eligible claimants. Notices from 3M and DuPont are currently being mailed to potential claimants. If you have received a Notice from 3M and/or DuPont of the potential Settlement Agreements, then you may qualify to submit a claim and recover money from the settlement funds.

Potential claimants are divided into two classes: Phase One Qualifying Class Member and Phase Two Qualifying Class Member. The following summarizes the qualifications for Phase One and Phase Two Qualifying Class Members for the 3M and DuPont potential Settlement Agreements. If you have received a Notice for one or both of the potential Settlement Agreements, this information is also contained therein.

Phase One Qualifying Class Member:

3M: All Active Public Water Systems that have one or more Impacted Water Sources as of June 22, 2023.

DuPont: All Public Water Systems that draw or otherwise collect from any Water Source that, on or before June 30, 2023, was tested or otherwise analyzed for PFAS and found to contain any PFAS at any level.

Phase Two Qualifying Class Member:

3M: All Active Public Water Systems in the United States that do not have one or more Impacted Water Sources as of June 22, 2023 and (i) are required to test for certain PFAS under UCMR-5, or (ii) serve more than 3,300 people, according to SDWIS.

DuPont: Public Water System that is not a Phase One Qualifying Settlement Class Member and is subject to the monitoring rules set forth in UCMR-5 or other applicable state or federal laws.

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The potential settlement amount for 3M is not less than \$10,500,000,000 and not more than \$12,500,000,000. The potential settlement amount for DuPont is \$1,185,000,000. A Settlement Class Member who is not excluded is eligible to receive settlement check(s) from the claims administrator based on allocation procedures developed as part of the Settlement Agreements. The allocation procedures are designed to equitably allocate the Settlement Amount in such a way that reflects factors used in designing a water treatment system in connection with PFAS contamination. Main factors include volume of impacted water and degree of impact. Once a claim is submitted, the claim administrator will verify that the entity is a Qualifying Phase One *or* Phase Two Settlement Class Member.

IMPORTANT DATES

A PWS, as defined in the Settlement Agreements, may submit objections to the Settlement Agreements by November 11, 2023 (for DuPont and 3M). Additionally, a PWS may also “Opt Out” or request to be excluded from the Settlement Agreements by December 4, 2023 (for DuPont) and December 11, 2023 (for 3M). If a PWS does not opt out, then it will be bound by the terms of the Settlement Agreements and will be barred from bringing any legal challenges against 3M or DuPont in the future for PFAS contamination of its drinking water sources. Currently, the Settlement Agreements are referred to as “potential” in nature because they are still subject to approval by the United States District Court for the District of South Carolina, Charleston Division, during the respective Fairness Hearings, which will be held on December 14, 2023 (for DuPont) and February 2, 2024 (for 3M).

If you have any questions, please contact us to discuss this matter in more detail.

Sincerely,

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