

Mattie Halley, et al. v. Honeywell International, Inc., et al.

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT AND YOUR RIGHTS

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

- Your legal rights are affected whether you act or don't act. Read this Notice carefully.
- A Settlement has been reached in a class action involving the residential properties in and around Route 440 on the west side of Jersey City, New Jersey. These residential properties are located in neighborhoods in the vicinity of certain historical "chromium sites." The "chromium sites" are properties located along Route 440 where chromium chemical products were manufactured and on which chromium ore processing residue ("COPR") was disposed of between approximately 1895 and 1954. These sites are in various stages of remediation being performed by Honeywell International Inc. ("Honeywell"). The New Jersey Department of Environmental Protection has designated these chromium sites as "Study Areas 5, 6, and 7" and "Site 119."
- **The Settlement will pay eligible owners of residential real property identified in the areas indicated on the attached map to settle claims related to alleged loss of use and enjoyment, and other property damages, of surrounding properties caused by the presence of these chromium sites and related hexavalent chromium contamination that plaintiffs allege was released from these sites.** The payments will be made in exchange for agreement to a release of claims against Honeywell International, Inc. ("Honeywell") as more fully set forth in this Notice.
- **In accordance with the Settlement Agreement, Honeywell must place Ten Million Seventeen Thousand Dollars (\$10,017,000) in a court-administered fund to settle this matter.** The Settlement provides for a monetary payment to the owners of each eligible property. The exact amount of any final payment to the property owners will depend on the Court's award of attorneys' fees and expenses, costs of administration, and the number of eligible members participating, and it will be calculated by the Claims Administrator based on the duration of ownership during the period **May 17, 2010 through October 1, 2014**. However, if all eligible properties participate, it is estimated that each eligible property would receive approximately \$1,850 in payment.

Your Legal Rights and Options in the Settlement	
Submit a Claim and Release Form Along with Proof of Property Ownership	This is the only way you can get a payment. A Claim and Release Form is enclosed and must be returned with proof of property ownership within 60 days of the date of this Notice. The Claim Filing Deadline is July 31, 2015.
Exclude Yourself or "Opt Out" from the Settlement	If you exclude yourself or "opt out," you get no money from the Settlement. Excluding yourself or "opting out" is the only option that allows you to ever be part of any other lawsuit against Honeywell about the legal claims in this case.
Object	If you do not exclude yourself, you may write to the Court about why you don't like the Settlement.
Go to a Hearing	If you object, you may also ask to speak in Court about the fairness of the Settlement.
Do Nothing	If you do nothing, you will get no payment. You will also give up your rights to ever sue Honeywell about the legal claims in this case.

- These rights and options — **and the deadlines to exercise them** — are explained in this Notice.
- The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement. Please be patient.

BASIC INFORMATION

1. WHY IS THERE A NOTICE?

You have a right to know about a proposed Settlement of a class action lawsuit, and about your options, before the Court decides whether to approve the Settlement. The Court in charge of the case is the United States District Court for the District of New Jersey, and the case is called *Mattie Halley, et al. v. Honeywell International, Inc., et al.*, Civil Action No. 2:10-cv-3345. In this notice, the people who sued are called the Plaintiffs, and one of the companies they sued, Honeywell International, Inc. is called Honeywell.

Class C

Questions? Call 1-844-322-8243 or visit www.honeywelljerseycitysettlement.com.

PLEASE DO NOT CONTACT THE COURT

2. WHAT IS THIS LAWSUIT ABOUT?

On May 17, 2010, three plaintiffs filed this lawsuit on behalf of themselves and as the representative of a class of similarly situated persons, asserting nuisance and other claims, alleging their properties have been adversely impacted by a chrome ore processing plant and the generation, disposal and alleged historical failure to properly remediate hexavalent chromium contamination and COPR within the Settlement Class boundaries and at several locations along Route 440 in Jersey City known as Study Areas 5, 6, and 7 and Site 119. The COPR and alleged related hexavalent chromium contamination came from a chromium manufacturing facility formerly operated by the Mutual Chemical Company on Route 440 in Jersey City, New Jersey from 1895 until 1954. These three plaintiffs alleged that the generation, disposal and historical failure to properly remediate these chromium sites and associated contamination adversely impacted their use and enjoyment of and caused other property damage to their properties.

3. WHY IS THIS A CLASS ACTION?

In a class action, one or more people, called class representatives, sue on behalf of people who have similar claims. A judge can determine that people who have similar claims are members of a class, except for those who exclude themselves from the class. U.S. District Judge Esther Salas in the United States District Court for the District of New Jersey is in charge of this class action.

4. WHY IS THERE A SETTLEMENT?

There has been no trial. Instead, the Plaintiffs and Honeywell agreed to settle this case to avoid the costs and risks of trial. The Settlement provides the opportunity for payment to eligible Class Members. In exchange, under the Settlement, Class Members each give a release, which releases Honeywell for certain claims related to COPR or chromium contamination at Study Areas 5, 6, 7 and Site 119 and within the Settlement Class Boundaries.

WHO IS IN THE SETTLEMENT

To see if you can get money from the Settlement, you first have to determine if you are a Class Member.

5. HOW DO I DETERMINE IF I'M IN THE CLASS?

If you received this Notice in the mail without requesting it, land records show you may be a current or former owner of residential property covered by this case. That would make you a Class Member. A map showing the area covered by this case is attached.

The Settlement Class is divided into two Classes: "Class A" and "Class C." Land records show that you may be a member of "Class C."

The area of properties covered in **Class C** is generally comprised of the residential development community known as "Society Hill," which includes the area known as "Droyers Point" within that community, and is generally bounded by Lee Court, Willow Street and Cottonwood Street to the West, Cherry Street to the South, Society Hill Drive North and Kellogg Street to the East and Lyon Court to the North. Settlement Class C includes properties located on both sides of the boundary streets contained in the class definition.

If you are still not sure if you are in the Class, you can call 1-844-322-8243 to see if your property is included in the Settlement.

6. WHAT SHOULD I DO IF I MOVE?

If you move after receiving this Notice and before the Settlement is finalized, in order to receive additional important notices including your payment if you are eligible for one, you must submit a written change of address request to the Claims Administrator via email to: Questions@HoneywellJerseyCitySettlement.com or by mail to the address below:

Honeywell Jersey City Claims Administration
c/o GCG
PO Box 10122
Dublin, OH 43017-3122

Class C
Questions? Call 1-844-322-8243 or visit www.honeywelljerseycitysettlement.com.
PLEASE DO NOT CONTACT THE COURT

THE SETTLEMENT

7. WHAT DOES THE SETTLEMENT PROVIDE?

The Settlement Agreement, available at the website, www.honeywelljerseycitysettlement.com, describes the details about the Settlement.

In general, the Settlement requires Honeywell to place \$10,017,000 into a settlement fund to be distributed (after payment of certain expenses) to eligible Class Members. Thus, the Settlement provides for a monetary payment to the owners of each eligible property in Class A and Class C.

BENEFITS

8. WHAT CAN I GET FROM THE SETTLEMENT?

The Settlement will provide cash payments to those who qualify. The amount of money you will receive will depend on how many people file a claim form seeking payment. The exact amount of any final payment to the property owners will depend on the Court's award of attorneys' fees and expenses, costs of administration, and the number of eligible members participating. However, if all eligible properties participate, it is estimated that each eligible property would receive approximately \$1,850 in payment.

The amount any individual property owner receives will be calculated by the Claims Administrator and will be based on the duration of ownership during the period **May 17, 2010 through October 1, 2014**. If you were the sole property owner during this time period, you will receive the entire amount allocated to your property. If you owned the property during this period, but someone else owned the property either before or after you and also during this time period, payments for your property will be divided among you and the other owner.

9. WHAT IF I DID NOT OWN MY PROPERTY FOR THE ENTIRE TIME?

In order to be included in the Settlement, you must have owned your property at any time during the period **May 17, 2010 through October 1, 2014**.

If you owned property during this period, but someone else owned the property either before or after you and also during this time period, payments for your property will be divided among you and the other owner based on how long you each owned the property.

10. WHAT IF I INHERITED MY PROPERTY?

If you can demonstrate that you owned the property during the period **May 17, 2010 through October 1, 2014** then you will be eligible to receive a payment.

11. WHAT IF THERE ARE MULTIPLE OWNERS OF MY PROPERTY AT THE SAME TIME?

If you file a valid claim, the Claims Administrator will write a single check payable to all co-owners of the property. The check will be mailed in care of the person to whom this notice was mailed.

12. WHAT AM I GIVING UP TO STAY IN THE CLASS?

Unless you exclude yourself from the Settlement (see Question 16), you can't sue, continue to sue, or be part of any other lawsuit against Honeywell to obtain any recovery for injury to property as a result of the disposal, presence, or migration of COPR on, at or from the chromium sites known as Study Areas 5, 6, and 7 and Site 119. It also means that all of the Court's decisions will bind you.

THE CLAIMS PROCESS

13. HOW CAN I GET A PAYMENT?

You must complete and return the enclosed Claim and Release Form along with proof that you owned the property at any time during the period **May 17, 2010 through October 1, 2014**. The Claim and Release Form explains the types of documents that you can submit to show proof of ownership. You can also submit the Claim and Release Form at the website www.honeywelljerseycitysettlement.com. Please carefully read the Claim and Release Form. If you still have questions about it or the documentation it requests, you can call 1-844-322-8243. If you submit an incomplete Claim and Release Form or provide incomplete documentation, someone may reach out to you to get additional information.

Class C

Questions? Call 1-844-322-8243 or visit www.honeywelljerseycitysettlement.com.

PLEASE DO NOT CONTACT THE COURT

14. WHEN WILL I GET MY PAYMENT?

The Court will hold a hearing on **September 24, 2015 at 11 a.m.** to decide whether to give final approval to the Settlement (see Question 23). If the Court approves the Settlement, and the Claims Administrator has determined that you have a valid claim, you should expect to receive your payment within 15 days of when the Settlement becomes final.

15. WHAT IF I DISAGREE WITH THE AMOUNT OF MY PAYMENT?

You have the right to ask the Claims Administrator or the Court to reconsider the decision on your claim if you believe that the Claims Administrator has incorrectly calculated the amount of any payment. Please review the notice of payment carefully when you receive it because there are specific time limitations regarding the reconsideration process. More details are available in the Settlement Agreement, which is available at www.honeywelljerseycitysettlement.com.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want a payment from the Settlement, and you want to keep the right to sue Honeywell on your own about the issues in this case, then you must take steps to exclude yourself or "opt out". This is the only way to avoid giving Honeywell a Release.

16. HOW DO I GET OUT OF THE SETTLEMENT?

To exclude yourself or "opt out" from the Settlement, you must send a letter to the Claims Administrator that includes the following:

- Your name and address.
- The names and current addresses of any co-owners of land you own or owned identified as being in the Settlement Class.
- A statement saying that you want to be excluded from the Class.
- The address of the property at issue.
- Your signature.
- You must mail your exclusion request, postmarked no later than **July 31, 2015**, to:

Honeywell Jersey City Claims Administration
c/o GCG
PO Box 10122
Dublin, OH 43017-3122

17. IF I DON'T EXCLUDE MYSELF, CAN I SUE HONEYWELL FOR THE SAME THING LATER?

No. Unless you exclude yourself, you give up the right to sue Honeywell for the claims that the Settlement resolves.

18. IF I EXCLUDE MYSELF FROM THE SETTLEMENT, CAN I STILL GET A PAYMENT?

No. You will not get any money if you exclude yourself from the Settlement.

THE LAWYERS REPRESENTING YOU

19. DO I HAVE A LAWYER IN THE CASE?

Yes. The Court has appointed the lawyers and firms listed below as "Class Counsel," meaning that they were appointed to represent you and all Class Members:

Howard A. Janet,
Robert K. Jenner,
Kenneth M. Suggs
JANET, JENNER & SUGGS, LLC
1777 Reisterstown Road
Commerce Center East, Suite 165
Baltimore, MD 21208
410-653-3200

Steven J. German,
Joel Rubenstein
GERMAN RUBENSTEIN LLP
19 West 44th Street
Suite 1500
New York, NY 10036
212-704-2020

Anthony Z. Roisman
NATIONAL LEGAL
SCHOLARS LAW FIRM, P.C.
394 Skyline Drive
Weathersfield, VT 05156
802-885-4162

You will not be charged for these lawyers. Their fees will be paid out of the Settlement Fund, as explained below. If you want to be represented by your own lawyer, you may hire one at your own expense.

20. HOW WILL THE LAWYERS BE PAID?

The Court will decide how much Class Counsel and any other lawyers will be paid. Class Counsel will ask the Court for an award to cover costs and expenses, as well as for a fee award of \$2,504,250, or 25% of the total amount recovered for the Classes. Class Counsel will also request that \$10,000 be paid to each of the two Class Representatives who helped the lawyers on behalf of the whole Class, for a total of \$20,000. To review the attorneys' request for fees in this case, go to www.honeywelljerseycitysettlement.com.

OBJECTING TO THE SETTLEMENT

21. HOW DO I TELL THE COURT THAT I DON'T LIKE THE SETTLEMENT?

If you are a Class Member, you can object to the Settlement or to requests for fees and expenses by Class Counsel. Objections must be in writing. You must mail any written objection, together with copies of all other papers and briefs supporting the objection, to the Court at the address set forth below, on or before **July 31, 2015**. You must also serve your objection papers on the Court, Plaintiffs' Counsel and Defendant's Counsel at the addresses set forth below so that the papers are received by them on or before **July 31, 2015**.

Court

Hon. Esther Salas, United States
District Judge
Martin Luther King Building &
U.S. Courthouse
50 Walnut Street Room 4015
Newark, NJ 07101

Plaintiffs' Counsel

Janet, Jenner & Suggs, LLC
1777 Reisterstown Road
Commerce Center East
Suite 165
Baltimore, MD 21208

Defendant's Counsel

Arnold & Porter LLP
555 12th Street NW
Washington, DC 20004

German Rubenstein, LLP
19 West 44th Street
Suite 1500
New York, NY 10036

National Legal Scholars Law Firm, P.C.
394 Skyline Drive
Weathersfield, VT 05156

Any objection to the Settlement must include all of the following information:

- Your name and address.
- The title of the case, *Mattie Halley, et al. v. Honeywell International, Inc., et al.*
- A statement saying that you object to the Settlement in *Mattie Halley, et al. v. Honeywell International, Inc., et al.*
- The reasons you object.
- Your signature.

If you wish to present argument in support of the objection at the Final Approval Hearing, a request to that effect **must be included in your objection**.

22. WHAT'S THE DIFFERENCE BETWEEN OBJECTING AND ASKING TO BE EXCLUDED?

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

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement and any requests for fees and expenses. You may attend and, if you submit a written objection and a Notice of Intention to Appear, you may ask to speak, but you do not have to speak.

23. WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?

The Court will hold a Fairness Hearing on **September 24, 2015 at 11 a.m.**, at the United States District Court for the District of New Jersey in Courtroom No. 5A, before United States District Judge Esther Salas. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.honeywelljerseycitysettlement.com.

At this hearing, the Court will consider whether the Settlement is fair, reasonable, and adequate. The Court will also consider how much to pay Class Counsel and the Class Representatives. If there are objections, the Court will consider them at this time. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take.

24. DO I HAVE TO COME TO THE HEARING?

No. Class Counsel will answer questions Judge Salas may have, but you may come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, to the proper address, the Court will consider it.

You may also pay your own lawyer to attend, but it's not necessary.

25. MAY I SPEAK AT THE HEARING?

If you submitted a written objection, you may ask the Court for permission to speak at the Fairness Hearing. To do so, you must send a letter saying that you intend to appear and wish to be heard. Your Notice of Intention to Appear must include all of the following:

- Your name and address.
- The title of the case.
- A statement that this is your "Notice of Intention to Appear".
- Your signature.
- You must file your Notice of Intention to Appear with the Court and serve it on Plaintiffs' Counsel and Defendant's Counsel at the addresses set forth above so that it is received on or before **July 31, 2015**.

IF YOU DO NOTHING

26. WHAT HAPPENS IF I DO NOTHING AT ALL?

If you do nothing you will be bound by what the court decides and you will give up your right to sue Honeywell for any of the claims in this lawsuit. **You will also not get any money from the Settlement.**

GETTING MORE INFORMATION

27. HOW DO I GET MORE INFORMATION?

You can visit the website at www.honeywelljerseycitysettlement.com, where you will find answers to common questions about the Settlement and other information to help you determine whether you are a Class Member and whether you are eligible for a payment. If you still have questions, you can call 1-844-322-8243 toll-free, write to the Claims Administrator at: Honeywell Jersey Claims Administration, c/o GCG, PO Box 10122, Dublin, OH 43017-3122 or email: Questions@HoneywellJerseyCitySettlement.com.

DO NOT CALL OR WRITE THE COURT OR THE OFFICE OF THE CLERK OF THE COURT REGARDING THIS NOTICE.

Dated: June 1, 2015

By Order of the Clerk of the Court
United States District Court for the
District of New Jersey