

3M Opt Out Checklist

To be excluded from the 3M Settlement Class, a settlement class member must **complete** and **mail** a notice of intention to opt-out.

1. Prepare a written and signed statement entitled **Request for Exclusion** – this is notice of a settlement class member’s intention to opt out of the settlement. The Request for Exclusion must include the following:
 - a. A certification, under penalty of perjury in accordance with 28 U.S.C. § 1746, that the filer is legally authorized to exclude the settlement class member from the 3M Settlement.
 - b. An affidavit or other proof of the settlement class member’s standing.
 - c. The filer’s name, address, telephone, fax number, and email address.
 - d. The name, address, telephone number, and email address of the settlement class member whose exclusion is requested.
2. File the Request for Exclusion with the 3M Notice Administrator. The Notice Administrator must **receive** the Request for exclusion at the following address no later than **December 11, 2023**.

Notice Administrator:

In re: Aqueous Film-Forming Foams Products Liability Litigation
c/o 3M Notice Administrator
1650 Arch Street, Suite 2210
Philadelphia, PA 19103

3. Serve the Request for Exclusion pursuant to the requirements of Federal Rule of Civil Procedure 5 on the following:

- a. **Special Master:**

Matthew Garretson
Wolf/Garretson LLC
P.O. Box 2806
Park City, UT 84060

- b. **Claims Administrator:**

AFFF Public Water System Claims
P.O. Box 4466
Baton Rouge, LA 70821

c. **Counsel for 3M:**

Kevin H. Rhodes
Executive Vice President and Chief
Legal Affairs Officer
Legal Affairs Department
3M Company
3M Center, 220-9E-01
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Washington, DC 20001-4412

Richard F. Bulger
Mayer Brown LLP
71 South Wacker
Drive
Chicago, Illinois
60606

d. **Class Counsel:**

Scott Summy
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3102 Oak Lawn Ave, Ste. 1100
Dallas, Texas 75219

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Douglas & London
59 Maiden Lane, 6th Floor
New York, NY 10038

Paul J. Napoli
Napoli Shkolnik
1302 Av. Ponce de Leon
San Juan, Puerto Rico 00907

Elizabeth A. Fegan
Fegan Scott LLC
150 S. Wacker Dr, 24th floor
Chicago, IL 60606

Joseph F. Rice
Motley Rice
28 Bridgeside Blvd.
Mount Pleasant, SC 29464

4. A Request for Exclusion must be submitted on behalf of each Public Water System that wishes to opt out of the Settlement Class. Any Public Water System that is not specifically identified in a Request for Exclusion will remain in the Settlement Class.
5. A settlement class member that submits a timely and valid Request for Exclusion shall not:
 - (i) be bound by any orders or judgments effecting the Settlement Agreement;
 - (ii) be entitled to any of the relief or other benefits provided under the Settlement Agreement;
 - (iii) gain any rights by virtue of the Settlement Agreement; or
 - (iv) be entitled to submit an Objection to the Settlement Agreement.
6. Any settlement class member that does not submit a timely and valid Request for Exclusion submits to the jurisdiction of the United States District Court, District of South Carolina.
7. Unless a settlement class member that does opt out submits an Objection that complies with the provisions of the Settlement Agreement, the settlement class member waives and forfeits any and all objections the settlement class member may have asserted.

Sources:

1. PFAS Settlement Website
2. 3M Notice
3. 3M Amended Settlement Agreement, sections 2.42, 8.2.2, 8.5 (including 8.5.1-8.5.4)