

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

FREQUENTLY ASKED QUESTIONS

1. Why was there a notice?

A Court authorized a notice because you have a right to know about the proposed settlement of a class action lawsuit against West Virginia-American Water Company (“WVAW”), relating to a water main break in late June 2015 that occurred east of Dunbar, West Virginia (between Dunbar and North Charleston) (the “2015 Dunbar Main Break”). The main break resulted in water service disruptions and/or reduced water pressure and/or a precautionary boil water advisory for some customers serviced by the main. If you resided in a dwelling or owned a business supplied tap water by WVAW and located within the area shown on the attached map between June 23, 2015, and July 1, 2015, your rights may be affected by a proposed class action settlement. The notice explains the lawsuit and your legal rights.

The Honorable Judge Carrie L. Webster is overseeing this case in the Circuit Court of Kanawha County, West Virginia. This litigation is known as *Jeffries, et al. v. West Virginia-American Water Company*, Civil Action No. 17-C-765. The people who filed and prosecuted the lawsuit are called the “Plaintiffs.” The party sued is the “Defendant.”

2. What is this lawsuit about?

In this case, plaintiffs alleged that prior to the 2015 main break WVAW could have prevented or avoided the service interruption event by implementing better precautionary measures in compliance with applicable laws and regulations and the use of reasonable care. WVAW denied the allegations and asserted that it acted in compliance with all legal requirements and used reasonable care.

3. Why is this a class action?

In a class action, one or more people or businesses called “Class Representatives” sue on behalf of themselves and other people with similar claims. All of these people together are the “Class” or “Class Members.” When a class action is settled, the settlement resolves the claims for all Class Members, except those who exclude themselves from the Class or “opt out.”

In this case, there are two class representatives. The class representatives and their lawyers (“Settlement Class Counsel,” see Question 9) believe that the proposed settlement is best for everyone who is affected. A settlement is an agreement between a plaintiff and a defendant to resolve a lawsuit. This settlement resolves the lawsuit without the court or a jury ruling in favor of the plaintiffs or the defendant. A settlement allows the parties to avoid the cost and risk of trial, as well as the delays of litigation.

On May 5, 2025, the Circuit Court of Kanawha County, West Virginia preliminarily approved a proposed settlement of this class action and directed that notice of its order and the proposed

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settlement should be given. This Notice now tells you about the proposed settlement of the action and your rights.

WHO IS INCLUDED IN THE SETTLEMENT CLASS?

If you received a notice about the lawsuit in the mail, then you may be a Settlement Class Member. But even if you did not receive a mailed notice, you may be a Settlement Class Member, as described below.

Note that all capitalized terms in this notice are defined in the Settlement Agreement

4. Am I a potential class member?
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Unless you opt out or meet one of the exclusions below, you are a Settlement Class Member if between June 23, 2015, and July 1, 2015 you:

- resided in a dwelling supplied tap water by WVAW and located within the area shown on the map below, or
- owned a business operating in real property supplied tap water by WVAW and located within the area shown on the map below.

Exclusions: The following groups are not included in the Settlement Class:

- Officers, directors, or employees of WVAW or of any of WVAW's affiliates;
- Members of the immediate family of Judge Webster and any associated court staff assigned to this case;
- Class counsel and attorneys who have made an appearance for the Plaintiffs or Defendant in this case; and
- Persons or entities who exclude themselves from the Certified Class (Opt Outs).

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BENEFITS

5. What benefits may be available under the proposed settlement?

WVAW has agreed to pay up to \$18 million, inclusive of attorney's fees and litigation expenses, plaintiff incentive fee awards, and the costs to administer the settlement. Claims may be made under the settlement by residential households and businesses. It is easier for the listed customer on the WVAW bill at a residential address in June 2015 to file a claim on behalf of the household than for other household members to file for the household, but another household member may file a claim where the customer is unavailable (such as when water is included in rent paid to a landlord) or declines to file. Each household can receive payment for only one claim.

- Claims are of two types: Simple and With Evidence. If you are a residential customer and choose to file a qualifying Simple Claim, your household will receive up to \$175; if you are a business and choose to file a qualifying Simple Claim, you will receive up to \$525. If you are a residential customer and choose to file a qualifying With Evidence claim based on contemporaneous evidence of loss of use of property, your household will receive up to \$225. Residential customers may alternatively choose to file a qualifying With Evidence claim to recover specific costs incurred during the 2015 Dunbar Main Break, up to a maximum household payment of \$500. A business may alternatively choose to file a qualifying With Evidence claim to recover up to a maximum payment of \$1,525. Residents and business owners who make Simple Claims may not also make With Evidence claims.

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- The Settlement also includes separate caps relating to Simple Claim and With Evidence Claim payments.
 - Under the Simple Claim cap, if the total amount of valid Simple Claims made plus the proportional share of court-approved fees and expenses would exceed \$13,000,000 then the Simple Claim payments will not be made at the maximum claim amount allowed in the Settlement but rather would be reduced equally among all the Simple Claims.
 - Under the With Evidence Claim cap, if the total amount of valid With Evidence Claims made plus the proportional shared court-approved fees and expenses, plus any remaining amounts not used under Simple Claims cap (Remainder), would exceed \$5,000,000 then the With Evidence payments will not be made at the maximum claim amount allowed in the Settlement but rather would be reduced equally among all the With Evidence Claims.

6. Do I have to prove that I am a member of the Settlement Class when I file a claim?
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A household member who is the Customer listed on WVAW's account for an address within the area shown on the Class Map above between June 23, 2015, and July 1, 2015, does not have to provide additional proof that they resided in the residence during the period in question. Household members who are not identified as the Customer(s) must provide verifiable proof that they resided at an address within the area shown on the Class Map during the period in question. Valid forms of verifiable proof of residence include a lease, deed, tax return, homeowners' or renter's insurance policy or declaration sheet, school record, employment record, mortgage statement, bank statement, canceled check or receipt for rent payment, or utility bill covering any part of June or July 2015 with the household member's name and the address of residence on it.

Claim forms filed by the customer for an eligible address must provide the current (updated) contact information and address for the claimant. Claim forms filed by non-customers must provide information to enable the Settlement Administrator to: (i) identify the location of the residence or business and determine that the location is an eligible address; (ii) ensure that only one claim is paid for each eligible address; (iii) identify, in the case of a business, the person signing the claim and that person's ownership, office, or other relationship to the business; (iv) identify current contact information for the claimant; and (v) make payment to the appropriate recipient for valid claims.

Every household member and business owner, including customers, making a Simple Claim will be required to complete a claim form, and to attest under penalty of perjury that they experienced a loss of use of property. Loss of use of property means any impairment in the ability to use property or any of the faucets or appliances therein (e.g., showers, baths, sinks, toilets, dishwashers, washing machines, refrigerator or other water dispensers and ice makers) as a result

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of an interruption or interruptions in water service between June 23, 2015, and July 1, 2015, which lasted, in total, for at least twenty-four hours. Receipt of a boil water advisory alone does not constitute a “loss of use.”

Residents and business owners, including customers, making “With Evidence” claims will be required to submit qualifying evidence of the kind associated with the particular With Evidence claim as described in detail on the With Evidence claim forms.

You may complete and submit Claim Forms online through the process described at www.DunbarMainBreak.com, or by mail. Claim Forms must be submitted online or postmarked no later than August 22, 2025 (the “Claim Submission Deadline”). Claim Forms submitted by mail should be addressed to:

Settlement Administrator – 2015 Dunbar Main Break Class Action
P.O. Box 4227
Charleston, WV 25364

EXCLUDING YOURSELF FROM THE SETTLEMENT CLASS

7. How do I get out of the Settlement Class?

If you do not want to keep your rights to sue the Defendant yourself over the claims in this case, then simply do not file a claim.

If you want to keep your rights to sue the Defendant yourself over the claims in this case, using your own lawyer, you need to exclude yourself (or “Opt Out”) from the Settlement Class. If you Opt Out, you cannot get a benefit from this lawsuit if any are awarded. To Opt Out from the settlement, you must mail a written request that includes:

- Your printed name, current address, telephone number, email address (if any); your residence or business address between June 23, 2015, and July 1, 2015; for businesses an identification of the position and authority for the person submitting the Opt Out request, and for all Opt Outs a statement regarding whether the class member intends to bring a separate claim against West Virginia American;
- A statement that you want to be excluded from the Settlement Class in *Jeffries, et al. v. West Virginia-American Water Company*, Civil Action No. 17-C-765; and
- Your personal signature and date.

You must mail your exclusion request, postmarked by July 23, 2025 (the “Opt Out Deadline”), to the following address:

Settlement Administrator – 2015 Dunbar Main Break Class Action
P.O. Box 4227
Charleston, WV 25364

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8. How do I object to the settlement?

Any Settlement Class Member who does not Opt Out may present written objections, if any, explaining why he or she believes the Settlement should not be approved by the Court as fair, reasonable, and adequate. A Settlement Class Member who wishes to object to any aspect of the Settlement, including without limitation any objection to Settlement Class Counsel's request for attorney's fees and litigation expenses or class representative incentive awards, must file with the Court, by July 23, 2025 (the "Objection Deadline"), a written statement of the objection(s). The written statement of objection(s) must include a detailed statement of the Settlement Class Member's objection(s), as well as the specific reasons, if any, for each such objection, including any evidence and legal authority the Settlement Class Member wishes to bring to the Court's attention. That written statement must also contain the Settlement Class Member's printed name, address, telephone number, a statement that the Settlement Class Member has reviewed the Settlement Class definition and has not Opted Out of the Settlement Class, and any other supporting papers, materials, or briefs the Settlement Class Member wishes the Court to consider when reviewing the objection, including information sufficient to demonstrate that the objector is otherwise a Settlement Class Member.

A Settlement Class Member may object on his or her own behalf or through an attorney authorized to practice before the Court and hired at that Settlement Class Member's own expense. The objection must state with specificity the grounds for the objection. Attorneys asserting objections on behalf of Settlement Class Members must: (a) file a notice of appearance with the Court by July 23, 2025, or as the Court otherwise may direct; (b) file a sworn declaration attesting to his or her representation of each Settlement Class Member on whose behalf the objection is being filed, or file (in camera) a copy of the contract between that attorney and each such Settlement Class Member; and (c) comply with the procedures described in this Section.

A Settlement Class Member (or counsel individually representing them, if any) seeking to make an appearance at the Fairness Hearing must file with the Court, by July 23, 2025, a written notice of their intent to appear at the Fairness Hearing, in accordance with the requirements set forth in the Preliminary Approval Order, or by such time and in such manner as the Court may otherwise direct.

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THE LAWYERS REPRESENTING YOU

9. Do I have a lawyer in the case?

Yes. The Court has appointed lawyers to represent all Settlement Class Members as “Settlement Class Counsel.” They are:

L. Dante diTrapano Alexander McLaughlin Calwell Luce DiTrapano PLLC 500 Randolph St. Charleston, WV 25302 www.cldlaw.com W. Jesse Forbes Forbes Law Offices, PLLC 1118 Kanawha Blvd., East Charleston, WV 25301 www.forbeslawwv.com	Van Bunch Bonnett Fairbourn Friedman & Balint P.C 7301 N. 16th Street, Suite 102 Phoenix, AZ 85020-5266 www.bfffb.com
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You will not be charged for contacting these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

10. How will the lawyers be paid?

Settlement Class Counsel intend to ask to be paid up to 40% of the total settlement amount for fees, plus reasonable litigation expenses from the available settlement amount. The Court will decide the amount of fees and litigation expenses to award. In addition, Settlement Class Counsel intend to ask the Court to approve incentive awards of \$35,000 each to the two Settlement Class Representatives, for their time and effort serving the Settlement Class. Defendant reserves the right to object to the amount requested for attorney’s fees and Settlement Class Representative payments.

GETTING MORE INFORMATION

11. How do I get more information?

Please visit the litigation website at www.DunbarMainBreak.com, or call the toll-free hotline at 1-877-537-1084. You may submit in writing any requests or questions by mailing to Settlement Administrator – 2015 Dunbar Main Break Class Action, P.O. Box 4227, Charleston, WV 25364. Please provide all relevant contact information should a representative need to speak with you or correspond in any manner. **Please do not contact the Court or Court personnel, or WVAW, directly about this Notice.**

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