

SECOND NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

Ver Reverso Para La Versión En Español.

请参阅最后一页的中文说明。

Qǐng cānyuè zuìhòu yī yè de zhōngwén shuōmíng.

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

Tanisha Rodriguez v. MAT Asphalt LLC,

Circuit Court of the State of Illinois, County of Cook, Chancery Division, Case No. 2020-CH-07031

If you have occupied any residential real property located within a half (.5) mile of the vicinity of the MAT Asphalt Facility located at 2055 W. Pershing Road, Chicago, Illinois at any time from July 20, 2018, to the present, you may be a Class Member.

Please read this Notice carefully, as it affects your legal rights. You can also visit or call:
www.LSCCounsel.com/mataspaltsettlement / 1-800-536-0045

IF YOU HAVE ALREADY SUBMITTED A CLAIM FORM, AN OPT OUT, OR AN OBJECTION IN THIS CASE, YOU DO NOT NEED TO DO SO AGAIN.

Attorneys will host a Community Meeting on February 20, 2024 from 4-7 p.m. at the Richard M. Daly Public Library located at 733 N Kedzie Ave, Chicago, IL 60612 to answer questions.

<u>Your Legal Rights and Options in this Settlement</u>		<u>Deadline</u>
SUBMIT A CLAIM FORM	The only way to get a cash payment. You must <u>timely</u> submit a valid Claim Form, which is attached.	Deadline to submit a Claim Form: on or before March 15, 2024
EXCLUDE YOURSELF	Receive no payment. Get out of this lawsuit. Retain your right to sue MAT Asphalt as an individual with your own lawyer. If you exclude yourself or “Opt-Out” of the settlement, you will <u>no longer</u> be a Class Member. This means that you will not be eligible for the benefits or relief in the settlement. It also means that Class Counsel will not be representing you and there are statutes of limitations that may bar your individual claims.	Deadline to Exclude yourself: on or before March 15, 2024
COMMENT OR OBJECT	Write to the Court about why you do not like the settlement. Please follow the procedures outlined below. You must remain a member of the lawsuit (you cannot ask to be excluded) in order to object to the Settlement.	Deadline to Comment or Objection: on or before March 15, 2024

Questions? Need a Claim Form?
Visit: www.LSCCounsel.com/mataspaltsettlement or
Contact Class Counsel: 1-800-536-0045

DO NOTHING	<p>You receive no payment. Remain bound by settlement.</p> <p>By doing nothing, you will not recover money from the settlement. You will also be bound by the settlement and give up your rights to sue MAT Asphalt or other affiliated persons or entities (defined as the “Defendant Releasees” in the Settlement Agreement) separately about the same or similar legal claims in this lawsuit. However, if you presently reside within a half mile of the Facility, you will receive the benefits of improvements MAT Asphalt is making to the Facility and its operations.</p>	
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These rights and options—and the deadlines to exercise them—are explained in this Class 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 and after appeals, if any, are resolved.

1. What is the purpose of this Class Notice?

The purpose of this Class Notice is to inform you of (a) the existence of a class action lawsuit; (b) the proposed settlement of the class action lawsuit; and (c) your rights with respect to the proposed settlement. Those legal rights and options include the right to be excluded from the Class and the settlement.

A class action lawsuit is pending in the State of Illinois, Cook County Circuit Court, known as *Tanisha Rodriguez v. MAT Asphalt*, Case No. 2020-CH-07031. Cook County Circuit Court Judge Neil H. Cohen, who is overseeing this case, authorized this Notice. You have a right to know about the class action lawsuit and proposed settlement. As a Class Member you have various options that you may exercise before the Court decides whether to approve the settlement. If the Court approves the settlement, and after any appeals are resolved, payments will be made pursuant to the settlement to Class Members who submit timely and valid claims. Defendant MAT Asphalt LLC will also undertake certain Improvement Measures.

This Class Notice explains the lawsuit, the settlement, your legal rights, the available benefits, who is eligible for them, and how to get them.

2. What is this lawsuit about?

The above captioned lawsuit was brought by Tanisha Rodriguez (“Plaintiff”) against MAT Asphalt (“Defendant”). Plaintiff asserted various legal claims against Defendant, based on the allegation that noxious odors emitted from the Facility and invaded nearby properties. Plaintiff is represented in this case by the law firms of Liddle Sheets Coulson P.C. and Marshall P. Whalley & Associates P.C. (“Class Counsel”).

You can read the First Amended Class Action Complaint at www.LSCCounsel.com/mataspaltsettlement.

3. How does Defendant answer?

Defendant denies that it is liable for any of Plaintiff’s claims and denies that any person has suffered damage to or diminution in value of their property relating to the Facility.

4. Has the Court decided who is right?

No. To date, the Court granted Defendant’s motion to dismiss in part but has not made any other rulings on Plaintiff’s claims or Defendant’s defenses.

5. Why is there a settlement?

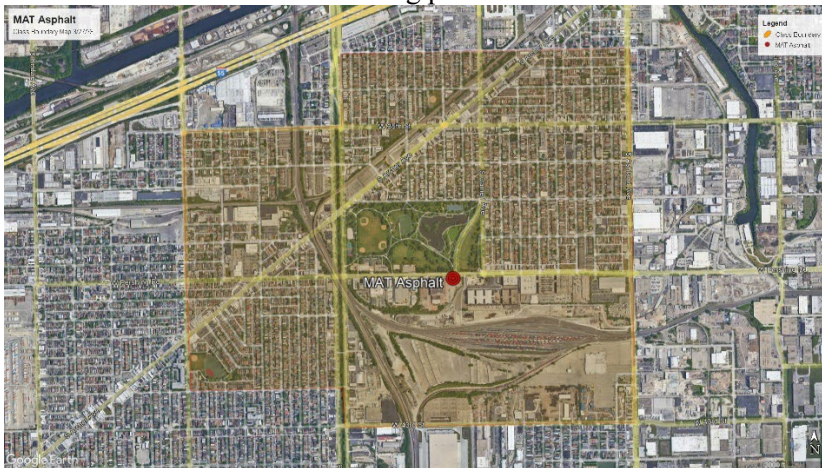
The Court did not decide in favor of Plaintiff or Defendant. Instead, after mediation and settlement discussions, both Parties agreed to this settlement. By doing so, the Parties avoid the cost, delay and risks associated with trial and any appeals.

Questions? Need a Claim Form?
 Visit: www.LSCCounsel.com/mataspaltsettlement or
 Contact Class Counsel: 1-800-536-0045

6. Am I part of this Class?

The Class in this lawsuit consists of all persons who have owned, rented or leased any residential property located in whole or in part within the defined Class Area near the Facility located at 2055 W. Pershing Road, Chicago, Illinois at any time from July 20, 2018 to the present, and who do not affirmatively Opt-Out of this settlement. The defined Class Area is depicted on the map attached to the Settlement Agreement as Exhibit A. The Class Area includes all households **within a one half (.5) mile radius of the MAT Asphalt Facility**, specifically the following area as described and depicted below and on the website:

Starting at S California Avenue and W 42nd Street, proceed east to S Western Boulevard. Follow S Western Boulevard south to W 43rd Street. Proceed east on W 43rd Street to S Ashland Avenue. Follow S Ashland Avenue north to W 33rd Street. Take W 33rd Street west to S Western Boulevard. Follow S Western Boulevard south to W 35th Street. Follow W 35th Street to S California Avenue. Proceed south on S California Avenue to the starting point at W 42nd Street.



7. I'm still not sure if I am included?

If you are still not sure whether you are included, you can get free help by calling 1-800-536-0045, or by writing Class Counsel at the address listed in Question 27, below. You may also visit the settlement website at: www.LSCCounsel.com/mataspaltsettlement.

THE PROPOSED SETTLEMENT

8. What are the settlement benefits?

If the settlement is approved by the Court at or after the Fairness Hearing described in Question 23 of this Notice, Defendant has agreed to the creation of a Settlement Fund totaling \$1,200,000 and to undertake certain Improvement Measures to mitigate the effect of any potential odors or particular matter associated with the operation of the Facility.

9. What are the Improvement Measures?

Although Defendant denies any and all liability, Defendant has agreed that by April 30, 2024, it shall implement Improvement Measures to mitigate its potential emission of odors and particular matter from its Facility. Those improve measures include: installation of a blue smoke control system, ensuring the continued use of fume condensers and/or activated carbon, maintaining and expanding its fugitive dust/particulate matter control plan, and other measures more specifically addressed in Exhibit F to the Settlement Agreement. These Improvement Measures have an estimated cost of approximately \$900,000. A list of the Improvement Measures can be found at: www.LSCCounsel.com/mataspaltsettlement.

10. How do I get paid?

Questions? Need a Claim Form?
Visit: www.LSCCounsel.com/mataspaltsettlement or
Contact Class Counsel: 1-800-536-0045

To obtain payment from the Settlement Fund, you must do the following:

- A. **Complete, sign and date the Claim Form** (which is enclosed with these materials). Keep a copy of the completed Claim Form for your records; and
- B. **Mail the appropriate Claim Form and your supporting documentation**, postmarked on or before March 15, 2024, to the following address: Attn: MAT Asphalt Claims, Liddle Sheets Coulson P.C., 975 E. Jefferson Ave., Detroit, MI 48207. The documentation that must be contained with your Claim Form can be found on the Claim Form.

11. What if I don't timely mail a completed Claim Form?

If you fail to submit the Claim Form on or before March 15, 2024 you will not get paid, but you will still benefit from the Improvement Measures at the Facility. You will be bound by the terms of the Settlement Agreement, including the release of claims against Defendant and affiliated persons/entities, unless you affirmatively Opt-Out. Sending in a Claim Form late will be the same as doing nothing.

12. How are payments calculated?

The amount of compensation paid to a Class Member will be dependent, in part, on the total amount of Claims. Accordingly, the amount a Class Member will receive will not be known until after all Claim Forms have been submitted and assessed. Class Counsel will determine the approved claim amount for a Class Member who has submitted a valid Claim Form based upon the total number of approved Claim Forms. The claim amount for each approved Claim will be calculated by dividing the net Settlement Fund (i.e., the balance remaining after attorneys' fees and expenses, and Service Awards have been distributed from the Settlement Fund) by the total number of addresses for which claims have been submitted.

13. When will I get paid?

The date when payments will be issued cannot be determined at this time. Please be patient. On April 26, 2024 at 9:30 a.m., the Court will hold a hearing to decide whether or not to approve the Settlement. Those who wish to attend can participate via ZOOM using the following: Zoom ID 940 2402 4757, Passcode 739301. If the Court approves the Settlement, Class Counsel will begin reviewing each Claim Form submitted. Please note that there could be a delay if there is an appeal of the Court's order approving the Settlement.

14. What am I giving up by staying in the Class?

If the Settlement becomes final, Class Members who submit a Claim Form, objection or did nothing at all will be releasing the Defendant and all affiliated persons/entities (defined as the "Defendant Releasees" in the Settlement Agreement) from all claims which the Class Members ever had, now have, or can have, arising from or relating in any way to any odor, dust, particulate matter or other emissions from the Facility through the Effective Date of the settlement.

The release shall not bar claims for medically diagnosed personal injuries and shall not bar claims of any kind arising from any emissions from the Facility occurring after the Effective Date of the settlement.

All members of the Settlement Class shall covenant not to sue Defendant on any alleged claims for odor, dust or other alleged emissions that occurred after the final Agreement is approved by the Court and for a period of 30 months after the Effective Date.

EXCLUDING YOURSELF FROM THE SETTLEMENT

15. How do I get out of this settlement?

To exclude yourself from the settlement, you are urged to send a letter by First Class U.S. mail to the Class Counsel that contains the following statement: "I WISH TO BE EXCLUDED FROM THE *TANISHA RODRIGUEZ V. MAT ASPHALT, LLC* SETTLEMENT. I UNDERSTAND BY EXCLUDING MYSELF, I WILL NOT RECEIVE ANY MONEY FROM THE

Questions? Need a Claim Form?
Visit: www.LSCCounsel.com/mataspaltsettlement or
Contact Class Counsel: 1-800-536-0045

SETTLEMENT REACHED IN THIS MATTER.” You cannot exclude yourself on the phone or by e-mail. Be sure to include your full name, the address of the Settlement Class Area property, signature, and the date. You must mail your exclusion request, postmarked on or before March 15, 2024, to:

Class Counsel
Tanisha Rodriguez et.al. v. MAT Asphalt LLC
c/o Liddle Sheets Coulson P.C.
975 E. Jefferson Ave.
Detroit, MI 48207

If you timely submit your request to be excluded, you will not get any settlement payment and you cannot object to the settlement. You will not be legally bound by the settlement.

16. If I don’t exclude myself, can I sue Defendant later?

No, not for the same legal claims at issue here. If you do not exclude yourself and the settlement is approved by the Court, you will be bound by the terms of the Settlement Agreement and will release Defendant and all of the “Defendant Releasees” from the Released Claims, as defined in the Settlement Agreement. The Released Claims include all claims arising from or relating in any way to any odor, dust, particulate matter or other emissions from the Facility, except for any claim for medically diagnosed personal injuries, and any claims arising from emissions from the Facility after the Effective Date of the settlement.

You can later sue the Defendant for future conduct of Defendant which creates future harm or damages, as opposed to future harm or damages arising out of *past* conduct occurring *prior to* the Effective Date of the settlement. However, no Class Member can sue Defendant on any alleged claims for odor, dust, particulate matter or other alleged emissions that occurred after the Effective Date for a period of 30 months.

17. If I exclude myself can I still get money from this settlement?

No. If you exclude yourself from the Class you won’t get any money or benefits from this settlement. If you exclude yourself, you should not submit a Claim Form to ask for money from the settlement. You cannot both exclude yourself from the settlement and receive benefits from the settlement.

THE LAWYERS REPRESENTING YOU

18. Do I have a lawyer in this lawsuit?

The Court has preliminarily appointed the law firm of Liddle Sheets Coulson P.C., together with Marshall P. Whalley & Associates P.C., as qualified to serve as Class Counsel and to represent you and all Class Members in this lawsuit. You will not be charged by these lawyers for their work on the case, but they will ask the Court to award attorneys’ fees and expenses from the Settlement Fund. You may contact Class Counsel with any questions.

19. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer or wish to consult with another lawyer about this settlement, you are free to do so and may hire one at your own cost.

20. How will the lawyers be paid and will there be incentive payments?

Class Counsel has not received any fees for the lawyer and professional time it has devoted to this matter, nor has it received any reimbursement for any of the out-of-pocket expenses it has incurred. Class Counsel will apply to the Court for an award of attorneys’ fees that does not exceed one-third of the Total Settlement Value, and expenses that they incurred in litigating the case.

In addition, Class Counsel will ask that the Court award the named Plaintiff Tanisha Rodriguez a \$10,000 Service Award in recognition of her efforts on behalf of the Class. Any fees, expenses or incentive awards that Class Counsel request must be approved by the Court. Class Counsel will request that their fees and expenses, and the Service Award be paid from the Settlement Fund.

Questions? Need a Claim Form?
Visit: www.LSCCounsel.com/mataspphaltsettlement or
Contact Class Counsel: 1-800-536-0045

SUPPORTING OR OBJECTING TO THE SETTLEMENT

21. How do I tell the Court that I like or do not like the settlement?

If you are a Class Member, you can tell the Court that you like the settlement and it should be approved, or that you object to the settlement if you do not like some part or all of it. The Court will consider all comments and objections from Class Members. To comment on or to object to the proposed settlement, submit a written statement to Class Counsel at the address below, setting forth:

- Your legal name, current residence address, address of the Settlement Class Area property which you owned or in which you resided during the Class Period, current contact telephone number, and signature;
- The reference “*Tanisha Rodriguez, et. al. v. MAT Asphalt LLC*, Case No. 2020-CH-07031”;
- You may include documentary or physical evidence establishing your membership in the Class;
- A detailed statement of your objections, comments, or any supporting arguments, together with any supporting documents.

In order for the Court to consider your comments or objections, you must submit them, along with any request to speak at the Fairness Hearing (See Questions 23-25), postmarked on or before March 15, 2024, to Class Counsel at the following address:

Class Counsel
Tanisha Rodriguez, et al. v. MAT Asphalt LLC
c/o Liddle Sheets Coulson P.C.
975 E. Jefferson Ave.
Detroit, MI 48207

If you do not submit a written comment or objection on the proposed settlement in accordance with the deadline and procedure set forth above, you may waive your right to be heard at the Fairness Hearing.

22. What is the difference between objecting and Opting-Out?

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you stay in the Class. Opting-Out is telling the Court that you do not want to be part of the Class. If you Opt-Out, you have no basis to object because the case no longer affects you.

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

On April 26, 2024 at 9:30 a.m., the Court will hold a hearing to decide whether or not to approve the Settlement. Those who wish to attend can participate via ZOOM using the following: Zoom ID 940 2402 4757, Passcode 739301. At this hearing the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court may listen to people who have asked to speak at the hearing. The Court may also decide the amount of attorney’s fees and expenses to be awarded to Class Counsel and the amount of any incentive award to the Named Class Representative, all of which will be paid from the Settlement Fund, along with administrative expenses approved by the Court. After the hearing, the Court will decide whether to approve the settlement. We do not know how long it will take for the Court to make its decision.

24. Do I have to attend the hearing?

No. Class Counsel will answer questions the Court may have during the hearing on the Class Members’ behalf. But, you are welcome to attend the hearing at your own expense. If you send an objection, you do not have to attend the hearing to discuss that objection. As long as your written objection establishes membership in the Class and is received on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

25. May I speak at the hearing?

If you would like to speak at the Fairness Hearing about your comments or objections to the Settlement, you should add to your letter commenting or objecting to the settlement a statement that you intend to appear and speak at the hearing. An example is stating:

Questions? Need a Claim Form?
Visit: www.LSCCounsel.com/mataspaltsettlement or
Contact Class Counsel: 1-800-536-0045

“This is my Notice of Intention to Appear in *Tanisha Rodriguez et. al. v. MAT Asphalt LLC.*” If you do not submit a written comment or objection on the proposed settlement in accordance with the deadline and procedure set forth above, you will waive your right to be heard at the Fairness Hearing. You cannot speak at the hearing if you Opt-Out. If you intend to appear at the Fairness Hearing through counsel, your comment must also state the identity of all attorneys representing you who will appear at the Fairness Hearing and provide the information described in Section 6, Paragraphs (a)-(j) of the Settlement Agreement.

IF YOU DO NOTHING

26. What happens if I do nothing at all?

If you do nothing, you’ll get no money from this Settlement but will still be bound by the Settlement and lose your ability to sue, continue to sue, or be part of any other lawsuit against Defendant about the same legal issues in this case.

ADDITIONAL INFORMATION

27. Are there more details available?

Visit the website at www.LSCCounsel.com/mataspphaltsettlement where you can find extra Claim Forms, information on the litigation and settlement, and documents such as the First Amended Class Action Complaint filed by Plaintiff Tanisha Rodriguez. You may also contact Class Counsel at 1-800-536-0045 or write them at:

Liddle Sheets Coulson P.C.
Attn: MAT Asphalt Settlement
975 E. Jefferson Ave.
Detroit, MI 48207

PLEASE DO NOT CALL OR WRITE TO MAT ASPHALT, LLC OR THE CLERK OF THE COURT. THE CLERK OF THE COURT CANNOT ANSWER QUESTIONS CONCERNING THE LAWSUIT OR THE SETTLEMENT.

Questions? Need a Claim Form?
Visit: www.LSCCounsel.com/mataspphaltsettlement or
Contact Class Counsel: 1-800-536-0045