

DuPont Opt Out Checklist

To be excluded from the DuPont 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 DuPont 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 DuPont Notice Administrator by certified or first class mail at the following address. The Notice Administrator must **receive** the Request for Exclusion no later than **December 4, 2023**.

Notice Administrator:

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

3. Serve the Request for Exclusion in accordance with the requirements of Federal Rule of Civil Procedure 5 and by certified or first class mail on the following:
 - a. **Counsel for Settling Defendants:**

Jeffrey M. Wintner Graham W. Meli Wachtell, Lipton, Rosen & Katz 51 West 52nd Street New York, NY 10019	Kevin T. Van Wart Kirkland & Ellis LLP 300 North LaSalle Chicago, IL 60654	Michael T. Reynolds Cravath, Swaine & Moore LLP 825 Eighth Avenue New York, NY 10019
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b. **Class Counsel:**

<p>Scott Summy Baron & Budd, P.C. 3102 Oak Lawn Ave., Ste. 1100 Dallas, Texas 75219</p>	<p>Michael A. London Douglas & London 59 Maiden Lane, 6th Floor New York, NY 10038</p>	<p>Paul J. Napoli Napoli Shkolnik 1302 Av. Ponce de Leon San Juan, Puerto Rico 00907</p>
<p>Elizabeth A. Fegan Fegan Scott LLC 150 S. Wacker Drive, 24th Floor Chicago, IL 60606</p>	<p>Joseph F. Rice Motley Rice 28 Bridgeside Blvd. Mount Pleasant, SC 29464</p>	

4. You must submit a Request for an Exclusion on behalf of each Public Water System that you wish to opt out of the Settlement Class. No “mass,” “class,” “group” or otherwise combined Request for Exclusion shall be valid. Any Public Water System that is not specifically identified in a Request for Exclusion will remain in the Settlement Class.
5. Any Public Water System 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. DuPont Notice
3. DuPont Settlement Agreement, section 9.7.