

## NOTICE OF PENDENCY OF CLASS ACTION

If you resided in a dwelling supplied tap water by West Virginia-American Water Company and located within the area shown on the attached map between June 23 and July 1, 2015, or

If you owned a business supplied tap water by West Virginia-American Water Company and located within the area shown on the attached map between June 23 and July 1, 2015,

### *A Class Action Lawsuit May Affect Your Rights.*

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#### **A Court Authorized This Notice. You Are NOT Being Sued.**

- *Participating in this Class Action will not impact your current access to tap water.*
- *You will not be required to appear in Court at the class trial addressing certain fault issues relating to the alleged violation of statutory, common-law, and contractual duties by WVAW.*

**You could be affected by a class action lawsuit** against West Virginia-American Water Company ("WVAW") relating to a water main break in late June 2015 that occurred in Dunbar, WV, that resulted in water service disruptions for some customers in that area.

#### **What is this case about?**

In this case, plaintiffs allege that prior to the 2015 main break WVAW could have prevented or avoided the water service disruptions by implementing better precautionary measures in compliance with applicable regulations and the use of reasonable care. WVAW denies the allegations and asserts that it acted in compliance with all applicable requirements and used reasonable care. The Court has not decided who is right. The lawyers for the plaintiffs still have to prove their case against WVAW at trial. However, no matter which side wins the lawsuit, your legal rights are affected. The purpose of this notice is to summarize your rights and options.

The Circuit Court for Kanawha County, West Virginia decided that for the purposes of determining certain issues regarding WVAW's alleged fault this should be a class action on behalf of a "Class," or group of people, that could include you. Records show that between June 23 and July 1, 2015, you may have either (1) resided in a dwelling supplied tap water by WVAW and located within the area shown on the attached map; or (2) owned a business operating in real property supplied tap water by WVAW and located within the area shown on the attached map.



You have a choice of whether to stay in the Class and you must decide this now. There is no money available now and no guarantee that there will be. No one can predict how long the trial and appeals process will take or what the final outcome will be. If the verdict at the conclusion of the class trial is in favor of plaintiffs, additional notice will be provided with information regarding the method and manner of additional steps to determine whether you may be entitled to a claim for money damages and the nature and extent of any such damages.

#### **Who represents the Class?**

The Court has appointed L. Dante di Trapano and Alex McLaughlin of the law firm Calwell Luce di Trapano, PLLC and Van Bunch of the law firm Bonnett, Fairbourn, Friedman & Balint P.C. to represent the Class as "Class Counsel." You don't have to pay Class Counsel or anyone else to participate in this case. Instead, if they get money or benefits for the Class, they will ask for fees and expenses to be awarded by the Court, which may be deducted from any money obtained. You may hire your own lawyer to appear in Court for you, but if you do, you have to arrange for payment of that lawyer.

#### **What are your options?**

Stay in the Class: To stay in the Class, you do not have to do anything. If there is a verdict in your favor, you will be notified regarding the Court's judgment and what you must do to demonstrate that you are entitled to recover any money. You will be legally bound by all orders and judgments of the Court, and you will not be able to sue WVAW in a separate action about the specific legal claims in this case.

Get out of the Class: If you want to keep your rights to sue WVAW yourself over the claims in this case, using your own lawyer, you need to opt out or exclude yourself. If you exclude yourself, you cannot get benefits from this lawsuit if any are awarded. To ask to be excluded, send a letter to:

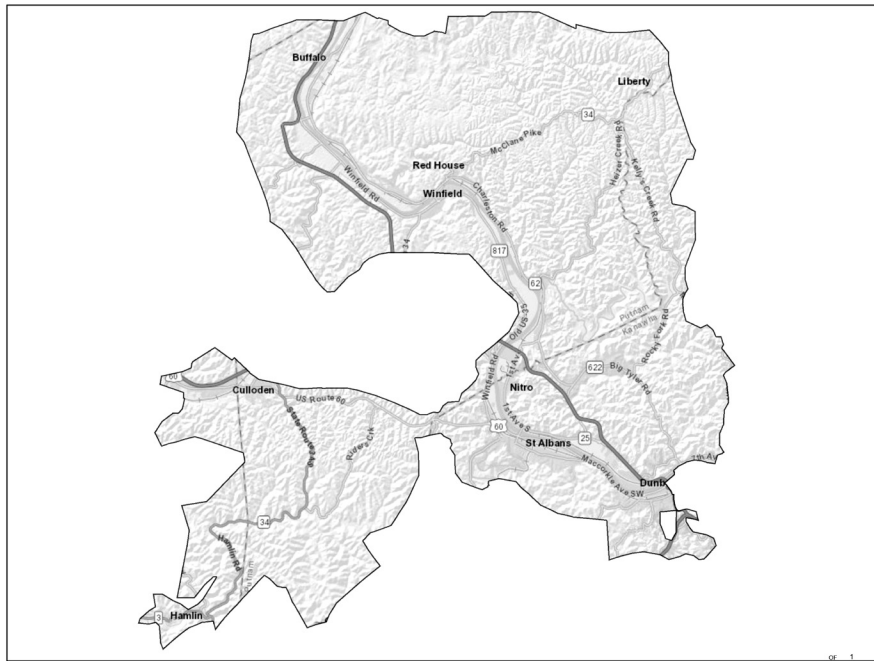
Honorable Carrie L Webster  
Judge of the Kanawha County Circuit Court  
Kanawha County Judicial Building  
111 Court Street  
Charleston, West Virginia 25301

postmarked no later than January 15, 2024, that says you want to be excluded from *Richard Jeffries, et al. v. West Virginia-American Water Company*, Civil Action No. 17-C-765. Include your name, address, telephone number, and your personal signature.

Appear in Court: If you stay in the Class, you have the option of hiring your own lawyer (at your expense) to appear in Court for you.

#### **How can I get more information?**

Call toll-free 1-877-537-1084 to speak to an operator, visit the website at [www.DunbarMainBreak.com](http://www.DunbarMainBreak.com), or write to Notice Administrator P.O. Box 4227, Charleston, WV 25364. Your questions will be answered promptly. Because of the large number of persons in the Class, we ask that you do not call the Court or the lawyers.



Notice Administrator  
P.O. Box 4227  
Charleston, WV 25364

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CHARLESTON, WV  
PERMIT NO. 22

**PLEASE READ: IMPORTANT LEGAL NOTICE OF PENDENCY OF CLASS ACTION  
RELATING TO WATER SERVICE DISRUPTION EVENTS  
BETWEEN JUNE 23 AND JULY 1, 2015**