



From the Desk of Cheri Bryant Hamilton

Many of you may be aware that we have held a series of meetings about the Zeon Chemical Lawsuit Settlement in District 5 and in other areas surrounding Rubbertown. There is a new development. Federal Judge John Heyburn has thrown out the settlement. Please read the latest information below and we will keep you updated on what will happen next.

Subject: Zeon Chemical Settlement Rejected By Court

Dear all:

In a 9-page Memorandum Opinion, U.S. District Judge Heyburn denied a motion to approve a settlement agreement that would have bound persons within 2 miles of the Zeon chemical plant in Rubbertown, while providing nominal compensation only to persons living within 1 mile. The Court found the agreement to be unfair to those persons residing between one and two miles of the Zeon Facility, ruling that "the Court will not approve ...the arbitrary division of class members, questionable releases and extensive immunity from future actions, absent greater tangible benefits." With respect to the proposed injunction against bringing future claims for three and up to ten years, the Court ruled " What the Court cannot agree upon is an injunction which limits the rights of those unrepresented here in any fashion. Because the Court concludes respectfully that these flaws, taken together, permeate the proposed settlement and make it fundamentally unfair to entire segments of the proposed class, there remains no alternative other than denying approval."

In two other cases, the Judge entered orders conditionally disapproving the Rohm & Haas and Dupont settlements, giving both companies 30 days to decide whether to accept amendments to the class settlement that would limit the five-year proposed injunction against new lawsuits to those class members that did not opt out of the lawsuit, and would provide that no one moving into the area after the entry of the order would be bound by the settlement. The companies have to decide by August 2. The Court also rejected the Plaintiffs' counsel's request for 1/3 of both the settlement awards, finding that \$75,000 was enough for each case (a total of \$150,000, when the plaintiffs had requested a total of \$433,333 for the two cases).

Eboni acted very courageously as the sole objector to these settlement proposals, and KRC has been privileged to represent her, and the interests of the future residents who would otherwise have been bound by the injunction against future suits in the settlements.

Let me know if you have any questions, and thanks for your support for improving air quality in west county neighborhoods.

Fitz
(Tom FitzGerald)
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