

(UPDATED 6/16/2014)

IN THE CIRCUIT COURT OF  
PUTNAM COUNTY, WEST VIRGINIA

ZINA G. BIBB, et al.,

*Plaintiffs,*

v.

CIVIL ACTION NO. 04-C-465

MONSANTO COMPANY, et al.,

*Defendants.*

**NOTICE OF REGISTRATION TO PARTICIPATE  
IN PROPERTY PROGRAM**

**ATTENTION: IF YOU CURRENTLY OWN RESIDENTIAL PROPERTY WITHIN A CERTAIN GEOGRAPHIC AREA IN PUTNAM AND KANAWHA COUNTIES, NEAR THE CITY OF NITRO, WEST VIRGINIA, AS OF SEPTEMBER 30, 2010, PLEASE READ THIS NOTICE CAREFULLY. YOUR RIGHTS MAY BE AFFECTED. YOU MAY BE ENTITLED TO HAVE THE INTERIOR OF YOUR PROPERTY CLEANED UNDER THE TERMS OF A SETTLEMENT AGREEMENT.**

*The Circuit Court of Putnam County, West Virginia authorized this Notice.  
This is not a solicitation from a lawyer.*

On January 23, 2012, the Circuit Court of Putnam County, West Virginia, entered a Final Order Approving Settlement, in the case of *Bibb et al v. Monsanto Company et al.* Under the terms of the settlement, you may be entitled to have the interior of your residential property cleaned. In order to participate in this Property Program you will be required to complete a Registration Questionnaire and provide copies of certain documents so that your eligibility may be determined and your property scheduled for cleaning. Please read the following carefully.

**1. WHAT THIS LAWSUIT IS ABOUT:**

Certain persons who own property in and around Nitro, West Virginia, filed this lawsuit in 2004 alleging that their property and persons were contaminated by dioxins released from the old Monsanto chemical plant located in Nitro, West Virginia, which is no longer operational (the "Plant"). Specifically, Plaintiffs in the lawsuit alleged that waste disposal practices at the Plant between 1948 and 1969 resulted in widespread dioxin contamination in the Class Area. The Defendants deny that any such contamination occurred. Nonetheless, the Parties to the lawsuit have reached a Settlement. As part of the Settlement, persons who own residential property within a specific geographic area in Putnam and Kanawha Counties, West Virginia, as set forth on a map attached hereto as Exhibit A, as of September 30, 2010, are permitted to participate in a Property Program.

In order to Participate in the Property Program, you will be required to complete a Registration Questionnaire and provide copies of certain documents to determine if your property is in fact eligible. The registration period will last for 120 days commencing on July 3, 2014, and ending on October 31, 2014. **You must complete the questionnaire and submit it together with the requested documents to the Registration Administrator on or before October 31, 2014, or you will not be eligible to participate in the Property Program.** Additional details regarding the Registration Questionnaire and the required documents are provided below.

## **2. WHAT IS THE PROPERTY PROGRAM:**

If your property is eligible for inclusion in the Property Program, you will be entitled to receive, free of charge, the following services to be performed in cooperation with Foth Infrastructure & Environment, LLC (“Foth”), the cleanup company retained to perform the work:

- Vacuuming carpets, rugs and accessible horizontal surfaces with a HEPA vacuum.
- Wet Cleaning accessible horizontal surfaces including floors and floor vents, tops of doors and window moldings, window mullions, interior window sills, window troughs (if accessible), ceiling fans and light fixtures and radiators.

Property determined to be eligible will be scheduled for cleanup on a first-come, first-served basis with Foth reserving the right to make groupings of residences to be cleaned.

A more detailed description of the scope of the cleanup is contained in *Standard Operating Procedures: Removing Dust from Home*, which is Exhibit D of the Property Class Settlement Agreement, and is available for review at [www.BibbClass.com](http://www.BibbClass.com) or at the office of the Registration Administrator.

## **3. HOW TO DETERMINE IF YOU QUALIFY TO HAVE THE INTERIOR OF YOUR RESIDENTIAL PROPERTY CLEANED:**

To qualify for participation in the Property Program, you must meet certain eligibility criteria. These are: (a) You must own property located within the area of the Map attached as Exhibit A as of September 30, 2010, as documented by a deed, property tax receipt, property tax assessment, recorded will or estate settlement; (b) the property must be residential property, defined as a residential property, such as a house, mobile or condominium, not including apartments, apartment buildings, commercial properties or government buildings of any kind, owned by an individual or individuals; and (c) you must complete a Questionnaire and submit it to the Registration Administrator a Questionnaire. A larger version of the Map (Exhibit A) and copies of the Questionnaire may be viewed and printed from [www.BibbClass.com](http://www.BibbClass.com) or may be seen at the office of the Registration Administrator.

In order to Register, you must **complete the Registration Questionnaire and return it to the Registration Administrator** by (1) mailing it to **Nitro Class Action Settlement Administrator, P.O. Box 11778, Charleston, WV 25339**, with a postmark no later than that **October 31, 2014**; or (2) hand-delivering it to the Registration Administrator’s office, located at **2303 1<sup>st</sup> Avenue, Nitro, WV 25143** on or before **October 31, 2014**, during the hours the office

is opened, Tuesday through Friday from 10:00 A.M. to 6:00 P.M. and on Saturdays from 9:00 A.M. to 12:00 P.M. The office will be opened and staffed beginning on Tuesday, July 8, 2014.

If you do qualify to participate in the Property Program you will be required to sign a Right of Entry Informed Consent form before any of the clean-up will be performed and to cooperate with the Registration Administrator to have the testing completed no later than June 4, 2017.

**Please do not call the Court or the Judge about this Notice.**

Complete and Return to:  
Nitro Class Action Settlement Administrators, LLC  
2303 1<sup>st</sup> Avenue, Nitro, WV 25143

**BIBB PROPERTY CLASS SETTLEMENT QUESTIONNAIRE**

Your answers to the following questions will help determine whether you qualify to have the interior of your residential property cleaned under the *Bibb* Property Class Settlement.

In answering these questions, you must follow these guidelines:

- A. The area referred to in the questions below as the “Property Cleanup Area” is the geographic area depicted on the attached Exhibit A. You must determine whether you owned residential property within this area on September 30, 2010.
- B. For purposes of these questions, the term “residential” means a residential property such as a house, mobile home, or condominium and does not include apartments, apartment buildings, commercial properties or government buildings of any kind, owned by an individual or individuals.
- C. If you have any questions about completing the Questionnaire, you may appear in person at the Administrator’s office, located at 2303 1<sup>st</sup> Avenue, Nitro, WV 25143 during the hours the office is opened, Tuesday through Friday from 10:00 A.M. to 6:00 P.M. and on Saturdays from 9:00 A.M. to 12:00 P.M. The office will be opened and staffed beginning on Tuesday, July 8, 2014. You may also call us on the telephone at 1(877) 673-5049.

By completing and submitting this form, you are making a preliminary decision that you wish to have the interior of the property or properties listed cleaned in accordance with the terms of the *Bibb* Property Class Settlement Agreement. You may, however, elect to withdraw the property from participation at a later date.

**Preliminary Information:**

Name: \_\_\_\_\_

Current Address: \_\_\_\_\_

Email address: \_\_\_\_\_

Telephone: Home \_\_\_\_\_

Work \_\_\_\_\_

Mobile \_\_\_\_\_

**Identification of Residential Property:**

Please list below the address of any residential property you own as of September 30, 2010, which you believe to be within the area designated on Exhibit A, together with the names of any persons who may co-own the property with you. If you own more than one eligible property, you will have to complete a separate Questionnaire for each property.

\_\_\_\_\_ (Street)

\_\_\_\_\_ (City)

Co-owners, if any:

\_\_\_\_\_

\_\_\_\_\_

**Documentation:**

For the property listed above please attach: Proof of ownership, for example, a copy of your deed, a property tax receipt, or a property tax assessment. You may also attach a recorded will or estate settlement but must supply with it either a property tax receipt or property tax assessment.

**VERIFICATION**

I, \_\_\_\_\_ (print name), hereby verify that the information contained in the foregoing PROPERTY CLASS SETTLEMENT QUESTIONNAIRE is true and accurate to the best of my knowledge, information and belief.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Signature)

**EXHIBIT A**  
**BIBB PROPERTY**  
**CLASS ACTION SETTLEMENT**  
**AREA MAP**

