

## SUMMARY NOTICE

**ANNA SPRUIELL, ET AL. VS. THE WATER WORKS BOARD FOR THE CITY OF BIRMINGHAM,  
ET AL.**

### **NOTICE OF PROPOSED CLASS ACTION SETTLEMENT.**

**YOUR LEGAL RIGHTS MIGHT BE AFFECTED BY THIS SETTLEMENT;  
PLEASE READ CAREFULLY.**

You may be a member of a class in a case that has been preliminarily approved for a class action settlement. The case is listed above and is pending in the Circuit Court for Jefferson County, Alabama (Civil Action No. CV-2019-900914). The class action lawsuit above was filed on behalf of two Settlement Classes: a Property Damages Class and a Business Loss Class. It alleges that BWWB and/or Transwood acted unlawfully, and their actions caused a release of chlorine gas from the Shades Mountain Filter Plant near U.S. Highway 280. The claim is that this release of chlorine gas caused certain harm to nearby owners' property and financial losses to nearby businesses. BWWB and Transwood deny all allegations in the lawsuit, and further contend that their practices conformed to Alabama law and applicable standards of care.

#### **How Do I Know If I Am Part Of The Settlement?**

The Court has preliminarily determined that everyone who fits the following description is a Class Member:

**(a) *Business Loss Class.*** Any and all businesses within a circle whose radius begins at the Shades Mountain Filter Plant and extends 10,560 feet therefrom. These Settlement Class Members may recover losses they incurred as a result of the Chemical Spill incident, and the brief blockage of U.S. Highway 280 as a result of that incident.

**OR**

**(b) *Property Loss Class.*** Any and all persons who owned real or personal property physically located within a circle whose radius extends 5,280 feet from the Shades Mountain Filter Plant. These Settlement Class Members may recover for injuries to their real and personal property they incurred as a result of the exposure of those properties to chlorine gas from the Chemical Spill incident.

Excluded from the Settlement Class are those persons or entities (a) who had claims pending against BWWB or Transwood before either a federal or state court as of the date of Preliminary Approval, where those claims related in any way to the chlorine gas release incident; (b) who previously released all claims against BWWB or Transwood; (c) who had previously settled any claims they pursued (or could have pursued) against BWWB or Transwood, where the suits or claims were independent and unconnected to any Settlement Agreement reached in this case; or (d) who are agents or employees of BWWB or Transwood, or are family members of BWWB or Transwood agents or employees, or who are otherwise affiliated with BWWB or Transwood. Moreover, the proposed Settlement of this Action does not cover claims for bodily injuries by anyone who was exposed to the chlorine gas release.

#### **What Does The Settlement Provide?**

If the Settlement is approved, you may be eligible to receive up to \$1,000, if you are a member of the ***Property Damages Class*** or up to \$1,500 if you are a member of the ***Business Loss Class***. But to receive these benefits, you must complete a Settlement Claim Form requiring you to provide certain information about your situation.

You can learn more about the case, the Settlement, what you might receive from the Settlement, how you must complete a Settlement Claim Form, and your other rights by visiting [www.BWWBSettlement.com](http://www.BWWBSettlement.com) or by calling the Settlement Administrator at 1-888-726-1633.

### **What Are My Options?**

You can get out of the Settlement. To exclude yourself from this Settlement, you must submit a request for exclusion to the Settlement Administrator. You can learn more about what you must do to exclude yourself by visiting [www.BWWBSettlement.com](http://www.BWWBSettlement.com) or by calling the Settlement Administrator at 1-888-726-1633. If you do not exclude yourself from the Settlement, you will remain a Class Member and may be eligible to claim Settlement Benefits at a later time.

If you do not exclude yourself from the Settlement, you do not have to do anything at this time or you can object to the Settlement. To object to this Settlement, you must file a written objection by February 19, 2025, and you may (but are not required to) appear through counsel if you wish to do so. The exact procedures for objecting and appearing at the hearing are provided at [www.BWWBSettlement.com](http://www.BWWBSettlement.com), or may be obtained by calling the Settlement Administrator at 1-888-726-1633.

If you remain in the Settlement and it is approved, any claim you may have against BWWB or Transwood and other allotted persons or entities regarding the conduct at issue in the lawsuit will be discharged and released.

### **What To Do If You Have Questions?**

This Notice is just a summary. The detailed Class Notice, as well as the Settlement Agreement and some other documents in this lawsuit, can be found online at [www.BWWBSettlement.com](http://www.BWWBSettlement.com). You may also call the Settlement Administrator at 1-888-726-1633. Or you can write to the Settlement Administrator at *Spruiell v. Birmingham Water Works Board* Settlement Administrator, P.O. Box 301134, Los Angeles, CA 90030-1134.

QUESTIONS: Call 1-888-726-1633 or visit [www.BWWBSettlement.com](http://www.BWWBSettlement.com). Do Not Contact the Court.