
NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

You have been sent this Notice of Proposed Class Action Settlement (“Notice”) because you may be a member of a Class whose rights would be affected by a proposed settlement that would resolve litigation arising out of a fire at the Chemtool Manufacturing Plant located at 1165 Prairie Hill Road in Rockton, Illinois that began on June 14, 2021. As explained in greater detail, the proposed settlement will establish a fund of \$94,500,000 that will be used to make monetary awards to Class Members and to pay expenses of a Settlement Administrator, incentive awards to Class Representatives, attorneys’ fees and litigation expenses to counsel for the Class, and certain identified claims related to the fire. A copy of the proposed Settlement Agreement (“Settlement Agreement”) is available www.chemtoolclassaction.com. You have the following legal rights and options:

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
1. SUBMIT A CLAIM FORM FOR A MONETARY AWARD (REQUIRES ACTION BY SEPTEMBER 12, 2024)	Apply to receive a monetary award by submitting a Claim Form. If approved by the Court, you will be bound by the terms of the Settlement Agreement, including but not limited to the release of claims as set forth in the Settlement Agreement.
2. OBJECT TO THE PROPOSED SETTLEMENT AGREEMENT (REQUIRES ACTION BY AUGUST 13, 2024)	Object to the proposed Settlement Agreement by filing a written objection. The Court will consider and rule on your objection. If you file an objection, you may still apply to receive a monetary award by submitting a Claim Form.
3. DO NOTHING	You will not receive a monetary award, but you will still be bound by the terms of the Settlement Agreement if approved by the Court, including but not limited to the release of claims as set forth in the Settlement Agreement.

Pursuant to 735 ILCS 5/2-803 and 5/2-806, you are notified as follows:

Overview

This Notice is given to you because you may be a member of a Class whose rights would be affected by a proposed Settlement Agreement that would resolve a lawsuit arising out of a fire at the Chemtool Manufacturing Plant located at 1165 Prairie Hill Road in Rockton, Illinois that began on June 14, 2021.

You are a member of the Class if on June 14, 2021 you were an Illinois citizen and an owner or tenant of property located in Illinois within a three-mile radius of the Chemtool Manufacturing Plant located at 1165 Prairie Hill Road in Rockton, Illinois, and you did not opt out of the Class.

Specifically excluded from the Class are Chemtool Incorporated (“Chemtool”), any entities in which Chemtool has a controlling interest, any of Chemtool’s officers, directors, or employees as of June 23, 2021, any of Chemtool’s legal representatives, heirs, successors, and assigns, anyone employed by the law firms representing the Plaintiffs, and any Judge to whom this case is assigned and his or her immediate family.

The Court has preliminarily approved the proposed Settlement Agreement and has scheduled a hearing for September 27, 2024 at 9:00am to determine whether it is fair, reasonable, and adequate and whether to give it final approval. This

QUESTIONS? VISIT WWW.CHEMTOOLCLASSACTION.COM OR CALL 833-457-5350.

Notice is intended to advise you of the proposed Settlement Agreement and your rights regarding it, which include: (1) submitting a claim for a monetary award, (2) objecting to the proposed Settlement Agreement, or (3) doing nothing.

Description of the Lawsuit and Related Litigation

This lawsuit (“*Grasley*”) is pending in the Circuit Court of the 17th Judicial Circuit in Winnebago County, Illinois and is currently assigned to the Honorable Stephen E. Balogh (“Court”). It was brought on behalf of a class (the “Class”) consisting of all Illinois citizens who were, on June 14, 2021, owners or tenants of property located in Illinois within a three-mile radius of the Chemtool Manufacturing Plant located at 1165 Prairie Hill Road in Rockton, Illinois (“Plant” or “Rockton Plant”). This geographic area is referred to as the “Class Area.”

In their Second Amended Class Action Complaint in the lawsuit (“Complaint”), named plaintiffs Charles Grasley, Diane Connelly, Paige Hoops, and Eric Osberg (“Plaintiffs”) allege that Chemtool caused damage to their properties and other properties in the Class Area as a result of a fire at the Rockton Plant that began on June 14, 2021 and that created a plume of smoke, dust, and debris (“Fire”). Plaintiffs allege that Holian Insulation Company (“Holian”), a contractor performing work at the Rockton Plant that day, was also responsible for the damage to Plaintiffs’ and the Class’s properties. The Plaintiffs’ Complaint sought to recover compensatory damages for property cleanup costs, diminution of property value, loss of the reasonable use and enjoyment of property, and other property related damages of the members of the Class, as well as injunctive relief to remediate the damage to properties in the Class Area, and punitive damages.

Chemtool denies allegations of wrongdoing and asserts numerous defenses, including that Holian is responsible for causing the Fire and the plaintiffs lack alleged damages. Holian denies all allegations of wrongdoing and asserts numerous defenses relating to, among other things, Chemtool’s alleged failure to protect the Rockton Plant from fires. The Court has not yet made any determination about the merits of the claims in the Complaint or any party’s defenses.

Two other class action lawsuits arising out of the Fire were filed in the Circuit Court of the 17th Judicial Circuit in Winnebago County, Illinois (“*Mackey*” and “*Henderson*”) and subsequently removed to the United States District Court for the Northern District of Illinois (Western Division) and consolidated into a single lawsuit, referred to as *Mackey*. The named plaintiffs in *Mackey* are Stephanie Mackey, Nick Migliore, and Sara Henderson. The named plaintiffs in *Mackey* are represented by the same attorneys representing the Plaintiffs in *Grasley*. Defendants in *Mackey* are Chemtool and its corporate parent The Lubrizol Corporation (“Lubrizol”), as well as Holian.

The Court’s Previous Class Certification Decision in *Grasley*

On October 10, 2022, Judge Balogh entered an order in *Grasley* certifying this lawsuit as a class action pursuant to 735 ILCS 5/2-801 and defined the Class as Illinois citizens who were, on June 14, 2021, owners or tenants of property in Illinois within a three-mile radius of the Rockton Plant, excluding Chemtool, any entities in which Chemtool has a controlling interest, any of Chemtool’s officers, directors, or employees as of June 23, 2021, any of Chemtool’s legal representatives, heirs, successors, and assigns, anyone employed with Plaintiffs’ counsels’ firms, and any Judge to whom this case is assigned and his or her immediate family.

On November 4, 2022, Judge Balogh entered an order in *Grasley* appointing named plaintiffs Charles Grasley, Diane Connelly, Paige Hoops, and Eric Osberg to serve as class representatives and attorneys Robert Foote, Robert S. Libman, and Daniel R. Flynn to serve as Co-Lead Counsel for the Class, Marc C. Gravino to serve as Liaison Counsel, and Kathleen Chavez, Deanna N. Pihos, Edward J. Manzke, Steven Hart, and David Neiman to the Plaintiffs’ Steering Committee for the Class (collectively, “Class Counsel”). Addresses for these attorneys are shown below:

Robert M. Foote
Kathleen C. Chavez
FOOTE, MIELKE, CHAVEZ & O’NEIL LLC
10 West State Street, Suite 200
Geneva, IL 60134

Robert S. Libman
Deanna N. Pihos
MINER, BARNHILL & GALLAND P.C.
325 N. LaSalle Street, Ste. 350
Chicago, IL 60654

Daniel R. Flynn
DiCELLO LEVITT, LLC
Ten North Dearborn Street, Sixth Floor
Chicago, IL 60602

Edward J. Manzke
THE COLLINS LAW FIRM, P.C.
1770 Park Street, Ste. 200
Naperville, IL 60563

David Neiman
ROMANUCCI & BLANDIN, LLC
321 N. Clark Street, Ste. 900
Chicago, IL 60654

Marc C. Gravino
WILLIAMS McCARTHY LLP
120 W. State Street, Suite 400
Rockford, IL 61105

Steven Hart
HART McLAUGHLIN & ELDRIDGE LLC
22 W. Washington Street, Ste. 1600
Chicago, IL 60602

On February 13, 2023, Judge Balogh entered an order approving the sending of notice to the Class of the Court's class certification order and of the rights of each Class Member ("Notice"). The Notice also explained that each Class member had the option to either: (1) remain in the Class, or (2) opt out of the class. Class members who chose to opt out of the Class were required to do so by May 15, 2023. Class members who did not opt out of the Class by that date remain members of the Class.

Since the Court's October 10, 2022 Class Certification Order, Class Counsel has continued vigorously litigating this case on behalf of the Class and Chemtool has vigorously defended the case.

The Proposed Class Action Settlement Agreement

Plaintiffs, Chemtool, and Lubrizol have entered into a Settlement Agreement that, if approved by the Court, will resolve the Class's claims against Chemtool and Lubrizol in the pending class action lawsuits relating to the Fire. On May 10, 2024, Plaintiffs and Chemtool filed a joint motion asking the Court to preliminarily approve the Settlement Agreement, subject to this Notice of Proposed Class Action Settlement Agreement being sent to the Class and a hearing to determine whether the Settlement Agreement is fair, reasonable, and adequate that would consider, among other things, any objections to the Settlement Agreement.

The key provisions of the Settlement Agreement are summarized below.

- The Settlement Agreement will resolve the claims against Chemtool in *Grasley* and against Chemtool and Lubrizol in *Mackey*.
- The Class Representatives are Charles Grasley, Diane Connelly, Paige Hoops, and Eric Osberg.
- The parties to the Settlement Agreement are the Class Representatives, the *Mackey* named plaintiffs (Sara Henderson, Nick Migliore, and Stephanie Mackey), Class Counsel, Chemtool, and Lubrizol.
- Chemtool and Lubrizol will pay \$94,500,000 into a Settlement Fund to pay: (1) monetary awards to eligible Class Members, (2) expenses of a Settlement Administrator in connection with providing notice to the Class and administration of the Settlement Agreement, (3) such incentive awards to the proposed Class Representatives as the Court approves (Class Counsel is requesting an incentive award of \$18,000 to each of the four Class Representatives and an equal amount to each of the three named plaintiffs in *Mackey*), (4) such attorneys' fees and litigation expenses to Class Counsel as the Court approves (Class Counsel is limiting its request to no more than 35% of the Settlement Fund), and (5) resolution of certain identified claims related to the Fire.
- Each Class Member will be entitled to file a Claim Form in order to seek a monetary award.
- In order to obtain a monetary award, Class Members will be required to release Chemtool, Lubrizol, and related entities and persons. However, even if you choose to do nothing and not obtain a monetary award, if the Settlement Agreement

is approved by the Court, you will be bound by the terms of the Settlement Agreement including a release of Chemtool, Lubrizol, and related entities and persons as set forth in the Settlement Agreement.

The amount of each individual Class Member’s monetary award will depend on, among other things, the number of Class Members who submit approved Claims, whether the Class Member was an owner or tenant of property at the time of the Fire, the distance of the property from the Chemtool Plant, whether the property was residential or non-residential, and the number of persons living at each Class Member’s property at the time of the Fire.

The Court’s Preliminary Approval of the Settlement Agreement and Scheduling of a Final Approval Hearing

On May 16, 2024, the Court entered an order preliminarily approving the Settlement Agreement, directing Class Counsel to send this Notice of Proposed Class Action Settlement to the Class, and scheduling a hearing to consider any objection, and whether to give final approval to the Settlement Agreement (“Final Approval Hearing”).

The Final Approval Hearing will take place on September 27, 2024 at 1:30pm in Courtroom 451 of the Winnebago County Courthouse located at 400 West State Street in Rockford, Illinois 61101. The purpose of the hearing is for the Court to determine whether to approve the Settlement Agreement. You are permitted, but not required, to attend the Final Approval Hearing provided you file a written notice of intent to appear with the Court and mail it to the Settlement Administrator no later than fourteen (14) calendar days before the date of the Final Approval Hearing.

YOUR OPTIONS

- 1. SUBMIT A CLAIM FOR A MONETARY AWARD**
- 2. OBJECT TO THE PROPOSED SETTLEMENT**
- 3. DO NOTHING**

Each of these options is explained below.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
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2. OBJECT TO THE PROPOSED SETTLEMENT AGREEMENT (REQUIRES ACTION BY AUGUST 13, 2024)	Object to the proposed Settlement Agreement by filing a written objection. The Court will consider and rule on your objection. If you file an objection, you may still apply to receive a monetary award by submitting a Claim Form.
3. DO NOTHING	You will not receive a monetary award, but you will still be bound by the terms of the Settlement Agreement if approved by the Court, including but not limited to the release of claims as set forth in the Settlement Agreement.

Your legal rights are affected whether you act or not. Read this notice carefully.

1. Submit a Claim for a Monetary Award

If you fall within the definition of the Class and did not previously opt out by May 15, 2023, you will remain in the Class and have the right to submit a claim for a monetary award. To do so, you must submit a Claim Form and required documentation no later than September 12, 2024. A copy of the Claim Form is attached to this Notice and may also be obtained at www.chemtoolclassaction.com, by calling 833-457-5350 toll free, by emailing chemtoolclassaction@

QUESTIONS? VISIT WWW.CHEMTOOLCLASSACTION.COM OR CALL 833-457-5350.

noticeadministrator.com, or by writing to Chemtool Class Action Settlement Administrator, P.O. Box 2009, Chanhassen, MN 55317-2009. If the Settlement Agreement is approved, you will be bound by all terms of the Settlement Agreement, including the release of specified claims against Lubrizol, Chemtool, and related entities and persons as set forth in the Settlement Agreement.

2. **Object to the Settlement**

You have the right to object to the Settlement Agreement if you do not think it is fair, reasonable, or adequate or for any other reason. The Court will consider and rule on your objection at the Final Approval Hearing.

If you wish to object to the Settlement Agreement, you must comply with the following requirements and procedure:

- a. Your objection must be in writing.
- b. Your objection must:
 - include the name of this case (*Grasley*)
 - state your full name, mailing address, email address, and telephone number
 - contain your signature
 - state the reasons for the objection
 - state whether you are represented by an attorney and, if so, state the full name, mailing address, email address, and telephone number of the attorney
 - state whether you or any attorney representing you intend to appear at the Final Approval Hearing
 - identify any witnesses, if any, you intend to call at the Final Approval Hearing
 - identify the documents, if any, you intend to use or offer into evidence at the Final Approval Hearing
- c. If you are an individual and not a business entity, you (not an attorney representing you) must sign the objection. If you are a business entity, you must be represented by an attorney.
- d. You must mail the objection to the following addresses **AND POSTMARK IT ON OR BEFORE AUGUST 13, 2024:**

Chemtool Class Action Settlement Administrator
P.O. Box 2009
Chanhassen, MN 55317-2009

and

Kelly A. Kosek
Senior Litigation Counsel
29400 Lakeland Blvd.
Wickliffe, OH 44092

- e. If you file an objection, you will be required to respond to discovery requests related to the objection within seven (7) calendar days of service of such requests and you will be required to appear for a deposition related to the objection within seven (7) calendar days of service of notice of deposition.

Failure to comply with any of the above requirements or procedure will result in the denial of your objection. If the Court enters an order giving final approval to the Settlement Agreement over your objection and you wish to appeal the Court's order, the Court may require that you post a bond in order to do so.

Even if you object, you may still submit a claim for a monetary award as described in Section 1 above.

If your objection is unsuccessful, you will still be considered a participant in the Settlement. If the Settlement Agreement is approved, you will be bound by all terms of the Settlement Agreement, including the release of specified claims against Lubrizol, Chemtool, and related entities and persons as set forth in the Settlement Agreement.

3. Do Nothing

If you do nothing, you will not receive a monetary award. You will still be considered a participant in the Settlement. If the Settlement Agreement is approved, you will be bound by all terms of the Settlement Agreement, including the release of specified claims against Lubrizol, Chemtool, and related entities and persons as set forth in the Settlement Agreement.

Further Information

Plaintiffs' Second Amended Class Action Complaint, Chemtool's Answer, the proposed Settlement Agreement, the Court's May 16, 2024 Order preliminarily approving the Class Action Settlement, and all other papers filed in this case are publicly available for inspection at the Winnebago County, Illinois Courthouse, Office of the Clerk of Court, 400 West State Street, Rockford, Illinois, 61101, and are available for copying at your own expense.

If you have any questions about this Notice or about the case generally, information and some of the above documents are also available at www.chemtoolclassaction.com, by calling 833-457-5350 toll free, by emailing chemtoolclassaction.com, or by writing to Chemtool Class Action Settlement Administrator, P.O. Box 2009, Chanhassen, MN 55317-2009.

**PLEASE DO NOT CALL OR WRITE THE COURT OR THE CLERK OF THE COURT
AS THEY CANNOT ANSWER QUESTIONS CONCERNING THE LAWSUIT.**

**BY ORDER OF THE WINNEBAGO COUNTY CIRCUIT COURT
17TH JUDICIAL CIRCUIT**

Dated: June 14, 2024