

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: EAST PALESTINE TRAIN DERAILMENT**

CASE NO. 4:23-CV-00242-BYP  
JUDGE BENITA Y. PEARSON

**CLASS COUNSEL'S STEP ONE MOTION FOR AN ORDER TO SHOW  
CAUSE AGAINST KROLL SETTLEMENT ADMINISTRATION LLC**

Now come Class Counsel and move this Honorable Court to grant Class Counsel's Step One Motion for an Order to Show Cause against Kroll Settlement Administration LLC for the reasons set forth in the attached Memorandum in Support.

Dated: October 23, 2025

Respectfully submitted,

*/s/ M. Elizabeth Graham*

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 23, 2025 a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

*/s/ M. Elizabeth Graham* \_\_\_\_\_  
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Grant & Eisenhofer P.A.

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**CLASS COUNSEL'S MEMORANDUM IN SUPPORT OF THEIR  
STEP ONE MOTION FOR AN ORDER TO SHOW CAUSE AGAINST  
KROLL SETTLEMENT ADMINISTRATION LLC**

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## I. INTRODUCTION

On behalf of the Settlement Class<sup>1</sup>, Class Counsel respectfully moves the Court for an Order directing Kroll Settlement Administration LLC (“Kroll”) to show cause why the Court should not enter an Order: (1) sanctioning and holding Kroll in contempt; and (2) disgorging Kroll of funds it received as payment from the Settlement Fund.<sup>2</sup>

This Court appointed Kroll as Settlement Administrator on May 21, 2024. Kroll submitted sworn testimony of its capabilities in support of its appointment, and willingly undertook the obligation to diligently administer the Settlement on behalf of the Settlement Class. On June 11, 2025, this Court entered an Order suspending and terminating Kroll’s appointment as Settlement Administrator, and substituting Epiq Class Action & Claims Solutions, Inc. (“Epiq”). This substitution came as a result of the discovery that Kroll had not followed the Court’s adopted Plan of Distribution. ECF No. 979. Pursuant to their replacement appointment, Epiq immediately began the process of collecting and analyzing the data that Kroll had amassed.

Epiq has now had the opportunity to complete a significant portion of its review of the Voluntary Exposure (also known as Voluntary Personal Injury) claims processed by Kroll. This review, unfortunately, has revealed alarming, large-scale errors—errors in addition to the issuance of payments prior to computing the value of a single point. These errors include that of the 10,533 denied Voluntary Exposure claims Epiq has reviewed so far, Kroll incorrectly rejected almost

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<sup>1</sup> Capitalized terms used herein shall have the meaning set forth in the Settlement Agreement filed of record on April 26, 2024, at ECF No. 452-2, and finally approved by the Court on September 27, 2024, at ECF No. 557.

<sup>2</sup> Class Counsel expressly reserve, and indeed contemplate, on behalf of the Class, all rights to request such other, further and different relief than set forth in this Motion as may be warranted by their ongoing review and evaluation of Kroll’s administration of the Settlement including, without limitation, further monetary sanctions, including for overpayments made from the Fund, and an award of attorneys’ fees. Specifically, Class Counsel intends to file its “Step Two” Motion after an audit of the financial ramifications of the mishandling of the Class funds, as discussed herein.

1,000 claims as outside eligible boundaries, and incorrectly denied hundreds of other claims for failure to cure deficiencies. Prompted by these discoveries, Epiq also undertook a preliminary review of “approved” Voluntary Exposure payments that, to-date, has revealed almost 1,000 claims approved with invalid dates, 12,180 claims missing formal points assignments, and, in the cases that did receive formal points assignments, almost 2,500 claims with scores that cannot exist under the Plan of Distribution — because Kroll applied multipliers *that do not appear anywhere* in the Plan of Distribution—or are likely otherwise incorrect.

As a result of these many errors, Epiq is conducting a thorough audit of all submitted claims. This will require review of *every* claim for correct data input, new adjudication of previously approved claims, providing Class Members another opportunity to cure deficient claims, and entirely re-calculating points based on Epiq’s own evaluation. There is no other choice to ensure that the calculations are done correctly. This complete redo of the work that Kroll was appointed to complete is the sole result of Kroll’s gross negligence and will significantly increase the costs taxed to the Class above those Class Counsel anticipated when entering into the Settlement Agreement and moving this Court for final approval of the Settlement and Plan of Distribution.<sup>3</sup>

Given the incredible number of mistakes found to date, it is evident that when Kroll accepted payment of \$9,542,182.60—funds that were taken out of the Settlement Fund and away from Class Members—it had completely failed to properly perform administration of the finite Settlement Fund. Kroll’s lack of diligence and inexplicable actions not only have significantly

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<sup>3</sup> See 9/06/24 Decl. of Scott Fenwick, ECF No. 518-7 (“As of September 3, 2024, Kroll has billed \$2,361,940.74 for Administrative Expenses incurred in the administration of this matter...[and] estimates that it will bill an additional \$14.6 million to complete the administration of this Settlement.”).

delayed administration of the Settlement, but will result in significantly increased costs in Settlement Administration. Kroll has violated this Court's Orders, including deviating from the Plan of Distribution to the financial detriment of the Class. Thus, as a form of interim relief pending the completion of Epiq's review and a full, separate audit of the financial costs, Class Counsel asks this Court to disgorge Kroll of its fees collected to date for the administration of this Settlement.

## II. BACKGROUND

### A. Kroll's Claimed Skill, Experience and Expertise in Administering Settlements that are Premised on Point-Based Allocation Systems

Kroll advertises itself as “. . . raising the bar in class action, mass tort, regulatory and government claims administration” by “. . . ensur[ing] more accurate claims handling, speed and responsiveness.” To this end, Kroll represents that its “. . . class action settlement administration team is comprised of subject matter experts with decades of experience managing some of the largest and most complex settlements in U.S. history” and “. . . work[s] closely with all parties, often assisting clients before settlement agreements are finalized, to ensure valuable, reliable and effective administration.” Kroll also boasts its ability to “. . . flag anything that stands out as something that should get some attention to look at to make sure [a settlement] is moving the way that it should.” Included in Kroll's stated capabilities are Kroll's “pre-settlement consultation services,” which prominently features “creating a plan of allocation.”<sup>4</sup>

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<sup>4</sup> These statements can be found on Kroll's website (<https://www.kroll.com/en/services/settlement-administration>; <https://www.kroll.com/en/services/settlement-administration/class-action>; and <https://www.kroll.com/en/insights/publications/settlement-administration/natural-gas-explosion-settlement-massachusetts>), as well as published interviews with President Randy Burkholder ([https://www.youtube.com/watch?v=atLh\\_tKC-Ag&t=60s](https://www.youtube.com/watch?v=atLh_tKC-Ag&t=60s)).

In the area of environmental class actions, Kroll specifically touts its experience and success, administering the \$143 million settlement in the *In Re: Columbia Gas Cases*.<sup>5</sup> In those cases, Kroll notes that it distributed over \$91 million to more than 10,000 residential claimants by “develop[ing] a point-based allocation system for residential claims.”<sup>6</sup> According to Kroll Senior Director of Settlement Administration Scott Fenwick—the Kroll project lead in *East Palestine*—the point-based allocation system in *Columbia Gas* utilized six essential categories of information to assign points depending on degree of harm. *See* Fenwick Decl. in *Columbia Gas*, ¶¶27-32, attached as **Exhibit A**. Some of Class Counsel worked with and alongside Kroll in *Columbia Gas* to develop the point-based allocation system that was successfully implemented in those cases. By calculating the total number of points presented across all claims and then dividing the portion of the \$143 million settlement allocated to residential claims by that total number of points, Kroll was able to translate each claim into a proportional monetary award that could then be distributed to the *Columbia Gas* claimants within the limits of the larger residential fund. *Id.* The use of this type of allocation approach is common and well-accepted in cases with limited funds and an unknown number of claims. *See* Declaration of Professor Lynn Baker in Support of Plaintiffs’ Motion for Final Approval of Settlement (“Baker Decl.”), ECF No. 519-3, ¶22.

**B. Kroll’s Contributions to the Development of the Point-Based Allocation System in this Settlement**

In the context of this similar prior experience with Kroll, Class Counsel engaged Kroll as the to-be-proposed Settlement Administrator for *East Palestine* on March 7, 2024, believing at

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<sup>5</sup> <https://www.kroll.com/en/publications/settlement-administration/natural-gas-explosion-settlement-massachusetts>

<sup>6</sup> <https://www.kroll.com/en/publications/settlement-administration/natural-gas-explosion-settlement-massachusetts>

that time a settlement could be possible in the near future and Kroll would bring skill and experience developing and applying a point-based allocation system to bear for the benefit of the Class. *See* March 7-12, 2024 E-mail Discussion, attached as **Exhibit B**. Indeed, in the very same e-mail retaining Kroll, Class Counsel raised as “the first order of business” a discussion with Kroll regarding “the allocation point system” that would eventually be implemented in *East Palestine*. *See id.* In response, Kroll provided Class Counsel with, among other things, the “payment table” that was used in *Columbia Gas*, which would serve as a starting point for the *East Palestine* point-based allocation system. Notably, this “payment table” contained the categories and values assigned to the different factors used in *Columbia Gas*, as well as a demonstration of how points would be used to determine proportional shares of the Settlement Fund by dividing the finite pool of money assigned to each component of the Settlement by the total number of points presented across the complete universe of valid claims to reach a “value per point.” *See id.*; Baker Decl., ¶22.

Based on Kroll’s representations and stated familiarity with the point-based allocation system, Kroll proposed an approach similar to that used in *Columbia Gas* as the cornerstone of the point-based allocation system in *East Palestine* for Direct and Voluntary Exposure (also known as Personal Injury) payments. Kroll shared the point-based allocation system that would soon become the Plan of Distribution with Class Counsel and counsel for Norfolk Southern by early April 2024, when an agreement in principle appeared imminent. To be sure, the exact point-based allocation system in *East Palestine* was the product of an iterative process completed only after many months of consultation among Kroll, Class Counsel, and counsel for Norfolk Southern. For example, in mid-April 2024, Class Counsel provided Kroll with a draft of the Allocation Plan and Point System outlining the factors that would likely be used to calculate awards in the Direct and Voluntary Exposure payment claims. *See* April 16-18, 2024 E-mail Discussion, attached as **Exhibit C**. On

April 18, 2024, Kroll responded to Class Counsel by providing its thoughts on the categories and factors, as well as a sample of calculated awards, which set forth certain estimates regarding the different types of payments households and individuals could receive under the point system depending on different claims rates. *See id.* (“East Palestine Kroll Sample Calculated Awards 04172024”). This core concept was repeatedly shared with the Settlement Class itself, owing to Kroll’s input, including when Class Counsel penned a letter response to the Unity Council for the East Palestine Train Derailment stating that “[I]ndividual award amounts under the Settlement are based on the information received during the claims process, as well as the total number of Class Members who submit claims” and “[m]ore precise estimates of Class Member awards can only be determined once the claims process has been completed, all claims have been reviewed and points have been allocated to all submissions.”<sup>7</sup> *See* June 12-14, 2024 E-mail Discussion, attached as **Exhibit D**, and “EP – Response Letter to Unity Council (Draft) 6.12.24, § 13,” attached as **Exhibit E**.

By the end of August 2024, following the close of the claims period, Class Counsel, with Kroll’s assistance and analysis, completed developing the point-based allocation system and provided the final version to Kroll for its comments and approval. *See* August 28, 2024, E-mail Discussion and Meeting (“Allocation and Point System (Draft 3.0) 8.28.24”), attached as **Exhibit F**. Following review and discussion of the Plan of Distribution, Kroll did not have any questions, concerns or modifications, nor did it express any confusion regarding the Plan of Distribution’s terms or application. Indeed, at no point between August 28, 2024, and the filing of the Plan of

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<sup>7</sup> This axiom was also reflected in the Court-approved Long Form Notice, reviewed and approved by Kroll, which states “[i]f, after everyone sends in Claims Forms, the compensation claims total more than \$600 million, net of all other expenses under the Settlement, the payments will be reduced. If the compensation claims are less than \$600 million net of costs, the payments will be increased and/or additional payments will be made.” ECF No. 452-2, pp. 57-62.

Distribution with the Court on September 6, 2024, or the final approval hearing on September 25, 2024, did Kroll express anything other than full understanding and agreement with the point system as submitted to the Court.

What is more, as required by Section V(D) of the Settlement Agreement, Kroll provided a draft Final Claims Report to the parties on August 28, 2024, which stated that “[t]he final value assigned to all Claims for Personal Injury Payments for all Eligible Personal Injury Settlement Class Members who have submitted a Claim Form and executed a Personal Injury Release is currently estimated not to exceed \$125 million.” *See* August 28-29 E-mail Discussion (“EastPalestine\_Claim Report for Counsel”), attached as **Exhibit G**. The following day, in recognition that claims continued to be received, and after Class Counsel conferred with counsel for Norfolk Southern, Kroll revised the total estimated value upwards “. . . not to exceed \$130 million.” *See id.* (“EastPalestine\_Claim Report for Final.pdf” attachment). At no point after August 29, 2024 (until Class Counsel raised the issue with Kroll on May 7, 2025), did Kroll indicate the estimated \$130 million for Voluntary Exposure claims was insufficient or needed to be increased based on new claims statistics. In fact, on September 26, 2024—one day after the Court’s final approval hearing and nearly thirty days after Kroll’s final Claims Report—Kroll confirmed the \$130 million valuation for Voluntary Exposure claims was correct. In reliance thereon, that sum was wired into the QSF on October 11, 2024.

### **C. Kroll’s Faulty Claim Processing and Incorrect Award Determinations**

Following final approval of the Settlement on September 27, 2024, Kroll worked with Class Counsel to refine its implementation of the point-based allocation system for Voluntary Exposure claims through further discussion of how the Plan of Distribution applied to certain scenarios (e.g., an individual living directly between two distance categories or how the

“trackside” factor should be delineated). Included in these discussions was explicit consideration of the distinction between the larger East Palestine area and the Village of East Palestine in the Plan of Distribution. In response to Kroll’s request for clarification on the “Village of East Palestine” issue, in October 2024, Class Counsel explicitly advised Kroll:

**As to the Village of EP issue, the Village is different from the East Palestine zip code (anything with a 44413 zip code). Anyone who lives within the geographic boundaries of the Village of EP or out to 2 miles should be treated differently from those outside of the 2 miles who still have an East Palestine (44413) zip code . . .**

See October 8-15, 2024 E-mail Discussion, attached as **Exhibit H**. Following receipt of this information and review of a boundary map of the Village of East Palestine, Kroll confirmed that it understood the distinction for purposes of implementing the point-based allocation system for Voluntary Exposure payments, which was its sole focus at the time given the filing of an appeal staying distribution of the Direct Payment program. Once again, at no point during these discussions or throughout the fall and winter of 2024-2025 did Kroll express a lack of understanding that the Plan of Distribution required calculations from a fixed award amount or that the number of claims for Voluntary Exposure payments were expected to exceed the valuations Kroll confirmed at the end of September 2024.

As the claims process continued, in mid-November 2024, Kroll advised the parties that almost ninety (90) days after the end of the claims period, Kroll had received an additional 1,315 claims—“as a result of a post office error”—that needed to be entered, reviewed, and would “obviously increase the overall claims count.”<sup>8</sup> See November 18, 2024 E-mail Discussion, attached as **Exhibit I**. This news immediately alarmed Class Counsel because such an increase in

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<sup>8</sup> This number of claims represents roughly five percent (5%) of all valid claims, which in turn could potentially represent roughly \$6.5 million of the allocated Voluntary Exposure fund. Kroll claimed that this error was not its fault but rather that of the USPS.

claims so long after the claims deadline had the potential to upend Kroll's calculation of awards and delay payments. When pointedly asked to "discuss exactly what this means for calculations," Kroll responded that it would not know the effects until the claims had been reviewed for any Voluntary Exposure claims, all deficiencies cured, and the information in the claims scored. *See id.* Class Counsel reiterated that this analysis is the first step under the point-based allocation system, and that Kroll needed to conduct that review as soon as possible in order to continue with the process. *See id.* Kroll acknowledged the need to follow this process and committed to perform that type of review on a priority basis. *See id.* At no time did Kroll even hint that the newly discovered claims would pose a problem to the allocation process or the timing of distributions for Voluntary Exposure payments. This makes sense, as again, the process contemplates a fixed settlement amount of \$130 million being divided by the total number of scored points for all claims to achieve a dollar value per point.

Following these developments, Kroll began issuing Voluntary Exposure award payments to eligible Class Members later in November 2024, increasing the volume of claim award determinations steadily through March 2025. On March 25, 2025, Kroll provided the parties with its first ". . . reporting of the payment and determination letter status . . ." rather than its normal weekly claims statistics reports. *See* March 25, 2025, E-mail Discussion, attached as **Exhibit J**. Although the weekly claims statistics reports before March 25, 2025, included information regarding the total number of claims received, they did not include information regarding the number of claims reviewed and scored, the total number of points awarded across all scored claims, the dollar amount of award determinations or payments, or the projected total monetary value of all claims. *See* Exhibit J ("[i]n lieu of the normal weekly statistics reporting, we will be providing the attached reporting of the payment and determination letter status instead."). The March 25,

2025 report was the **first time** Kroll reported to the parties: (a) the total amount awarded for Voluntary Exposure claims, but not yet paid; and (b) the total amount awarded for Voluntary Exposure claims and disbursed for payment. *See id.* According to the March 25, 2025 report, Kroll had processed 12,446 claims for payment, representing roughly 47% of all Voluntary Exposure claims, for a projected total spend of approximately \$138 million when accounting for pending rejections.<sup>9</sup> At no point did Kroll indicate that with approximately 53% of claims remaining to be processed for payment, it expected to exceed the valuation of Voluntary Exposure payments in the Plan of Distribution.

Kroll next provided a payment report to the parties on April 1, 2025, which contained statistics virtually identical to those in the March 25, 2025 report, sent only six days earlier. *See* April 1, 2025 E-mail Discussion, attached as **Exhibit K**. Kroll sent another report to the parties on May 1, 2025, followed by an e-mail to Class Counsel only—removing Norfolk Southern’s counsel who had received all the prior statistic reports—on May 6, 2025, wherein it asked for approval to reject 4,646 claims for failure to cure deficiencies and another 4,819 claims for being outside the 10-mile area of eligibility, for a total of 9,465 claims. *See* May 6, 2025, E-mail Discussion, attached as **Exhibit L**. Recognizing that a significant portion of these claims were not expressly represented in the May 1, 2025 report, Class Counsel immediately questioned Kroll whether the payment statistics factored in all rejected claims. When Kroll responded that these rejected claims had already been built into the payment reports, it became clear that “Count of Personal Injury Claims

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<sup>9</sup> Although not reflected in the March 25, 2025 report, Kroll had previously indicated that roughly 4,400 Voluntary Exposure claims were subject to rejection for failure to cure deficiencies. *See* March 18, 2025 E-mail Discussion, attached as **Exhibit M**. Considering additional information provided after this date, it appears the total number of potential rejections for failure to cure deficiencies was actually closer to 5,400, indicating a total projected spend of approximately \$134 million—well in line with projections when accounting for the vast differences across the range of payments amounts over the Class area, duplicates, and otherwise invalid claims.

Filed” in the May 1, 2025 report was actually the “Count of [Valid] Personal Injury Claims” accounting for issues like uncured deficiencies, ineligibility and duplicates. Under those circumstances, the projected spend rate from March 25, 2025, and April 1, 2025, had grown exponentially to exceed \$170 million—more than \$40 million over the Voluntary Exposure program valuation that Kroll had apparently never reviewed, reevaluated, or reassessed in light of ongoing claims data, despite knowing that Kroll’s assignment was to distribute a fixed sum of money across all Voluntary Exposure claims.

Upon receipt of this information, Class Counsel immediately convened a Zoom meeting with Kroll on May 7, 2025, to discuss how the rate of spend for Voluntary Exposure claims had increased so significantly over a such a short period of time, whether Kroll projected the total value of claims to exceed the Voluntary Exposure fund and, if so, by how much. During that meeting, Kroll stated that: (1) the total number of claims requiring a payment of \$25,000 or more was far greater than originally expected; (2) Kroll had yet to score all claims—almost nine months after the claim submission deadline—such that it could project what the total spend of the Voluntary Exposure program would be; and (3) based on the average value of payments per claim, the anticipated shortage for the Voluntary Exposure fund could exceed \$25 million. When asked how under the point-based allocation system payments could be issued in amounts that would exceed the finite Voluntary Exposure fund, Kroll disclosed, for the first time, that instead of using points to calculate proportional shares, it interpreted the Plan of Distribution as requiring all Class Members to start with a fixed sum of \$25,000 that would then be adjusted up or down based on various factors without regard for any effect on other claims or the limits of the fund. This methodology—that Kroll stated it was using—is in direct violation of the Court’s Order and the Plan of Distribution, as well as common sense. Needless to say, Class Counsel was shocked by

this statement, and stunned that after close to eight months, and after having billed the Class more than \$9.5 million in administration fees, Kroll had not reviewed and preliminarily scored all relevant claims before issuing checks. Kroll concluded the May 7, 2025 meeting by indicating that it would attempt to provide preliminary, rough scores for the remaining Voluntary Exposure claims in order to determine by exactly how much its total spend had exceed projections and the amounts allocated to the predetermined Voluntary Exposure fund.

**D. Kroll’s Lack of Diligent and Catastrophic Mistakes Resulted in this Court Removing Kroll as Settlement Administrator**

Following the May 7, 2025 letter, Kroll and Class Counsel engaged in numerous discussions and meetings aimed at understanding how the Voluntary Exposure fund came to be mismanaged, the potential long-term implications to remaining claims, and possible solutions to preserve the rights of all Class Members, including those who did not choose to file claims for a Voluntary Exposure payment.<sup>10</sup>

To that end—and after repeated requests—the rough calculations were eventually provided to Class Counsel on May 20, 2025, less than two weeks after the first meeting on these issues. It is unclear why, if it took only 10 business days to perform these rough calculations in 2025, the same could not have been done before Kroll began to issue payments in late November 2024, and certainly in the nearly eight months between the final approval hearing and Kroll’s removal. Evidently, the formal calculations, which would need to go through the official claims process, were never performed for 12,180 of these rough calculations. *See* Declaration of Michael R.

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<sup>10</sup> So as to avoid worsening the effects of Kroll’s mismanagement, Class Counsel instructed Kroll to suspend issuing all Voluntary Exposure awards and payments during this period. As a result, no new Voluntary Exposure awards or payments have been issued since May 7, 2025.

O'Connor Regarding Administration Transfer and Status Update (“O’Connor Decl.”), attached as **Exhibit N**, at ¶53.

These discussions and the underlying data brought two overarching errors into stark focus—both of which were clearly hidden from the parties until Class Counsel uncovered them.

First, it is evident that Kroll completely failed to follow the Court’s September 25, 2025 Order adopting the Plan of Distribution and implement the point-based allocation system correctly, despite the fact that it was repeatedly discussed throughout the development of the Plan of Distribution and claims process. Rather than follow the fundamental claims administration process of reviewing all claims, tabulating all points across the claims, and dividing the finite Voluntary Exposure fund by those points to determine the actual dollar value of each point, Kroll inexplicably ignored the concept of points entirely, choosing instead to apply the enhancements and detractions in the point system to the “estimated, potential average payment” of \$25,000.<sup>11</sup> This approach

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<sup>11</sup> Kroll has taken the position that because neither the Settlement Agreement nor the Plan of Distribution uses the phrase “*pro rata*” with respect to Voluntary Exposure payments, it was constrained to ignore the concept of points and instead calculate payments from the fixed \$25,000 sum. This pretext is wholly meritless and flatly inconsistent with the concept of a point-based allocation system. *First*, with respect to class action allocations, straightforward “*pro rata*” distribution is disfavored “. . . in complex cases [because it] is often unattainable and rarely, if ever, treats class members fairly relative to one another.” *See* Plaintiffs’ Memorandum in Support of Approval and Implementation of the Plan of Distribution, ECF No. 519-1, p. 3 (quoting *Ortiz v. Fibreboard Corp.*, 527 U.S. 815, 855, 119 S. Ct. 2295, 144 L.Ed.2 715 (1999)). Instead, point systems achieve fairness by dividing a finite settlement fund proportionally amongst Class Members in accordance with the information provided throughout the entirety of the claims process to achieve a precise dollar value per point. *See* Baker Decl., ¶22. *Second*, Kroll was intimately involved in discussions with Class Counsel and counsel for Norfolk Southern regarding possible confusion over the use of the phrase “*pro rata*” in Settlement documents and communications with the Class that could be interpreted as promising equal payments to all Class Members regardless of the severity of impact. *See* May 22-23, 2024 E-mail Discussion, attached as **Exhibit O**; *see also* “East Palestine Residents Unhappy with Norfolk After Settlement”, *NewsNation* (April 10, 2024) (“About 100,000 residents and businesses are eligible to get money from the settlement. They have to be within a 20-mile radius of the derailment. Split per person, that means these residents can expect to get about \$6,000 each before attorney’s fees are added in . . .”), attached as **Exhibit P**. As a result, the parties decided, and Kroll agreed, that it was best to

resulted in awarding Voluntary Exposure payments without any regard for the total value of all claims relative to the fixed fund such that thousands of participating Class Members are likely to go completely unpaid through no fault of their own if not corrected.<sup>12</sup> Based on data provided by Kroll through May 20, 2025, it appears the total value of the overpayments issued to Class Members as a result of Kroll's foundational error is at least \$17,249,717.45.<sup>13</sup>

Second—and possibly even more disturbingly—throughout the course of discussions in May 2025, Class Counsel discovered that Kroll had also overcalculated the awards to thousands of Class Members who had already received their Voluntary Exposure payments. *See* May 13-15, 2025 E-mail Discussion, attached as **Exhibit Q**. More specifically, despite explicitly discussing the point system's distinction between the Village of East Palestine and larger East Palestine area in October 2024, Class Counsel uncovered that Kroll had failed to adhere to that difference in the Plan of Distribution, leading to at least \$2.1 million in overpayments. *See id.* When Class Counsel first raised this error to Kroll in a telephone call on May 14, 2025, Kroll indicated that it knew it had made the error and was in the process of reviewing claims to determine the full implications.

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remove any references to “*pro rata*” from all Settlement documents going forward in an abundance of caution and only as a means of avoiding any confusion among members of the Class, the Community at large and the media – not to eliminate the concept of proportionality entirely from the Settlement or point-based allocation system. *Third*, Kroll does not (and cannot) dispute that this Settlement and allocation system were modeled off *Columbia Gas* where the point-based system was correctly implemented yet neither the settlement agreement nor the allocation plan in that case made any mention of “*pro rata*” distributions. *See Columbia Gas Settlement Agreement*, attached as **Exhibit R**.

<sup>12</sup> Kroll was never able to provide Class Counsel with any explanation of how it planned to address unpaid claims once the finite Voluntary Exposure fund had been exhausted had it continued to pay claims at that rate.

<sup>13</sup> As discussed below, the accuracy of Kroll's underlying data and calculations has been called into question by Epiq's review to date. Consequently, the true cost of Kroll's mistakes is likely higher than this figure and can only be calculated once Epiq completes its full review and a financial audit is conducted.

To this day, it remains unclear when Kroll first learned of this overpayment error, why the error was not immediately reported to the parties, and whether the parties would have been told of the error at all had Class Counsel not manually reviewed claims calculations to confirm fidelity to the Plan of Distribution.<sup>14</sup>

In light of the foregoing, the Court agreed that there was sufficient evidence to believe Kroll likely failed to use a point system, or implement the Plan of Distribution, before disbursing payments, and that Kroll likely miscalculated Voluntary Exposure payments. ECF No. 979 at ¶¶7-8. The Court also found that Kroll likely “overpaid certain Class Members’ Voluntary Exposure claims to the detriment of other participating Class Members and the Qualified Settlement Fund (“QSF”), and that Kroll’s appointment as Settlement Administrator should be immediately suspended and terminated, so as to protect the Class from further potential harm.” ECF No. 979 at ¶9.

**E. Epiq’s Review and Discovery of Additional Significant and Pervasive Errors Made by Kroll**

After the Court’s appointment of Epiq as Substitute Settlement Administrator on June 11, 2025, Epiq began its review of Kroll’s Voluntary Exposure claims data. As a preliminary matter, when Kroll sent Epiq its data, Epiq discovered several threshold issues in the Settlement’s

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<sup>14</sup> Kroll’s explanation that the error resulted from a “misunderstanding” of the Plan of Distribution is appallingly disingenuous. Not only was this concept specifically discussed and clarified in October 2024 (*see Exhibit H*), but Class Counsel’s review of the data indicates this element of the point system was applied correctly to some Class Members and incorrectly to others. The error instead appears to be the result of some fault in Kroll’s processing and quality control review similar to the miscalculation errors Kroll committed in the *Devry University Settlement*, where Kroll had to be replaced as settlement administrator when it mis-scored some 50,000 claims to the tune of roughly \$16.5 million in incorrect payments. *See* Declaration of Randall P. Burkholder, attached as **Exhibit S**. Regardless of the reasons, suffice it to say that had Kroll disclosed the *Devry* errors to Class Counsel, it would not have been selected as Settlement Administrator or offered to the Court for appointment in *East Palestine*.

administration, including, *inter alia*, that there were multiple sets of data and record duplication; there was no data on mailings or communications with Class Members; and the data files did not include process details relating to any person that would have reviewed the Claim Form information, including date, time, or employee reviewing the claim, all of which undermine the accuracy of the entire administration. O'Connor Decl. at ¶83. Nevertheless, based on the data Kroll provided to Epiq, it appears Kroll processed a total of 38,721 Voluntary Exposure claims, which were ultimately categorized by Kroll as follows:

Paid	10,075
Valid	16,600
Entirely Deficient	904
Entirely Rejected	11,142
<b>TOTAL</b>	<b>38,721</b>

O'Connor Decl. at ¶13.

Of the “Entirely Rejected” claims, 5,882 were rejected for being geographic outside the class boundaries. O'Connor Decl. at ¶2. Epiq reviewed these claims and found that, generally, Kroll was inconsistent or incorrect in what address it used from the claim form to determine location for Voluntary Exposure payment purposes (including residence, physical location, and/or property owned), that the Kroll data on these denials was sometimes completely blank, and the address information was overall unreliable. O'Connor Decl. at ¶¶17-18. This is particularly problematic as the Class Member's distance from the derailment changes their assigned points, which is calculated based on address. O'Connor Decl. at ¶16. All told, Epiq found that there was an error rate of 15.6% in this category, which is an unacceptably high error rate. O'Connor Decl. at ¶15.

After discovering the staggeringly high error rate in the class boundary denials, Epiq next reviewed all personal injury claims rejected for failure to cure deficiencies. O'Connor Decl. at ¶24.

Epiq has reviewed 4,671 of these claims, finding that 7.8% were incorrect. O'Connor Decl. at ¶24.

This is, again, an unacceptably high error rate, and includes problems such as:

- (i) Epiq cannot always confirm that Class Members were properly advised regarding the defects they needed to cure; (ii) some claimants appear to have cured the defects in their claims, but were still rejected; and (iii) some of the claims do not appear to have been deficient at all, yet were still sent a defect notice and ultimately rejected.

O'Connor Decl. at ¶24.

Considering the scale of errors in the denied claims, Epiq determined it would also be necessary to review all approved claims to ensure fairness to the Class. O'Connor Decl. at ¶3. Like the review of denied claims, this analysis demonstrated that Kroll's errors persisted across all categories of claims. Specifically, Epiq's initial review of approved claims has already found that, based on Kroll's own data input, at least 919 approved claims had proof of residence dates outside the acceptable date range contained in the Plan of Distribution, and there was never any communication with the Class Members to validate their Settlement eligibility. O'Connor Decl. at ¶¶3, 35-36. Further, many of these approvals also had address inconsistencies in Kroll's database that resulted in mis-scoring of claims, sometimes awarding too few points. O'Connor Decl. at ¶¶37-38. As Class Counsel found out on May 7, 2025, in Epiq's review of 16,600 "Valid" claims, only 4,420 had been formally reviewed and allocated any sort of points. O'Connor Decl. at ¶53.

Even more disturbingly, Epiq's review determined that for those claims that were assigned points, Kroll's data input and points allocation were deeply flawed. For example, Kroll does not appear to have captured data at all for an entire category in the Plan of Distribution—physical presence in the class area. O'Connor Decl. at ¶39. Another category, exposure and symptoms points, should have used multipliers of ".9", "1", or "1.25" according to the Plan of Distribution; however, Epiq found several instances of an unauthorized ".75" multiplier being used, which Kroll

admitted was an error and could not explain. O'Connor Decl. at ¶¶43-44. Kroll similarly misapplied direction points and location points with no perceived pattern, or explanation from Kroll, resulting in certain Class Members being inconsistently and improperly awarded points under the Plan of Distribution. O'Connor Decl. at ¶¶45-52.

In certain cases, Kroll's errors even extended to completely missing Class Members' Voluntary Exposure claims. O'Connor Decl. at ¶¶54-56. Specifically, based on Epiq's preliminary review, there are at least a half dozen claims where a claimant is listed on the claim form as making a Voluntary Exposure claim but does not have a corresponding individual claim file that can be reviewed, approved, scored and paid. O'Connor Decl. at ¶54. For all intents and purposes, it is as if these Class Members never submitted a Voluntary Exposure claim because Kroll did not correctly review and record the claim forms. *Id.* It is currently unknown exactly how many Class Members may have been entirely cut out of the Settlement by this error until Epiq can complete a full review of all claim forms and Voluntary Exposure claims.

Based on the unacceptably high error rate and unreliable data from Kroll, Epiq has determined that, in order to fulfil its obligation as Settlement Administrator, it must review all claim forms and supporting documentation to ensure accurate data collection, review all previously approved claims, provide Class Members an opportunity to cure deficiencies; assign points without regard to Kroll's allocations, and re-adjudicate each claim itself. O'Connor Decl. at ¶6.

**F. Kroll's Delay and Gross Negligence Have Caused Significant Harm to the Class**

Kroll's errors and mismanagement of the Settlement Fund are intensified by its delays and mistreatment of the Community. Although Kroll had eight months between final approval of the Settlement and its removal as Settlement Administrator, less than half of all Voluntary Exposure participants received their award determinations or payments, virtually all of which have now been

confirmed as incorrect to one degree or another.<sup>15</sup> Whether owing to general neglect or, worse, intentional delay to conceal the results of the pervasive errors described above, Class Members were entitled to a Settlement Administrator who resolved their claims accurately and expeditiously. Yet, the parties have collectively received hundreds of complaints from Class Members that their clearly valid claims were not timely processed, Kroll lacked transparency as to the status of the claims process, and Kroll failed to provide adequate answers to questions about Class Member claims.

While Class Members have grown increasingly frustrated, Kroll has pocketed over \$9.5 million from the Settlement Fund for its own fees. Now, Epiq will have to redo much of what Kroll received payment for, and the payment to Epiq for this duplicative work will dip even further into the Settlement Fund, stretched thin by Kroll. These issues would be unacceptable under normal circumstances, but when viewed in light of Kroll's gross negligence and disregard, they paint an even more troubling picture that must be rectified. Kroll simply should not be permitted to keep the fees it collected for work it failed to correctly perform for the Class, and Class Counsel thus requests the Court Order disgorgement of the fees and costs that Kroll collected in this matter.

### **III. ARGUMENT**

#### **A. The Court Has Jurisdiction Over the Settlement Until the Fund Is Fully Distributed**

As a threshold issue, the Court has jurisdiction to enforce its Final Approval Order. *See Jaynes v. Austin*, 20 F. App'x 421, 425 (6th Cir. 2001) (finding a district court retains the power to enforce but not expand on its orders, even with an appeal pending, so long as the judgment has not been stayed or superseded). In addition to the Court's inherent power to enforce

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<sup>15</sup> On June 11, 2025, the same day as its removal as Settlement Administrator, Kroll sent rejection notices to 11,142 participants. O'Connor Decl. at ¶14.

its orders, in class actions, the Court also retains jurisdiction as the “ultimate guardian of the interests of the class members” with a duty to see that any settlement it approves on behalf of the class is completed. *In re Corrugated Container Antitrust Litig.*, 752 F.2d 137, 141 (5th Cir. 1985) (finding the court retained jurisdiction over settlement fund distribution, even after the case had been dismissed with prejudice, because of its duty to the class members, and noting that the court’s judgment approving settlement retained judgment over the settlement funds); *see also RE/MAX Int’l, Inc. v. Realty One, Inc.*, 271 F.3d 633, 645 (6th Cir. 2001) (holding that the district court retained subject matter jurisdiction after entry of dismissal where the order contemplated the court’s continued role after dismissal).

Indeed, in its Final Approval Order in this matter, the Court expressly:

retain[ed] continuing and exclusive jurisdiction over this action for purposes of resolving issues relating to or ancillary to administration, consummation, interpretation and enforcement of the Settlement Agreement; and, retain[ed] jurisdiction for purposes of ensuring compliance with the terms of the Settlement Agreement and any Order of the Court issued in connection therewith.

*See* Final Approval Order, ECF No. 557, ¶25. Similarly, in the Settlement Agreement, the Parties agreed, “[t]he Court shall retain jurisdiction with respect to the interpretations, implementation, and enforcement of the terms of this Agreement and all orders and judgments entered in connection therewith . . .” Settlement Agreement, ECF No. 452-2, § XVIII(L).

**B. The Court Should Exercise Its Inherent and Equitable Authority to Sanction Kroll and Order Related Relief for Kroll’s Failure to Administer the Settlement Diligently, in Good Faith and in Accordance with the Court’s Orders**

This Court can, and should, order Kroll to return the approximately \$9.5 million in clearly unearned fees it took from the Settlement Fund and Class Members under its inherent and explicit power to enforce its own orders and impose sanctions in this class action.

## 1. This Court Has the Power to Sanction Kroll

When a court seeks to enforce its orders or supervise its judgments, “one weapon in its arsenal is contempt of court.” *Elec. Workers Pension Tr. Fund of Loc. Union |58, IBEW v. Gary’s Elec. Serv. Co.*, 340 F.3d 373, 378–79 (6th Cir. 2003) (citing *NLRB v. Cincinnati Bronze, Inc.*, 829 F.2d 585, 588 (6th Cir. 1987)). This power “is a necessary and integral part of the independence of the judiciary, and is absolutely essential to the performance of the duties imposed on them by law. Without it they are mere boards of arbitration, whose judgments and decrees would be only advisory.” *Id.* (citing *Gompers v. Buck’s Stove & Range Co.*, 221 U.S. 418, 450, 31 S.Ct. 492, 550). “Contempt proceedings enforce the message that court orders and judgments are to be complied with in a prompt manner.” *Id.* (citing *Cincinnati Bronze*, 829 F.2d at 590).

“Civil . . . contempt is a sanction to enforce compliance with an order of the court or to compensate for losses or damages sustained by reason of noncompliance.” *McComb v. Jacksonville Paper Co.*, 336 U.S. 187, 191 (1949); *see also Collins v. Barry*, 841 F.2d 1297, 1300 (6th Cir. 1988) (“[C]ivil contempt seeks to remedy a deprivation or a loss.”). “Although civil contempt may serve incidentally to vindicate the court’s authority, its primary purposes compel obedience to a court order and compensate for injuries caused by noncompliance.” *TWM Mfg. Co. v. Dura Corp.*, 722 F.2d 1261, 1273 (6th Cir. 1983); *see Backo v. Loc. 281, United Bhd. of Carpenters & Joiners of Am.*, 308 F. Supp. 172, 179 (N.D.N.Y. 1969), *aff’d*, 438 F.2d 176 (2d Cir. 1970) (“[c]ivil contempt is remedial, and a court has power to award damages and attorney’s fees to a party aggrieved by the contempt, limited to the actual loss caused by the contempt plus the costs and expenses, including counsel fees, incurred in investigating and prosecuting the contempt”). To justify holding a litigant in civil contempt, the moving party must demonstrate by clear and convincing evidence that the non-

moving party “violated a definite and specific order of the court.” *Elec. Workers Pension Trust Fund of Local Union # 58*, 340 F.3d at 378. Importantly, the absence of willfulness does not relieve one from civil contempt. *McComb v. Jacksonville Paper Co.*, 336 U.S. 187, 191, 69 S. Ct. 497, 499, 93 L. Ed. 599 (1949).

Federal courts also have the inherent power to impose sanctions against a non-party who has acted in bad faith, vexatiously, wantonly, or for oppressive reasons. *Clapper v. Clark Dev., Inc.*, No. 5:09 CV 00569, 2014 WL 1493150, at \*1 (N.D. Ohio Apr. 15, 2014), *aff’d*, No. 14-3500, 2015 WL 13688415 (6th Cir. Apr. 29, 2015). “It is well-settled that a court’s contempt power extends to non-parties who have notice of the court’s order and the responsibility to comply with it.” *Id.* In fact, “Fed. R. Civ. Pro. 71 grants district courts the power to enforce orders against ‘a person who is not a party . . . as if a party.’” *Id.* Rule 71 states, “[w]hen an order grants relief for a nonparty or may be enforced against a nonparty, the procedure for enforcing the order is the same as for a party.” *Id.*; see *In re Lightning Techs., Inc.*, 641 B.R. 872, 874 (Bankr. E.D. Mich. 2022) (granting the plaintiff’s motion for civil contempt against third-party for falsely holding itself out as a debtor or buyer). To succeed in holding a non-party in contempt, the movant must too satisfy Federal Rule of Civil Procedure 65(d)(2), which requires that the non-party is either (1) a party, (2) an officer, agent, servant, employee, or attorney of the party, or (3) “persons who are in active concert or participation” with a party or its officers, agents, servants, employees, or attorneys. Fed. R. Civ. P. 65(d)(2). The movant must also show that the non-party was “aware of the injunction and [knew] that their acts violate[d] the injunction.” *Clapper*, 2014 WL 1493150, at \*1 (citing *M & C Corp. v. Erwin Behr GmbH & Co., KG*, 508 Fed.App’x. 498, 502 (6th Cir. 2012)).<sup>16</sup>

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<sup>16</sup> While the Court “must, of course, exercise caution in invoking its inherent power, and it must comply with the mandates of due process,” “[i]n the Sixth Circuit, there is no requirement that a full evidentiary hearing be held before imposing sanctions.” *Chambers v. NASCO*, 501 U.S 32,

**2. The Court Has the Inherent and Equitable Power to Order Restitution or Disgorgement of Settlement Funds as a Contempt Sanction**

In complex class actions, “[s]ettlement administration . . . often requires courts to use their equitable powers under Rule 23 to manage disparate interests competing over a finite pool of assets with which to satisfy the class.” *In re Orthopedic Bone Screw Products Liability Litigation*, 246 F.3d 315, 321 (3d Cir. 2001). “The equitable powers of the court may also be invoked to deal with other problems that commonly arise during administration of the settlement . . . and are retained by the court until the settlement fund is actually distributed.” *Id.* (cleaned up) (citing *Zients v. LaMorte*, 459 F.2d 628, 630 (2d Cir.1972)); *see id.* (noting the court has fiduciary duties to the whole class, and individual class members, during settlement administration).

Part of the Court’s inherent and equitable authority is the ability to oversee and supervise a class action settlement administrator in the performance of its duties, which includes acting in good faith and without violating or evading contractual responsibilities, inaction or lack of diligence. *See Dahingo v. Royal Caribbean Cruises, Ltd.*, 312 F.Supp.2d 440, 448 (S.D.N.Y. 2004); *see also Cordoza v. Pac. States Steel Corp.*, 320 F.3d 989, 1001 (9th Cir. 2003) (finding no error where the district court disgorged a special master of certain funds because he breached fiduciary duties, behaved unethically, failed to keep records, generally failed to accomplish the task for which he was appointed, lied to and was disloyal to the court); *In re PHC, Inc. S’holder Litig.*, 894 F.3d 419, 435 (1st Cir. 2018) (ordering disgorgement of fees by a fiduciary because “. . . it is standard fare for a court to fashion remedies that deny a breaching fiduciary undue gain or advantage received by virtue of his position . . .”).

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45 (1991); *DiPonio Const. Co., Inc. v. Int’l Union of Bricklayers & Allied Craftworkers, Local 9*, 687 F.3d 744, 752 (6th Cir. 2012). Rather, the district court has the discretion “to determine whether an evidentiary hearing would assist the court in its decision.” *DiPonio Const. Co., Inc.*, 687 F.3d at 752.

Importantly, the Sixth Circuit “presumes the full scope of equitable powers may be exercised by the courts,” with “[r]estitution and disgorgement [being] part of the courts’ traditional equitable authority.”<sup>17</sup> *U.S. v. Universal Management Services, Inc., Corp.*, 191 F.3d 750, 760-61 (6th Cir. 1999) (collecting cases) (cleaned up); *see also Williamson v. Recovery Limited Partnership*, 826 F.3d 297, 299-301 (6th Cir. 2016) (explaining that the court may police itself using its inherent power to assess attorney’s fees against those who hamper the enforcement of a court order). “Absent a clear command by Congress that a statute providing for equitable relief excludes certain forms of such relief, this court will presume the full scope of equitable powers may be exercised by the courts.” *Universal Mgmt. Servs., Corp.*, 191 F.3d at 761 (rejecting argument that the applicable statute needed to explicitly authorize restitution); *see id.* (“a district court’s equitable powers are even broader and more flexible when the public interest is involved”).

**3. The Court Should Use Its Inherent and Equitable Power to Order the Restitution and Disgorgement of Funds Kroll Collected in Fees from the Settlement Fund**

The Court has already used its inherent and equitable powers to order the suspension and termination of the appointment of Kroll as settlement administrator. ECF No. 979. Given the magnitude of the additional failures uncovered by Epiq’s audit, and the undisputed financial ramifications, Class Counsel now seek additional equitable relief to ensure the Settlement Funds Kroll took are returned to the Class. Class Counsel ask for this relief promptly, and urgently, given the ongoing need to fund settlement administration and payments to Class Members. *See Orthopedic Bone Screw Prods. Liab. Litig.*, 246 F.3d at 32 (noting that one goal in balancing the

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<sup>17</sup> Under Ohio law, restitution and disgorgement of fees are equitable remedies. *Cirino v. Bureau of Workers’ Comp.*, 171 N.E.3d 840, 846 (Ohio Ct. App. 2021).

court's equitable powers is "expedient settlement resolution."); *Elec. Workers Pension Trust Fund of Local Union*, 340 F.3d 378 (recognizing contempt proceedings enforce prompt compliance).

Here, as Settlement Administrator appointed by the Court, Kroll had a duty to complete its task with diligence and in good faith. It did not, and the Court thus terminated Kroll from this position. ECF No. 979. It is evident from Kroll's repeated acknowledgement of the Plan of Distribution and associated point-based allocation system, and its inexplicable departure from it, that Kroll knew it was in violation of the Court's Orders while processing and paying Voluntary Exposure claims. Additional information from Epiq has since made it alarmingly clear that Kroll wantonly disregarded its obligations as Settlement Administrator, knowingly disregarded the Court's orders, and violated its fiduciary obligations to the Class by utterly failing to manage administration of this Settlement. The errors reach all aspects of the administration, from data collection, data input, record keeping, adjudication of claims, and communications with the Class and Class Counsel.

As a result of Kroll's failure, the Class has suffered significant losses and damages, including over \$9.5 million in fees<sup>18</sup> that Class Counsel seeks to disgorge, along with at least \$17,249,717.45 in damages as a result of Kroll's dereliction of its administrative duties. Further, Epiq must now repeat or correct much of Kroll's work, which will cost millions of dollars in additional administrative work. In addition to these costs, Kroll's negligence has frustrated the expedient resolution of the Settlement and added significant delay to the process of distributing Voluntary Exposure payments.

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<sup>18</sup> Hindsight also raises concern over Kroll's invoices for more than \$9.5 million in fees when it evidently did not perform even the basic data collection and input necessary for settlement administration and, prior to its removal, had not notified even half of the Class Members participating in Voluntary Exposure payments of their determination.

In short, Kroll's gross negligence and wanton carelessness lead to one inescapable conclusion—Kroll must be held to account for its mismanagement of the Settlement through appropriate repayment that makes the Class financially whole. Every day that Kroll keeps the Settlement Funds it received, those Settlement Funds are unavailable for the benefit of the Class—these funds should be promptly returned to the Settlement Fund to be used on behalf of the Class. Class Counsel therefore request the Court again use its equitable power, and ensure an expedient settlement resolution, by ordering Kroll to immediately return the \$9,542,182.60 it took from the Class Members' Settlement Fund.

#### **IV. CONCLUSION**

For the foregoing reasons, Class Counsel respectfully request the Court exercise its broad inherent and equitable powers to issue an Order to Show Cause to Kroll asking why it should not:

1. Find Kroll in contempt for: (a) materially misrepresenting to the parties and the Court its experience, skill and expertise in administering class action settlements involving the use of a point-based allocation system; (b) failing to adhere to Court orders including, but not limited to, the Plan of Distribution; (c) concealing material errors in the implementation of the Plan of Distribution affecting the Settlement and Settlement Class; and (d) failing to diligently or adequately collect and record data from the Settlement Class;
2. Order disgorgement of all sums paid to Kroll and Order Kroll to return to the Settlement Class the \$9,542,182.60 in payments received for work it improperly performed as Settlement Administrator by depositing the sum of those payments in

the new Qualified Settlement Fund established by Epiq within 5 business days of the Court's order<sup>19</sup>; and

3. Order Kroll in any current or future class action, mass tort, regulatory or government claims administration where it serves, or is proposed to serve, as administrator to affirmatively disclose to the parties and presiding court all prior instances where Kroll has been terminated, suspended or replaced as administrator including, but not limited to, the *Devry University Settlement* and *East Palestine*.

Dated: October 23, 2025

Respectfully submitted,

/s/ M. Elizabeth Graham

M. Elizabeth Graham (pro hac vice)

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<sup>19</sup> As set forth above, Class Counsel intend to move this Court for further contempt sanction against Kroll in Step Two once a final review and audit of the claims process is completed such that the total value of all overpayments from the Settlement Fund can be precisely calculated.

**CERTIFICATE OF SERVICE**

I hereby certify that on October 23, 2025 a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

*/s/ M. Elizabeth Graham* \_\_\_\_\_  
M. Elizabeth Graham  
Grant & Eisenhofer P.A.

# EXHIBIT A

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

SUPERIOR COURT  
CIVIL ACTION NO. 1877CV01343G  
Lead Case

IN RE: COLUMBIA GAS CASES

**DECLARATION IN SUPPORT OF MOTION FOR FINAL APPROVAL**

Under oath, I depose the following:

1. My name is Scott M. Fenwick.
2. I am the Chief of Operations for Heffler Claims Group (“Heffler”) in Philadelphia, Pennsylvania. I am over 21 years of age and am authorized to make this declaration on behalf of Heffler and myself. The following statements are based on my personal knowledge and information provided by other experienced Heffler employees working under my supervision in connection with the administration of the preliminarily-approved class action settlement in the above-captioned matter (the “Settlement”). This declaration is being filed in support of the Aggregate Plaintiffs’ Motion for Final Approval.
3. Heffler has extensive experience in class action matters, having provided services in class action settlements involving antitrust, securities fraud, employment and labor, consumer, and government enforcement matters. Heffler has provided notification and/or claims administration services in more than 1,000 cases.
4. During my 6.5 years of employment with Heffler, I have been personally involved in administering roughly 250 class action settlement, 40 of which were under my direct, personal supervision as project manager.

5. Pursuant to the Court's October 11, 2019 Preliminary Order Approving Class Action Settlement, Heffler was appointed as the Settlement Administrator to provide notification and administration services in the Settlement. Heffler's duties in this action have and will include:

- (a) implementing and monitoring the Notice Plan referenced in the Preliminary Approval Order, a copy of which is incorporated by reference here as **Exhibit A** and is discussed more fully in the concurrently filed Affidavit of Jeanne. C. Finegan;
- (b) searching for residential and commercial addresses within the Class Area;
- (c) establishing a Post Office box for the receipt of mail (e.g. Claims Forms, Objections, Inquiries) related to the Settlement;
- (d) publishing English and Spanish versions of the Settlement website with online claim filing capabilities, access to key Court documents and up-to-date answers to Frequently Asked Questions ("FAQ");
- (e) establishing and operating a toll-free telephone number providing an Interactive Voice Response ("IVR") and live operators available in both English and Spanish to provide Class Members with information about the Settlement;
- (f) establishing and operating a Settlement email address;
- (g) drafting the Notice and Claim Form materials and translating them into Spanish, Vietnamese and other languages as needed;
- (h) preparing and sending English and Spanish versions of the residential and commercial Settlement Class Notices via mail;
- (i) establishing and operating a claims facility in Andover, Massachusetts to provide Class Members with assistance in filing claims;
- (j) mailing Claims Facility postcards in English and Spanish to residential addresses;
- (k) mailing reminder postcards in English and Spanish regarding the Claim filing deadline extension;
- (l) printing and disseminating flyers in English and Spanish regarding the January 31, 2020 Claim filing extension;

- (m) participating in meetings between Class Counsel and local politicians to help spread awareness and answer questions regarding the terms and administration of the Settlement;
- (n) coordinating claims assistance services provided by local non-profit organizations like E for Everybody (E Para Todos);
- (o) receiving and processing objections;
- (p) receiving and processing Claim Forms;
- (q) participating in Town Hall Meetings and Claims Fairs;
- (r) developing, in coordination with Class Counsel, policies, procedures and guidelines for the evaluation of claims and allocation of Settlement funds; and
- (s) such other tasks as counsel for the Parties or the Court directs Heffler to perform.

6. On or about October 11, 2019, Heffler, performed an address search to obtain residential and commercial addresses in the three communities of Andover, North Andover and Lawrence, Massachusetts, using the database LexisNexis. Through this search, Heffler obtained 50,575 residential addresses and 41,205 commercial addresses. As detailed below, it was determined following the mailing of initial Settlement Class Notices that approximately 13,000 of the commercial addresses were not valid commercial addresses, thus making the actual commercial address count approximately 28,205.

7. Heffler obtained and monitored a post office box with the mailing address *Columbia Gas Settlement* c/o Settlement Administrator, P.O. Box 58729, Philadelphia, PA 19102-8729 in order to receive Claim Forms, objections, and correspondence from Class Members.

8. Heffler created and is currently hosting a dedicated website entitled [www.ColumbiaGasExplosionSettlement.com](http://www.ColumbiaGasExplosionSettlement.com). The website in its entirety was also built in Spanish. The website went live on October 24, 2019. The website versions contain a summary of the Settlement, FAQs, various Court documents, Long Form Notice, Residential and Commercial Claim Forms and information on the claim filing/objection deadlines. The website also allows Class Members an opportunity to file a Claim Form online through the extended claims filing deadline of January 31,

2020. The Long Form Notice was also provided in Spanish and Vietnamese and the Claim Forms were published in English and Spanish.

9. Heffler established a toll-free number, 1-833-927-0819, for Class Members to call and obtain additional information regarding the Settlement through an IVR system and/or by being connected to a live agent. Heffler worked with United Language Group to have the IVR scripting developed and recorded in English and Spanish. Heffler also used real-time translation services to assist Class Members who speak Spanish, Vietnamese and other languages.

10. The email address [info@ColumbiaGasExplosionSettlement.com](mailto:info@ColumbiaGasExplosionSettlement.com) was established to provide Class Members the opportunity to contact Heffler via email with questions regarding the Settlement.

11. Heffler in conjunction with the Class Counsel drafted and formatted the Long Form Notice, Residential Claim Form and Commercial Claim Form that would be used for mailings and posting on the Settlement website. Following approval of the Notice materials by the Court, Heffler worked with United Language Group to have the Long Form Notice translated into Spanish and Vietnamese, and to have the Residential and Commercial Claim Forms translated into Spanish. Copies of the final Long Form Notice, Residential Claim Form and Commercial Claim Form are attached as **Exhibits B, C and D**, respectively.

12. On October 25, 2019, Heffler effectuated the mailing of 50,575 Residential Notice packages and 41,205 Commercial Notice packages. The packages contained the Long Form Notice and the corresponding Claim Form in both English and Spanish. Following the mailing, Heffler received approximately 13,000 Commercial Notices returned as undeliverable. Upon review and correspondence with LexisNexis on these records, it was identified that the records were not valid commercial mailing addresses.

13. No additional re-mailing of the Settlement Notices was made since the Notices sent to "Current Residents" at all available addresses within the Class Area are truly undeliverable and not traceable.

14. To assist with the filing of Claims on behalf of Class Members in the communities, Heffler set up a Claims Facility at 300 Brickstone Square, Suite 201, Andover, MA 01810. This

location was selected because it is centrally located to all three towns comprising the Class Area, offers free parking and is easily accessible by public transportation. Heffler staffed the facility during weekdays from November 4, 2019 through the January 31, 2020. During that period, Heffler estimates that it assisted approximately 30 Class Members each day with filing claims and answering questions about the Settlement.

15. On November 4, 2019, Heffler mailed Claims Facility postcards to the 50,575 residential addresses. The postcard provided Class Members the address for the Claims Facility, along with the days and times the facility was open for Class Members to visit and receive claim filing assistance. The Claims Facility postcard is attached as **Exhibit E**.

16. Once the Parties and the Court approved extending the Claim Filing deadline to January 31, 2020, Heffler also created postcards to all residential addresses in the Class Area providing information about the extension. On December 23, 2019, Heffler mailed 49,045 of these postcards to residential addresses<sup>1</sup>. The Claim filing extension postcard is attached as **Exhibit F**.

17. In addition to mailing these postcards, Heffler also prepared flyers that were delivered for dissemination throughout the communities. The flyers were also made available at the Andover Claims Facility and provided to non-profit community groups offering Class Members assistance with claims filings, like E for Everyone. A copy of the flyer is attached as **Exhibit G**.

18. To further assist Class Members in understanding their options under the Settlement and filing claims, Class Counsel held six Town Hall Meetings in the Class Area across November 8, 2019, November 9, 2019, January 4, 2020, January 18, 2020 and January 25, 2020. I personally attended each of the January 2020 Town Hall Meeting on behalf of Heffler to assist Class Members with filing their claims and answering any questions they had about the Settlement.

19. I also attended a November 25, 2019 meeting with local politicians and non-profit community groups organized by Class Counsel. The purpose of this meeting was to provide stakeholders with information about the Settlement and explain the claims process. During this meeting, the local politicians and non-profit groups were invited to maintain an open line of

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<sup>1</sup> Heffler did not mail postcards to those addresses from which claims had already been received and/or that were returned as undeliverable during mailing of the initial Settlement Notice.

communication with Heffler and Class Counsel to assist Class Members with navigating the Settlement.

20. As of February 5, 2020, Heffler has received 16 objections to the Settlement. One of the objections submitted was on behalf of six Class Members as noted on the attached exhibit. All objections were provided to the Parties. All objections are attached as **Exhibit H**.

21. As of February 5, 2020, Heffler has processed approximately 9,022 Claim Forms, of which 5,602 Claims were filed online and 3,420 Claims were received through the mail.

22. As of the February 5, 2020, Heffler estimates it has received an additional 1,000 Claims that are still being processed.

23. Of all Claims processed to date: (a) 4,708 (52%) Claims were received from Lawrence; (b) 2,363 (26%) were received from Andover; and (c) 1,760 (20%) were received from North Andover.

24. Notably, 7,565 (84%) of all Claims processed to date originate from a 12.5 square mile area of Lawrence, Andover and North Andover that overlaps the “impact zone” of the September 13, 2018 over-pressurization event as defined by Columbia Gas, the Municipalities of Lawrence, Andover and North Andover and the National Transportation Safety Board (“NTSB”).

25. Heffler estimates that the 7,565 Claims received from this “impact zone” constitutes anywhere between 53% to 89% of all eligible Class Members in this “impact zone.”<sup>2</sup>

26. Various diagrams depicting the “impact zone”, as well as the claims originating therein, are attached as **Exhibit I**.

27. In light of the foregoing anticipated total of approximately 10,000 claims, Heffler is able to estimate the likely average number of points per claim and, as a result, dollar value of each point under the Lump Sum allocation system.

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<sup>2</sup> There are various estimates of the number of Class Members within the “impact zone” ranging from 30,000 to 50,000. See Various News Articles and Massachusetts Emergency Management Agency (“MEMA”), attached as **Exhibit I**. The Claims in this Settlement have been submitted on a per household basis and, assuming a standard rate of 3.4 persons per household, accounts for the estimated Claims Rate within the “impact zone.”

28. The Lump Sum allocation system considers six essential categories of information contained in each Residential Claim Form and assign points within each category depending on degree.

29. The six categories are: (1) geographic location to the “impact zone” described above; (2) length of time displaced from home and/or without full natural gas services, whichever is later; (3) the number of adults in the home; (4) the age of the adults in the home; (5) the number of children in the home; and (6) the occurrence of any property damage (e.g. smoke, water, fire or structural) to the home.

30. Under this Lump Sum allocation system, an average family of four (two adults, two minor children) living within the “impact zone” that was displaced from its home and/or lost natural gas services for sixty (60) days could expect to receive roughly 25 points.

31. Assuming this average number of points per claim across the entirety of Residential Claims filed to date, Heffler estimates that the value of each point will be approximately \$350.00.

32. The anticipated average Lump Sum award for the family of four described above is therefore \$8,750, with other families potentially being eligible for the maximum Lump Sum award of \$32,375 depending on their circumstances.<sup>3</sup>

33. Also included within the estimated total of 10,000 Claims are Commercial Claims submitted by businesses within the Class Area.

34. As described more fully in the Long Form Notice and Commercial Claims Form, businesses within the Class Area must submit itemized claims for, among other things, loss of inventory, extra operating expenses, loss of business revenue and loss of goodwill. Of the roughly 9,022 Claims processed to date, approximately 500 are Commercial.

35. Heffler at this time has not analyzed the Commercial Claims submitted to determine their validity and potential value under the Settlement. All Commercial Claims are subject to manual review for compensation in accordance with the total amount of documented, unreimbursed losses.

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<sup>3</sup> This amount is not a ceiling, however, as Class Members can also submit itemized and/or extraordinary injury claims for compensation above the Lump Sum allocation system. The Claims are each subject to individualized consideration and therefore generalized comments regarding their value are inappropriate at this time.

Heffler will attempt to have additional details on the Commercial Claims prior to the Final Approval Hearing.

36. As of the date of this Affidavit, Heffler continues to receive and process Claims submitted around the January 31, 2020 Claims Deadline, identifying which are residential or commercial and which residential claims selected the Itemized Compensation option under the Settlement in addition to the Lump Sum portion.

37. Heffler therefore anticipates being able to more fully testify at the Final Approval Hearing on February 27, 2020, as to the final number of Claims processed, as well as the average value of the different types of potential Class Claims under the Settlement.

I declare under penalty of perjury under the laws of the State of Massachusetts that the above is true and correct to the best of my knowledge and that this Declaration was executed on February 6, 2020 in Philadelphia, Pennsylvania.

  
SCOTT M. FENWICK

# EXHIBIT B

Wednesday, October 8, 2025 at 7:19:16 AM Eastern Daylight Time

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**Subject:** RE: East Palestine - sample payment structure  
**Date:** Tuesday, March 12, 2024 at 11:27:54 AM Eastern Daylight Time  
**From:** Fenwick, Scott  
**To:** Adam J. Gomez, Elizabeth Graham, Rapazzini, Mark  
**Attachments:** Columbia Gas Commercial Claim Form\_v8.docx, Columbia Gas Residential Claim Form\_v6.docx, East Palestine - Sample Payment Tables.xlsx

Adam

Attached is the payment table used for CG. I've also attached the claim forms for CG.

Regards  
Scott

---

Scott Fenwick  
Senior Director

T +1 215 430 6036 | M +1 612 282 9793

-----Original Message-----

From: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>  
Sent: Tuesday, March 12, 2024 10:08 AM  
To: Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)>; Rapazzini, Mark <[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)>;  
Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)>  
Subject: [EXTERNAL] Re: East Palestine

Here is the property that was used as the Community Center. It looks like it is now for sale, so not sure if it's available, but it is the perfect space:

[https://urldefense.com/v3/https://www.crexi.com/properties/1415133/ohio-15---25-n-market-street\\_!!LrwELaEne27E!\\_f6W5e5JZE-qbCZ3ybpX0Ig4709PVM3\\_RU7fHWvCMrBokuelfcSCADaBHfmemwT7xHn4fqMCSdnv4jjaFQ\\$](https://urldefense.com/v3/https://www.crexi.com/properties/1415133/ohio-15---25-n-market-street_!!LrwELaEne27E!_f6W5e5JZE-qbCZ3ybpX0Ig4709PVM3_RU7fHWvCMrBokuelfcSCADaBHfmemwT7xHn4fqMCSdnv4jjaFQ$)

Adam J. Gomez  
Grant & Eisenhofer P.A.  
[agomez@gelaw.com](mailto:agomez@gelaw.com)<mailto:[agomez@gelaw.com](mailto:agomez@gelaw.com)>

From: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>  
Date: Thursday, March 7, 2024 at 12:54 PM  
To: Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)>, Mark Rapazzini <[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)>, Scott Fenwick <[scott.fenwick@kroll.com](mailto:scott.fenwick@kroll.com)>  
Subject: Re: East Palestine  
Hi all,

Beth asked me to pass along the attached population and household data for the East Palestine area.

Thanks!  
Adam

Adam J. Gomez  
Grant & Eisenhofer P.A.  
[agomez@gelaw.com](mailto:agomez@gelaw.com)<mailto:[agomez@gelaw.com](mailto:agomez@gelaw.com)>

From: Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)>  
Date: Thursday, March 7, 2024 at 11:41 AM  
To: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>, Mark Rapazzini <[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)>, Scott Fenwick <[scott.fenwick@kroll.com](mailto:scott.fenwick@kroll.com)>  
Subject: East Palestine

Super confidentially, we have a mediators proposal in Norfolk Southern. The parties have 10 days to accept then NS has an additional 20 days to get board and insurers approval. So we have a lot of work to do!

When can we have a call to discuss the allocation point system, which is the first order of business? I'm open a lot of today and tomorrow. Lmk.

PS. You're hired :)

M. Elizabeth ("Beth") Graham

Grant & Eisenhofer, P.A.  
2325 Third Street  
Suite 329  
San Francisco, CA 94107  
Direct: 415.293.8210  
Mobile: 415.710.7973

[egraham@gelaw.com](mailto:egraham@gelaw.com)<mailto:[egraham@gelaw.com](mailto:egraham@gelaw.com)>  
[https://urldefense.com/v3/\\_http://www.gelaw.com\\_!!LrwELaEne27E!\\_f6W5e5JZE-qhCZ3ybpX0Ig4709Pvm3\\_RU7fHWvCMrBokuelfcSCADaBHfmemwT7xHn4fqMCSdmAxeA31g\\$](https://urldefense.com/v3/_http://www.gelaw.com_!!LrwELaEne27E!_f6W5e5JZE-qhCZ3ybpX0Ig4709Pvm3_RU7fHWvCMrBokuelfcSCADaBHfmemwT7xHn4fqMCSdmAxeA31g$) <[https://urldefense.com/v3/\\_http://www.gelaw.com\\_!!LrwELaEne27E!\\_f6W5e5JZE-qhCZ3ybpX0Ig4709Pvm3\\_RU7fHWvCMrBokuelfcSCADaBHfmemwT7xHn4fqMCSdl3NgZA\\_tQ\\$](https://urldefense.com/v3/_http://www.gelaw.com_!!LrwELaEne27E!_f6W5e5JZE-qhCZ3ybpX0Ig4709Pvm3_RU7fHWvCMrBokuelfcSCADaBHfmemwT7xHn4fqMCSdl3NgZA_tQ$)>

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# EXHIBIT C

## Cassandra Guidetti

---

**From:** Fenwick, Scott <Scott.Fenwick@kroll.com>  
**Sent:** Thursday, April 18, 2024 10:52 AM  
**To:** Adam J. Gomez  
**Cc:** Elizabeth Graham; Seth Katz; Rapazzini, Mark; Ferrante, Angela  
**Subject:** RE: East Palestine - Payment review  
**Attachments:** East Palestine Kroll Sample Calculated Awards 04172024.xlsx; East Palestine Counsel Allocation Plan and Point System (Updated 4.17.24).docx

Thanks for the follow up Adam. I sent yesterday, but apparently did not go through. I am attaching the Allocation Point System document, along with our version of how the Business, Personal Injury and Lump Sum awards could be calculated/allocated. As we discussed, this was seemingly right in line with your assessment you shared. Let me know if we need to discuss further at some point.

Scott

---

### Scott Fenwick

Senior Director

T +1 215 430 6036 | M +1 612 282 9793

-----Original Appointment-----

**From:** Fenwick, Scott  
**Sent:** Tuesday, April 16, 2024 5:45 PM  
**To:** Fenwick, Scott; Adam J. Gomez  
**Cc:** Elizabeth Graham; Seth Katz  
**Subject:** East Palestine - Payment review  
**When:** Wednesday, April 17, 2024 10:00 AM-10:30 AM (UTC-06:00) Central Time (US & Canada).  
**Where:** Microsoft Teams Meeting

Adam  
Let me know if this does not work.

---

## Microsoft Teams [Need help?](#)

### [Join the meeting now](#)

Meeting ID: 259 041 108 030

Passcode: 2VSpFY

---

### Dial-in by phone

[+1 413-206-7329,,780001935#](#) United States, Chicopee

[Find a local number](#)

Phone conference ID: 780 001 935#

### **Join on a video conferencing device**

Tenant key: duffandphelps@m.webex.com

Video ID: 117 880 637 7

[More info](#)

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

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**Represent input numbers**

**Represent calculated numbers**

Settlement Fund	\$600,000,000.00
Class Counsel Fees	(\$162,000,000.00)
Class Counsel costs	(\$1,000,000.00)
Class Rep Service Awards	(\$240,000.00)
Administration Expenses	(\$15,000,000.00)
<b>Net Settlement Fund</b>	<b>\$421,760,000.00</b>

Estimated Business payments	\$25,000,000.00
Estimated Personal Injury payments	\$129,000,000.00

Available for Direct Payments	\$267,760,000.00
Average payment/Direct pmt claim	\$2,490.79

\$500 at ten miles  
 \$250 from 10-20 miles

Type	Class Members	Claims Rate	Claims
Residents	215,000	50.00%	107,500
Businesses	20,000	25.00%	5,000

Potential average Business claim awards	
Average award per claim	Estimated Award amount
\$5,000.00	\$25,000,000

Looking at this as the estimated bucket of funds for Business Claims

Personal Injury (PI) Claims			
Claims rate	90.00%		
PI Claims/residence	2.5	Represents 2.5 people/household	
Distance from Derailment	Households/distance	Estimated Award	Estimated PI Claims
0-2 Miles	2,500	\$10,000.00	\$59,375,000.00
2-5 Miles	3,000	\$5,000.00	\$35,625,000.00
5-10 Miles	16,000	\$1,000.00	\$34,000,000.00
Total			\$129,000,000.00

Looking at this as the estimated bucket of funds for PI claims

Private area for people to call an attorney regarding PI claims  
 Class Members can then call a lawyer directly

### **Direct Payment Factors**

- Distance to Derailment Site
  - 1 Mile Increments
- Direction from Derailment Site
  - SW Reduced (due to wind patterns)
- Household Composition
  - Number of Adults
  - Number of Children
  - Number of Persons Over 65
- Acreage (zone acreage by distance from derailment site)
  - < 2 Acres
  - 2-5 Acres
  - >5 Acres
- Multiple Properties w/in Class Zone (need to analyze and de-dup on the backend)
  - Within 5
  - Within 10
  - Within 20
- Original Evacuation Zone
- Time Displaced (Subject to change based on word on the street)
  - <5 Days
  - 5-30 Days
  - > 30 Days
- Permanent Relocation/Property Sale
- Real or Personal Property Damage (Within the immediate vicinity – East Palestine proper)
  - Independently Confirmed Contamination (Water or Soil)
  - Smoke/Fire/Water (Including from Remediation)
- Time Missed from Work
  - <5 Days
  - 5-30 Days
  - > 30 Days
- Average Daily Salary/Wage (Some may have lost their job entirely – potential cap)

### **Personal Injury Payment Factors (Similar point system as well)**

- Distance to Derailment Site
- Symptomatic
- Duration of Symptoms
  - <30 Days
  - 30 – 90 Days
  - > 90 Days
- Seeking Medical Treatment
  - <2 Visits
  - 2-5 Visits
  - >5 Visits

- Formal Diagnosis by Medical Provider
  - Potential Enhancement for Dx of “Severe” Injuries Depending on What Injuries We See
    - Example – Chemical Bronchitis; COPD.

**For all categories, Extraordinary Injury upon submission of proof will be considered. For example, loss of employment as a documented result of displacement; complete shutdown of a business etc.**

# EXHIBIT D

## Cassandra Guidetti

---

**From:** Fenwick, Scott <Scott.Fenwick@kroll.com>  
**Sent:** Wednesday, June 12, 2024 2:30 PM  
**To:** Adam J. Gomez; Elizabeth Graham  
**Cc:** Ferrante, Angela; Seth Katz  
**Subject:** RE: East Palestine, OH- Request for answers and deadline extension for class action

Well done Adam.

I went through quickly on my flight, and will take another look a bit later.

Scott

---

### Scott Fenwick

Senior Director

T +1 215 430 6036 | M +1 612 282 9793

---

**From:** Adam J. Gomez <AGomez@gelaw.com>  
**Sent:** Wednesday, June 12, 2024 11:40 AM  
**To:** Elizabeth Graham <egraham@gelaw.com>  
**Cc:** Fenwick, Scott <Scott.Fenwick@kroll.com>; Ferrante, Angela <Angela.Ferrante@Kroll.com>; Seth Katz <skatz@burgsimpson.com>  
**Subject:** [EXTERNAL] Re: East Palestine, OH- Request for answers and deadline extension for class action

Ok, here is the rough draft of the response for everyone's review.

Adam J. Gomez  
Grant & Eisenhofer P.A.  
[agomez@gelaw.com](mailto:agomez@gelaw.com)<<mailto:agomez@gelaw.com>>

From: Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)>  
Date: Wednesday, June 12, 2024 at 7:45 AM  
To: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>  
Cc: Scott Fenwick <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)>, Angela Ferrante <[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)>, Seth Katz <[skatz@burgsimpson.com](mailto:skatz@burgsimpson.com)>  
Subject: Re: East Palestine, OH- Request for answers and deadline extension for class action  
A million thanks

M. Elizabeth ("Beth") Graham  
Partner

Grant & Eisenhofer, P.A.  
2325 Third Street  
Suite 329  
San Francisco, CA 94107

123 S. Justison Street  
Wilmington, DE 19801

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DE Direct: 302.622.7099

Mobile: 415.710.7973

[egraham@gelaw.com](mailto:egraham@gelaw.com)

[www.gelaw.com](http://www.gelaw.com)<<http://www.gelaw.com>>

On Jun 12, 2024, at 7:12 AM, Adam J. Gomez <[agomez@gelaw.com](mailto:agomez@gelaw.com)> wrote:

Yes, I am working on it now.

Adam J. Gomez

Grant & Eisenhofer P.A.

[agomez@gelaw.com](mailto:agomez@gelaw.com)<<mailto:agomez@gelaw.com>>

From: Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)>

Date: Wednesday, June 12, 2024 at 6:59 AM

To: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>

Cc: Scott Fenwick <[scott.fenwick@kroll.com](mailto:scott.fenwick@kroll.com)>, Angela Ferrante <[Angela.Ferrante@kroll.com](mailto:Angela.Ferrante@kroll.com)>, Seth Katz <[skatz@burgsimpson.com](mailto:skatz@burgsimpson.com)>

Subject: Re: East Palestine, OH- Request for answers and deadline extension for class action

Good point

We still need to answer them however since they copied the court

M. Elizabeth ("Beth") Graham

Partner

Grant & Eisenhofer, P.A.

2325 Third Street

Suite 329

San Francisco, CA 94107

123 S. Justison Street

Wilmington, DE 19801

CA Direct: 415.293.8210

DE Direct: 302.622.7099

Mobile: 415.710.7973

[egraham@gelaw.com](mailto:egraham@gelaw.com)

[www.gelaw.com](http://www.gelaw.com)<<http://www.gelaw.com>>

On Jun 12, 2024, at 6:53 AM, Adam J. Gomez <[agomez@gelaw.com](mailto:agomez@gelaw.com)> wrote:

I think the first step on the claims center questions is to determine if any of these people actually visited. We

can't underestimate just how much this group makes things up.

--

Adam J. Gomez  
Grant & Eisenhofer P.A.  
(215) 429-2076

On Jun 12, 2024, at 6:45 AM, Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)> wrote:

FYI

I'm tied up this morning - Adam can you take the first draft for response ? Should we be concerned about her statement that the attorneys at the claim center all at different answers? I know that there were "new additions" this week so I'm wondering what you think. Does everybody there know how to correctly address these questions because some of them are pretty straightforward.

M. Elizabeth ("Beth") Graham  
Partner

Grant & Eisenhofer, P.A.  
2325 Third Street  
Suite 329  
San Francisco, CA 94107

123 S. Justison Street  
Wilmington, DE 19801

CA Direct: 415.293.8210  
DE Direct: 302.622.7099  
Mobile: 415.710.7973

[egraham@gelaw.com](mailto:egraham@gelaw.com)

[www.gelaw.com](http://www.gelaw.com)<<http://www.gelaw.com>>

Begin forwarded message:

From: Jami Wallace <[Jamiwallace77@outlook.com](mailto:Jamiwallace77@outlook.com)>

Date: June 12, 2024 at 1:13:41 AM EDT

To: [jconroy@simmonsfirm.com](mailto:jconroy@simmonsfirm.com), [SKatz@burgsimpson.com](mailto:SKatz@burgsimpson.com), [MMorgan@forthepeople.com](mailto:MMorgan@forthepeople.com), Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)>

Cc: [Benita\\_Pearson@ohnb.uscourts.gov](mailto:Benita_Pearson@ohnb.uscourts.gov), [Judy\\_Guyer@ohnb.uscourt.gov](mailto:Judy_Guyer@ohnb.uscourt.gov)

Subject: East Palestine, OH- Request for answers and deadline extension for class action

June 12, 2024

Dear Ms Graham, Mr. Katz, Ms Conroy, and Mr. Morgan,

We are writing in regard to the East Palestine, OH and surrounding impacted areas class action that you are acting as lead counsel for. We feel like making residents rush to make choices about a huge decision is not in the best interest of the community. It is unfair and unreasonable to think residents can make such a major decision without complete information. A decision of this magnitude should be an informed decision. Thus far, questions being asked by residents have not been answered clearly. It seems every attorney involved, and the newly established assistance center, has different answers to important questions. Without clear answers, it's impossible to make the decision to opt in or opt out of the lawsuit.

Residents deserve clarification. Some questions being expressed by residents include:

Why are reimbursements for lodging during relocation being deducted from settlements?  
The “other expenses” paid make sense since they were distributed in an unfair manner.  
Residents out of their homes had no choice of how to spend the money reimbursed for housing. We were forced to stay in overpriced Airbnb or hotels.  
Residents would have rather been home if not for the contamination.  
Why are payments being made “per household” instead of per person?  
Some residents that resided together at the time of the derailment no longer associate with residents they lived with during the derailment.  
What happens if household does not agree on the decision to opt in or out  
Dividing the amount per household lowers the amount residents receive.  
What happens if two households reside in one home?  
What happens if you have multiple homes?  
Are permanent relocation expenses factored into the settlement?  
Residential?  
Business?  
How are residual effects on finances accounted for?  
Residential?  
Business?  
Does the settlement count as income? Will it have an impact on:  
SNAP benefits?  
Social Security?  
Disability?  
Medicaid/care?  
Or any other type of assistance?  
Does taking the settlement void minors rights to sue on their own after 18 years of age?  
Residents do not know long term health impacts of minors.  
If a person was a minor at the time of the derailment and now they are 18, can they sign for themselves?  
Will there be additional attorney fees taken after the fees allotted to attorneys?  
If so what %  
How many attorneys are involved in total  
What is the average take home pay from the settlement for each attorney  
Why are residents being asked to give up their rights to sue government officials/agencies?  
Norfolk Southern is a corporation.  
What is their interest in protecting Government agencies?  
How was the 20-mile radius determined?  
What is the address being used as ground zero  
Is it 20 miles as the crow flies?  
Is the radius based on scientific information?  
Why are current issues not addressed?  
Residents with health issues do not have access to a toxicologist.  
Residential property has not been tested.  
Homes have not been hazmat cleaned  
A risk assessment has never been done by the EPA  
Why is the evidence not being released  
Test results conducted by attorneys (Stephen Petty)  
Depositions and discovery  
What evidence was the settlement based on?

Attorneys did not collect evidence from residents

Did you reply on EPA data?

Did you rely on NS contractors for environmental quality information?

Why is the case being settled now?

The NTSB final report is still pending.

Creeks are still heavily contaminated.

Residents are still actively being exposed

The EPA is still finding pockets of vinyl chloride and taking soil out

Will residents have a calculation of their final payment before they agree to opt in or out?

What factors are being considered?

Why only \$10,000 for health monitoring?

This does not provide for treatment of diagnosis. How do we cover that?

How are those not in the area anymore accounted for?

Why are renters being forced to give 10% to their landlords?

Wouldn't the claim for damage to property already be accounted for in their settlement?

What should residents do if they received papers in the mail with a past tenant's name?

Why are there no punitive damages?

Residents want JUSTICE AND ACCOUNTABILITY

Who qualifies for personal injury?

Do you need medical documentation?

Why does this end at 10 miles?

What about pre-existing conditions that are worsening due to the chemical exposure of unknown combinations of chemicals?

If you opt out, can you file an individual lawsuit?

How many plaintiffs are included in the settlement?

Households?

Residents?

Businesses?

The fear is that residents will not even be left with enough money to have proper testing of their homes let alone relocate to an environment in which they feel is safe. Residents will not have enough money to cover the costs of cancer or other medical care in the future. Residents have zero security for their children and their future health needs.

We need answers, we need security for future medical needs, we need to have more time to make informed decisions. The opt out date of July 1, 2024 is unfair and unreasonable. It does not leave enough time to acquire the general settlement information needed, let alone enough time for residents to evaluate their personal situations. Thus, we are requesting you provide answers to our very important questions and extend the decision deadline by June 19, 2024.

Thank you for your consideration,

Jami Wallace

East Palestine, OH

Unity Council, President

Sherri Mackenstein

Beaver County, PA

Unity Council

Candice DeSanzo  
East Palestine, OH  
Unity Council

Daren Gamble  
East Palestine, OH  
Unity Council

Christopher Wallace  
East Palestine, OH  
Unity Council

Sharon Lynch  
Beaver County, PA

Carly Tunno  
Beaver County, PA

Lisa Abbiati  
Beaver Falls, PA

Rachel White  
Calcutta, OH

Sharon Mason  
Columbiana, OH

Kimberly Rankin  
Columbiana, OH

Cathi Raub-Carney  
Columbiana, OH

Bridget Spada  
Columbiana, OH

Rebecca Sharrar  
Columbiana, OH

Lori O'Connell  
Darlington Twp. PA

Arthur (Wayne) O'Connell  
Darlington Twp. PA

Sarah Carleton  
Darlington, PA

Amanda Kemmer  
Darlington, PA

James Stone  
Darlington, PA

Cindel Hawkins  
East Liverpool, OH

Heather Mason  
East Liverpool, OH

Jessica Albright  
East Palestine, OH  
Shawn Athey  
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Addison Bandy  
East Palestine, OH

Kathy Bolam  
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Yvonne Flint

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Tamara Freeze  
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Jesse Gamble  
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Kimberly Goddard  
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Trudy Gorby  
East Palestine, OH

Brian Haines  
East Palestine, OH

Sa-Vitra Haines  
East Palestine, OH

Ronald Harper  
East Palestine, OH

Julia Hill  
East Palestine, OH

Michael Hobrat  
East Palestine, OH

Noelle Hobrat  
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Jerry Hughes  
East Palestine, OH  
Ashley Jackson  
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Leigh Ann Jones  
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Brenda Juillerat  
East Palestine, OH

Nathaniel Kinder

East Palestine, OH

Erica Kinder  
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Chase Kinder  
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Cheryl Kinder  
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Lori Laich  
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Rita Lattanzio  
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Aino Mahon  
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Shannon Mann  
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Laura Mann  
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Gregory Mascher  
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Lisa Massie  
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Dawn McKinstry  
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Krista Moose-Figley  
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Breana Nalesnik  
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Clay Simko  
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Cindy Walter  
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Lona White  
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Otis Workman  
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Mamie Diemer  
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Kimberly Emes  
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Ashley McKim  
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Janice Haagensen  
Enon Valley, PA

Beth Nelson  
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Pamela Thiry  
Enon Valley, PA

Thomas Hoskinson  
Enon Valley, PA  
Timothy Hostetler  
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Linda McPherson  
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Kristin Grace  
Lisbon, OH

Amanda Larkins  
Lisbon, OH

Alexis Propst  
Monaca, PA

Tara Hicks  
Negley, OH

Bobbie Keenan  
Negley, OH

Jessica Keenan  
Negley, OH

Lyndsay De La Rosa Guy  
New Waterford, OH

Werner Lange  
Newton Falls, OH

Sandra Starr  
Ohioville, PA

Nadine Luci  
Rochester, PA

Rebecca Fraser  
Rogers, Ohio

Christy Dailey

Unity, OH

Tina Davis  
Unity, OH

Tina Morris  
Wellsville OH

Dana Fortune

Marcia Griffith

Celinda Lujan

Thank you,

Jami R. Wallace, JD, MPA. SCHRM-

SCP<<https://drive.google.com/file/d/1pwAWeuxODtIEiiGxSvZdlbIYdgtsvKtt/view?usp=sharing>>

President, Unity Council for the East Palestine Train Derailment<[https://drive.google.com/file/d/1-AoIB2KRAoderDBePg6ywDkewUx9SIL0/view?usp=drive\\_link](https://drive.google.com/file/d/1-AoIB2KRAoderDBePg6ywDkewUx9SIL0/view?usp=drive_link)>

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A future derailed<<https://youtu.be/QnDUz8d9eSY>>

A mother fights back<<https://youtu.be/aCP4Mwo11Cc>>

Toxic fog<<https://youtu.be/uhjtX9fvY2I>>

East Palestine resident calls for Biden Administration<<https://www.facebook.com/reel/3639356033051639>>

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<Class Action - Attorney letter (1).pdf>

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# EXHIBIT E

Dear Ms. Wallace and Members of the Unity Council for the East Palestine Train Derailment,

We thank you for your June 12, 2024 letter regarding the \$600 million proposed class action settlement that was preliminarily approved by the Court on May 21, 2024 (the “Settlement”). As your letter notes, it is important for community members to receive clear and accurate information in order to properly evaluate the Settlement, assess their rights and decide whether and to what extent to participate. Unfortunately, much of the information circulating in the media and online to date has been filled with misinformation, inaccuracies and, in some cases, outright fabrications. We therefore welcome the opportunity to directly address each of your questions and concerns in writing as Co-Lead and Class Counsel for the Settlement such that you can trust the information set forth in this letter is true, correct and complete.<sup>1</sup>

**1. Why are reimbursements for lodging during relocation being deducted from settlements?**

As you know, the Settlement provides for a \$600 million, non-reversionary payment by Norfolk Southern. In practical terms, this means that no money paid to the Class would revert or return to Norfolk Southern, nor would Norfolk Southern receive a credit for any payments previously made to the Community. However, individual Class Members would receive offsets from their individual claims equal to monies already paid to them by Norfolk Southern. This approach is consistent with the way in which damages would be calculated in a lawsuit – that is, a Class Member would present all of their damages, including claims for reimbursement of out-of-pocket expenses, and Norfolk Southern would be entitled to a credit or reduction for any reimbursements already paid. By employing the same approach in the claims process, the Settlement treats all Class Members fairly and equally by ensuring that Class Members who have already been compensated by Norfolk Southern do not receive a greater share than Class Members who incurred the same out-of-pocket expenses but, for whatever reason, did not previously receive payment from Norfolk Southern. Importantly, the monies deducted from individual Class Members’ claims would return to the larger Settlement fund where it would then be redistributed on a proportional basis to all Class Members in subsequent rounds of payment, including the Class Member from whom the amount was originally deducted.

**2. Why are payments being made “per household” instead of per person?**

With respect to the Direct Payment portion of the Settlement, claims will be paid on a “household” or family unit basis. There are many reasons for this approach.

For instance, all of the damages caused by the derailment were experienced on a family, rather than individual basis. As you unfortunately know, families were forced to evacuate the area together, incurring out-of-pocket costs for temporary or extended relocation that applied equally

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<sup>1</sup> While we are aware of many attorneys and other parties providing information and commentary on the Settlement, only information provided by Court-appointed Co-Lead and Class Counsel, as well as the Court-appointed settlement administrator, Kroll Settlement Administration, LLC, should be considered official and binding on the Settlement. To the extent you are able to identify the attorneys referenced in your letter who are providing different or inconsistent information, we would be eager to address this with them directly.

to all members of the family. Similarly, to the extent a home was contaminated, cleaning and replacement costs applied largely to shared or communal personal property like food, appliances, HVAC units, couches, carpets, etc. Loss of use and enjoyment of the property also includes the loss of familial companionship and society within the family home as residents were forced to be away from their properties.

Further, fair and efficient administration of the Settlement claims process requires payments to be made on a “household” or family unit basis. In particular, many individual residents living within a single household do not have legally sufficient proof of their residency (e.g., bank account statements, utility bills, property records, etc.) to establish their physical presence within the Class Area at the time of the derailment. Likewise, where many of the damages suffered and compensated by the Settlement affected all members of the family unit, parsing out which portion of the award should be paid to which individual household member over another is impractical and likely to lead to unacceptable delays in delivering compensation to the Community.

At its core, the Settlement operates on the principle that Class Members know best how to implement the funds they receive to address any number of different concerns in the Community, whether they be long-term health monitoring, additional property remediation or otherwise. The same is true of the household’s ability to apportion or share in an individual Settlement award in whatever amounts or for whatever purposes they jointly decide.

**a. What happens if the household does not agree on the decision to opt in or out?**

The decision to participate in the Settlement or opt out implicates the release or waiver of the right to bring future claims against Norfolk Southern as a result of the derailment. To protect against the inadvertent loss of these rights, the Settlement errs on the side of caution by considering an opt-out by any one member of the household as an opt-out by the entire household. In this scenario, all members of the household have their legal rights fully protected to pursue Norfolk Southern, while also avoiding the unfair possibility that a “split” household could receive the benefits of the Settlement while still maintaining the right to bring individual claims against Norfolk Southern in the future.

**b. What happens if two households reside in one home?**

The Settlement uses immediate family units to define “households” for purposes of calculating Settlement awards. By doing so, multiple families living within the same residential address are able to file separate claims and receive separate awards. In other words, if two or more families share the same address, but are nevertheless distinct “households”, they may each file claims.

**c. What happens if you have multiple homes?**

Under the Settlement, a family unit can only have one “home” – that is, one principal residence. However, many Class Members own additional real properties that have suffered, among other things, devaluation as a result of the derailment. In the event that a household member

owns additional properties, these can be identified in the Extraordinary Loss or Injury sections of the Claim Forms and may result in additional compensation. Alternatively, an individual household member may file a separate claim for real property they own but at which they do not reside by selecting *only* the “own” option on the Claim Form. Additional assistance in addressing this kind of unique scenario is available through the Court-appointed settlement administrator, Kroll Settlement Administration, LLC, via the contact information provided on the website [eastpalestinetrainsettlement.com](http://eastpalestinetrainsettlement.com) or at the Claims Center in East Palestine.

**3. Are permanent relocation expenses factored into the settlement (residential and/or businesses)?**

Yes, permanent relocation is a factor that is considered in connection with both residential and business claims. For residents, the Claim Form requests information that speaks directly to permanent relocation, and that information plays a critical role in the objective point-system that will be used to determine each household’s Settlement award. Additionally, residents who were permanently displaced and/or permanently relocated may explain their circumstances and provide supporting documentation in the Extraordinary Loss or Injury sections of the Claim Forms to receive additional consideration. The same is true for businesses to the extent permanent relocation is relevant to actual net business losses incurred as a result of the derailment.

**4. How are residual effects on finances accounted for (residential and/or businesses)?**

While the Settlement generally accounts for the residual financial effects of the derailment on individuals and businesses in the Community, it recognizes that the degree of impact may differ across otherwise similar Class Members. To that end, residents and businesses may explain any long-term or residual financial effects and provide supporting documentation in the Extraordinary Loss or Injury sections of the Claim Forms to receive additional consideration.

**5. Does the Settlement count as income? Will it have an impact on public benefits and/or assistance programs?**

We recognize Class Members have questions regarding the potential tax and other implications of the Settlement; however, we are not tax professionals and cannot provide individualized tax advice. *As in all settlements, Class Members should consult with their tax advisors regarding any tax obligations or impacts on public benefits.*

Still, to better assist Class Members in connection with these questions, we note that on June 5, 2024, the Internal Revenue Service issued Notice 2024-46, in which it determined that many payments to individuals affected by the East Palestine train disaster are tax-free, including payments for inconvenience, relocation, repairs, remediation, loss of value and medical payments. A copy of this Notice is available for review at <https://www.irs.gov/newsroom/irs-many-payments-to-individuals-affected-by-east-palestine-train-disaster-are-tax-free-new-guidance-could-help-those-in-ohio-pennsylvania-west-virginia>.

In terms of any impact of public assistance benefits, we have also engaged the services of Milestone ([milestoneeventh.com](http://milestoneeventh.com)), one of the country’s leading settlement planning services that

specializes in providing information and strategies to mitigate the effects of settlements on public assistance beneficiaries. Milestone is in the process of producing a webinar that will provide answers to many frequently asked questions on these subjects. Milestone will also be dedicating a representative to answer questions received at the Claims Center regarding public benefits, and it will also be scheduling “office hours” at the Claims Center to provide one-on-one information in this respect. Additional information regarding Milestone, including the webinar and the schedule to meet with a representative in-person at the Claims Center, will be posted on the settlement website shortly.

**6. Does taking the settlement void minors’ rights to sue on their own after 18 years of age?**

If finally approved, the Settlement would release the claims of all residents, property owners, employees and businesses who lived, worked or owned property within 20 miles of the derailment site, including minors. This means that a minor would not be able to bring a claim against Norfolk Southern for the damages released by the Settlement upon reaching the age of majority. However, the Settlement does not release personal or bodily injury claims against Norfolk Southern *unless an individual Class Member affirmatively chooses to do so by participating in the Personal Injury Program and executes an individual release of liability in favor of Norfolk Southern*. Parents of minor children may choose to enroll their children in this Program by executing the release of liability on their behalf subject to Court approval as is permitted and required by law. By contrast, minors whose parents elect not to participate in this Program on their behalf would retain the right to sue Norfolk Southern individually in the future, including in their own capacity upon turning 18 years of age. In the event a minor has already reached the age of majority, they may choose for themselves whether to participate in the Program, including signing a release of liability.

**7. Will there be additional attorney fees taken after the fees allotted to attorneys?**

Court-appointed Class Counsel will petition the Court for an award of fees and costs equal to a maximum of 27% and 3% of the total Settlement fund, respectively. The amount of attorneys’ fees and costs awarded by the Court, if any, is subject to the Court’s sound discretion and approval. The average, approximate award figures set forth in the Long Form Notice are net of these maximum attorneys’ fees and costs, meaning that they are calculated after considering any reduction for fees and costs. To the extent Class Members have retained individual counsel under a valid fee contract, they should consult with those attorneys to determine whether, and to what extent, they intend to assert a claim for attorneys’ fees or costs from the net amounts paid under the Settlement.

**8. Why are residents being asked to give up their rights to sue government officials/agencies?**

The Settlement contemplates a release of government officials and agencies only to the extent claims may arise from the incident, which is defined under the Settlement Agreement as the derailment, vent and burn operation and corresponding release of chemicals. This type of release is typical of a case like this because in exchange for payment of \$600 million, Norfolk Southern

seeks assurances that it will not be sued by a government official or agency that is itself being sued by a Class Member who has already received compensation.

Importantly, however, any claims against government officials or agencies for alleged acts or omissions outside of the derailment, vent and burn and corresponding release of chemicals are not subject to the Settlement's release. While we express no opinion on whether such claims may exist or have legal merit, we do note that no such claims were asserted in this Lawsuit, nor were any government officials or agencies named as Defendants.

### **9. How was the 20-mile radius determined?**

The 20-mile radius that defines the Class Area in the Settlement was based only on scientific data obtained independently by Class Counsel from the Community and their multi-faceted team of experts throughout the course of the litigation.<sup>2</sup> These scientific data include multiple different air models and a robust soil and water sampling plan conducted across a 30-mile radius of the derailment site<sup>3</sup>, which is the epicenter of the Class Area identified by the GPS coordinates set forth in the Settlement Agreement. All of these data indicate that the chemicals released by the derailment and vent and burn spread in varying degrees across an area equal to a 20-mile radius from the derailment site. Given that the primary method of release and contamination was by air, Class Members' proximity to, and direction from, the derailment site are critical factors in determining their allocation of the Settlement and are calculated on a straight-line or "as the crow flies" basis.

### **10. Why are current issues not addressed?**

The Settlement represents the proposed resolution of private civil litigation by the Community against Norfolk Southern, and is therefore subject to the constraints of our civil justice system, including the private causes of action and remedies available under the law. Litigants in private civil litigation generally do not have the ability to obtain access to specific forms of medical care, including toxicologists,<sup>4</sup> or force a Defendant like Norfolk Southern to perform specific acts like testing or cleaning of real property. Rather, civil litigation generally provides private parties with monetary compensation that then allows them to access or pay for these kinds of resources in their own right. That is precisely what the \$600 million Settlement contemplates by issuing Class Members lump sum payments, which they can then choose to use for any purpose they desire including, but not limited to, consulting with a toxicologist or further remediating/testing property.

Unlike private civil litigation such as this, claims made by government entities on behalf of citizens are separate and distinct, and may be successful in causing a Defendant like Norfolk Southern to perform specific acts in connection with the derailment. In fact, the United States

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<sup>2</sup> We trust this information answers the separate questions posed regarding whether we relied on EPA and/or Norfolk Southern contractor data in reaching the settlement.

<sup>3</sup> The total area sampled under this program was roughly 2,800 square miles.

<sup>4</sup> Indeed, in this case, the Court has already ruled that medical monitoring – a form of Court-approved medical testing – is not available to private parties under the law of the State of Ohio.

Department of Justice recently announced a proposed Consent Decree with Norfolk Southern that would resolve separate litigation against it by, among other things, requiring Norfolk Southern to implement programs designed to continuously monitor the health and safety of the Community. More information about this separate lawsuit and proposed Consent Decree, including the programs it may offer to the Community, are available at <https://www.justice.gov/enrd/media/1353111/dl?inline>.

### **11. Why is the evidence not being released?**

As is customary and typical of this type of litigation, much of the discovery and evidence, including depositions, is subject to a Court-approved Protective Order<sup>5</sup> preventing the parties from publishing or otherwise sharing information obtained in the course of litigation. Additionally, information and evidence core to the litigation is subject to the jurisdiction of the National Transportation Safety Board's ongoing investigation of the derailment, including 49 C.F.R. § 831.13, which prohibits the release of information obtained during any investigation at any time prior to the NTSB's public release of the same. In this case, the NTSB has insisted that information obtained from parties like Norfolk Southern and the other Defendants must remain strictly confidential under the Protective Order until such time as it issues its final report. As such, we are legally required to keep this information, discovery and evidence confidential and cannot release it to the Community.

With respect to the independently obtained scientific data referenced in response to Question No. 9 above, we have previously expressed our commitment to make that data available to the Community in support of our Motion for Final Approval. Given the possibility that Norfolk Southern may be able to exercise its walk-away rights as set forth in the Settlement Agreement, or that the Settlement may not be finally approved and we will need to further litigate the contested issue of environmental contamination, we cannot release these data prematurely.

### **12. Why is the case being settled now?**

The proposed Settlement factors in a number of legal and practical realities, not the least of which is the likelihood of success on all claims, the total amount of provable damages and the certainty that Norfolk Southern would fully exercise its appellate rights on all case-critical issues. All of these factors indicate to us, in our decades of experience litigating similar cases throughout the country, that a \$600 million settlement now is far preferable to a resolution upwards of 10 years in the future, especially when that future resolution is unlikely to be materially different from the proposed Settlement based on the law, evidence and data.

In this respect, we are confident that the discovery we have conducted throughout the life of the case, including our consultants and experts' analysis of the evidence and data, gives us as much, if not more, information than has been developed by government agencies like the NTSB and EPA. In other words, we strongly believe that we know exactly what the evidence will and will not show regarding Norfolk Southern's liability, as well as the long-term nature and risks of

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<sup>5</sup> See Dkt. No. 127 (August 2, 2023 Protective Order).

any chemical contamination caused by the derailment and vent and burn, regardless of whether there are any ongoing investigations, outstanding reports or unaddressed pockets of contamination.

**13. Will residents have a calculation of their final payment before they agree to opt in or out?**

Individual award amounts under the Settlement are based on the information received during the claims process, as well as the total number of Class Members who submit claims. Specifically, the information obtained during the claims process is then translated into objective points across more than a dozen factors including: (1) direction from the derailment site; (2) proximity to the derailment site; (3) household size; (4) household composition; (5) acreage; (6) time displaced; and (7) damage to the property. The same process is used for calculating payments under the Personal Injury Program and includes factors like: (1) proximity to the derailment site; (2) nature of symptoms; (3) nature of formal diagnosis; and (4) course of medical treatment, if any. The average, approximate awards set forth in the Long Form Notice are based upon all available data and represent the best estimate of Class Members' expected allotment of the Settlement depending on proximity to the derailment site. More precise estimates of Class Member awards can only be determined once the claims process has been completed, all claims have been reviewed and points have been allocated to all submissions.

**14. Why only \$10,000 for health monitoring?**

It is incorrect and inaccurate to describe the Settlement as only providing \$10,000 for health monitoring. The Direct Payment portion of the Settlement factors into the final award funds for future health monitoring based on location and proximity to the derailment site. As discussed above, because the Settlement provides Class Members with the flexibility to use their award however they see fit, the entire amount – which may significantly exceed \$10,000 – may be used for health monitoring if Class Members and their medical providers feel that is appropriate. Additionally, those eligible Class Members who choose to participate in the voluntary Personal Injury Program may receive a further minimum payment of \$10,000 depending on their location, which can be used for any purpose, including future medical treatment. Eligibility for this voluntary Personal Injury Program is based on physical location at the time of the derailment and vent and burn rather than location at the time the Settlement was announced thus allowing for participation even if a Class Member has since moved away.

**15. Why are renters<sup>6</sup> being forced to give 10% to their landlords?**

The Settlement does not provide any right for landlords to receive 10% of a Settlement award, nor are we aware of any such legal requirement outside the Settlement. In fact, the opposite is true under the Settlement since landlords are permitted to make their own, separate claims solely for the loss of value in properties they own. We would be happy to discuss this in greater detail,

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<sup>6</sup> We also note the question regarding Class Members who received Settlement documents under the name of a former owner or tenant. The discrepancy is explained by limitations in the publicly-available address data for the Class Area, which often times is not current or accurate. This does not impact a Class Member's ability to make a claim, and they can access copies of the Claim Forms at the settlement website [eastpalestinetrainsettlement.com](http://eastpalestinetrainsettlement.com).

but it would be helpful to understand from where this information is originating since it is not the Settlement.

#### **16. Why are there no punitive damages?**

It is incorrect and inaccurate to describe the Settlement as not accounting for punitive damages. To the contrary, the Settlement payment considers all claims for damages against Norfolk Southern under all applicable theories, including punitive damages, which the Court upheld on Norfolk Southern's Motion to Dismiss. In other words, while there is not a specific allotment or line item for punitive damages, the risk of punitive damages was part of the negotiation that led to the total \$600 million figure. It is also worth noting that a specific award for punitive damages is generally considered taxable income by the IRS.<sup>7</sup>

#### **17. Who qualifies for personal injury?**

Any person who was physically present within 10 miles of the derailment site during the derailment and vent and burn is eligible to participate in the voluntary Personal Injury Program. Based on the scientific data generated and analyzed during the litigation, the Program assumes that individuals physically located within 10 miles were exposed to the chemicals released by the derailment and therefore eligible for Personal Injury payments.<sup>8</sup> While physical symptoms, medical diagnoses and medical treatment are factors that may increase an eligible Class Members' Personal Injury payment if they choose to participate, they are not required nor is medical documentation. Instead, anyone who was physically present within 10 miles of the derailment site during this period may receive a payment if they so affirm under penalty of perjury in the Claim Form and execute the release of liability in favor of Norfolk Southern.

#### **18. If you opt out, can you file an individual lawsuit?**

Yes, opting out preserves a Class Member's right to bring an individual lawsuit against Norfolk Southern for the claims that are otherwise released under the Settlement. Class Members who choose to opt out and file their own lawsuits will not receive any benefits under the Settlement and they will be subject to all of the procedural and evidentiary requirements imposed under the law. These include the development and production of sufficiently reliable scientific and expert evidence to prove Norfolk Southern's liability and legal causation of any claimed damages. Class Members who opt out and file individual lawsuits through their own counsel may also be individually responsible for any attorneys' fees and costs incurred by those cases.

#### **19. How many plaintiffs are included in the Settlement (households, residents and businesses)?**

We understand this question to ask how many Class Members there are across each of these categories in the Class Area. The following is the available data *subject to the express caveats that:*

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<sup>7</sup> See <https://www.irs.gov/government-entities/tax-implications-of-settlements-and-judgments>

<sup>8</sup> The scientific data and evidence does not, in our opinion, support sufficient physical exposure to these chemicals beyond 10-miles from the derailment site.

*(1) the Settlement fund is not evenly divided by the total number of Class Members in any category; (2) Settlement awards will vary wildly between the extremes of the Class Area, with the highest amounts generally being awarded to those closest to the derailment site; and (3) it is incredibly unlikely that all eligible Class Members will actually participate in the claims process:*

	<b>0-10 Miles</b>	<b>10-20 Miles</b>	<b>Total</b>
<b>Households</b>	21,160	169,727	190,887
<b>Residents</b>	51,740	399,932	451,672
<b>Businesses</b>	1,478	14,218	15,696

Once again, we welcome the opportunity to have responded to these very important questions, and we expect that this information, in addition to the information already made available in the Settlement filings and through the claims process, will allow you to make informed decisions about whether and to what extent you may wish to participate in the Settlement. We understand just how difficult this entire ordeal has been for the Community, and we respect the magnitude of the uncertainties you all are confronting as you continue to deal with the aftermath of the derailment. To that point, we therefore reiterate our belief that the proposed \$600 million Settlement is the best possible outcome when considering all of the evidence, science and risks of extended litigation because it provides substantial relief directly to the Community now as opposed to a decade or more in the future. For that reason, and to ensure those who are desperately depending the Settlement receive it as quickly as possible, we cannot agree to extend the Court-approved deadline of July 1, 2024, for any requests for exclusion or objections.

Very truly yours,

Class Counsel

# EXHIBIT F

**Cassandra Guidetti**

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**From:** Adam J. Gomez <AGomez@gelaw.com>  
**Sent:** Wednesday, August 28, 2024 11:33 AM  
**To:** Fenwick, Scott  
**Subject:** Plan of Distribution  
**Attachments:** Allocation and Point System (Draft 3.0) 8.28.24.docx

For our call at noon.

Adam J. Gomez (He/Him/His)  
**Principal | Grant & Eisenhofer P.A.**  
123 S. Justison Street, 6th Floor  
Wilmington, DE 19801  
Direct Dial: 302-622-7107  
Cell: 215-429-2076  
[agomez@gelaw.com](mailto:agomez@gelaw.com) | [www.gelaw.com](http://www.gelaw.com)

\* Admitted in Pennsylvania and California

This message is intended only for the use of the person to whom it is addressed and may contain information that is confidential and/or protected by the attorney-client privilege. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please do not read it, copy it or forward it. Please erase all copies of the message and its attachments and notify us immediately.

**East Palestine Train Derailment  
Plan of Distribution**

**Allocation**

<b>Direct Payment</b>	<b>Business Loss</b>	<b>Voluntary Personal Injury</b>	<b>Holdback</b>	<b>Fees/Expenses</b>	<b><u>Total</u></b>
\$265mm	\$25mm	\$120mm	\$10mm	\$180mm	\$600mm

- Settlement establishes a single Settlement Fund of \$600mm. Preliminary assignments to each program are subject to “pour over” provisions and can be re-allocated as necessary to achieve fair, reasonable and adequate compensation of all claims within a given program.
- The preliminary assignments of funds are exclusive of roughly \$25mm in payments made by Norfolk Southern, of which reductions and offsets will be applied as set forth below. Data and evidence supporting those payments on a class member-by-class member basis have been provided by Norfolk Southern and shall be used by the Settlement Administrator to calculate and apply reductions or offsets in the manner contemplated by the Plan.

**Program 1 – Direct Payment**

- The Settlement Administrator shall use the information and data collected through the claims process to calculate each eligible class member household’s Direct Payment using the factors and weights described in this Section.
- All eligible class member households start with a “base” of 100 points, which is intended to reflect the “average” family living in the Village of East Palestine at the time of the Derailment.<sup>1</sup> The “base” of 100 points is equivalent to one \$70,000 share of the Direct Payment program. The “base case” is therefore entitled to \$70,000 per household, with other household payments increasing or decreasing from the “base case” depending on the factors presented in their claim forms.
- The factors elicited from the claim form are converted to multipliers that reflect enhancements or detractions based on severity or degree of impact. All multipliers – whether enhancements or detractions – are applied consistently and objectively to the eligible class member household’s “base” award of 100 points. The number of points calculated once all multipliers have been

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<sup>1</sup> Family of 5 (2 Adults, 3 Children) living in Village of East Palestine on February 3, 2023. The family lives on and owns 1 acre of land. They were displaced from 2/3/23-2/8/23 within 10 miles of the derailment site.

applied is the final gross allocation of the Direct Payment program to an eligible class member household subject to any reductions or offsets discussed below.

*Category 1 – Location Points*

<b>Distance from Derailment Site</b>	Trackside <sup>2</sup>	Village of East Palestine or Out to 2 Miles	2-3 Miles	3-4 Miles	4-5 Miles	5-6 Miles
<b>Multiplier</b>	1.10x	1x	.64x	.57x	.42x	.35x

<b>Distance from Derailment Site</b>	6-7 Miles	7-8 Miles	8-9 Miles	9-10 Miles	10-15 Miles	15-20 Miles
<b>Multiplier</b>	.28x	.21x	.14x	.07x	.0035x	.0014x

*Category 2 – Direction Points*

<b>Direction from Derailment Site<sup>3</sup></b>	180* - 315*	All Other Directions
<b>Multiplier</b>	.50x	1x

**Note: Direction Points are only applicable to claims made outside of the Village of East Palestine or 2 Miles from the Derailment Site.**

*Category 3 – Timing of Physical Presence Points*

<b>Time First Physically Present in Class Area</b>	2/3/23-2/8/23	2/9/23-6/30/23	7/1/23-4/26/24
<b>Multiplier</b>	1x	.50x	.75x

*Category 4 – Nature of Physical Presence Points*

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<sup>2</sup> Defined as the area of the Village of East Palestine, Ohio, bounded by Taggart Street (South); E. Martin Street (North); PA State Line (East); N. James Street (West).

<sup>3</sup> Derailment Site is CenterPoint.

<b>Nature of Physical Presence in Class Area</b>	Live + Own Property	Live + Work Only	Live Only	Own Property Only	Work Only
<b>Multiplier</b>	1x	.90x	.80x	.10x	.05x

*Category 5 – Household Composition Points (Adults)*

<b>Adults in Household</b>	1	2	3-4	5+
<b>Multiplier</b>	.75x	1x	1.25x	1.50x

*Category 6 – Household Composition (Children)*

<b>Children in Household</b>	1-2	3	4-5	5+
<b>Multiplier</b>	.90x	1x	1.10x	1.20x

*Category 7 – Household Composition (Over the Age of 65)*

<b>Over 65 in Household</b>	1	2+
<b>Multiplier</b>	1.025x	1.05x

*Category 8 – Displacement Points (Duration)*

<b>Duration of Displacement</b>	<4 Days	4 Days – 1 Week	1 Week – 30 Days	31 Days – 60 Days	61 Days – 90 Days	91 Days – 180 Days
<b>Multiplier</b>	.75x or 1x	1x	1.025x	1.05x	1.075x	1.10x

<b>Duration of Displacement</b>	181 Days – 1 Year	Permanent Relocation
<b>Multiplier</b>	1.125x	1.15x

**Note: Displacements less than 4 days are scored at .75x multiplier only for those households within the Village of East Palestine or out to 2 miles from the Derailment Site due to Evacuation Orders.**

*Category 9 – Displacement Points (Distance)*

<b>Distance of Displacement</b>	<10 Miles	10-20 Miles	>20 Miles
<b>Multiplier</b>	1x	1.025x	1.05x

*Category 10 – Displacement Points (Lost Work)*

<b>Time Lost from Work</b>	<1 Week	1 Week – 30 Days	31 Days – 90 Days	91 Days – 180 Days	181 Days – 1 Year	Permanent
<b>Multiplier</b>	1x	1.025x	1.05x	1.075x	1.10x	1.125x

*Category 11 – Property Points (Acreage)*

<b>Acreage of Property</b>	<.5 Acres	.5-1 Acre	1-5 Acres	5-10 Acres	10-20 Acres	20-50 Acres
<b>Multiplier</b>	.90x	.95x	1x	1.05x	1.10x	1.15x

<b>Acreage of Property</b>	50-100 Acres	> 100 Acres
<b>Multiplier</b>	1.20x	1.25x

*Category 12 – Property Points (Damage)*

<b>Damage to Property</b>	Fire/Water/Smoke	Confirmed Contamination	Other
<b>Multiplier</b>	1.1x	1.05x	1.025x

<b>Damage to Residence/Structure</b>	Fire/Water/Smoke	Structural	Confirmed Contamination	Other
<b>Multiplier</b>	1.1x	1.1x	1.05x	1.025x

<b>Damage to Personal Property</b>	Fire/Water/Smoke	Confirmed Contamination	Other
<b>Multiplier</b>	1.1x	1.05x	1.025x

**Note: All property within the Class Area is presumed contaminated to varying degrees (reflected in Location and Direction points). Confirmed contamination therefore requires testing, sampling or other corroborating evidence showing elevated chemical levels attributable to the Derailment.**

*Category 13 – Property Points (Additional Owned Properties in Class Area)*

<b>Number of Additional Property</b>	1	2	3+
<b>Multiplier</b>	1.05x	1.10x	1.15x

*Sample Applications*

- Scenario 1 – Family of 4 (2 Adults, 2 Children) living Trackside in East Palestine on February 3, 2023. They own their property and were forced to permanently relocate 12 miles away. Their property in East Palestine was roughly .55 acres.

Base Points	Location	Direction	Physical Presence (Time)	Physical Presence (Character)	Household – Adults	Household – Children	Displacement Length	Displacement Distance	Work Lost	Acreage	Total Points	Total Value
100	1.10x	1x	1x	1x	1x	.90x	1.15x	1.025x	1x	.95x	110.86	\$77,602

- Scenario 2 - Family of 6 (3 Adults, 3 Children) living 7.3 miles from the Derailment Site on February 3, 2023. The family lives on and owns 4.2 acres of land. They were not displaced; however, they do live within the plume area.

Base Points	Location	Direction	Physical Presence (Time)	Physical Presence (Character)	Household – Adults	Household – Children	Displacement Length	Displacement Distance	Work Lost	Acreage	Total Points	Total Value
100	.21x	1x	1x	1x	1.25x	1x	1x	1x	1x	1x	19.69	\$13,783

- Scenario 3 – Family of 2 (1 Adult, 1 Child) living in the Village of East Palestine on February 3, 2023. The family rents an apartment on less than 1 acre of land. They were displaced for 45 days 12 miles away. Adult missed 1 week of work.

Base Points	Location	Direction	Physical Presence (Time)	Physical Presence (Character)	Household – Adults	Household – Children	Displacement Length	Displacement Distance	Work Lost	Acreage	Total Points	Total Value
100	1x	1x	1x	.80x	.75x	.90x	1.05x	1.025x	1x	.90x	52.31	\$36,617

- Scenario 4 – Family of 4 (2 Adults, 2 Children) living 4.1 miles from the Derailment Site on February 3, 2023. The family owns their property, which is 8.4 acres. They were not displaced and they live southwest of the Derailment Site.

Base Points	Location	Direction	Physical Presence (Time)	Physical Presence (Character)	Household – Adults	Household – Children	Displacement Length	Displacement Distance	Work Lost	Acreage	Total Points	Total Value
100	.42x	.5x	1x	1x	1x	.90x	1x	1x	1x	1.05x	19.85	\$13,895

- Scenario 5 – Family of 7 (2 Adults, 5 Children) living 13.8 miles from the Derailment Site on February 3, 2023. The family owns their property, which is 24.3 acres. They were not displaced; however, they do live within the plume area.

Base Points	Location	Direction	Physical Presence (Time)	Physical Presence (Character)	Household – Adults	Household – Children	Displacement Length	Displacement Distance	Work Lost	Acreage	Total Points	Total Value
100	.0035x	1x	1x	1x	1x	1.1x	1x	1x	1x	1.15x	.443	\$310

Reductions and Offsets

- Inconvenience Payments
  - Dollar-for-Dollar to Household from Total Gross Direct Payment.
    - Example - Household Accepted 4 Inconvenience Payments; \$4,000 Deducted from Entire Direct Payment
- Displacement or Other Reimbursements
  - Total Amount Deducted from Points Allocated for Specific Category of Reimbursement **Only**
    - Example – Household received a multiplier translating to 25 points for Displacement totaling \$17,000<sup>4</sup>. Household previously received \$15,000 in reimbursement for housing and food due to evacuation. \$15,000 is subtracted from the \$17,000 allotted for Displacement **only**. Remainder of points and Direct Payment is unaffected.
    - Example – Household received a multiplier translating to 25 points for Damage totaling \$17,000<sup>5</sup>. Household previously received \$20,000 in reimbursement for cleanings, new HVAC filters, etc. The entire \$17,000 allotted for Damage is subtracted **only**. The net difference of \$3,000 is waived. Remainder of points and Direct Payment is unaffected.
- Incarcerated Individuals
  - Incarcerated individuals are any eligible class members that were confined for any reason during the Class Period. Any incarcerated individual submitting a claim shall receive a 90% reduction (.10x) reflective of their confinement given the Direct Payment program is designed to compensate property-based torts like trespass, nuisance, loss of use and enjoyment of property, inconvenience and disruption.
- In all cases, funds from reductions and offsets pour back into Direct Payment assignment to be redistributed to the Class, including in supplemental payments, if any.

### **Program 2 – Voluntary Personal Injury/Exposure**

- The Settlement Administrator shall use the information and data collected through the claims process to calculate each eligible class member's Voluntary Personal Injury payment using the factors and weights described in this Section.

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<sup>4</sup> Point value to be determined; for illustrative purposes only.

<sup>5</sup> Point value to be determined; for illustrative purposes only.

- All eligible class members start with a “base” of 100 points, which is intended to reflect the “average” individual living in the Village of East Palestine at the time of the Derailment.<sup>6</sup> The “base” of 100 points is equivalent to one \$25,000 share of the Voluntary Personal Injury program. The “base case” is therefore entitled to \$25,000 per person, with other individual’s payments increasing or decreasing from the “base case” depending on the factors presented in their claim forms.
- The factors elicited from the claim form are converted to multipliers that reflect enhancements or detractions based on severity or degree of impact. All multipliers – whether enhancements or detractions – are applied consistently and objectively to the eligible class member’s “base” award of 100 points. The number of points calculated once all multipliers have been applied is the final gross allocation of the Voluntary Personal Injury program to an eligible class member subject to any reductions or offsets discussed below.

*Category 1 – Location Points*

<b>Distance from Derailment Site</b>	Trackside <sup>7</sup>	Village of East Palestine or Out to 2 Miles	2-3 Miles	3-4 Miles	4-5 Miles	5-6 Miles
<b>Multiplier</b>	1.10x	1x	.60x	.50x	.40x	.20x

<b>Distance from Derailment Site</b>	6-7 Miles	7-8 Miles	8-9 Miles	9-10 Miles
<b>Multiplier</b>	.14x	.08x	.06x	.04x

*Category 2 – Direction Points*

<b>Direction from Derailment Site<sup>8</sup></b>	180* - 315*	All Other Directions
<b>Multiplier</b>	.50x	1x

<sup>6</sup> 1 adult living in Village of East Palestine on February 3, 2023. The individual reports exposure to chemicals and symptoms, including respiratory distress. The adult does not seek medical care or receive a formal diagnosis.

<sup>7</sup> Defined as the area of the Village of East Palestine, Ohio, bounded by Taggart Street (South); E. Martin Street (North); PA State Line (East); N. James Street (West).

<sup>8</sup> Derailment Site is CenterPoint.

**Note: Direction Points are only applicable to claims made outside of the Village of East Palestine or 2 Miles from the Derailment Site.**

*Category 3 – Timing of Physical Presence Points*

<b>Time First Physically Present in Class Area</b>	2/3/23-2/8/23	2/9/23-6/30/23	7/1/23-4/26/24
<b>Multiplier</b>	1x	.50x	.75x

*Category 4 – Age Points (At Time of Derailment)*

<b>Age at Time of Derailment</b>	Minor	Over 65	All Others
<b>Multiplier</b>	1.10x	.90x	1.0x

*Category 5 – Exposure and/or Symptom Points (Existence)*

<b>Claimed Exposure and/or Symptoms</b>	Yes	No
<b>Multiplier</b>	1x	.75x

*Category 6 – Exposure and/or Symptom Points (Nature)*

<b>Nature of Claimed Symptoms</b>	Ambiguous Symptoms	Transient Symptoms	Significant Disease
<b>Multiplier</b>	.90x	1x	1.25x

**Note: Only applies if Class Member noted exposure and symptoms.**

**Note: Ambiguous Symptoms – Runny Nose, Eye Irritation, Headaches, Sore Throat, Etc.**

**Transient Symptoms – Respiratory Distress, Burning Lungs, Rash, Etc.**

**Significant Disease – Pneumonia, COPD, Chemical Bronchitis, Heart Attack, Etc.**

*Category 7 – Medical Treatment*

<b>Nature of Medical Treatment</b>	None	Office Visit	Diagnostic Testing (Blood Work/Imaging/Etc.	Prescription Medication	Hospitalization	Multiple or Extended Hospitalization
<b>Multiplier</b>	1x	1.05x	1.10x	1.10x	1.20x	1.25x

*Category 8 – Formal Diagnosis*

<b>Formal Diagnosis</b>	Yes	No
<b>Multiplier</b>	1.05x	1x

Sample Applications

- Scenario 1 – Person aged 35 living 1.5 miles from the Derailment Site on February 6, 2023. Reports symptoms of headaches and sore throat; however, did not seek medical treatment and did not receive a formal diagnosis.

Base Points	Location	Direction	Physical Presence (Time)	Child	Elderly	Exposure/Symptoms	Nature of Symptoms	Treatment	Diagnosis	Total Points	Total Value
100	1x	1x	1x	Null	Null	1x	.90x	1x	1x	90	\$22,500

- Scenario 2 – Child aged 10 living 3.4 miles from the Derailment Site on February 3, 2023. Reports no symptoms or treatment.

Base Points	Location	Direction	Physical Presence (Time)	Child	Elderly	Exposure/Symptoms	Nature of Symptoms	Treatment	Diagnosis	Total Points	Total Value
100	.5x	1x	1x	Null	Null	.75x	Null	Null	Null	41.25	\$10,312.50

- Scenario 3 – Person aged 67 living in the Village of East Palestine on February 3, 2023. Reports chemical bronchitis and COPD diagnoses. Also reports inpatient hospitalization and is still under the care of a pulmonologist.

Base Points	Location	Direction	Physical Presence (Time)	Child	Elderly	Exposure/Symptoms	Nature of Symptoms	Treatment	Diagnosis	Total Points	Total Value
100	1x	1x	1x	Null	.90x	Null	1.25x	1.2x	1.05x	141.75	\$35,437.50

- Scenario 4 – Person aged 48 living 7.3 miles from the Derailment Site. Reports exposure but no symptoms.

Base Points	Location	Direction	Physical Presence (Time)	Child	Elderly	Exposure/Symptoms	Nature of Symptoms	Treatment	Diagnosis	Total Points	Total Value
100	.08x	1x	1x	Null	Null	.75x	Null	Null	Null	6	\$1,500

- Scenario 5 – Person aged 55 living 3.6 miles from the Derailment Site in the southwest direction. Reports exposure and runny nose; however, no medical treatment or formal diagnosis.

Base Points	Location	Direction	Physical Presence (Time)	Child	Elderly	Exposure/Symptoms	Nature of Symptoms	Treatment	Diagnosis	Total Points	Total Value
100	.5x	.5x	1x	Null	Null	Null	.90x	Null	Null	22.5	\$5,625

### Reductions and Offsets

- Medical Payments or Other Reimbursements
  - Total Amount Deducted from Points Allocated for Specific Category of Reimbursement **Only**
    - Example – Individual received a multiplier translating to 5 points for Medical Treatment totaling \$3,000<sup>9</sup>. Individual previously received \$1,500 in reimbursement for x-rays and blood testing. \$1,500 is subtracted from the \$3,000 allotted for Medical Treatment **only**. Remainder of points and Voluntary Personal Injury payment is unaffected.
    - Example – Individual received a multiplier translating to 5 points for Medical Treatment totaling \$3,000<sup>10</sup>. Individual previously received \$5,000 in reimbursement for x-rays and blood testing. The entire \$5,000 allotted for Medical Treatment is subtracted **only**. The net difference of \$2,000 is waived. Remainder of points and Voluntary Personal Injury payment is unaffected.
- In all cases, funds from reductions and offsets pour back into Voluntary Personal Injury assignment to be redistributed to the Class, including in supplemental payments, if any.

### Program 3 – Actual Net Business Loss

- Class member businesses are compensated from the Actual Net Business Loss program on a dollar-for-dollar basis for those documented net business losses shown to be caused by the Derailment. To the extent that claims rates exhaust the Settlement

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<sup>9</sup> Point value to be determined; for illustrative purposes only.

<sup>10</sup> Point value to be determined; for illustrative purposes only.

Fund such that dollar-for-dollar payments cannot be made, all businesses will receive the same pro rata reduction (e.g., 90 cents for every one dollar of loss).

- To ensure that class member businesses receive appropriate consideration given their unique industries and circumstances, the Settlement Administrator shall not apply a general or blanket percentage of loss to all businesses. Rather, the Settlement Administrator shall conduct an individualized review of the supporting documentation provided by the class member business to include, at a minimum, federal income tax returns for 2022 and 2023. Based on the supporting documentation, the Settlement Administrator shall:
  - Provide the class member business with a preliminary calculation of the actual net business loss attributable to the Derailment; and/or
  - Request additional documentation or other supporting materials sufficient to establish the actual net business loss attributable to the Derailment, if any.
- The Settlement Administrator shall have the discretion to accept or reject any documentation or other supporting material provided by the class member business substantiating its actual net business losses provided that any documentation or other supporting material accepted by the Settlement Administrator is, in its view, sufficiently legitimate, authentic and otherwise reliable as a basis from which to calculate and award a payment under the Actual Net Business Loss program.

#### Reductions and Offsets

- Reimbursements from Any Source (Norfolk Southern, Insurance, Forgivable Loans, Etc.)
  - Total Amount Deducted from gross Actual Net Business Loss calculated by the Settlement Administrator.
    - Example – Class member business submits evidence of an actual net business loss of \$25,000 as a result of the Derailment. Norfolk Southern had previously paid the class member business \$15,000 for lost profits in the year following the Derailment. The \$15,000 prior payment would be subtracted from the \$25,000 calculation for a payment of \$10,000 under the Actual Net Business Loss program.
- In all cases, funds from reductions and offsets pour back into Actual Net Business Loss assignment to be redistributed to the Class, including in supplemental payments, if any.

#### Claims for Extraordinary Loss, Damage or Injury

- Class members across all three programs are eligible to submit claims for extraordinary loss, damage or injury.

- A claim for extraordinary loss, damage or injury is a claim that, in the Settlement Administrator's sole discretion, is so different in degree from that which the majority of other class members experienced that the Plan of Distribution would not otherwise provide fair, reasonable and adequate compensation.
  - To determine whether a claim is truly extraordinary, the Settlement Administrator will be guided by the nature and character of all other claims submitted by class members, drawing comparisons or distinctions as necessary to conclude whether the class members' circumstances are, in fact, exceptional or rare.
  - In all cases, the Settlement Administrator's decision that a claim for loss, damage or injury is exceptional shall be supported by corroborating documentation or other materials provided by the class member and individually reviewed by the Settlement Administrator.
- In the event a class member submits a claim for extraordinary loss, damage or injury, and the Settlement Administrator rejects the same in its sole discretion, the class member remains eligible, and will be considered for, any other programs or payments that may apply.

# EXHIBIT G

## Cassandra Guidetti

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**From:** Ferruzzi, Paul <Paul.Ferruzzi@kroll.com>  
**Sent:** Wednesday, August 28, 2024 10:03 PM  
**To:** Prizgintas, Albinas; Rapazzini, Mark; Fenwick, Scott; Ferrante, Angela; DL.KappaTeam  
**Cc:** Elizabeth Graham; Adam J. Gomez; Schoenfeld, Alan E; Mackey, Katherine  
**Subject:** RE: In re EP: Final Claims Report / Call Today  
**Attachments:** East Palestine Claim Statistics Updated 8-28-24.pdf; EastPalestine\_Claim Report for Counsel.docx

Counsel,

Thank you for your kind words. Attached please find the report as outlined in your email below and in the Settlement Agreement. We will finalize tomorrow with the latest counts, but we wanted to get this in your hands this evening to see if you had any thoughts or feedback. The accompanied stat sheet will be added onto the report with tomorrows stat counts once finalized but sent along for comparison at this time. We welcome your comments.

Have a nice evening.

Paul

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### Paul Ferruzzi

Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

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**From:** Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com>  
**Sent:** Wednesday, August 28, 2024 5:03 PM  
**To:** Rapazzini, Mark <Mark.Rapazzini@kroll.com>; Fenwick, Scott <Scott.Fenwick@kroll.com>; Ferrante, Angela <Angela.Ferrante@Kroll.com>; DL.KappaTeam <DL.KappaTeam@kroll.com>  
**Cc:** Elizabeth Graham <egraham@gelaw.com>; Adam J. Gomez <AGomez@gelaw.com>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com>  
**Subject:** [EXTERNAL] RE: In re EP: Final Claims Report / Call Today

Thanks again, Mark. And to say again, really grateful for all the very hard work that you and your team are doing on this.

**Albinas Prizgintas | WilmerHale**

+1 202 663 6719 (t)

[albinas.prizgintas@wilmerhale.com](mailto:albinas.prizgintas@wilmerhale.com)

---

**From:** Rapazzini, Mark <[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)>  
**Sent:** Wednesday, August 28, 2024 4:59 PM  
**To:** Prizgintas, Albinas <[Albinas.Prizgintas@wilmerhale.com](mailto:Albinas.Prizgintas@wilmerhale.com)>; Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)>; Ferrante, Angela <[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)>; DL.KappaTeam <[DL.KappaTeam@kroll.com](mailto:DL.KappaTeam@kroll.com)>  
**Cc:** Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)>; Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>; Schoenfeld, Alan E

<Alan.Schoenfeld@wilmerhale.com>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com>

**Subject:** RE: In re EP: Final Claims Report / Call Today

**EXTERNAL SENDER**

Al,

Correct, we'll circulate the Claims Report by EOD tomorrow, and we're working the list of exclusions by name and if they're represented.

Mark

---

**Mark Rapazzini**

Senior Director, Kroll Settlement Administration

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---

**From:** Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com>

**Sent:** Wednesday, August 28, 2024 1:55 PM

**To:** Rapazzini, Mark <Mark.Rapazzini@kroll.com>; Fenwick, Scott <Scott.Fenwick@kroll.com>; Ferrante, Angela <Angela.Ferrante@Kroll.com>; DL.KappaTeam <DL.KappaTeam@kroll.com>

**Cc:** Elizabeth Graham <egraham@gelaw.com>; Adam J. Gomez <AGomez@gelaw.com>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com>

**Subject:** [EXTERNAL] RE: In re EP: Final Claims Report / Call Today

Thanks very much, Mark. We'll review and discuss with NS, and get back to you with any thoughts.

Separately, on the final Claims Report, confirming that that's coming by EOD tomorrow, right? Below are the two settlement agreement provisions that I referenced on the call addressing the content of the Claims Report. And, as I mentioned, we'd also like to see a list of all the exclusions, listed out by name and including whether they indicated they were represented by counsel. Please let us know if you have any questions on this.

D. The Settlement Administrator shall, no later than seven (7) days after the Deadline, provide a final report (the "Claims Report") to Class Counsel and Norfolk Superior Court Counsel that identifies the number and types of Claims received, including the number for Personal Injury Payment and Personal Injury Releases, and other pertinent information including any executed Personal Injury Releases, as well as any submitted Claims For

h. In the Settlement Administrator's Claims Report, the Settlement Administrator shall assign a final value to all Claims for Personal Payment for all Eligible Personal Injury Settlement Class Members who have submitted a Claim Form and executed a Personal Injury Release. That final value shall be the total amount of the Personal Injury Settlement Fund paid by Norfolk Southern pursuant to Section XII.F; that final value shall be exclusive of any Claim for Extraordinary Injury, which shall be evaluated and, if appropriate, accepted, and awarded pursuant to Section XIII.C.3.c.

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**Subject:** RE: In re EP: Final Claims Report / Call Today

**EXTERNAL SENDER**

Al and Adam,

As discussed on our call earlier today, the vast majority of the Personal Injury claims/releases that were submitted in the Settlement Center were correctly and fully completed. Almost all of the deficient PI claims/releases were either mailed or submitted online. The goal of our Personal Injury deficiency cure process is to encourage PI claimants to visit the Settlement Center to complete their PI claims/releases.

At a high level, in about two weeks we will start by mailing the first batch of Personal Injury deficiency letters. We plan to mail deficiency letters in batches in order to start the cure process as soon as possible and help manage the flow of claimants through the Settlement Center. We will re-open the Settlement Center the next business day following the mailing of the first batch of deficiency letters. After a few weeks, we will send email reminders and commence outbound calling reminders to PI claimants to encourage them to visit the Settlement Center so we can help them with their PI claim/release deficiencies.

We recommend a 45 day cure period tied to the deficiency letter mail date to each PI claimant. We also recommend mailing reminder postcards 25 days after the original deficiency letter mail date to each PI claimant. The purpose of the reminder postcards, like the emails and outbound calling is to encourage claimants to visit the Settlement Center. In our experience, multiple outreaches to claimants, such as described here, yield the best possible results.

Next week we'll flesh this out with a proposed timeline for each of the steps outlined here.

Best,  
Mark

---

**Mark Rapazzini**

Senior Director, Kroll Settlement Administration

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**From:** Prizgintas, Albinas <[Albinas.Prizgintas@wilmerhale.com](mailto:Albinas.Prizgintas@wilmerhale.com)>  
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**Cc:** Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)>; Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>; Schoenfeld, Alan E <[Alan.Schoenfeld@wilmerhale.com](mailto:Alan.Schoenfeld@wilmerhale.com)>; Mackey, Katherine <[Katherine.Mackey@wilmerhale.com](mailto:Katherine.Mackey@wilmerhale.com)>  
**Subject:** [EXTERNAL] In re EP: Final Claims Report / Call Today

Scott, Mark,

Could we have a call today to talk through the final claims report? Just want to make sure we're all on the same page about content and timing — what we'll be receiving and when.

Adam and I are generally available today, so please let us know when works for you. But to throw out a time, how about 1:00 p.m. ET?

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**20** **One Firm. One Legacy.**

WilmerHale celebrates the twentieth anniversary since the merger.

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This email message and any attachments are being sent by Wilmer Cutler Pickering Hale and Dorr LLP, are confidential, and may be privileged. If you are not the intended recipient, please notify us immediately — by replying to this message or by sending an email to [postmaster@wilmerhale.com](mailto:postmaster@wilmerhale.com) — and destroy all copies of this message and any attachments. Thank you.

For more information about WilmerHale, please visit us at <http://www.wilmerhale.com>.

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This email is confidential and subject to important disclaimers and conditions, including those regarding confidentiality, legal privilege and certain legal entity disclaimers, available at <https://www.kroll.com/disclosure>. Our Privacy Policy is available at <https://www.kroll.com/en/privacy-policy>.

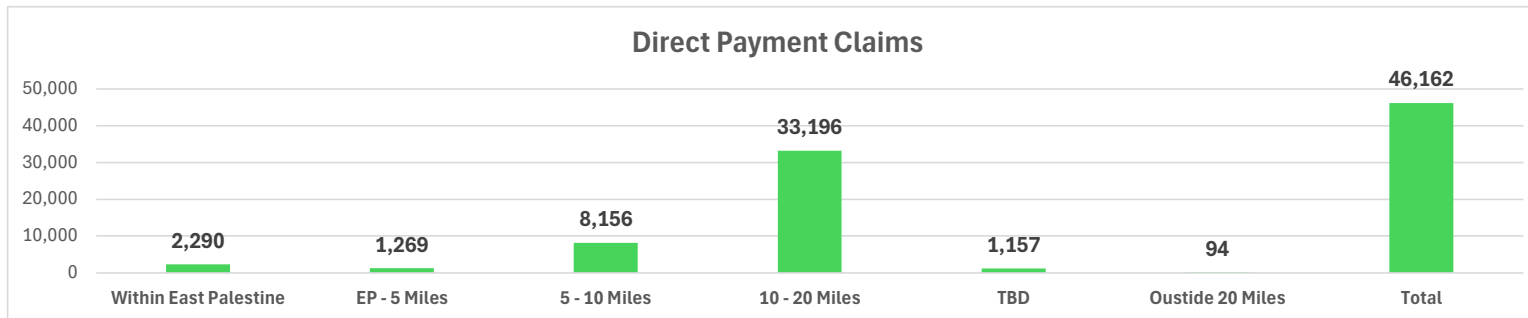
This email is confidential and subject to important disclaimers and conditions, including those regarding confidentiality, legal privilege and certain legal entity disclaimers, available at <https://www.kroll.com/disclosure>. Our Privacy Policy is available at <https://www.kroll.com/en/privacy-policy>.

Wednesday, August 28, 2024



Direct Payment Claims (Residential)					
Type	NS/ Plaintiff Agreed Household Totals	Total Individual Claims	NS/ Plaintiff Agreed Household Estimates Percentage	Previous Report Count (Aug. 27)	DoD % Change
Within East Palestine	1,929	2,290	118.71%	2,228	2.71%
EP - 5 Miles	2,982	1,269	42.56%	1,233	2.84%
5 - 10 Miles	16,249	8,156	50.19%	7,945	2.59%
10 - 20 Miles	169,727	33,196	19.56%	32,694	1.51%
TBD		1,157		1,136	1.82%
Outside 20 Miles		94		94	0.00%
<b>Total</b>	<b>190,887</b>	<b>46,162</b>	<b>24.18%</b>	<b>45,330</b>	<b>1.80%</b>

Type	Total Individual Claims	Count of Adults	Count of Minors	Adults above 65	Total Persons Claimed	Avg. Person per Claim
Within East Palestine	2,290	3,753	872	1,203	5,828	2.5
EP - 5 Miles	1,269	2,226	586	684	3,496	2.8
5 - 10 Miles	8,156	15,469	4,169	5,051	24,689	3.0
10 - 20 Miles	33,196	64,509	14,865	23,626	103,000	3.1
TBD	1,157	1,577	309	469	2,355	2.0
Outside 20 Miles	94	61	8	20	89	0.9
<b>Total</b>	<b>46,162</b>	<b>87,595</b>	<b>20,809</b>	<b>31,053</b>	<b>139,457</b>	<b>3.0</b>





Wednesday, August 28, 2024

Business Loss Claims					
Type	NS/ Plaintiff Agreed Business Estimates	Total Business Claims	Norfolk Southern Business Estimates Percentage	Previous Report Count (Aug 27)	DoD % Change
Within East Palestine	190	21	11.05%	20	4.76%
EP - 5 Miles	118	5	4.24%	5	0.00%
5 - 10 Miles	1,170	54	4.62%	52	3.70%
10 - 20 Miles	14,218	260	1.83%	259	0.38%
TBD		1		1	0.00%
<b>Total</b>	<b>15,696</b>	<b>341</b>	<b>2.17%</b>	<b>337</b>	<b>1.19%</b>

Personal Injury Payment Claims									
Type	NS/ Plaintiff Agreed Persons Estimates	*Personal Injury Payments Claimed	NS/ Plaintiff Persons Estimates Percentage (Claims)	Previous Report PIP Claim Count	Personal Injury Claimed DoD % Change	Signed Personal Injury Releases	NS/ Plaintiff Persons Estimates Percentage Releases (Signed)	Previous Report Signed Personal Injury Releases	Signed PI Releases DoD% Change
Within East Palestine	4,739	4,191	88.44%	4,038	3.65%	3,107	65.56%	2,977	4.18%
EP - 5 Miles	6,992	2,287	32.71%	2,189	4.29%	1,681	24.04%	1,603	4.64%
5 - 10 Miles	40,009	12,078	30.19%	11,623	3.77%	8,431	21.07%	8,025	4.82%
10 - 20 Miles	399,932	2235	0.56%	2147	3.94%	1,641	0.41%	1,615	1.58%
TBD		1,563		1,533	1.92%	659		639	3.03%
Outside 20 Miles		76		76	0.00%	15		15	
<b>Total</b>	<b>451,672</b>	<b>22,430</b>	<b>4.97%</b>	<b>21,530</b>	<b>4.01%</b>	<b>15,534</b>	<b>3.44%</b>	<b>14,874</b>	<b>4.25%</b>

\* Count of individuals who completed the personal injury section of the Claim Form (and may or may not have a deficiency such as not having signed the

\*\*Count does not include Personal Injury Release forms submitted in East Palestine



Wednesday, August 28, 2024

Exclusion Counts (Residential)					
Type	Total Individual Opt Outs	Total Household Opt Outs	Previous Report Household Opt Outs	Household DoD% Change	Total Household + Business
Within East Palestine	71	46	46	0.00%	<b>70</b>
EP - 10 Miles**	65	45	45	0.00%	<b>56</b>
10 - 20 Miles	234	167	167	0.00%	<b>176</b>
Outside 20 Miles	5	5	5	0.00%	<b>1</b>
<b>Total</b>	<b>375</b>	<b>263</b>	<b>263</b>	<b>0.00%</b>	<b>310</b>

\*\*Count does not include opt-outs submitted in East Palestine

Exclusion Counts (Business)			
Type	Total Business Opt Outs	Previous Report Business Opt Outs	Business DoD% Change
Within East Palestine	24	24	0.00%
EP - 10 Miles**	11	11	0.00%
10 - 20 Miles	9	9	0.00%
Outside 20 Miles	3	3	0.00%
<b>Total</b>	<b>47</b>	<b>47</b>	<b>0.00%</b>

Objection Counts				
Type	Total Individual Objection	Total Household Objection	Total Business Objection	Total Household + Business
0 - 10 Miles	65	57	0	57
10 - 20 Miles	12	11	0	11
<b>Total</b>	<b>77</b>	<b>68</b>	<b>0</b>	<b>68</b>

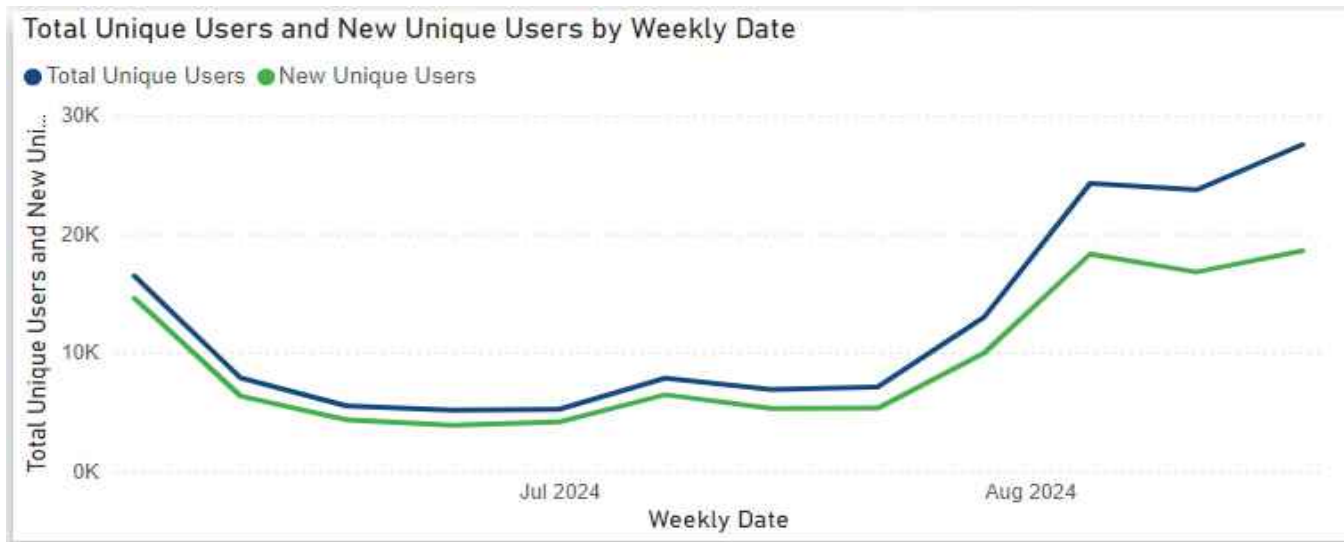


Call Center	
Type	Total Calls
Live Ops*	24,672
IVR Calls**	47,874
<b>Total</b>	<b>72,546</b>

\* as of August 16, 2024

\*\* as of August 27, 2024

Website Statistics				
Date	Website Visits	Page Views	Pages per Visit	Average Visit Duration
As of August 28, 2024	151,755	310,586	2.05	0:01:30



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

***IN RE: EAST PALESTINE TRAIN DERAILMENT***

Case No.: 4:23-cv-00242-BYP

CLASS ACTION

**CLAIMS REPORT FROM KROLL  
SETTLEMENT ADMINISTRATION LLC**

Date: August 29, 2024

**CLAIMS REPORT**

1. Per section V. D. of the Settlement Agreement, Kroll Settlement Administration LLC (“Kroll”) is providing this Claims Report<sup>1</sup> to Class Counsel and Defense Counsel on the current count of Claims received. The Claim Deadline was August 22, 2024. As of August 29, 2024, Kroll has received 46,162 Direct Payment Claims, 22,430 Personal Injury Payment Claims, 15,534 Personal Injury Release forms and 341 Business Loss Claims. The attached exhibit outlines the types of Claims received, including the number of Claims for Personal Injury Payment and Personal Injury Releases. Kroll continues to receive timely Claim Forms and Personal Injury Release forms submitted by Settlement Class Members through the mail and will update the Court on additional Claims, including Personal Injury Releases received, in our Declaration in connection with final approval of the settlement, which will be filed with the Court on September \_\_, 2024.

---

<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Settlement Agreement filed in connection with this matter.

2. The final value assigned to all Claims for Personal Injury Payments for all Eligible Personal Injury Settlement Class Members who have submitted a Claim Form and executed a Personal Injury Release is currently estimated not to exceed \$125 million.

## Cassandra Guidetti

---

**From:** Ferruzzi, Paul <Paul.Ferruzzi@kroll.com>  
**Sent:** Thursday, August 29, 2024 5:58 PM  
**To:** Prizgintas, Albinas; Rapazzini, Mark; Fenwick, Scott; Ferrante, Angela; DL.KappaTeam  
**Cc:** Elizabeth Graham; Adam J. Gomez; Schoenfeld, Alan E; Mackey, Katherine  
**Subject:** RE: In re EP: Final Claims Report / Call Today  
**Attachments:** EastPalestine\_Claim Report for Final.pdf

Good Evening all,

Please find attached the Claim Report in regards to counts as of today, August 29, 2024.

Please let us know if any other needs or questions concerning this report.

Thank you for your time.

Paul

---

### Paul Ferruzzi

Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

---

**From:** Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com>  
**Sent:** Thursday, August 29, 2024 12:28 PM  
**To:** Ferruzzi, Paul <Paul.Ferruzzi@kroll.com>; Rapazzini, Mark <Mark.Rapazzini@kroll.com>; Fenwick, Scott <Scott.Fenwick@kroll.com>; Ferrante, Angela <Angela.Ferrante@Kroll.com>; DL.KappaTeam <DL.KappaTeam@kroll.com>  
**Cc:** Elizabeth Graham <egraham@gelaw.com>; Adam J. Gomez <AGomez@gelaw.com>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com>  
**Subject:** [EXTERNAL] RE: In re EP: Final Claims Report / Call Today

Thanks very much, Paul. Nothing further from us (NS) on the Word document, though I believe Adam will be reaching out to you on the total allocation amount.

For the PI releases and claims forms, I know those can take some time to transfer given their size. So if you can start sending those along earlier today in batches (if necessary), we'd be grateful.

**Albinas Prizgintas | WilmerHale**

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**Subject:** RE: In re EP: Final Claims Report / Call Today

**EXTERNAL SENDER**

Counsel,

Thank you for your kind words. Attached please find the report as outlined in your email below and in the Settlement Agreement. We will finalize tomorrow with the latest counts, but we wanted to get this in your hands this evening to see if you had any thoughts or feedback. The accompanied stat sheet will be added onto the report with tomorrows stat counts once finalized but sent along for comparison at this time. We welcome your comments.

Have a nice evening.

Paul

---

**Paul Ferruzzi**

Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

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**Subject:** [EXTERNAL] RE: In re EP: Final Claims Report / Call Today

Thanks again, Mark. And to say again, really grateful for all the very hard work that you and your team are doing on this.

**Albinas Prizgintas | WilmerHale**

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[albinas.prizgintas@wilmerhale.com](mailto:albinas.prizgintas@wilmerhale.com)

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**Cc:** Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)>; Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>; Schoenfeld, Alan E <[Alan.Schoenfeld@wilmerhale.com](mailto:Alan.Schoenfeld@wilmerhale.com)>; Mackey, Katherine <[Katherine.Mackey@wilmerhale.com](mailto:Katherine.Mackey@wilmerhale.com)>  
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Al,

Correct, we'll circulate the Claims Report by EOD tomorrow, and we're working the list of exclusions by name and if they're represented.

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**Mark Rapazzini**

Senior Director, Kroll Settlement Administration

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D. The Settlement Administrator shall, no later than seven (7) days after the Deadline, provide a final report (the "Claims Report") to Class Counsel and Norfolk Superior Court Counsel that identifies the number and types of Claims received, including the number for Personal Injury Payment and Personal Injury Releases, and other pertinent information including any executed Personal Injury Releases, as well as any submitted Claims For

h. In the Settlement Administrator's Claims Report, the Settlement Administrator shall assign a final value to all Claims for Personal Payment for all Eligible Personal Injury Settlement Class Members who have submitted a Claim Form and executed a Personal Injury Release. That final value shall be the total amount of the Personal Injury Settlement Fund paid by Norfolk Southern pursuant to Section XII.F; that final value shall be exclusive of any Claim for Extraordinary Injury, which shall be evaluated and, if appropriate, accepted, and awarded pursuant to Section XIII.C.3.c.

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**Cc:** Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)>; Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>; Schoenfeld, Alan E <[Alan.Schoenfeld@wilmerhale.com](mailto:Alan.Schoenfeld@wilmerhale.com)>; Mackey, Katherine <[Katherine.Mackey@wilmerhale.com](mailto:Katherine.Mackey@wilmerhale.com)>  
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**EXTERNAL SENDER**

Al and Adam,

As discussed on our call earlier today, the vast majority of the Personal Injury claims/releases that were submitted in the Settlement Center were correctly and fully completed. Almost all of the deficient PI claims/releases were either mailed or submitted online. The goal of our Personal Injury deficiency cure process is to encourage PI claimants to visit the Settlement Center to complete their PI claims/releases.

At a high level, in about two weeks we will start by mailing the first batch of Personal Injury deficiency letters. We plan to mail deficiency letters in batches in order to start the cure process as soon as possible and help manage the flow of claimants through the Settlement Center. We will re-open the Settlement Center the next business day following the mailing of the first batch of deficiency letters. After a few weeks, we will send email reminders and commence outbound calling reminders to PI claimants to encourage them to visit the Settlement Center so we can help them with their PI claim/release deficiencies.

We recommend a 45 day cure period tied to the deficiency letter mail date to each PI claimant. We also recommend mailing reminder postcards 25 days after the original deficiency letter mail date to each PI claimant. The purpose of the reminder postcards, like the emails and outbound calling is to encourage claimants to visit the Settlement Center. In our experience, multiple outreaches to claimants, such as described here, yield the best possible results.

Next week we'll flesh this out with a proposed timeline for each of the steps outlined here.

Best,  
Mark

---

**Mark Rapazzini**

Senior Director, Kroll Settlement Administration

T +1 408 656-0808

---

**From:** Prizgintas, Albinas <[Albinas.Prizgintas@wilmerhale.com](mailto:Albinas.Prizgintas@wilmerhale.com)>  
**Sent:** Wednesday, August 28, 2024 8:09 AM  
**To:** Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)>; Rapazzini, Mark <[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)>  
**Cc:** Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)>; Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>; Schoenfeld, Alan E <[Alan.Schoenfeld@wilmerhale.com](mailto:Alan.Schoenfeld@wilmerhale.com)>; Mackey, Katherine <[Katherine.Mackey@wilmerhale.com](mailto:Katherine.Mackey@wilmerhale.com)>  
**Subject:** [EXTERNAL] In re EP: Final Claims Report / Call Today

Scott, Mark,

Could we have a call today to talk through the final claims report? Just want to make sure we're all on the same page about content and timing — what we'll be receiving and when.

Adam and I are generally available today, so please let us know when works for you. But to throw out a time, how about 1:00 p.m. ET?

**Albinas Prizgintas | WilmerHale**

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Washington, DC 20037 USA

+1 202 663 6719 (t)

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[albinas.prizgintas@wilmerhale.com](mailto:albinas.prizgintas@wilmerhale.com)

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WilmerHale celebrates the twentieth anniversary since the merger.

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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

***IN RE: EAST PALESTINE TRAIN DERAILMENT***

Case No.: 4:23-cv-00242-BYP

CLASS ACTION

**CLAIMS REPORT FROM KROLL  
SETTLEMENT ADMINISTRATION LLC**

Date: August 29, 2024

**CLAIMS REPORT**

1. Per section V. D. of the Settlement Agreement, Kroll Settlement Administration LLC (“Kroll”) is providing this Claims Report<sup>1</sup> to Class Counsel and Defense Counsel on the current count of Claims received. The Claim Deadline was August 22, 2024. As of August 29, 2024, Kroll has received 47,155 Direct Payment Claims, 23,402 Personal Injury Payment Claims, 16,146 Personal Injury Release forms and 342 Business Loss Claims. The attached exhibit outlines the types of Claims received, including the number of Claims for Personal Injury Payment and Personal Injury Releases. Kroll continues to receive timely Claim Forms and Personal Injury Release forms submitted by Settlement Class Members through the mail and will update the Court on additional Claims, including Personal Injury Releases received, in our Declaration in connection with final approval of the settlement, which will be filed with the Court on or about September 6, 2024.

---

<sup>1</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Settlement Agreement filed in connection with this matter.

2. The final value assigned to all Claims for Personal Injury Payments for all Eligible Personal Injury Settlement Class Members who have submitted a Claim Form and executed a Personal Injury Release is currently estimated not to exceed \$130 million.

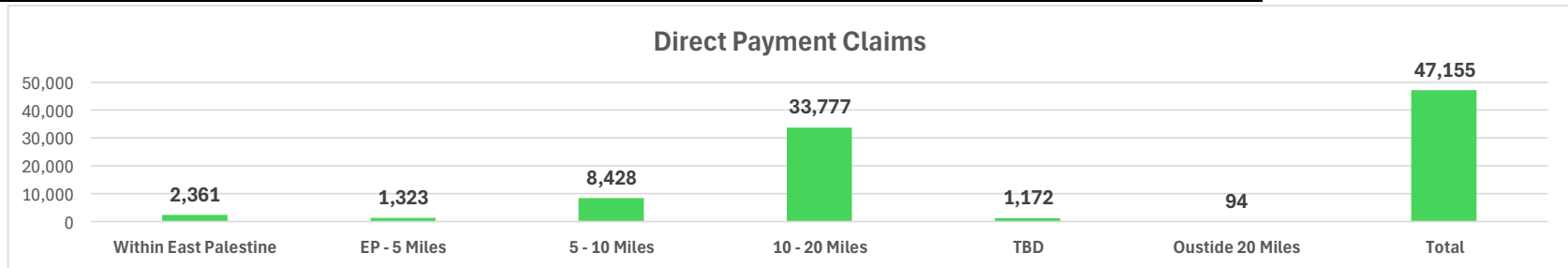
# Exhibit



Thursday, August 29, 2024

Direct Payment Claims (Residential)			
Type	NS/ Plaintiff Agreed Household Totals	Total Individual Claims	NS/ Plaintiff Agreed Household Estimates Percentage
Within East Palestine	1,929	2,361	122.40%*
EP - 5 Miles	2,982	1,323	44.37%
5 - 10 Miles	16,249	8,428	51.87%
10 - 20 Miles	169,727	33,777	19.90%
TBD		1,172	
Outside 20 Miles		94	
<b>Total</b>	<b>190,887</b>	<b>47,155</b>	<b>24.70%</b>

Type	Total Individual Claims	Count of Adults	Count of Minors	Adults above 65	Total Persons Claimed	Avg. Person per Claim
Within East Palestine	2,361	3,894	918	1,239	4,812	2.0
EP - 5 Miles	1,323	2,328	604	721	2,932	2.2
5 - 10 Miles	8,428	15,990	4,308	5,182	20,298	2.4
10 - 20 Miles	33,777	65,609	15,033	24,057	80,642	2.4
TBD	1,172	1,596	313	470	1,909	1.6
Oustide 20 Miles	94	61	8	20	69	0.7
<b>Total</b>	<b>47,155</b>	<b>89,478</b>	<b>21,184</b>	<b>31,689</b>	<b>110,662</b>	<b>2.3</b>



\*Claims count and percentage is based on the number of claims submitted by those stating they resided within "East Palestine" and provided an "East Palestine" mailing address at the time of the derailment



Thursday, August 29, 2024

Business Loss Claims			
Type	NS/ Plaintiff Agreed Business Estimates	Total Business Claims	Norfolk Southern Business Estimates Percentage
Within East Palestine	190	21	11.05%
EP - 5 Miles***	118	5	4.24%
5 - 10 Miles	1,170	54	4.62%
10 - 20 Miles	14,218	261	1.84%
TBD		1	
<b>Total</b>	<b>15,696</b>	<b>342</b>	<b>2.18%</b>

Personal Injury Payment Claims					
Type	NS/ Plaintiff Agreed Persons Estimates	**Personal Injury Payments Claimed	NS/ Plaintiff Persons Estimates Percentage (Claims)	Signed Personal Injury Releases	NS/ Plaintiff Persons Estimates Percentage Releases (Signed)
Within East Palestine	4,739	4,371	92.23%	3,234	68.24%
EP - 5 Miles***	6,992	2,396	34.27%	1,757	25.13%
5 - 10 Miles	40,009	12,637	31.59%	8,787	21.96%
10 - 20 Miles	399,932	2337	0.58%	1,682	0.42%
TBD		1,585		671	
Outside 20 Miles		76		15	
<b>Total</b>	<b>451,672</b>	<b>23,402</b>	<b>5.18%</b>	<b>16,146</b>	<b>3.57%</b>

\*\* Count of individuals who completed the personal injury section of the Claim Form (and may or may not have a deficiency such as not having signed

\*\*\*Count does not include Personal Injury Release forms submitted in East Palestine



**Thursday, August 29, 2024**

Exclusion Counts (Residential)		
Type	Total Individual Opt Outs	Total Household Opt Outs
Within East Palestine	71	46
EP - 10 Miles****	65	45
10 - 20 Miles	234	167
Outside 20 Miles	5	5
<b>Total</b>	<b>375</b>	<b>263</b>

\*\*\*\*Count does not include opt-outs submitted in East Palestine

Exclusion Counts (Business)	
Type	Total Business Opt Outs
Within East Palestine	24
EP - 10 Miles****	11
10 - 20 Miles	9
Outside 20 Miles	3
<b>Total</b>	<b>47</b>

Objection Counts				
Type	Total Individual Objection	Total Household Objection	Total Business Objection	Total Household + Business
0 - 10 Miles	69	63	0	63
10 - 20 Miles	12	11	0	11
<b>Total</b>	<b>81</b>	<b>74</b>	<b>0</b>	<b>74</b>



Call Center	
Type	Total Calls
Live Ops^	24,672
IVR Calls^^	47,907
<b>Total</b>	<b>72,579</b>

^ as of August 16, 2024

^^as of August 28, 2024

Website Statistics				
Date	Website Visits	Page Views	Pages per Visit	Average Visit Duration
<b>As of August 29, 2024</b>	<b>152,245</b>	<b>311,396</b>	<b>2.05</b>	<b>0:01:30</b>

Total Unique Users and New Unique Users by Weekly Date



# EXHIBIT H

## Cassandra Guidetti

---

**From:** Adam J. Gomez <AGomez@gelaw.com>  
**Sent:** Tuesday, October 15, 2024 11:24 AM  
**To:** Ferruzzi, Paul  
**Cc:** Fenwick, Scott; DL.KappaTeam; Rapazzini, Mark; Ferrante, Angela  
**Subject:** Re: Plan of Distribution, "Trackside"

That is correct – the image shows the Village boundaries and I expect there will be many EP addresses that are outside those borders.

--

Adam J. Gomez  
Grant & Eisenhofer P.A.  
(215) 429-2076

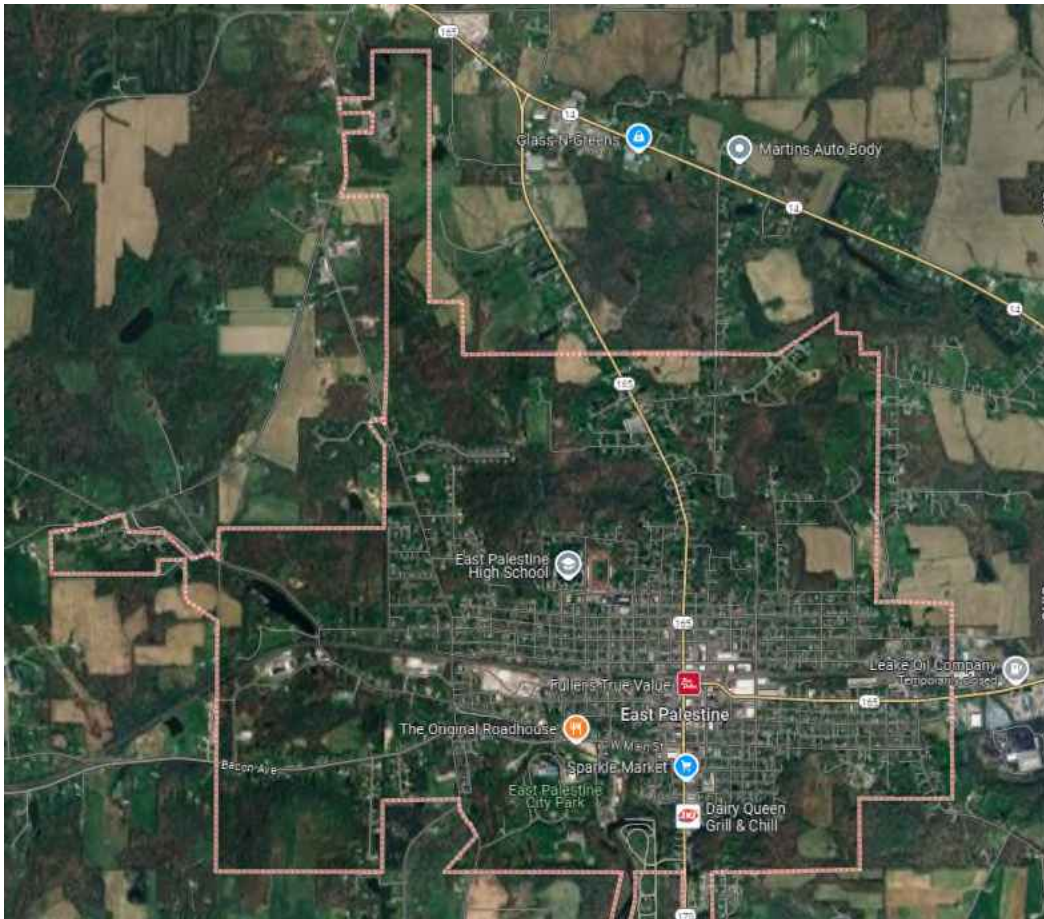
---

**From:** Ferruzzi, Paul <Paul.Ferruzzi@kroll.com>  
**Date:** Tuesday, October 15, 2024 at 11:22 AM  
**To:** Adam J. Gomez <AGomez@gelaw.com>  
**Cc:** Fenwick, Scott <Scott.Fenwick@kroll.com>, DL.KappaTeam <DL.KappaTeam@kroll.com>, Rapazzini, Mark <Mark.Rapazzini@kroll.com>, Ferrante, Angela <Angela.Ferrante@Kroll.com>  
**Subject:** RE: Plan of Distribution, "Trackside"

Thanks Adam,

This helps.

I cannot seem to open the attachment. Are you able to send again? Or does it reflect like the screen shot below where there are addresses that are outside the boundary lines that have East Palestine addresses.



---

**Paul Ferruzzi**

Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

---

**From:** Adam J. Gomez <AGomez@gelaw.com>

**Sent:** Tuesday, October 15, 2024 11:03 AM

**To:** Ferruzzi, Paul <Paul.Ferruzzi@kroll.com>

**Cc:** Fenwick, Scott <Scott.Fenwick@kroll.com>; DL.KappaTeam <DL.KappaTeam@kroll.com>; Rapazzini, Mark <Mark.Rapazzini@kroll.com>; Ferrante, Angela <Angela.Ferrante@Kroll.com>

**Subject:** [EXTERNAL] Re: Plan of Distribution, "Trackside"

Hi Paul,

If someone is at the exact mile mark, I think they should be treated at the closer category (i.e., if someone is at 2 miles exactly, they get the points for 1-2 miles instead of 2-3 miles).

As to the Village of EP issue, the Village is different from the East Palestine zip code (anything with a 44413 zip code). Anyone who lives within the geographic boundaries of the Village of EP or out to 2 miles should be treated differently from those outside of 2 miles who still have an East Palestine (44413) zip code. Here is a map of what the Village of East Palestine looks like:

[cid:image001.png@01DB1EF1.A6A1BA10]

Let me know if a call would be easier to discuss.

Thanks,

Adam

--

Adam J. Gomez

Grant & Eisenhofer P.A.

(215) 429-2076

From: Ferruzzi, Paul <[Paul.Ferruzzi@kroll.com](mailto:Paul.Ferruzzi@kroll.com)>

Date: Tuesday, October 15, 2024 at 10:09 AM

To: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>

Cc: Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)>, DL.KappaTeam <[DL.KappaTeam@kroll.com](mailto:DL.KappaTeam@kroll.com)>, Rapazzini, Mark <[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)>, Ferrante, Angela <[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)>

Subject: RE: Plan of Distribution, "Trackside"

Hi Adam,

I wanted to follow up on the below regarding mile calculations should a class member fall at the exact mile mark.

We also would like clarification on the "Village of East Palestine". Is there an exact radius? We do have several East Palestine address that are over the 2-mile marker from the Disaster Site, some as far away as 5-miles but with an East Palestine mailing address. For clarity, should anyone with an East Palestine address be lumped into the "Village of East Palestine or Out to 2 Miles".

Thanks again for your time and help here.

Paul

---

Paul Ferruzzi

Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Ferruzzi, Paul

Sent: Friday, October 11, 2024 12:55 PM

To: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>

Cc: Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)>; DL.KappaTeam <[DL.KappaTeam@kroll.com](mailto:DL.KappaTeam@kroll.com)>; Rapazzini, Mark <[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)>; Ferrante, Angela <[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)>

Subject: RE: Plan of Distribution, "Trackside"

Hi Adam,

Sorry another question regarding distribution calculations. When calculating the distance from the disaster

site, in the unlikely event that a class member falls at an exact mile marker, how would you like us to categorize them? For example, a class member lives at the 3-mile mark. Should they fall into the 2 - 3 mile mark batch or the 3 - 4 mile mark batch?

Thanks for your time.

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Ferruzzi, Paul <[Paul.Ferruzzi@kroll.com](mailto:Paul.Ferruzzi@kroll.com)<mailto:Paul.Ferruzzi@kroll.com>>  
Sent: Tuesday, October 8, 2024 4:39 PM  
To: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)<mailto:AGomez@gelaw.com>>  
Cc: Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <[DL.KappaTeam@kroll.com](mailto:DL.KappaTeam@kroll.com)<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)<mailto:Mark.Rapazzini@kroll.com>>; Ferrante, Angela <[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)<mailto:Angela.Ferrante@Kroll.com>>  
Subject: RE: Plan of Distribution, "Trackside"

Great. thank you for clarifying.

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)<mailto:AGomez@gelaw.com>>  
Sent: Tuesday, October 8, 2024 4:37 PM  
To: Ferruzzi, Paul <[Paul.Ferruzzi@kroll.com](mailto:Paul.Ferruzzi@kroll.com)<mailto:Paul.Ferruzzi@kroll.com>>  
Cc: Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <[DL.KappaTeam@kroll.com](mailto:DL.KappaTeam@kroll.com)<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)<mailto:Mark.Rapazzini@kroll.com>>; Ferrante, Angela <[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)<mailto:Angela.Ferrante@Kroll.com>>  
Subject: [EXTERNAL] Re: Plan of Distribution, "Trackside"

Yes, Paul. That is exactly right.

--

Adam J. Gomez  
Grant & Eisenhofer P.A.  
(215) 429-2076

On Oct 8, 2024, at 4:34 PM, Ferruzzi, Paul <[Paul.Ferruzzi@kroll.com](mailto:Paul.Ferruzzi@kroll.com)<<mailto:Paul.Ferruzzi@kroll.com>>> wrote:

Hi Adam,

Hope all is well. We want to ensure we are on the same page when it comes to the class member Plan of Distribution for the location category 1, specifically "Trackside". Below is a very rudimentary map of what we believe would encompass "Trackside". The highlighted sections of the map are Taggart Street, James Street, Martin Street and the PA/ OH state boarder. To confirm, is every household in this box along with anyone on these streets considered "Trackside" ?

Thanks for your time and help.

Paul

<image004.png>

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

<<http://www.kroll.com><<http://www.kroll.com>>>

<image001.png>

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<<https://www.linkedin.com/company/kroll><<https://www.linkedin.com/company/kroll>>>

<image002.png>

<<https://twitter.com/KrollWire><<https://twitter.com/KrollWire>>>

<image003.png>

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# EXHIBIT I

**Cassandra Guidetti**

---

**From:** Rapazzini, Mark <Mark.Rapazzini@kroll.com>  
**Sent:** Monday, November 18, 2024 9:51 PM  
**To:** Elizabeth Graham  
**Subject:** Re: East Palestine Stats 11-18-24

We have an internal call in the am, I'll report back to you after the call on the ETA of completing the review.

M

---

**From:** Rapazzini, Mark <Mark.Rapazzini@kroll.com>  
**Sent:** Monday, November 18, 2024 6:47:00 PM  
**To:** Elizabeth Graham <egraham@gelaw.com>  
**Subject:** Re: East Palestine Stats 11-18-24

Not that I know of but will ask tomorrow.

---

**From:** Elizabeth Graham <egraham@gelaw.com>  
**Sent:** Monday, November 18, 2024 6:39:03 PM  
**To:** Rapazzini, Mark <Mark.Rapazzini@kroll.com>  
**Subject:** [EXTERNAL] Re: East Palestine Stats 11-18-24

Yeah I know. ETA for that analysis? That's the first step I think. If they are all 20 miles out I may sleep again

M. Elizabeth ("Beth") Graham  
Partner

Grant & Eisenhofer, P.A.  
2325 Third Street  
Suite 329  
San Francisco, CA 94107

123 S. Justison Street  
Wilmington, DE 19801

CA Direct: 415.293.8210  
DE Direct: 302.622.7099  
Mobile: 415.710.7973  
egraham@gelaw.com  
[www.gelaw.com](http://www.gelaw.com)<<http://www.gelaw.com>>

On Nov 18, 2024, at 5:52 PM, Rapazzini, Mark <Mark.Rapazzini@kroll.com> wrote:

And where do these claimants reside - 0-2 miles, 2-4 miles, 10-20 miles, etc.

M

---

From: Rapazzini, Mark <Mark.Rapazzini@kroll.com>  
Sent: Monday, November 18, 2024 5:42:25 PM  
To: Elizabeth Graham <egraham@gelaw.com>  
Subject: Re: East Palestine Stats 11-18-24

Won't know until the claims have been reviewed. Reviewing them is a priority.

How many are Direct payment only, and how many include one or more PI claim(s) and PI Releases, and which of these are deficient. We saw the mailed claims were about 50% deficient. Also, not all PI deficiencies will be cured based on what we've seen with the cure process so far.

M

---

From: Elizabeth Graham <egraham@gelaw.com>  
Sent: Monday, November 18, 2024 4:26:20 PM  
To: Rapazzini, Mark <Mark.Rapazzini@kroll.com>  
Subject: [EXTERNAL] Fwd: East Palestine Stats 11-18-24

Putting aside my nausea, when can we discuss exactly what this means for calculations etc especially given the appeals?

M. Elizabeth ("Beth") Graham  
Partner

Grant & Eisenhofer, P.A.  
2325 Third Street  
Suite 329  
San Francisco, CA 94107

123 S. Justison Street  
Wilmington, DE 19801

CA Direct: 415.293.8210  
DE Direct: 302.622.7099  
Mobile: 415.710.7973  
egraham@gelaw.com

[www.gelaw.com](http://www.gelaw.com)<<http://www.gelaw.com>><<http://www.gelaw.com><<http://www.gelaw.com>>>

Begin forwarded message:

From: Seth Katz <skatz@burgsimpson.com>  
Date: November 18, 2024 at 3:34:23 PM PST  
To: Elizabeth Graham <egraham@gelaw.com>  
Subject: Fwd: East Palestine Stats 11-18-24

WITAF!?

Seth A. Katz  
skatz@burgsimpson.com  
(303) 792-5595

Sent from my iPhone

Begin forwarded message:

From: "Cataldi, Derek" <Derek.Cataldi@kroll.com>  
Date: November 18, 2024 at 4:22:29 PM MST  
To: "Strachan, Michelle" <Michelle.Strachan@kroll.com>, "Ferruzzi, Paul" <Paul.Ferruzzi@kroll.com>, "Prizgintas, Albinas" <Albinas.Prizgintas@wilmerhale.com>, "Ferrante, Angela" <Angela.Ferrante@kroll.com>, "Mackey, Katherine" <Katherine.Mackey@wilmerhale.com>, agomez@gelaw.com, "Jones, April D." <April.Jones@wilmerhale.com>, Beth Graham <egraham@gelaw.com>, Seth Katz <SKatz@burgsimpson.com>, "Schoenfeld, Alan E" <Alan.Schoenfeld@wilmerhale.com>, "Ferson, Martha E." <Martha.Ferson@wilmerhale.com>, "Riley, Trena M." <Trena.Riley@wilmerhale.com>  
Cc: "Fenwick, Scott" <Scott.Fenwick@kroll.com>, "DL.KappaTeam" <DL.KappaTeam@kroll.com>, "Rapazzini, Mark" <Mark.Rapazzini@kroll.com>, mchalos@lchb.com  
Subject: RE: East Palestine Stats 11-18-24

[CAUTION:] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon All,

Please find attached the stats as of 11/18/2024.

The post office recently informed us of an incident we need to bring to your attention. The current unprocessed claim count stands at 1,315 as a result of a post office error. Late last week, without explanation by the post office, Kroll was given several bins of mail that contained timely claims. The mail we were provided was date stamped August 20th - August 22nd. As you know, the claims filing deadline was August 22nd. Accordingly, while this sort of occurrence by the post office would be unacceptable in the best of times, it is particularly impactful in this matter. Kroll has extremely robust mail handling protocols (including obtaining a signature from post office employees each day that mail is picked-up attesting that all of the mail in their possession has been provided to us, and separate weekly independent sweeps of the post office for the same purpose) and will be discussing this incident further with senior members of the post office.

In the interim we are in the process of entering and reviewing these claims. This will obviously increase the overall claims count. Please rest assured we are doing all we can to address this with the US Postal Service. We would be happy to schedule a call should you have additional questions and would like to discuss this further.

Please let us know if you have any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Strachan, Michelle <Michelle.Strachan@Kroll.com>  
Sent: Friday, November 15, 2024 4:56 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com>; Cataldi, Derek <Derek.Cataldi@kroll.com>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com>; Ferrante, Angela <Angela.Ferrante@Kroll.com>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com>; AGomez@gelaw.com; Jones, April D. <April.Jones@wilmerhale.com>; Beth Graham <egraham@gelaw.com>; Seth Katz <SKatz@burgsimpson.com>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com>; Riley, Trena M. <Trena.Riley@wilmerhale.com>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com>; DL.KappaTeam <DL.KappaTeam@kroll.com>; Rapazzini, Mark <Mark.Rapazzini@kroll.com>; mchalos@lchb.com  
Subject: RE: East Palestine Stats 11-15-24

Good Afternoon All and Happy Friday!

Please find attached the stats as of 11/15/2024.

There are 331 claims that are being processed. This includes late claims.

Please let us know if you have any questions.

Thank you,

---

Michelle Strachan  
Manager, Kroll Settlement Administration

T +1 215 430 6103

From: Strachan, Michelle <Michelle.Strachan@Kroll.com<mailto:Michelle.Strachan@Kroll.com>>  
Sent: Thursday, November 14, 2024 3:44 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 11-14-24

Good Afternoon All,

Please find attached the stats as of 11/14/2024.

There are 124 claims that are being processed. This includes late claims.

Please let us know if you have any questions.

Thank you,

---

Michelle Strachan  
Manager, Kroll Settlement Administration

T +1 215 430 6103

From: Strachan, Michelle <Michelle.Strachan@Kroll.com<mailto:Michelle.Strachan@Kroll.com>>  
Sent: Wednesday, November 13, 2024 3:54 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 11-13-24

Good Afternoon All,

Please find attached the stats as of 11/13/2024.

There are 80 claims that are being processed. This includes late claims.

Please let us know if you have any questions.

Thank you,

---

Michelle Strachan  
Manager, Kroll Settlement Administration

T +1 215 430 6103

From: Strachan, Michelle <Michelle.Strachan@Kroll.com<mailto:Michelle.Strachan@Kroll.com>>  
Sent: Tuesday, November 12, 2024 3:09 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 11-12-24

Good Afternoon All,

Please find attached the stats as of 11/12/2024.

There are 82 claims that are being processed. This includes late claims.

Please let us know if you have any questions.

Thank you,

---

Michelle Strachan  
Manager, Kroll Settlement Administration

T +1 215 430 6103

From: Strachan, Michelle <Michelle.Strachan@Kroll.com<mailto:Michelle.Strachan@Kroll.com>>  
Sent: Monday, November 11, 2024 3:16 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam

<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 11-11-24

Good Afternoon All,

Please find attached the stats as of 11/11/2024.

There are 84 claims that are being processed. This includes late claims.

Please let us know if you have any questions.

Thank you,

---

Michelle Strachan  
Manager, Kroll Settlement Administration

T +1 215 430 6103

From: Strachan, Michelle <Michelle.Strachan@Kroll.com<mailto:Michelle.Strachan@Kroll.com>>  
Sent: Friday, November 8, 2024 2:05 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Cataldi, Derek  
<Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela  
<Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 11-08-24

Good Afternoon All,

Please find attached the stats as of 11/08/2024.

There are 80 claims that are being processed. This includes late claims.

Please let us know if you have any questions.

Thank you,

---

Michelle Strachan  
Manager, Kroll Settlement Administration

T +1 215 430 6103

From: Strachan, Michelle <Michelle.Strachan@Kroll.com<mailto:Michelle.Strachan@Kroll.com>>  
Sent: Thursday, November 7, 2024 4:36 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 11-07-24

Good Afternoon All,

Please find attached the stats as of 11/07/2024.

There are 83 claims that are being processed. This includes late claims.

Please let us know if you have any questions.

Thank you,

---

Michelle Strachan  
Manager, Kroll Settlement Administration

T +1 215 430 6103

From: Strachan, Michelle <Michelle.Strachan@Kroll.com<mailto:Michelle.Strachan@Kroll.com>>  
Sent: Wednesday, November 6, 2024 4:41 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz

<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 11-06-24

Good Afternoon All,

Please find attached the stats as of 11/06/2024.

There are 90 claims that are being processed. This includes late claims.

Please let us know if you have any questions.

Thank you,

---

Michelle Strachan  
Manager, Kroll Settlement Administration

T +1 215 430 6103

From: Strachan, Michelle <Michelle.Strachan@Kroll.com<mailto:Michelle.Strachan@Kroll.com>>  
Sent: Tuesday, November 5, 2024 3:08 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Cataldi, Derek  
<Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela  
<Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 11-05-24

Good Afternoon All,

Please find attached the stats as of 11/05/2024.

There are 95 claims that are being processed. This includes late claims.

Please let us know if you have any questions.

Thank you,

---

Michelle Strachan  
Manager, Kroll Settlement Administration

T +1 215 430 6103

From: Strachan, Michelle <Michelle.Strachan@Kroll.com<mailto:Michelle.Strachan@Kroll.com>>  
Sent: Monday, November 4, 2024 3:08 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 11-04-24

Good Afternoon All,

Please find attached the stats as of 11/04/2024.

There are 75 claims that are being processed. This includes late claims.

Please let us know if you have any questions.

Thank you,

---

Michelle Strachan  
Manager, Kroll Settlement Administration

T +1 215 430 6103

From: Strachan, Michelle <Michelle.Strachan@Kroll.com<mailto:Michelle.Strachan@Kroll.com>>  
Sent: Friday, November 1, 2024 3:26 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas

<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela  
<Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 11-01-24

Good Afternoon All,

Happy Friday! Please find attached the stats as of 11/01/2024.

There are 77 claims that are being processed. This includes late claims.

Please let us know if you have any questions.

Thank you,

---

Michelle Strachan  
Manager, Kroll Settlement Administration

T +1 215 430 6103

From: Strachan, Michelle <Michelle.Strachan@Kroll.com<mailto:Michelle.Strachan@Kroll.com>>  
Sent: Thursday, October 31, 2024 2:20 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Cataldi, Derek  
<Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela  
<Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 10-31-24

Good Afternoon All,

Please find attached the stats as of 10/31/2024.

There are 170 claims that are being processed. This includes late claims.

Please let us know if you have any questions.

Thank you,

---

Michelle Strachan  
Manager, Kroll Settlement Administration

T +1 215 430 6103

From: Strachan, Michelle <Michelle.Strachan@Kroll.com<mailto:Michelle.Strachan@Kroll.com>>  
Sent: Wednesday, October 30, 2024 2:41 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 10-30-24

Good Afternoon All,

Please find attached the stats as of 10/30/2024.

There are 170 claims that are being processed. This includes late claims.

Please let us know if you have any questions.

Thank you,

---

Michelle Strachan  
Manager, Kroll Settlement Administration

T +1 215 430 6103

From: Strachan, Michelle <Michelle.Strachan@Kroll.com<mailto:Michelle.Strachan@Kroll.com>>  
Sent: Tuesday, October 29, 2024 5:02 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 10-29-24

Good Afternoon All,

Please find attached the stats as of 10/29/2024.

There are 172 claims that are being processed. This includes late claims.

Please let us know if you have any questions.

Thank you,

---

Michelle Strachan  
Manager, Kroll Settlement Administration

T +1 215 430 6103

From: Strachan, Michelle <Michelle.Strachan@Kroll.com<mailto:Michelle.Strachan@Kroll.com>>  
Sent: Monday, October 28, 2024 3:20 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.

<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 10-28-24

Good Afternoon All,

Please find attached the stats as of 10/28/2024.

There are 180 claims that are being processed. This includes late claims.

Please let us know if you have any questions.

Thank you,

---

Michelle Strachan  
Manager, Kroll Settlement Administration

T +1 215 430 6103

From: Strachan, Michelle <Michelle.Strachan@kroll.com<mailto:Michelle.Strachan@kroll.com>>  
Sent: Friday, October 25, 2024 3:19 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Cataldi, Derek  
<Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela  
<Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 10-25-24

Hi All,

Please find the stats as of 10/25/2024.

There are 260 claims that are being processed. This includes late claims.

Please let us know if you have any questions.

Thank you,

---

Michelle Strachan  
Manager, Kroll Settlement Administration

T +1 215 430 6103

From: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>  
Sent: Thursday, October 24, 2024 6:46 PM  
To: Strachan, Michelle <Michelle.Strachan@kroll.com<mailto:Michelle.Strachan@kroll.com>>; Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: East Palestine Stats 10-24-24

Good evening all,

Sorry for the late statistics report. Please see attached stats as of today, 10/24. Please note, there is a slight uptick in claims due to additional claims identified as timely.

There are 401 claims that are being processed. This includes late claims.

Please let us know if you have any questions.

Thanks and have a nice evening.

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Strachan, Michelle <Michelle.Strachan@Kroll.com<mailto:Michelle.Strachan@Kroll.com>>  
Sent: Wednesday, October 23, 2024 4:44 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham

<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 10-23-24

Hi All,

Please find the stats as of 10/23/2024.

There are 105 claims that are being processed. This includes late claims.

Please let us know if you have any questions.

Thank you,

---

Michelle Strachan  
Manager, Kroll Settlement Administration

T +1 215 430 6103

From: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>  
Sent: Tuesday, October 22, 2024 4:13 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela  
<Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 10-22-24

Hi All,

Please find the stats as of 10/22/2024.

There are 345 claims that are being processed. This includes late claims.

Thanks and let us know if any other needs or questions.

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>  
Sent: Monday, October 21, 2024 5:23 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 10-21-24

Hi All,

Please find the stats as of 10/21/2024.

There are 315 claims that are being processed. This includes late claims.

Thanks and let us know if any other needs or questions.

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>  
Sent: Friday, October 18, 2024 4:47 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz

<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 10-18-24

Hello All,

Please see the updated status report as of today, October 18, 2024.

We currently have 365 claims that are being processed. This count includes late claims filed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Thursday, October 17, 2024 3:58 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; 'Prizgintas, Albinas'  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela  
<Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; 'Mackey, Katherine'  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; 'AGomez@gelaw.com'  
<AGomez@gelaw.com<mailto:AGomez@gelaw.com>>; 'Jones, April D.'  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; 'Beth Graham'  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; 'Seth Katz'  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; 'Schoenfeld, Alan E'  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; 'Ferson, Martha E.'  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; 'Riley, Trena M.'  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; 'mchalos@lchb.com'  
<mchalos@lchb.com<mailto:mchalos@lchb.com>>  
Subject: RE: East Palestine Stats 10-17-24

Hello All,

Please see the updated status report as of today, October 17, 2024.

We currently have 360 claims that are being processed. This count includes late claims filed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Wednesday, October 16, 2024 5:38 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 10-16-24

Hello All,

Please see the updated status report as of today, October 16, 2024.

We currently have 365 claims that are being processed. This count includes late claims filed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Tuesday, October 15, 2024 5:26 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.

<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 10-15-24

Hello All,

Please see the updated status report as of today, October 15, 2024.

We currently have 350 claims that are being processed. This count includes late claims filed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Monday, October 14, 2024 5:51 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela  
<Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 10-14-24

Hello All,

Please see the updated status report as of today, October 14, 2024.

We currently have 360 claims that are being processed. This count includes late claims filed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>  
Sent: Friday, October 11, 2024 4:49 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: East Palestine Stats 10-11-24

Hi all,

Please see stats as of 10/11. Please note, we have gathered and updated the distance for several of the TBD claims. As a result, you will see percentage spikes in some of the categories. Kroll continues to review and update claims.

As of today, there are 420 claims that are being processed. This count includes late claims filed.

Thanks all and please let us know if any questions.

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>  
Sent: Thursday, October 10, 2024 4:23 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>;

AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 10-10-24

Hello All,

Please see the updated status report as of today, October 10, 2024.

We currently have 475 claims that are being processed. This count includes late claims filed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>  
Sent: Thursday, October 10, 2024 8:44 AM  
To: Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 10-09-24

Hi Al,

We have most of these records being prepared for their distance now and should many of them updated to fall into specific categories by early next week.

Let us know if any other needs or questions on this.

Thanks

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>  
Sent: Wednesday, October 9, 2024 6:13 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: [EXTERNAL] RE: East Palestine Stats 10-09-24

Thanks, Derek.

One question: In addition to the 460 unprocessed claims, there are a large number of "TBD" claims in direct payment (5K), personal injury (7K), and business loss (214). Can you remind me the status of those, and when you expect to work through where those fit in?

Albinas Prizgintas | WilmerHale  
+1 202 663 6719 (t)  
albinas.prizgintas@wilmerhale.com<mailto:albinas.prizgintas@wilmerhale.com>

From: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>  
Sent: Wednesday, October 9, 2024 4:29 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.

<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>

Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam

<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark

<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>

Subject: RE: East Palestine Stats 10-09-24

EXTERNAL SENDER

Hello All,

Please see the updated status report as of today, October 9, 2024.

We currently have 460 claims that are being processed. This count includes late claims filed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi

Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek

Sent: Tuesday, October 8, 2024 3:59 PM

To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela

<Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine

<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>;

AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.

<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham

<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz

<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E

<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.

<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.

<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>

Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam

<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark

<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>

Subject: RE: East Palestine Stats 10-08-24

Hello All,

Please see the updated status report as of today, October 8, 2024.

We currently have 470 claims that are being processed. This count includes late claims filed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Monday, October 7, 2024 4:18 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 10-07-24

Hello All,

Please see the updated status report as of today, October 7, 2024.

We currently have 475 claims that are being processed. This count includes late claims filed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Friday, October 4, 2024 4:59 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz

<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 10-04-24

Hello All,

Please see the updated status report as of today, October 4, 2024.

We currently have 470 claims that are being processed. This count includes late claims filed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Thursday, October 3, 2024 5:28 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela  
<Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 10-03-24

Hello All,

Please see the updated status report as of today, October3, 2024.

We currently have 530 claims that are being processed. This count includes late claims filed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Wednesday, October 2, 2024 6:25 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 10-02-24

Hello All,

Please see the updated status report as of today, October 2, 2024.

We currently have 540 claims that are being processed. This count includes late claims filed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Tuesday, October 1, 2024 5:24 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham

<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 10-01-24

Hello All,

Please see the updated status report as of today, October 1, 2024.

We currently have 520 claims that are being processed. This count includes late claims filed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Monday, September 30, 2024 1:23 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela  
<Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-30-24

Hello All,

Please see the updated status report as of today, September 30, 2024.

We currently have 500 claims that are being processed. This count includes late claims filed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Friday, September 27, 2024 5:11 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-27-24

Hello All,

Please see the updated status report as of today, September 27, 2024.

We currently have 600 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Thursday, September 26, 2024 6:30 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.

<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-26-24

Hello All,

Please see the updated status report as of today, September 26, 2024.

We currently have 500 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Wednesday, September 25, 2024 5:44 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela  
<Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-25-24

Hello All,

Please see the updated status report as of today, September 25, 2024.

We currently have 490 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Tuesday, September 24, 2024 9:01 AM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-24-24

Hello All,

Please see the updated status report as of today, September 24, 2024.

We currently have 480 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Monday, September 23, 2024 2:57 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela

<Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-23-24

Hello All,

Please see the updated status report as of today, September 23, 2024.

We currently have 500 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>  
Sent: Friday, September 20, 2024 5:30 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela  
<Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-20-24

Good afternoon all,

Please see attached updated stats as of today, September 20, 2024.

Please note, there is a slight negative percentage for a category of the claim counts as duplicate claims filed are identified and removed from the counts.

Currently we have 560 claims that are being processed.

Thanks and please let us know if any questions.

Have a nice day.

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>  
Sent: Thursday, September 19, 2024 4:11 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-19-24

Hello All,

Please see the updated status report as of today, September 19, 2024.

We currently have 650 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Wednesday, September 18, 2024 5:01 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-18-24

Hello All,

Please see the updated status report as of today, September 18, 2024.

We currently have 730 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>  
Sent: Tuesday, September 17, 2024 5:30 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark

<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: East Palestine Stats 09-17-24

Hi all,

Please see updated stats as of today, September 17.

Currently we have 90 claims to be processed.

Please let us know if any questions.

Thanks

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>  
Sent: Monday, September 16, 2024 5:06 PM  
To: Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-16-24

Hello All,

Please see the updated status report as of today, September 16, 2024.

We currently have 1,450 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek

Sent: Friday, September 13, 2024 5:12 PM

To: Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-13-24

Hi Al,

The correct count of claims being processed through today is 1,890.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>

Sent: Friday, September 13, 2024 5:09 PM

To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: [EXTERNAL] RE: East Palestine Stats 09-13-24

Thanks, Derek. On the unprocessed claims, can you clarify the change since Wednesday? It was also 3,200 on

Wednesday and Thursday, but there are increases in the chart.

Albinas Prizgintas | WilmerHale

+1 202 663 6719 (t)

albinas.prizgintas@wilmerhale.com<mailto:albinas.prizgintas@wilmerhale.com>

From: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>

Sent: Friday, September 13, 2024 5:04 PM

To: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>

Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>

Subject: RE: East Palestine Stats 09-13-24

EXTERNAL SENDER

Hello All,

Please see the updated status report as of today, September 13, 2024.

We currently have 3,200 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi

Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek

Sent: Thursday, September 12, 2024 7:35 PM

To: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E

<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-12-24

Hello All,

Please see the updated status report as of today, September 12, 2024.

We currently have 3,200 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Wednesday, September 11, 2024 5:15 PM  
To: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul  
<Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>;  
Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-11-24

Hello All,

Please see the updated status report as of today, September 11, 2024.

We currently have 3,200 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Tuesday, September 10, 2024 4:23 PM  
To: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-10-24

Hello All,

Please see the updated status report as of today, September 10, 2024.

We currently have 3,700 claims that are being processed.

Please note that a Class Member (83036CND76WTC) withdrew their exclusion.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Monday, September 9, 2024 4:52 PM  
To: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham

<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-09-24

Hello All,

Please see the updated status report as of today, September 9, 2024.

We currently have 4,400 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>  
Sent: Friday, September 6, 2024 5:43 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul  
<Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>;  
Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-06-24

I can add that in speaking with the head of the mail team just yesterday, we are still receiving claims with timely postmark dates.

---

Angela Ferrante  
Chief Operating Officer, Kroll Settlement Administration

T +1 212 833 3400

From: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>  
Sent: Friday, September 6, 2024 5:27 PM  
To: Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-06-24

Hi Al,

The claims currently being processed in our database are constantly being replaced by new claims being scanned into our system. I can get you a count next week when I am able to speak with our teams handling the data entry component and our mailroom team scanning in the claims.

We should see the amounts start to decrease shortly as the incoming mail is expected slowdown.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>  
Sent: Friday, September 6, 2024 4:22 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: [EXTERNAL] RE: East Palestine Stats 09-06-24

Thanks, Derek. Roughly how many unprocessed claims are being processed each day? Just trying to get a sense of the difference between the 3,480 unprocessed from yesterday and the 3,520 unprocessed today.

Albinas Prizgintas | WilmerHale

+1 202 663 6719 (t)

albinas.prizgintas@wilmerhale.com<mailto:albinas.prizgintas@wilmerhale.com>

From: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>

Sent: Friday, September 6, 2024 4:13 PM

To: Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi,

Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas

<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>;

AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.

<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham

<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz

<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E

<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.

<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.

<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>

Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott

<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam

<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark

<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>

Subject: RE: East Palestine Stats 09-06-24

EXTERNAL SENDER

Hello All,

Please see the updated status report as of today, September 6, 2024.

We currently have 3,520 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi

Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek

Sent: Thursday, September 5, 2024 4:16 PM

To: Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi,

Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas

<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>;

AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.

<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-05-24

Hello All,

Please see the updated status report as of today, September 5, 2024.

We currently have 3,480 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Wednesday, September 4, 2024 4:36 PM  
To: Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi,  
Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-04-24

Hello All,

Please see the updated status report as of today, September 4, 2024.

We currently have 3,220 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Tuesday, September 3, 2024 6:01 PM  
To: Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-03-24

Hi Katherine,

The stats have been updated to reflect last Friday's Business Claim counts.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>  
Sent: Tuesday, September 3, 2024 5:48 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz

<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: [EXTERNAL] RE: East Palestine Stats 09-03-24

Thanks! I noticed some anomalies with the Business Loss claims outside of EP (maybe they were not updated from Friday). Would you mind double-checking those numbers?

Katherine V. Mackey | WilmerHale  
She/Her/Hers  
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katherine.mackey@wilmerhale.com<mailto:katherine.mackey@wilmerhale.com>

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From: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>  
Sent: Tuesday, September 3, 2024 4:44 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
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Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 09-03-24

EXTERNAL SENDER

Hello All,

Please see the updated status report as of today, September 3, 2024.

We currently have 3,200 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>  
Sent: Friday, August 30, 2024 4:15 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 8-30-24

Good afternoon all,

Please see updated stats as of today, August 30, 2024.

There are an additional 4,100 claims that are being data entered at this time.

Please let us know if any questions or other needs at this time.

Have a nice weekend all.

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>  
Sent: Thursday, August 29, 2024 6:00 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 8-29-24

Good Evening all,

Please find the stats report as of today August 29, 2024.

A few notes. We did a deep dive to ensure all exclusions and objections were marked properly and listed according to their house hold. As a result, we had to make a few minor adjustments. We uploaded the list of exclusions that notates if a Settlement Class Member is represented by an attorney and the law firm that represents them. The file was uploaded to the "All Exclusions" folder in Files Anywhere and the file name is "East Palestine Exclusion List with Attorney Law Firm".

Also, the "Total per Persons Claimed" was counting "Adults above 65" so in some instances we had the adults double counted. This has been adjusted to reflect only the "Count of Adults" and "Count of Minors". Sorry for any confusion.

As for claims that we are still processing, the count is 4,600.

Please let us know if any other questions at this time.

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>  
Sent: Wednesday, August 28, 2024 4:34 PM  
To: Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham

<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 8-28-24

Hello All,

Please see the updated status report as of today, August 28, 2024.

We currently have 4,800 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Tuesday, August 27, 2024 4:49 PM  
To: Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi,  
Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
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<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 8-26-24

Hello All,

Please see the updated status report as of today, August 27, 2024.

You may have noticed that the "Within East Palestine" claim household estimated percentage is over 100%. It is important to note that the claims count and percentage is based on the number of claims submitted by those stating

they resided within "East Palestine" and provided an "East Palestine" mailing address at the time of the derailment. These claims are still subject for review. The count and percentage is not based on the actual distance the residence is from the Derailment Site.

We currently have 3,890 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Monday, August 26, 2024 5:11 PM  
To: Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 8-26-24

Hi Katherine,

That is correct, no new exclusions from the Friday report.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>  
Sent: Monday, August 26, 2024 4:55 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas

<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: [EXTERNAL] RE: East Palestine Stats 8-26-24

Apologies for the serial emails, but is it also correct that the residential exclusions section was not updated, so that there are no new exclusions removed from that section today?

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From: Mackey, Katherine  
Sent: Monday, August 26, 2024 4:54 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Ferruzzi, Paul  
<Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>

Subject: RE: East Palestine Stats 8-26-24

Thanks!

Katherine V. Mackey | WilmerHale  
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Boston, MA 02109 USA  
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+1 617 526 5000 (f)  
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From: Cataldi, Derek <[Derek.Cataldi@kroll.com](mailto:Derek.Cataldi@kroll.com)<mailto:Derek.Cataldi@kroll.com>>  
Sent: Monday, August 26, 2024 4:51 PM  
To: Mackey, Katherine <[Katherine.Mackey@wilmerhale.com](mailto:Katherine.Mackey@wilmerhale.com)<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul <[Paul.Ferruzzi@kroll.com](mailto:Paul.Ferruzzi@kroll.com)<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <[Albinas.Prizgintas@wilmerhale.com](mailto:Albinas.Prizgintas@wilmerhale.com)<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <[April.Jones@wilmerhale.com](mailto:April.Jones@wilmerhale.com)<mailto:April.Jones@wilmerhale.com>>; Beth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)<mailto:egraham@gelaw.com>>; Seth Katz <[SKatz@burgsimpson.com](mailto:SKatz@burgsimpson.com)<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <[Alan.Schoenfeld@wilmerhale.com](mailto:Alan.Schoenfeld@wilmerhale.com)<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <[Martha.Ferson@wilmerhale.com](mailto:Martha.Ferson@wilmerhale.com)<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <[Trena.Riley@wilmerhale.com](mailto:Trena.Riley@wilmerhale.com)<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <[DL.KappaTeam@kroll.com](mailto:DL.KappaTeam@kroll.com)<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 8-26-24

EXTERNAL SENDER

Hi Katherine,

Sorry, the counts for the business exclusions are the same as last Friday, the previous report count was just not updated. See attached with the update for that field.

Thank you,

---

Derek Cataldi

Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>  
Sent: Monday, August 26, 2024 4:44 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: [EXTERNAL] RE: East Palestine Stats 8-26-24

Thanks for this! I see two additional business exclusions in the EP-10 miles and 10-20 range. Any additional info on those?

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Boston, MA 02109 USA  
+1 617 526 6993 (t)  
+1 617 526 5000 (f)  
katherine.mackey@wilmerhale.com<mailto:katherine.mackey@wilmerhale.com>

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From: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>  
Sent: Monday, August 26, 2024 3:43 PM  
To: Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham

<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 8-26-24

EXTERNAL SENDER

Hello All,

Please see the updated status report as of today, 08/26.

We currently have 3,365 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Friday, August 23, 2024 5:03 PM  
To: Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi,  
Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 8-23-24

Hi Katherine,

It appears that two existing exclusions were reviewed and recategorized in our database as business exclusions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>  
Sent: Friday, August 23, 2024 4:48 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: [EXTERNAL] RE: East Palestine Stats 8-23-24

Thanks for this, Derek! Do you have any additional color on the two new business exclusions?

Katherine V. Mackey | WilmerHale  
She/Her/Hers  
60 State Street  
Boston, MA 02109 USA  
+1 617 526 6993 (t)  
+1 617 526 5000 (f)  
katherine.mackey@wilmerhale.com<mailto:katherine.mackey@wilmerhale.com>

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From: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>  
Sent: Friday, August 23, 2024 4:25 PM  
To: Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi,

Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 8-23-24

EXTERNAL SENDER

Hello All,

Please see the updated status report as of today, 08/23.

We currently have 2,260 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Thursday, August 22, 2024 4:02 PM  
To: Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 8-22-24

Hello All,

I see that the report I just sent previously was missing statistics from the Settlement Center. Please see the attached updated report that covers those stats as well.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>  
Sent: Thursday, August 22, 2024 3:58 PM  
To: Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 8-22-24

Hello All,

Please see the updated status report as of today, 08/22.

We currently have 1,720 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek

Sent: Wednesday, August 21, 2024 3:59 PM

To: 'Mackey, Katherine' <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; 'Prizgintas, Albinas' <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; 'AGomez@gelaw.com' <AGomez@gelaw.com<mailto:AGomez@gelaw.com>>; 'Jones, April D.' <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; 'Beth Graham' <egraham@gelaw.com<mailto:egraham@gelaw.com>>; 'Seth Katz' <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; 'Schoenfeld, Alan E' <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; 'Ferson, Martha E.' <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; 'Riley, Trena M.' <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; 'mchalos@lchb.com' <mchalos@lchb.com<mailto:mchalos@lchb.com>>  
Subject: RE: East Palestine Stats 8-21-24

Hello All,

Please see the updated status report as of today, 08/21.

We currently have 1,525 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek

Sent: Tuesday, August 20, 2024 3:50 PM

To: Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>

Subject: RE: East Palestine Stats 8-20-24

Hello All,

Please see the updated status report as of today, 08/20.

We currently have 1,470 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Monday, August 19, 2024 4:41 PM  
To: Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 8-19-24

Hello All,

Please see the updated status report as of today, 08/19.

We currently have 1,650 claims that are being processed.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek

Sent: Friday, August 16, 2024 4:52 PM

To: Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 8-16-24

Hi Katherine,

We currently have 1,750 claims that are being processed.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>

Sent: Friday, August 16, 2024 4:47 PM

To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: [EXTERNAL] RE: East Palestine Stats 8-16-24

Thanks, Derek! Do you mind letting us know the number of unprocessed claims?

Katherine V. Mackey | WilmerHale  
She/Her/Hers  
60 State Street  
Boston, MA 02109 USA  
+1 617 526 6993 (t)  
+1 617 526 5000 (f)  
katherine.mackey@wilmerhale.com<mailto:katherine.mackey@wilmerhale.com>

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From: Cataldi, Derek <[Derek.Cataldi@kroll.com](mailto:Derek.Cataldi@kroll.com)<mailto:Derek.Cataldi@kroll.com>>  
Sent: Friday, August 16, 2024 4:38 PM  
To: Ferruzzi, Paul <[Paul.Ferruzzi@kroll.com](mailto:Paul.Ferruzzi@kroll.com)<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <[Albinas.Prizgintas@wilmerhale.com](mailto:Albinas.Prizgintas@wilmerhale.com)<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <[April.Jones@wilmerhale.com](mailto:April.Jones@wilmerhale.com)<mailto:April.Jones@wilmerhale.com>>; Beth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)<mailto:egraham@gelaw.com>>; Seth Katz <[SKatz@burgsimpson.com](mailto:SKatz@burgsimpson.com)<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <[Alan.Schoenfeld@wilmerhale.com](mailto:Alan.Schoenfeld@wilmerhale.com)<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <[Martha.Ferson@wilmerhale.com](mailto:Martha.Ferson@wilmerhale.com)<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <[Trena.Riley@wilmerhale.com](mailto:Trena.Riley@wilmerhale.com)<mailto:Trena.Riley@wilmerhale.com>>; Mackey, Katherine <[Katherine.Mackey@wilmerhale.com](mailto:Katherine.Mackey@wilmerhale.com)<mailto:Katherine.Mackey@wilmerhale.com>>  
Cc: Ferrante, Angela <[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <[DL.KappaTeam@kroll.com](mailto:DL.KappaTeam@kroll.com)<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 8-16-24

EXTERNAL SENDER

Hello All,

Please see the updated status report as of today, 08/16.

Please reach out with any questions.

Thank you,

---

Derek Cataldi

Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>  
Sent: Thursday, August 15, 2024 4:01 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 8-15-24

Hi all,

Please see updated stats as of today, 8/15.

Please note, we had updates to the submitted claims who had missing "Distance from Site" so you will see an increase in some distance categories with a major decrease in the TBDs.

As of today, we have 2,080 claims that are being processed not included on this report.

Please let us know if any questions.

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Ferruzzi, Paul  
Sent: Wednesday, August 14, 2024 5:07 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.

<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 8-14-24

Hi all,

Please see attached stats as of today, 8/14/2024.

Please note, we had two class members come to the facility for request of release form their Opt out and to file a claim.  
They have been removed from the Opt out stats.

Thanks all and please let us know if any questions.

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>  
Sent: Tuesday, August 13, 2024 5:45 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 8-13-24

Hello All,

Please see the attached status report as of today, 08-13.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>  
Sent: Monday, August 12, 2024 4:54 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 8-12-24

Good Afternoon all,

Please see attached stats as of today 8-12.

Thanks for your time

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Ferruzzi, Paul  
Sent: Friday, August 9, 2024 6:32 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>

Subject: RE: East Palestine Stats 8-9-24

Sorry for the late email, attached are the stats as of today, August 9, 2024.

Currently in the midst of data entering 1,369 claims.

Thanks all

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Ferruzzi, Paul  
Sent: Thursday, August 8, 2024 4:31 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 8-8-24

Please find attached stats as of 8/8.

We currently have 1,422 that are currently being data entered.

Thanks

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Ferruzzi, Paul  
Sent: Wednesday, August 7, 2024 7:31 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.

<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: RE: East Palestine Stats 8-7-24

Good Afternoon all,

Please see stats for today, August 7, 2024.

A total of 1355 claims are being data entered.

Thank you.

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>  
Sent: Tuesday, August 6, 2024 5:02 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>; mchalos@lchb.com<mailto:mchalos@lchb.com>  
Subject: East Palestine Stats 8-6-24

Good Afternoon all

Please see attached stats for East Palestine.

In addition, there are 1,166 claims that are still being data entered.

Please let me know if any other questions or needs at this time.

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>  
Sent: Monday, August 5, 2024 5:33 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>  
Subject: RE: East Palestine Stats 8-5-24

Good afternoon all,

Please find the stats as of today, August 5, 2024.

Thanks

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Ferruzzi, Paul  
Sent: Friday, August 2, 2024 2:42 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.

<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>  
Subject: RE: East Palestine Stats 8-2-24

Good Afternoon,

Please see attached Stat report for today, August 2.

Please note, I have updated the "Direct Payment Claims" to be broken down based on the same distances as the Personal Injury Claims. I also had to make an update to the bar chart as with these new categories, it did not look great. If you'd like this back to the original bar chart to include each unique category, please let me know.

Along with the "Direct Payment Claims" I added two new columns to count the "Total Persons Claimed" counting the total "Adults above 65", "Counts of Minors" and "Counts of Adults" to show how many persons were claimed based on distance. I also added the "Avg. Person per Claim" to show the average person for each distance category and overall.

As of today, there are also 611 claims that have NOT been data entered and will not appear on this report.

Thanks and please let me know if any other questions or needs at this time.

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Ferruzzi, Paul  
Sent: Thursday, August 1, 2024 12:45 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; 'Prizgintas, Albinas'  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; 'AGomez@gelaw.com'  
<AGomez@gelaw.com<mailto:AGomez@gelaw.com>>; 'Jones, April D.'  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; 'Beth Graham'  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; 'Seth Katz'  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; 'Schoenfeld, Alan E'  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; 'Ferson, Martha E.'  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; 'Riley, Trena M.'  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>; Mackey, Katherine  
<Katherine.Mackey@wilmerhale.com<mailto:Katherine.Mackey@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>  
Subject: East Palestine Stats 8-1-24

Good Afternoon,

Please find attached stats as of today, August 1, 2024.

Thanks and let us know if any questions or needs.

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Ferruzzi, Paul  
Sent: Wednesday, July 31, 2024 3:19 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>  
Subject: RE: East Palestine Stats 7-31-24

Good Afternoon all,

Please see attached stats as of today, 7/31/2024.

Thanks and please let us know if any questions.

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Ferruzzi, Paul  
Sent: Tuesday, July 30, 2024 5:57 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham

<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>  
Subject: RE: East Palestine Stats 7-30-24

Good evening all,

Please see stats as of today, July 30. Sorry for the delay there were a few updates to this report for more helpful specifications based on distance and estimations of population for comparison of filings.

We also uploaded additional exclusions to Files Anywhere as well as an updated report.

The report is titled "Exclusion as of 07-30-2024.xls" and the individual residential exclusions were uploaded under subfolder "Exclusions 07.16.2024 – 07.30.2024" while the individual business exclusions were uploaded under subfolder "Business Exclusions 07.16.2024 – 07.30.2024".

Please let us know if any other needs or questions at this time.

Thank you.

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Ferruzzi, Paul  
Sent: Monday, July 29, 2024 4:26 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark  
<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>  
Subject: RE: East Palestine Stats 7-29-24

Good Afternoon all,

Please see stats attached. Please let us know if any other questions at this time.

Also, in regards to claims filed that are still being data entered and NOT on these statistic reports as of today, there are an additional 1,358 claims that are still pending data entry.

Please let us know if any questions at this time.

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Ferruzzi, Paul  
Sent: Friday, July 26, 2024 3:28 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>  
Subject: East Palestine Stats 7-26-24

Good Afternoon all,

Please see the updated stats through today, July 26. Please note, this also includes counts at the Settlement Center as of today, 7/26.

One other note to Al's point last evening. There was an audit on data entry conducted on Monday evening. One catch was a claim form had in the "Adults Above 65" section a date field which drastically changed the total counts. This correction was made Monday evening and started to reflect properly in reports on Tuesday. We apologize for not addressing this sooner. Audits are conducted on data entry each day and will continue.

An audit was also conducted on the signed PI release forms resulting in a slight change in the confirmed signed PI release section. These counts are accurate as of this date.

Please let us know if any other questions or needs at this time.

Thank you.

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Ferruzzi, Paul  
Sent: Thursday, July 25, 2024 4:41 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark <Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>  
Subject: RE: East Palestine Stats 7-25-24

Hello,

Please see attached status report as of July 25, 2024.

Thank you.

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>  
Sent: Wednesday, July 24, 2024 1:21 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark

<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>

Subject: RE: East Palestine Stats 7-24-24

Hello All,

Please see the attached status report as of July 24, 2024.

Thank you,

---

Derek Cataldi

Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek

Sent: Tuesday, July 23, 2024 12:49 PM

To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas

<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>;

AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.

<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham

<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz

<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E

<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.

<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.

<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>

Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott

<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam

<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>; Rapazzini, Mark

<Mark.Rapazzini@kroll.com<mailto:Mark.Rapazzini@kroll.com>>

Subject: RE: East Palestine Stats 7-23-24

Hello All,

Please see the attached status report as of July 23, 2024.

Thank you,

---

Derek Cataldi

Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>

Sent: Monday, July 22, 2024 3:02 PM

To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Prizgintas, Albinas

<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>;

AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.

<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham

<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>  
Subject: RE: East Palestine Stats 7-22-24

Hi All,

Please see attached report for July 22, 2024.

Thanks

Paul

---

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

From: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>  
Sent: Friday, July 19, 2024 1:10 PM  
To: Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferruzzi, Paul  
<Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>;  
Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M.  
<Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>  
Subject: RE: East Palestine Stats 7-19-24

Hello All,

Please see the attached status report as of July 19, 2024.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Thursday, July 18, 2024 12:56 PM  
To: Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>  
Subject: RE: East Palestine Stats 7-18-24

Hello All,

Please see the attached status report as of July 18, 2024.

We made a few updates to the report to further separate those who submitted Personal Injury Release forms and exclusions within East Palestine. The previous report counts for those who resided within 0-10 miles for these sections also included the counts for those who resided in East Palestine. The counts are now separated for those within East Palestine will be treated uniquely and no longer with the 0-10 miles.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Wednesday, July 17, 2024 12:35 PM  
To: Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>  
Subject: RE: East Palestine Stats 7-17-24

See attached updated version.

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>  
Sent: Wednesday, July 17, 2024 12:32 PM  
To: Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>  
Subject: RE: East Palestine Stats 7-17-24

Hello everyone,

There is a slight revision to the status report. The attached version contains the number of signed Personal Injury Release forms filed within East Palestine.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>  
Sent: Wednesday, July 17, 2024 12:09 PM  
To: Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam

<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>

Subject: RE: East Palestine Stats 7-17-24

Hello All,

Please see the attached updated status report as of July 17, 2024.

We have also uploaded the initial file of Personal Injury Release forms and an excel file that accompanies the completed release forms to Files Anywhere. Please note that there were 16 test records that are included in the zip file that I was unable to remove. They are notated on the second tab of the excel file and the "refnum" can assist with locating them within the Personal Injury Release folder.

Please reach out if you have any questions or have any issues accessing the files.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>

Sent: Tuesday, July 16, 2024 3:43 PM

To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>; Riley, Trena M. <Trena.Riley@wilmerhale.com<mailto:Trena.Riley@wilmerhale.com>>

Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>

Subject: [EXTERNAL] RE: East Palestine Stats 7-16-24

Thanks, Derek.

Albinas Prizgintas | WilmerHale  
+1 202 663 6719 (t)  
albinas.prizgintas@wilmerhale.com<mailto:albinas.prizgintas@wilmerhale.com>

From: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>

Sent: Tuesday, July 16, 2024 3:42 PM

To: Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E

<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>  
Subject: RE: East Palestine Stats 7-16-24

EXTERNAL SENDER

Hi Al,

We will have an initial batch over to you later today or tomorrow morning that includes the PDF versions of the Personal Injury Release forms as well as an accompanying excel sheet. Moving forward, we will provide these PDFs and reports on a weekly basis.

We will be uploading to Files Anywhere and we will let you know once they are available.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>  
Sent: Tuesday, July 16, 2024 1:53 PM  
To: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>; Ferruzzi, Paul  
<Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>;  
Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>  
Subject: [EXTERNAL] RE: East Palestine Stats 7-16-24

Thanks, Derek. Checking in on the PI claims — Excel with a list of names/addresses who have submitted, and, separately, getting us all the executed personal injury releases for review. Can you let me know the eta on that?

Albinas Prizgintas | WilmerHale  
+1 202 663 6719 (t)  
albinas.prizgintas@wilmerhale.com<mailto:albinas.prizgintas@wilmerhale.com>

From: Cataldi, Derek <Derek.Cataldi@kroll.com<mailto:Derek.Cataldi@kroll.com>>  
Sent: Tuesday, July 16, 2024 1:11 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Prizgintas, Albinas  
<Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>;

AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Schoenfeld, Alan E  
<Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>  
Subject: RE: East Palestine Stats 7-16-24

EXTERNAL SENDER

Hi All,

Please see attached. There is an update on the Personal Injury Claims section related to those within East Palestine. You can disregard the previous version sent.

Please reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Tuesday, July 16, 2024 12:52 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>;  
Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>;  
Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>  
Subject: RE: East Palestine Stats 7-16-24

Hello All,

Please see the attached updated status report as of July 16, 2024. We also added a section to the report that shows the website statistics.

Reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Monday, July 15, 2024 7:07 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; 'Albinas.Prizgintas@wilmerhale.com' <Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>>; 'AGomez@gelaw.com' <AGomez@gelaw.com<mailto:AGomez@gelaw.com>>; 'Jones, April D.' <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; 'Beth Graham' <egraham@gelaw.com<mailto:egraham@gelaw.com>>; 'Seth Katz' <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; 'Alan.Schoenfeld@wilmerhale.com' <Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>>; 'Ferson, Martha E.' <Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott <Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam <DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>  
Subject: RE: East Palestine Stats 7-15-24 - Exclusion and Objection Upload

Hello All,

We have uploaded another batch of exclusions and objections to Files Anywhere.

The exclusions were uploaded in a folder titled "Exclusions 07.12.2024 – 07.15.2024" as well as the excel report titled "Exclusion as of 07-15-24.xlsx". The excel is a continuation of the report shared on July 11th.

The objections were uploaded to a folder titled "Objections 07.12.2024 – 07.15.2024".

Please reach out with any questions or if you have any issues accessing the files.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration

T +1 215 430 6112

From: Cataldi, Derek  
Sent: Monday, July 15, 2024 12:06 PM  
To: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>; Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>; AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D. <April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham <egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz <SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>; Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>; Ferson, Martha E.

<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>  
Subject: RE: East Palestine Stats 7-15-24

Hello All,

Please see the attached updated status report as of July 15, 2024.

Reach out with any questions.

Thank you,

---

Derek Cataldi  
Manager, Kroll Settlement Administration, Kroll Settlement Administration

T +1 215 430 6112

From: Ferruzzi, Paul <Paul.Ferruzzi@kroll.com<mailto:Paul.Ferruzzi@kroll.com>>  
Sent: Friday, July 12, 2024 11:34 AM  
To: Albinas.Prizgintas@wilmerhale.com<mailto:Albinas.Prizgintas@wilmerhale.com>;  
AGomez@gelaw.com<mailto:AGomez@gelaw.com>; Jones, April D.  
<April.Jones@wilmerhale.com<mailto:April.Jones@wilmerhale.com>>; Beth Graham  
<egraham@gelaw.com<mailto:egraham@gelaw.com>>; Seth Katz  
<SKatz@burgsimpson.com<mailto:SKatz@burgsimpson.com>>;  
Alan.Schoenfeld@wilmerhale.com<mailto:Alan.Schoenfeld@wilmerhale.com>; Ferson, Martha E.  
<Martha.Ferson@wilmerhale.com<mailto:Martha.Ferson@wilmerhale.com>>  
Cc: Ferrante, Angela <Angela.Ferrante@Kroll.com<mailto:Angela.Ferrante@Kroll.com>>; Fenwick, Scott  
<Scott.Fenwick@kroll.com<mailto:Scott.Fenwick@kroll.com>>; DL.KappaTeam  
<DL.KappaTeam@kroll.com<mailto:DL.KappaTeam@kroll.com>>  
Subject: East Palestine Stats 7-12-24

Good Morning all,

Please see attached stats as of 7/12/24.

I have also uploaded an Exclusion Excel to the Exclusion Files Anywhere to show the actual individuals who excluded themselves broken down by tabs. "All Opt Outs", "East Palestine Res. Opt", "0-10 Opt Out", "10-20 Opt out" and "Business Opt Out" . I will update this again shortly.

Al, I am working with IT on the PI claims and hope to have the names and physical forms to you shortly. Sorry for the delay.

Please let me know if any other questions or needs at this time.

Thanks all

Paul

Paul Ferruzzi  
Senior Manager, Kroll Settlement Administration

T +1 215 430 6123

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<<http://www.kroll.com><<http://www.kroll.com>>>  
Kroll Settlement Administration LLC |  
[www.kroll.com](http://www.kroll.com)<<http://www.kroll.com>><<http://www.kroll.com><<http://www.kroll.com>>>  
<<https://www.linkedin.com/company/kroll><<https://www.linkedin.com/company/kroll>>>  
<<https://www.linkedin.com/company/kroll><<https://www.linkedin.com/company/kroll>>><<https://twitter.com/KrollWire>  
<<https://twitter.com/KrollWire>>>  
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# EXHIBIT J

**Cassandra Guidetti**

---

**From:** Strachan, Michelle <Michelle.Strachan@Kroll.com>  
**Sent:** Tuesday, March 25, 2025 4:08 PM  
**To:** Prizgintas, Albinas; Mackey, Katherine; AGomez@gelaw.com; Jones, April D.; Beth Graham; Seth Katz; Schoenfeld, Alan E; Ferson, Martha E.; Riley, Trena M.; mchalos@lchb.com  
**Cc:** DL.KappaTeam; Ferrante, Angela; Fenwick, Scott; Rapazzini, Mark  
**Subject:** East Palestine Payment Stats 03-25-25  
**Attachments:** East Palestine Payment Statistics Updated 03-25-25.pdf

Good Afternoon Counsel,

In lieu of the normal weekly statistics reporting, we will be providing the attached reporting of the payment and determination letter status instead, as we think this will be more useful to you at this stage of the case. Please let us know if you find this reporting helpful and if you would like to see anything in addition or different.

Please find a summary of the reporting below.

- Count of Personal Injury Claims Filed
  - The number of personal injury claims filed based on location.
- Count of Personal Injury Claims Processed for Payment
  - The number of personal injury claims approved for payment.
- % Processed for Payment (Noticed/Paid)
  - The percentage of personal injury claimants that have received determination letters or payments.
- Distribution Amount Allocated for Minors
  - The total amount that has been allocated to personal injury claims for minors.
- Distribution Amount for Determination Letters Mailed
  - The total amount that has been calculated for class members sent a determination letter but not yet paid.
- Amount Distributed by Check or ACH
  - The total amount that has been paid via check or ACH.

Please let us know if you have any questions or comments. We would also be happy to schedule a call to discuss any proposed additions or changes should you find that helpful.

Thank you,

---

**Michelle Strachan**

Manager, Kroll Settlement Administration

T +1 215 430 6103



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**Tuesday, March 25, 2025**

<b>Personal Injury Claims Payment Status</b>							
<b>Location Type</b>	<b>Count of Personal Injury Claims Filed</b>	<b>Count of Personal Injury Claims Processed for Payment</b>	<b>% Processed for Payment (Noticed/Paid)</b>	<b>Distribution Amount Allocated for Minors</b>	<b>Distribution Amount for Determination Letters Mailed</b>	<b>Amount Distributed by Check or ACH</b>	<b>TOTAL</b>
Within East Palestine	6,761	2,686	39.73%	\$1,735,868.75	\$24,662,754.06	\$14,873,197.20	\$41,271,820.01
EP - 5 Miles	3,826	1,708	44.64%	\$398,200.00	\$7,200,061.13	\$3,978,444.36	\$11,576,705.49
5 - 10 Miles	20,538	8,052	39.21%	\$3,081,880.79	\$6,483,333.13	\$3,186,269.56	\$12,751,483.48
<b>Total</b>	<b>31,125</b>	<b>12,446</b>	<b>39.99%</b>	<b>\$5,215,949.54</b>	<b>\$38,346,148.31</b>	<b>\$22,037,911.12</b>	<b>\$65,600,008.97</b>

# EXHIBIT K

## Cassandra Guidetti

---

**From:** Strachan, Michelle <Michelle.Strachan@Kroll.com>  
**Sent:** Tuesday, April 1, 2025 6:27 PM  
**To:** Prizgintas, Albinas; Mackey, Katherine; AGomez@gelaw.com; Jones, April D.; Beth Graham; Seth Katz; Schoenfeld, Alan E; Ferson, Martha E.; Riley, Trena M.; mchalos@lchb.com  
**Cc:** DL.KappaTeam; Ferrante, Angela; Fenwick, Scott; Rapazzini, Mark  
**Subject:** RE: East Palestine Payment Stats 04-01-25  
**Attachments:** East Palestine Payment Statistics Updated 04-01-25.pdf

Good Afternoon Counsel,

Please find the payment statistics attached as of 04/01/2025. Kroll is in the process of reviewing appeals for the most recent determination letters sent out with a deadline of March 27<sup>th</sup>. We anticipate sending payments out for those who did not file an appeal within the next few weeks.

There have been no changes since the report sent last week. However, Kroll is preparing to send determination letters to just over 1,300 class members for the amount of \$14,118,304.98. In addition, Kroll has calculated minor payouts for an additional 190 minors for a total payout of \$2,226,795.88. These counts will be updated based on there distance in the next statistical report.

Please let us know if you have any questions.

Thank you,

---

**Michelle Strachan**

Manager, Kroll Settlement Administration

T +1 215 430 6103

---

**From:** Strachan, Michelle <Michelle.Strachan@Kroll.com>  
**Sent:** Tuesday, March 25, 2025 3:08 PM  
**To:** Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com>; Mackey, Katherine <Katherine.Mackey@wilmerhale.com>; AGomez@gelaw.com; Jones, April D. <April.Jones@wilmerhale.com>; Beth Graham <egraham@gelaw.com>; Seth Katz <SKatz@burgsimpson.com>; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com>; Ferson, Martha E. <Martha.Ferson@wilmerhale.com>; Riley, Trena M. <Trena.Riley@wilmerhale.com>; mchalos@lchb.com  
**Cc:** DL.KappaTeam <DL.KappaTeam@kroll.com>; Ferrante, Angela <Angela.Ferrante@Kroll.com>; Fenwick, Scott <Scott.Fenwick@kroll.com>; Rapazzini, Mark <Mark.Rapazzini@kroll.com>  
**Subject:** East Palestine Payment Stats 03-25-25

Good Afternoon Counsel,

In lieu of the normal weekly statistics reporting, we will be providing the attached reporting of the payment and determination letter status instead, as we think this will be more useful to you at this stage of the case.

Please let us know if you find this reporting helpful and if you would like to see anything in addition or different.

Please find a summary of the reporting below.

- Count of Personal Injury Claims Filed
  - The number of personal injury claims filed based on location.
- Count of Personal Injury Claims Processed for Payment
  - The number of personal injury claims approved for payment.
- % Processed for Payment (Noticed/Paid)
  - The percentage of personal injury claimants that have received determination letters or payments.
- Distribution Amount Allocated for Minors
  - The total amount that has been allocated to personal injury claims for minors.
- Distribution Amount for Determination Letters Mailed
  - The total amount that has been calculated for class members sent a determination letter but not yet paid.
- Amount Distributed by Check or ACH
  - The total amount that has been paid via check or ACH.

Please let us know if you have any questions or comments. We would also be happy to schedule a call to discuss any proposed additions or changes should you find that helpful.

Thank you,

---

**Michelle Strachan**

Manager, Kroll Settlement Administration

T +1 215 430 6103



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**Tuesday, April 1, 2025**

<b>Personal Injury Claims Payment Status</b>							
<b>Location Type</b>	<b>Count of Personal Injury Claims Filed</b>	<b>Count of Personal Injury Claims Processed for Payment</b>	<b>% Processed for Payment (Noticed/Paid)</b>	<b>Distribution Amount Allocated for Minors</b>	<b>Distribution Amount for Determination Letters Mailed</b>	<b>Amount Distributed by Check or ACH</b>	<b>TOTAL</b>
Within East Palestine	6,761	2,686	39.73%	\$1,735,868.75	\$24,662,754.06	\$14,873,197.20	\$41,271,820.01
EP - 5 Miles	3,826	1,708	44.64%	\$398,200.00	\$7,200,061.13	\$3,978,444.36	\$11,576,705.49
5 - 10 Miles	20,538	8,052	39.21%	\$3,081,880.79	\$6,483,333.13	\$3,186,269.56	\$12,751,483.48
<b>Total</b>	<b>31,125</b>	<b>12,446</b>	<b>39.99%</b>	<b>\$5,215,949.54</b>	<b>\$38,346,148.31</b>	<b>\$22,037,911.12</b>	<b>\$65,600,008.97</b>

# EXHIBIT L

**Cassandra Guidetti**

---

**From:** Ferruzzi, Paul <Paul.Ferruzzi@kroll.com>  
**Sent:** Tuesday, May 6, 2025 4:46 PM  
**To:** Adam J. Gomez  
**Subject:** RE: Rejection Letters for East Palestine

We will have a small handful go out but not many at all.

I will confirm and report back asap.

---

**Paul Ferruzzi**

Director, Kroll Settlement Administration

T +1 215 430 6123

---

**From:** Adam J. Gomez <AGomez@gelaw.com>  
**Sent:** Tuesday, May 6, 2025 4:26 PM  
**To:** Ferruzzi, Paul <Paul.Ferruzzi@kroll.com>  
**Subject:** [EXTERNAL] Re: Rejection Letters for East Palestine

Thanks. And while I have you, are there any claims out for cure with an upcoming deadline or has that process been completed?

Adam J. Gomez  
Grant & Eisenhofer P.A.  
[agomez@gelaw.com](mailto:agomez@gelaw.com)<<mailto:agomez@gelaw.com>>

From: Ferruzzi, Paul <[Paul.Ferruzzi@kroll.com](mailto:Paul.Ferruzzi@kroll.com)>  
Date: Tuesday, May 6, 2025 at 4:15 PM  
To: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>  
Subject: RE: Rejection Letters for East Palestine  
Hi Adam,

They are separate. We only incorporated those counts that are within the 10-mile radius for that report.

---

Paul Ferruzzi  
Director, Kroll Settlement Administration

T +1 215 430 6123



From: Adam J. Gomez

[AGomez@gelaw.com](mailto:AGomez@gelaw.com)<<mailto:AGomez@gelaw.com><<mailto:AGomez@gelaw.com><<mailto:AGomez@gelaw.com><<mailto:AGomez@gelaw.com>>>>>>>

Date: Tuesday, May 6, 2025 at 12:50 PM

To: Ferruzzi, Paul

[Paul.Ferruzzi@kroll.com](mailto:Paul.Ferruzzi@kroll.com)<<mailto:Paul.Ferruzzi@kroll.com><<mailto:Paul.Ferruzzi@kroll.com><<mailto:Paul.Ferruzzi@kroll.com><<mailto:Paul.Ferruzzi@kroll.com>>>>>>>

Cc: DL.KappaTeam

[DL.KappaTeam@kroll.com](mailto:DL.KappaTeam@kroll.com)<<mailto:DL.KappaTeam@kroll.com><<mailto:DL.KappaTeam@kroll.com><<mailto:DL.KappaTeam@kroll.com><<mailto:DL.KappaTeam@kroll.com>>>>>>>, Ferrante, Angela

[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)<<mailto:Angela.Ferrante@Kroll.com><<mailto:Angela.Ferrante@Kroll.com><<mailto:Angela.Ferrante@Kroll.com><<mailto:Angela.Ferrante@Kroll.com>>>>>>>, Rapazzini, Mark

[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)<<mailto:Mark.Rapazzini@kroll.com><<mailto:Mark.Rapazzini@kroll.com><<mailto:Mark.Rapazzini@kroll.com><<mailto:Mark.Rapazzini@kroll.com>>>>>>>, Fenwick, Scott

[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)<<mailto:Scott.Fenwick@kroll.com><<mailto:Scott.Fenwick@kroll.com><<mailto:Scott.Fenwick@kroll.com><<mailto:Scott.Fenwick@kroll.com>>>>>>>

Subject: Re: Rejection Letters for East Palestine

Thanks, Paul. Can you give me a call to discuss? I am on the office line today – 302.622.7107.

Adam J. Gomez

Grant & Eisenhofer P.A.

[agomez@gelaw.com](mailto:agomez@gelaw.com)<<mailto:agomez@gelaw.com><<mailto:agomez@gelaw.com><<mailto:agomez@gelaw.com><<mailto:agomez@gelaw.com>>>>>>>

From: Ferruzzi, Paul

[Paul.Ferruzzi@kroll.com](mailto:Paul.Ferruzzi@kroll.com)<<mailto:Paul.Ferruzzi@kroll.com><<mailto:Paul.Ferruzzi@kroll.com><<mailto:Paul.Ferruzzi@kroll.com><<mailto:Paul.Ferruzzi@kroll.com>>>>>>>

Date: Tuesday, May 6, 2025 at 12:48 PM

To: Adam J. Gomez

[AGomez@gelaw.com](mailto:AGomez@gelaw.com)<<mailto:AGomez@gelaw.com><<mailto:AGomez@gelaw.com><<mailto:AGomez@gelaw.com><<mailto:AGomez@gelaw.com>>>>>>>

Cc: DL.KappaTeam

[DL.KappaTeam@kroll.com](mailto:DL.KappaTeam@kroll.com)<<mailto:DL.KappaTeam@kroll.com><<mailto:DL.KappaTeam@kroll.com><<mailto:DL.KappaTeam@kroll.com><<mailto:DL.KappaTeam@kroll.com>>>>>>>, Ferrante, Angela

[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)<<mailto:Angela.Ferrante@Kroll.com><<mailto:Angela.Ferrante@Kroll.com><<mailto:Angela.Ferrante@Kroll.com><<mailto:Angela.Ferrante@Kroll.com>>>>>>>, Rapazzini, Mark

[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)<<mailto:Mark.Rapazzini@kroll.com><<mailto:Mark.Rapazzini@kroll.com><<mailto:Mark.Rapazzini@kroll.com><<mailto:Mark.Rapazzini@kroll.com>>>>>>>, Fenwick, Scott

[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)<<mailto:Scott.Fenwick@kroll.com><<mailto:Scott.Fenwick@kroll.com><<mailto:Scott.Fenwick@kroll.com><<mailto:Scott.Fenwick@kroll.com>>>>>>>

Subject: Rejection Letters for East Palestine

Good Afternoon, Adam,

Kroll is preparing to send rejection notices to class members who 1) did not cure their claims when notified of a deficiency, 2) did not cure in a timely matter, or 3) are outside the 10-mile radius for eligibility.

As of now, we have 4,646 class members whose personally injury claims will be rejected for failure to cure and 4,819 rejected for being outside the 10-mile radius. A total of 9,465.

Among the batch of rejections for failure to cure (4,646), we have eleven (11) claims for class members who have cured their deficiency, however the response was received several weeks, if not months, after the deadline to cure their claim. Notably, there were an additional five (5) class members who cured their claim only a few days after their claim deadline, which we have deemed timely.

The cure deadline is listed below for the sixteen (16) class members in these two categories. Kroll intends to approve those who had a cure deadline of 4/14/25 to allow for delays in mail etc, but reject those with previous cure deadline dates.

Please let us know if you agree with this approach or if you would like us to reject all of those received after a deadline, regardless of the cure deadline date.

Thanks for your time.

Paul

PI Case REF Num	Claim Form PI Deficiency Cure Deadline
831139QDM6QT6	4/14/2025
83113B2KHVXNF	4/14/2025
83113B8X89G02	4/14/2025
83113B8X5TP5D	4/14/2025
831139WW8TBQJ	4/14/2025
83113B0QX6HGM	3/13/2025
83113B0QR9W62	3/13/2025
83113B0Z9CRBS	3/13/2025
83113B0QQDW6T	3/13/2025
83113B0QPSK92	3/13/2025
83113B0YHCJ1P	12/2/2024
83113B0NOR2QS	11/4/2024
831139R7ZG23J	11/4/2024

831139WT408KB

11/4/2024

83113B0CS1SNB

10/31/2024

831139QMJRGP

10/31/2024

---

Paul Ferruzzi  
Director, Kroll Settlement Administration

T +1 215 430 6123

[cid:image001.png@01DBBE84.8C8D42B0]<<http://www.kroll.com><<http://www.kroll.com>><<http://www.kroll.com>><<http://www.kroll.com>>>>

Kroll Settlement Administration LLC |

[www.kroll.com](http://www.kroll.com)<<http://www.kroll.com>><<http://www.kroll.com><<http://www.kroll.com>>><<http://www.kroll.com><<http://www.kroll.com>>>>

[cid:image002.png@01DBBE84.8C8D42B0]<<https://www.linkedin.com/company/kroll><<https://www.linkedin.com/company/kroll>><<https://www.linkedin.com/company/kroll>>>>

[cid:image003.png@01DBBE84.8C8D42B0]<<https://twitter.com/KrollWire><<https://twitter.com/KrollWire>><<https://twitter.com/KrollWire>>>>

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# EXHIBIT M

## Cassandra Guidetti

---

**From:** Strachan, Michelle <Michelle.Strachan@Kroll.com>  
**Sent:** Tuesday, March 18, 2025 5:24 PM  
**To:** Adam J. Gomez  
**Cc:** DL.KappaTeam; Fenwick, Scott; Ferrante, Angela; Rapazzini, Mark; Trapani, Tara; Cataldi, Derek  
**Subject:** RE: East Palestine Personal Injury Rejection Letter

No worries at all. To confirm, the letter will be sent only for rejections based on failure to cure the PI deficiency.

Thank you,

---

### Michelle Strachan

Manager, Kroll Settlement Administration

T +1 215 430 6103

---

**From:** Adam J. Gomez <AGomez@gelaw.com>  
**Sent:** Tuesday, March 18, 2025 4:55 PM  
**To:** Strachan, Michelle <Michelle.Strachan@Kroll.com>  
**Cc:** DL.KappaTeam <DL.KappaTeam@kroll.com>; Fenwick, Scott <Scott.Fenwick@kroll.com>; Ferrante, Angela <Angela.Ferrante@Kroll.com>; Rapazzini, Mark <Mark.Rapazzini@kroll.com>; Trapani, Tara <Tara.Trapani@Kroll.com>; Cataldi, Derek <Derek.Cataldi@kroll.com>  
**Subject:** [EXTERNAL] Re: East Palestine Personal Injury Rejection Letter

Thank you. Sorry for all the questions – and just so I am clear – this letter is only for rejections based on failure to cure, not any rejections because the claim is otherwise complete but not valid?

Adam J. Gomez  
Grant & Eisenhofer P.A.  
[agomez@gelaw.com](mailto:agomez@gelaw.com)

From: Strachan, Michelle <[Michelle.Strachan@Kroll.com](mailto:Michelle.Strachan@Kroll.com)>  
Date: Tuesday, March 18, 2025 at 4:48 PM  
To: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>  
Cc: DL.KappaTeam <[DL.KappaTeam@kroll.com](mailto:DL.KappaTeam@kroll.com)>, Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)>, Ferrante, Angela <[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)>, Rapazzini, Mark <[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)>, Trapani, Tara <[Tara.Trapani@Kroll.com](mailto:Tara.Trapani@Kroll.com)>, Cataldi, Derek <[Derek.Cataldi@kroll.com](mailto:Derek.Cataldi@kroll.com)>  
Subject: RE: East Palestine Personal Injury Rejection Letter  
Hi Adam,

We have about 400 letters sent to households that have response deadlines upcoming on 4/14. Additionally, there are still a few deficiency letters that will need to be sent as we review those that are claiming to be

closer to the derailment site at the time of incident.

Thank you,

---

Michelle Strachan  
Manager, Kroll Settlement Administration

T +1 215 430 6103

From: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>  
Sent: Tuesday, March 18, 2025 4:12 PM  
To: Strachan, Michelle <[Michelle.Strachan@Kroll.com](mailto:Michelle.Strachan@Kroll.com)>  
Cc: DL.KappaTeam <[DL.KappaTeam@kroll.com](mailto:DL.KappaTeam@kroll.com)>; Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)>; Ferrante, Angela <[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)>; Rapazzini, Mark <[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)>; Trapani, Tara <[Tara.Trapani@Kroll.com](mailto:Tara.Trapani@Kroll.com)>; Cataldi, Derek <[Derek.Cataldi@kroll.com](mailto:Derek.Cataldi@kroll.com)>  
Subject: [EXTERNAL] Re: East Palestine Personal Injury Rejection Letter

Thanks. Are there others that are still subject to curing or are all other previously deficient PI claims cured at this point?

Adam J. Gomez  
Grant & Eisenhofer P.A.  
[agomez@gelaw.com](mailto:agomez@gelaw.com)<<mailto:agomez@gelaw.com><<mailto:agomez@gelaw.com>%3c<mailto:agomez@gelaw.com>  
[m](mailto:agomez@gelaw.com)>>

From: Strachan, Michelle <[Michelle.Strachan@Kroll.com](mailto:Michelle.Strachan@Kroll.com)<<mailto:Michelle.Strachan@Kroll.com>>>  
Date: Tuesday, March 18, 2025 at 2:47 PM  
To: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)<<mailto:AGomez@gelaw.com>>>  
Cc: DL.KappaTeam <[DL.KappaTeam@kroll.com](mailto:DL.KappaTeam@kroll.com)<<mailto:DL.KappaTeam@kroll.com>>>, Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)<<mailto:Scott.Fenwick@kroll.com>>>, Ferrante, Angela <[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)<<mailto:Angela.Ferrante@Kroll.com>>>, Rapazzini, Mark <[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)<<mailto:Mark.Rapazzini@kroll.com>>>, Trapani, Tara <[Tara.Trapani@Kroll.com](mailto:Tara.Trapani@Kroll.com)<<mailto:Tara.Trapani@Kroll.com>>>, Cataldi, Derek <[Derek.Cataldi@kroll.com](mailto:Derek.Cataldi@kroll.com)<<mailto:Derek.Cataldi@kroll.com>>>  
Subject: RE: East Palestine Personal Injury Rejection Letter  
Hi Adam,

Currently, there are about 4,000 PI claims that would be rejected.

Thank you,

---

Michelle Strachan  
Manager, Kroll Settlement Administration

T +1 215 430 6103

From: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)<<mailto:AGomez@gelaw.com>>>  
Sent: Tuesday, March 18, 2025 1:50 PM  
To: Strachan, Michelle <[Michelle.Strachan@Kroll.com](mailto:Michelle.Strachan@Kroll.com)<<mailto:Michelle.Strachan@Kroll.com>>>  
Cc: DL.KappaTeam <[DL.KappaTeam@kroll.com](mailto:DL.KappaTeam@kroll.com)<<mailto:DL.KappaTeam@kroll.com>>>; Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)<<mailto:Scott.Fenwick@kroll.com>>>; Ferrante, Angela <[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)<<mailto:Angela.Ferrante@Kroll.com>>>; Rapazzini, Mark <[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)<<mailto:Mark.Rapazzini@kroll.com>>>; Trapani, Tara <[Tara.Trapani@Kroll.com](mailto:Tara.Trapani@Kroll.com)<<mailto:Tara.Trapani@Kroll.com>>>; Cataldi, Derek <[Derek.Cataldi@kroll.com](mailto:Derek.Cataldi@kroll.com)<<mailto:Derek.Cataldi@kroll.com>>>  
Subject: [EXTERNAL] Re: East Palestine Personal Injury Rejection Letter

Thanks. Do you have a rough estimate of how many claims this will apply to?

Adam J. Gomez  
Grant & Eisenhofer P.A.  
[agomez@gelaw.com](mailto:agomez@gelaw.com)<<mailto:agomez@gelaw.com>><<mailto:agomez@gelaw.com>><<mailto:agomez@gelaw.com>><<mailto:agomez@gelaw.com>><<mailto:agomez@gelaw.com>><<mailto:agomez@gelaw.com>>>>>

From: Strachan, Michelle  
<[Michelle.Strachan@Kroll.com](mailto:Michelle.Strachan@Kroll.com)<<mailto:Michelle.Strachan@Kroll.com><<mailto:Michelle.Strachan@Kroll.com>><<mailto:Michelle.Strachan@Kroll.com>>>>>  
Date: Tuesday, March 18, 2025 at 1:34 PM  
To: Adam J. Gomez  
<[AGomez@gelaw.com](mailto:AGomez@gelaw.com)<<mailto:AGomez@gelaw.com>><<mailto:AGomez@gelaw.com>><<mailto:AGomez@gelaw.com>><<mailto:AGomez@gelaw.com>>>>>  
Cc: DL.KappaTeam  
<[DL.KappaTeam@kroll.com](mailto:DL.KappaTeam@kroll.com)<<mailto:DL.KappaTeam@kroll.com><<mailto:DL.KappaTeam@kroll.com>><<mailto:DL.KappaTeam@kroll.com>>>>>, Fenwick, Scott  
<[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)<<mailto:Scott.Fenwick@kroll.com><<mailto:Scott.Fenwick@kroll.com>><<mailto:Scott.Fenwick@kroll.com>>>>>, Ferrante, Angela  
<[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)<<mailto:Angela.Ferrante@Kroll.com><<mailto:Angela.Ferrante@Kroll.com>><<mailto:Angela.Ferrante@Kroll.com>>>>>, Rapazzini, Mark  
<[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)<<mailto:Mark.Rapazzini@kroll.com><<mailto:Mark.Rapazzini@kroll.com>><<mailto:Mark.Rapazzini@kroll.com>>>>>, Trapani, Tara  
<[Tara.Trapani@Kroll.com](mailto:Tara.Trapani@Kroll.com)<<mailto:Tara.Trapani@Kroll.com><<mailto:Tara.Trapani@Kroll.com>><<mailto:Tara.Trapani@Kroll.com>>>>>, Cataldi, Derek  
<[Derek.Cataldi@kroll.com](mailto:Derek.Cataldi@kroll.com)<<mailto:Derek.Cataldi@kroll.com><<mailto:Derek.Cataldi@kroll.com>><<mailto:Derek.Cataldi@kroll.com>>>>>  
Subject: East Palestine Personal Injury Rejection Letter  
Good Afternoon Adam,

We have attached a draft of the Personal Injury Claim Rejection Letter for your review and feedback. The letter will be sent to class members that have not cured their PI deficiencies.

Let us know if you have any questions or comments following review.

Thank you,

---

Michelle Strachan  
Manager, Kroll Settlement Administration

T +1 215 430 6103

[cid:image001.png@01DB9805.A0BD71B0]<<http://www.kroll.com><<http://www.kroll.com>><<http://www.kroll.com><<http://www.kroll.com>>>>

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[cid:image002.png@01DB9805.A0BD71B0]<<https://www.linkedin.com/company/kroll><<https://www.linkedin.com/company/kroll>><<https://www.linkedin.com/company/kroll>>>>

[cid:image003.png@01DB9805.A0BD71B0]<<https://twitter.com/KrollWire><<https://twitter.com/KrollWire>><<https://twitter.com/KrollWire>>>>

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# EXHIBIT N

UNITED STATES DISTRICT COURT  
NORTHER DISTRICT OF OHIO  
EASTERN DIVISION

IN RE: EAST PALESTINE TRAIN  
DERAILMENT

CASE NO. 4:23CV0242

JUDGE BENITA Y. PEARSON

DECLARATION OF MICHAEL R.  
O'CONNOR REGARDING  
ADMINISTRATION TRANSFER AND  
STATUS UPDATE

**DECLARATION OF MICHAEL R. O'CONNOR REGARDING  
ADMINISTRATION TRANSFER AND STATUS UPDATE**

I, Michael R. O'Connor, hereby declare and state as follows:

1. I am the Senior Vice President of Client Services at Epiq Class Actions & Claims Solutions, Inc. ("Epiq") and a licensed attorney in Oregon. Prior to joining Epiq in 2010, I was an owner at the Garvey Schubert Barer (n/k/a "Foster Garvey") law firm in Portland, Oregon, and was engaged in private practice for 13 years. I received my Juris Doctorate from the University of Oregon Law School in 1997 and my Bachelor of Arts degree from Yale University in 1994. I have first-hand knowledge of, and am competent to testify, regarding the matters stated herein.

**SUMMARY OF PROBLEMATIC INITIAL FINDINGS<sup>1</sup>**

2. Epiq has identified numerous material errors committed by the former Settlement Administrator, Kroll Settlement Administration, LLC ("Kroll"), in conducting the claims

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<sup>1</sup> The numbers and conclusions reported in this section and throughout the Declaration are subject to refinement as Epiq performs its quality assurance procedures and continues its review of the administration materials it has received.

processing. We began our review examining the 10,553 Personal Injury claims denied by Kroll and determined:

- a. Of the 5,882 claims entirely rejected for being outside of the eligible boundaries, 918 claims were wrongly denied, a 15.6% error rate for this group (“Incorrect Boundary Denials”).
  - b. Of the 4,671 claims denied for these individual claimants’ alleged failures to cure deficiencies with their claims, 363 of these claims were wrongly denied, a 7.8% error rate (“Incorrect Cure Denials”).
  - c. The presence of numerous mistakenly denied claims is likely to result in over 1,000 additional claims becoming eligible, materially affecting the value of a point and, accordingly, the distribution of Personal Injury payments to class members pursuant to the point-based plan of allocation.
3. The scale of Kroll’s errors adjudicating the denied claims suggested the population of approved claims might also have numerous material mistakes. To test this, Epiq began looking at approved claims. So far, our initial review of approved claims has identified:
- a. 919 approved claims where the Proof of Residence in Kroll’s database contained an invalid date.
  - b. 1,462 approved claims with point assignments of 0.75—a designation that does not exist in the Distribution Plan. An additional 32 claims were assigned Direction Points of 0.25—another designation that does not exist in the Distribution Plan.
  - c. Almost 1,000 additional approved claims have suspect point assignments for other reasons.
  - d. Kroll did not assign any points to 12,180 of the 16,600 claims in an approved status.

- e. There are a number of claimants who filed Personal Injury claims but are missing from the Personal Injury database we received from Kroll.

4. Epiq's review has focused on the data in Kroll's database. We have not validated whether Kroll accurately captured the source data (claim form and supporting documentation). We have not seen anything in our review of their work to give us confidence this aspect of the administration was done correctly either. As of October 22, 2025, we have reviewed 23,217 of the 28,646 unpaid personal injury claims.

5. Payments to Class Members here require the administrator to determine the accurate number of points available to all eligible Class Members, from which we can determine the value of a single point. In our experience, when there is a limited amount of money available to distribute to a class, we would not begin distributing full payments to eligible members of the class until either: (a) all full payment amounts were known; or (b) we calculated the maximum value of all potentially payable claims to ensure there were sufficient settlement funds available to pay all potentially eligible claims the maximum amount available per claimant.

6. To ensure: (a) the integrity of this Settlement; (b) that Epiq can accurately compute the value of a single point; and (c) that claimants are paid consistent with the Court-approved Distribution Plan, Epiq suggested to Class Counsel that we:

- a. Confirm the data in Kroll's database was accurately captured from the source documents; and
- b. Perform our own adjudication of all claims; and
- c. Provide appropriate Claimants with deficient claims an opportunity to cure their claims; and
- d. Calculate point totals based on Epiq's own adjudication decisions.

**EPIQ'S RELEVANT EXPERIENCE, APPOINTMENT IN THIS CASE**

7. Epiq was established in 1968 as a client services and data processing company. Epiq has administered bankruptcies since 1985 and settlements since 1993. Epiq has routinely developed and executed notice programs and administrations in a wide variety of mass action contexts including settlements of consumer, antitrust, products liability, and labor and employment class actions, settlements of mass tort litigation, Securities and Exchange Commission enforcement actions, Federal Trade Commission disgorgement actions, insurance disputes, bankruptcies, and other major litigation. Epiq has administered more than 4,500 settlements, including some of the largest and most complex cases ever settled. Epiq's class action case administration services include administering notice requirements, designing direct-mail notices, implementing notice fulfillment services, coordinating with the United States Postal Service ("USPS"), developing and maintaining notice websites and dedicated telephone numbers with recorded information and/or live operators, processing exclusion requests, objections, claim forms and correspondence, maintaining class member databases, adjudicating claims, managing settlement funds, and calculating claim payments and distributions. As an experienced neutral third-party administrator working with settling parties, courts, and mass action participants, Epiq has handled hundreds of millions of notices, disseminated hundreds of millions of emails, handled millions of phone calls, processed tens of millions of claims, and distributed hundreds of billions in payments.

8. As part of Epiq's constant focus on quality, Epiq "scores" claims processing accuracy across projects requiring the manual adjudication of claims. Our quality scoring includes both substantive and non-substantive errors. An example of a substantive error would be marking a claim for approval that should have been denied for failing to meet the applicable criteria for a

case. An example of a non-substantive error would be if the reviewer failed to enter their notes on how they reached their decision—but the outcome of the decision was correct.

9. Over the last year, Epiq’s internal quality score across all projects was 98.7%, with a median score of 99.3%. About 60% of the identified errors were substantive, as described above, and 40% were non-substantive. This means, that for the typical administration program, Epiq’s error rate for manually adjudicating claims is about 1%, with about 40% of those errors being non-substantive in nature.

10. Epiq was appointed as the Substitute Settlement Administrator pursuant to the Court’s Order Suspending and Terminating the Appointment of Kroll Settlement Administration LLC as Settlement Administrator and Appointing a Substitute Settlement Administrator (the “Order”) dated June 11, 2025.<sup>2</sup> ECF No. 979.

11. In this Declaration, I will provide additional details of Epiq’s claims processing review, including examples of the errors described in paragraphs 2 and 3, *supra*. Then, I will provide details related to the transfer of data, communication channels, the Qualified Settlement Fund and other Settlement-related materials from Kroll to Epiq.

**PERSONAL INJURY CLAIMS PROCESSING REVIEW**

12. Epiq’s enhanced review of the Voluntary Exposure/Personal Injury Claim submissions was based on a spreadsheet titled “Personal Injury Data – 83113” along with images of the Claim Form submissions, both of which were provided by Kroll (collectively referred to as the “Kroll Data”).

13. The Kroll Data showed 38,721 personal injury claims were filed. Kroll designated claims in one of four statuses:

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<sup>2</sup> Capitalized terms in this declaration shall have the meaning set forth in the Settlement Agreement filed of record at ECF No. 452-2.

Paid	10,075
Valid	16,600
Entirely Deficient	904
Entirely Rejected	11,142
	38,721

14. Based on our conversations and correspondence with Kroll, Epiq's understanding of the meaning of these statuses is as follows:

- Paid – Claims were deemed eligible and valid. Payment has been sent.
- Valid – Claims were deemed eligible and valid; but payment has not been sent.<sup>3</sup>
- Entirely Deficient – Claims had one or more missing required items and were sent a Defect Notice on June 6, 2025.
- Entirely Rejected – Claims were deemed invalid because of one of the following reasons: (1) Outside Boundaries – Class Member's physical location during the relevant time period was more than 10 miles away; (2) Failure to Cure – Class Member was previously advised about defects in the claim and did not cure those defects; (3) Late Claim – claim was received late; or (4) Duplicate – Class Member submitted duplicate claims. These rejected claims were sent a Rejection Notice on June 11, 2025.

### **Incorrect Boundary Denials**

15. After our initial review of sample claims in this category, based on the number of errors identified and in consultation with Class and Defense Counsel, Epiq reviewed all 5,882 claims that Kroll deemed Entirely Rejected for Outside Boundaries. Subject to additional quality assurance reviews, this review is complete. Based on this review, Epiq identified 918 claims (or 15.6% of this population) incorrectly rejected by Kroll for being outside of the 10 miles boundary.

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<sup>3</sup> For 12,180 of claims in a Valid status, points in accordance with the Distribution Plan have not been assigned.

16. In this Settlement, a Claimant's relevant location and/or address is a deciding factor as to whether the Claimant is eligible for a payment under the Distribution Plan. It is also the basis for several categories of point determinations. For Voluntary Exposure/Personal Injury claims, the Class Member must have been physically located within 10 miles of the derailment site between February 3, 2023, and April 26, 2024, to be eligible. If a Class Member is eligible, the farther away the Class Member was from the derailment site, the fewer points they are assigned and accordingly the potential payout would be decreased. Thus, location and/or address is a key data point in this Settlement.

17. The claim form contains five different locations for a Class Member to enter address information. Because of the multitude of addresses provided on the Claim Form, there can be multiple addresses for one Class Member. These addresses provided by the Class Members are also reflected in different locations in the Kroll Data.

18. The data dictionary provided by Kroll indicates that "Payment Form Address" is the "Address at the time of the derailment" and "Household Member Location" is the "Specific location class member was at time of derailment." This led Epiq to initially believe that the data point of "Household Member Location" would be used to calculate eligibility. However, Epiq has found that data point to be blank on many claim forms and in the Kroll Data. In reviewing other locations where address information is captured on both the claim form and in the Kroll Data, it is not clear for some claims what address was used by Kroll to determine eligibility for the personal injury claims. Overall, Epiq has found the address information in the Kroll Data unreliable in determining eligibility for the personal injury claims because of numerous instances of Kroll not identifying the correct address to use for eligibility purposes.

19. Below are examples of Kroll's use of an incorrect address to calculate the distance for eligibility despite the Class Member providing a different address (or physical location) in the Claim Form, resulting in rejection of the Class Member's claim. Excerpts from these individuals' claim forms are provided.<sup>4</sup>

20. **Incorrect Boundary Denial Example #1: Kroll Claimant ID No. [REDACTED]1669/[REDACTED]5S1G/[REDACTED]496V).** Kroll used the Class Member's residential address to calculate eligibility for the Personal Injury claim as opposed to the physical location provided by the Class Member. This Class Member indicated (and provided documentation) that he was a first responder. Kroll incorrectly sent this Class Member a Rejection Notice on June 11, 2025.

Address Used by Kroll: [REDACTED]  
Distance: 181.3962009

Correct Address: 1020 E TAGGART ST EAST PALESTINE COMMAND POST  
GROUND ZERO  
Distance: 1.09 miles

➤ Physical location between February 3, 2023 – February 8, 2023, if different from physical address above:  
1020 E TAGGART ST EAST PALESTINE -COMMAND POST- GROUND ZERO

21. **Incorrect Boundary Denial Example #2: Kroll Claimant ID No. [REDACTED]5399/[REDACTED]32J5/[REDACTED]3T5C & [REDACTED]MK9N.** Kroll used the Class Members' residential address to calculate eligibility for the personal injury claim as opposed to the physical location provided by the Class Members. These Class Members indicated (and provided documentation) they were both first responders. This fact was even noted on the claim form by a Kroll staff member. Kroll incorrectly sent these Class Members a Rejection Notice on June 11,

<sup>4</sup> True and accurate copies of all claim forms referenced in this Declaration are attached as Exhibit 1.

2025.

Address Used by Kroll: [REDACTED]

Distance: 10.51882044

Correct Address: 1020 E TAGGART ST EAST PALESTINE

Distance: 1.09 miles

➤ Proof of residence/ownership/employment within 20-miles of the derailment site on February 3, 2023. Select an option and attach a copy of one of the following documents showing your address that covers February 2023, to this form (driver's license is not sufficient proof of residence):

Gas Bill (attach a copy) [REDACTED] both work for

Electric Bill (attach a copy) the Fire Dept. and were First Responders

Other Utility Bill (attach a copy) on 2/3/23 + 2/6/23. Fire Dept

Pay Stub (attach a copy) records supporting are attached.

Other (such as lease or bank account statement) (describe and attach a copy): Approved  
bank statement / pay stub Mark Papazzin

22. **Incorrect Boundary Denial Example #3: Kroll Claimant ID [REDACTED] 6542/**

**[REDACTED] KS23.** As shown below, the Head of Household provided [REDACTED] as the address in the Class Member Information section of the Claim Form. However, in the Personal Injury section of the Claim Form, all six family members provided their physical location as [REDACTED]. This address is located 7.32 miles from the Derailment Site. Documentation of the [REDACTED] address was provided. While this information was captured in the Kroll Data, for two of the family members, Kroll used an unknown address location to determine the distance as 8.4728 miles from the Derailment Site and deemed those claims Valid. However, for the other four family members, Kroll used the [REDACTED] address and deemed the claims Entirely Rejected as Outside Boundaries with a distance of 11.59 miles from the derailment site (see Kroll Data excerpt below). Kroll incorrectly sent Rejections Notices to these four Class Members on June 11, 2025.

**CLASS MEMBER INFORMATION**

Current Resident: [REDACTED]

First Name / Last Name

[REDACTED]

Street Address

[REDACTED]

City / State / Zip

➤ Physical location between February 3, 2023 – February 8, 2023, if different from physical address above:

[REDACTED]

A	B	C	D	E	F	G	H	I	J	K	L	M	N	
RefNum	Claim_Status	Name	Last Name	Address1	Address2	City	State	Zip	Claim Farm_Payment1	Claim_Fai	Claim_Fai	Claim_Fai	Claim Farm_Dist	Claim Farm_Household Member Location
821139KV7SM61	Entirely Rejected	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]					11.59426718	[REDACTED]
821139KV6Q2F0	Entirely Rejected	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]					11.59426718	[REDACTED]
821139KV9N87F	Entirely Rejected	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]					11.59426718	[REDACTED]
821139KV5R5M	Entirely Rejected	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]					11.59426718	[REDACTED]
821139KV58W4c	Valid	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]					8.4728	[REDACTED]
821139KV56T48	Valid	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]					8.4728	[REDACTED]

**23. Incorrect Boundary Denial Example #4: Kroll Claimant ID No. [REDACTED] 3195/**

**[REDACTED] 1814/ [REDACTED] QMSJ.** Kroll used the Class Member’s residential address to calculate eligibility for the Personal Injury claim as opposed to the physical location provided by the Class Member in Section 2 of the Claim Form. The Class Member specifically identified that she was claiming a work address and provided supporting documentation for her work location. In Section 2 of the Claim Form, the Class Member provided her physical location as **[REDACTED]**. Kroll incorrectly sent this Class Member a Rejection Notice on 6/11/2025.

Address Used by Kroll: **[REDACTED]**

Distance: 23.29820559 miles

Correct Address: **[REDACTED]**

Distance: 7.94 miles

- Did you  live,  work, or  own property within 20-miles of the derailment site (“Class Area”) on February 3, 2023? **Please select all that apply.**
- Proof of residence/ownership/employment within 20-miles of the derailment site on February 3, 2023. Select an option and attach a copy of one of the following documents showing your address **that covers February 2023**, to this form (driver’s license is not sufficient proof of residence):
  - \_\_\_ Gas Bill (attach a copy)
  - \_\_\_ Electric Bill (attach a copy)
  - \_\_\_ Other Utility Bill (attach a copy)
  - Pay Stub (attach a copy)
  - \_\_\_ Other (such as lease or bank account statement) (describe and attach a copy):

- Physical location between February 3, 2023 – February 8, 2023, if different from physical address above:

[REDACTED]

### Incorrect Cure Denials

24. Based on the error rate Epiq identified in its review of the Incorrect Boundary Denials, Epiq recommended and Class and Defense Counsel agreed that a complete review of the claims entirely rejected for failure to cure should be done. Epiq has reviewed all of the 4,671 personal injury claims that were rejected for a failure to cure defects and concluded approximately 363 or 7.8% of the claims reviewed were erroneously denied (subject to continuing quality assurance reviews). Epiq has identified three preliminary areas of concern with this group: (i) Epiq cannot always confirm that Class Members were properly advised regarding the defects they needed to cure; (ii) some claimants appear to have cured the defects in their claims, but were still rejected; and (iii) some of the claims don’t appear to have been deficient at all, yet were still sent a defect notice and ultimately rejected.

25. **Incorrect Cure Denial Example #1: Kroll Claimant ID No. [REDACTED] 1JVC/ [REDACTED] W19C – Proper Notice?** This Class Member was sent a defect notice on September 16, 2024, that contained the following information:

**PERSONAL INJURY CLAIM DEFICIENCY NOTICE**

Dear Class Member,

We have received your Individual Claim Form representing your Household, but write about a deficiency for the Personal Injury Payment:

**We have not received Personal Injury Releases from any participating members of the Household listed in the Personal Injury Payment section of your Individual Claim Form.**

**Unless corrected, this will prevent any Personal Injury Payments to any participating members of your Household.**

This element of the Defect Notice was correct as the Class Member was missing a Personal Injury Release. However, the Kroll Data indicates that this Class Member was also missing Proof of Residence. This Defect Notice does not mention the missing Proof of Residence. Epiq has not located another record in the Kroll Data that this Class Member was advised regarding the missing Proof of Residence.

26. Epiq has the image of the Defect Notice because the Class Member returned a copy with their response. Epiq associates an image of all mailings with a Class Member's individual record; however, Kroll does not appear to follow this practice. Because Kroll does not maintain an image of individual mailings that were sent, it is difficult to accurately confirm what the Class Member was told about their defects.

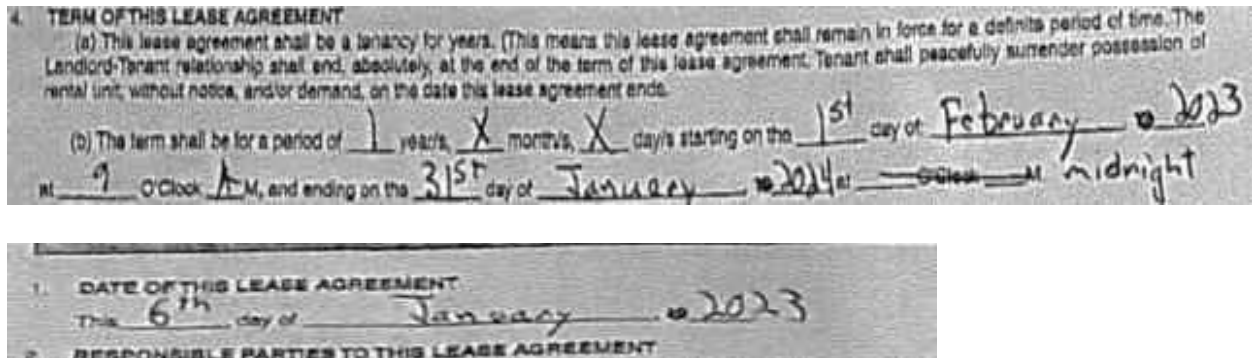
27. The Class Member returned a completed copy of the Personal Injury Release (which WAS asked for) via Priority Mail that contained a postmark of October 29, 2024, but did not supply any Proof of Residence (which WAS NOT asked for). The claim was rejected for failing to provide Proof of Residence. Without proper notification of the Proof of Residence defect, the Rejection Notice sent to the Class Member on June 11, 2025, was prejudicially inadequate.

28. **Incorrect Cure Denial Example #2: Kroll Claimant ID No. [REDACTED] 7Q2K and [REDACTED] FNRS – Incorrect Notice?** Based on the Kroll Data, these Class Members were

sent a Defect Notice on January 27, 2025 that their claim was defective and had to be cured by March 13, 2025. The Kroll Data indicates the defect was missing Proof of Residence. However, Epiq cannot verify the contents of the actual Defect Notice because Kroll did not maintain images of the mailings they sent. Despite being noted as missing Proof of Residence, on their Claim Form, the Class Members indicated that they were submitting a lease as proof (highlight added):

- Proof of residence/ownership/employment within 20-miles of the derailment site on February 3, 2023. Select an option and attach a copy of one of the following documents showing your address that covers February 2023, to this form (driver's license is not sufficient proof of residence):
  - Gas Bill (attach a copy)
  - Electric Bill (attach a copy)
  - Other Utility Bill (attach a copy)
  - Pay Stub (attach a copy)
  - Other (such as lease or bank account statement) (describe and attach a copy):  
Lease

And as part of the Claim Form submission, the Class Members did provide a lease dated within the relevant time period for the address listed on the Claim Form signed by both Class Members:



29. Kroll incorrectly processed this claim form and sent these Class Members a notice of deficiency for documentation that was provided. Rather, the Class Members were sent a Rejection Notice on June 11, 2025, for Failure to Cure which does not appear to be correct.

30. **Incorrect Cure Denial Example #3: Kroll Claimant ID No. [REDACTED] MP19 – Cured?** Based on Kroll Data, this Class Member was sent a Defect Notice on September 16,

2024, that he was missing the Personal Injury Release Form and had until October 31, 2024 to submit the document. A completed Personal Injury release was located in the claim documentation for this Class Member and dated October 16, 2024. A cover sheet also indicated that it had been submitted at the Settlement Center on October 16, 2024:

Date submitted at Settlement Center: 10/16/2024

This Class Member was sent a Rejection Notice on June 11, 2025, but should not have been as the Class Member timely cured and no other information was missing.

31. **Incorrect Cure Denial Example #4: Kroll Claimant ID No. [REDACTED] VY3K – Cured?** Based on Kroll Data, this Class Member was sent a Defect Notice on February 28, 2025, that he was missing Government Identification and had until April 14, 2025, to submit the document. Sufficient Government Identification, however, was in the claimant documentation for this Class Member. A cover sheet also indicated that it had been submitted at the Settlement Center on March 19, 2025.

Date submitted at Settlement Center: 03/19/2025

Releases cured for:

[REDACTED]  
(1) First Name

[REDACTED] > ID.  
Last Name

32. The Class Member was also supposedly deficient for Proof of Residence but Epiq cannot locate where the Class Member was advised as to this deficiency. Despite this potential lack of notice, sufficient Proof of Residence was located in the claim documentation for this Class Member and clearly showed a February 2023 date, as required. A cover sheet also indicated that it had been submitted at the Settlement Center on April 8, 2025:

Date submitted at Settlement Center: 04/08/2025

\* Proof of residence.

This Class Member was sent a Rejection Notice on June 11, 2025 but should not have been as the Class Member timely cured and no other information was missing that Epiq can identify.

**PRELIMINARY REVIEW OF APPROVED CLAIMS—BOTH “PAID” AND “VALID”**

33. In its preliminary review of the claims that are in a status of Valid or Paid, Epiq has identified the following concerns:

- Errors in processing where claims should have been deemed defective
- Errors in points assigned
- Claims that are deemed “valid,” but no points are assigned

**Errors in processing where claims should have been deemed defective**

34. As has been identified in other categories of claims, Epiq has continued to find examples of claims that were misprocessed by Kroll.

35. **Approved Claim Example #1: Kroll Claim ID Nos. [REDACTED] 3BVN and [REDACTED] 1Z88 – Valid but should be Defective.** These Class Members submitted a timely claim but were sent a notification their claim was deficient because of an incomplete Personal Injury release:

**PERSONAL INJURY CLAIM DEFICIENCY NOTICE**

Dear Class Member,

We have received your Personal Injury Claim form representing your Household, but have found it to be deficient for one or more of the following reason(s):

- Incomplete Personal Injury Release: [REDACTED]

These Class Members cured this defect and the claim was deemed valid. However, these Class Members did not provide sufficient Proof of Residence. Class Members are required to provide proof of residence/ownership/employment as directed on Claim Form:

- Proof of residence/ownership/employment within 20-miles of the derailment site on February 3, 2023. Select an option and attach a copy of one of the following documents showing your address that covers February 2023, to this form (driver's license is not sufficient proof of residence):
  - Gas Bill (attach a copy)
  - Electric Bill (attach a copy)
  - Other Utility Bill (attach a copy)
  - Pay Stub (attach a copy)
  - Other (such as lease or bank account statement) (describe and attach a copy):

Their Proof of Residence contained an invalid date of March 2024:

Account: [REDACTED]  
invoice: [REDACTED]  
Billing period: Mar 19 - Apr 18, 2024

Account Number: [REDACTED]  
Statement Date: 05/09/2024  
[REDACTED]  
Page 1 of 2

The invalid date was recorded in Kroll's Data:

P
Claim Form_Res Proof Date
3/19/2024 0:00
3/19/2024 0:00

Epiq cannot determine whether the Class Members were sent a notification their claim was deficient (with an opportunity to cure the deficiency) or advised their Proof of Residence contained an invalid date. If they were advised of this deficiency, the issue was not cured.

36. As previously described, Epiq identified 919 claims designated as Valid (i.e., meaning ready for payment) by Kroll where a date outside of February 2023 was recorded in the

“Claim Form\_Res Proof Date” in the Kroll Data. Epiq has not yet reviewed all 919 claims to confirm the accuracy of the data entered by Kroll. However, this error calls into question whether these claims are in fact Valid and ready for payment.

**Incorrect Point Assignments**

37. In its preliminary review of “Paid” or “Valid” claims, Epiq identified several categories from the Distribution Plan where the points assigned to the claim do not align with the Kroll Data for the claim or the Kroll Data is not capturing the correct data. The misapplication of points by Kroll has a direct effect on any payment a Class Member may be entitled to.

38. **Approved Claim Example #2: Kroll Claimant ID No. [REDACTED] 8XBC/[REDACTED] 7059 – Incorrect Points Assigned.** This Class Member was a first responder and provided his location as 1020 East Taggart Street, East Palestine, OH 44413 between February 3, 2023, and February 8, 2023, including documentation of his presence at the site. This address would be considered trackside. The Class Member was physically present within the Class Area during February 3, 2023, and February 8, 2023, as identified on his Claim Form and in supporting documentation:

➤ Physical location between February 3, 2023 – February 8, 2023, if different from physical address above:

1020 East Taggart Street East Palestine Ohio 44413

As a result, Claimant should have been entitled to a full point in his calculation for Category 3 (Physical Presence Points):

*Category 3 – Timing of Physical Presence Points*

<b>Time First Physically Present in Class Area</b>	2/3/23-2/8/23	2/9/23-6/30/23	7/1/23-4/26/24
<b>Multiplier</b>	1x	.50x	.25x

Kroll lists his residential address as the Payment Form Address which is 5 miles but gives him a 0.1 mile for Distance from Site. It is unclear what address Kroll used to calculate the 0.1 mileage

but regardless, Kroll granted him only 0.5 for Category 3, which is half the point total this claimant should have been allocated.

Points Awarded:

	Location Points	Direction Points	Physical Presence Points	Age Points	Symptoms Points (Existence)	Symptoms Points (Nature)	Medical Treatment Points	Formal Diagnosis Points	Total Points	Award Amount
Kroll	1.1	1	.5	1	.75	1	1	1	41.25	\$10,312.50
Epiq	1.1	1	1	1	.75	1	1	1	82.5	TBD <sup>5</sup>

Epiq did not identify any other information that would account for the deduction in points for Category 3. This Class Member was paid incorrectly by Kroll.

39. Noticeably, Kroll does not appear to have captured data in order to make a determination associated with Category 3 – Timing of Physical Presence Points. Of the 14,494 Paid and Valid claims that have points assigned, only 52 (or 0.36%) have something other than a 1. In addition, given the nature of the assignment of points, it appears that the points may have been manually assigned. In Epiq’s experience, that is not best practice and results in errors as are being seen in this data set.

40. **Approved Claim Example #3: Kroll Claimant ID No. [REDACTED] 8M9Q/[REDACTED] 3542 – Incorrect Points Assigned (Too Many) – Processing Error, Paid.** This Class Member submitted a timely claim and indicated a home address 0.68 miles from the derailment site. However, Claimant states that she was not physically present in the Class Area (i.e., within 10 miles of the derailment site) during 2/3/23-2/8/23. [REDACTED] is over 20 miles from the derailment. As a result, Claimant would not be entitled to a full point in her calculation for Category 3 (Physical Presence Points).

<sup>5</sup> This claimant was paid by Kroll. Epiq cannot yet determine what this claimant’s correct payment should have been because we do not yet know the value of a point.

➤ **Attach a copy of a valid, government issued identification for this Household member.**  
**Household Member No. 2**

- Name of participating Household member: \_\_\_\_\_
- Date of birth of participating Household member: \_\_\_\_\_
- Physical location between February 3, 2023 – February 8, 2023, if different from physical address above: \_\_\_\_\_
- Do you believe you were exposed to chemicals as a result of the derailment?  Yes  No  
*This is not a condition for participation in the Personal Injury Payment.*

However, Kroll granted her the full point, which was twice what it should have been. Points Awarded:

*Category 3 – Timing of Physical Presence Points*

<b>Time First Physically Present in Class Area</b>	2/3/23-2/8/23	2/9/23-6/30/23	7/1/23-4/26/24
<b>Multiplier</b>	1x	.50x	.25x

	Location Points	Direction Points	Physical Presence Points	Age Points	Symptoms Points (Existence)	Symptoms Points (Nature)	Medical Treatment Points	Formal Diagnosis Points	Total Points	Award Amount
Kroll	1	1	1	1	1	0.9	1	1	0.9	\$22,500
Epiq	1	1	.50	1	1	0.9	1	1	.45	TBD <sup>6</sup>

Epiq did not identify any other information in the Kroll Data that would account for the full point being awarded for Category 3. This Class Member was incorrectly paid by Kroll.

41. Similar to the example above, Epiq has not identified where in the Kroll Data that Kroll captured data to make a determination associated with Category 3 – Timing of Physical Presence Points. This is not a standard claim processing approach in our experience.

**Category 6 Points – Points Under-Awarded**

42. Category 6 has only three options for point assignments depending on the types of symptoms a Class Member experienced. The options are shown below:

<sup>6</sup> This claimant was paid by Kroll. Epiq cannot yet determine what this claimant’s correct payment should have been because we do not yet know the value of a point.

*Category 6 – Exposure and/or Symptom Points (Nature)*

<b>Nature of Claimed Symptoms</b>	Ambiguous Symptoms	Transient Symptoms	Significant Disease
<b>Multiplier</b>	.90x	1x	1.25x

43. However, based on Personal Injury – 83113 spreadsheet provided by Kroll, Epiq identified .75x assigned for 685 claims in a status of “Paid” and 777 claims in a status of “Valid.” Epiq asked Kroll about this discrepancy and Kroll responded – through Scott Fenwick, a Senior Director– with the text in yellow highlighted below:

- We are discovering some point discrepancies in the data that cannot be reconciled with the Plan of Distribution's point allocations. For example, we have found a claim where a personal injury claim notes a point valuation of 0.75 for a category 6 injury (Exposure and/or Symptom Points[Nature]), where the Plan notes the multipliers available are 0.90, 1.00, or 1.25. Was there every any direction from Counsel or other documents that would allow deviation from the point structure in the Plan? **Kroll – We identified this as well, and it is an error that occurred on a few records. Counsel did not direct us to deviate from the Plan of Distribution.**

Regards  
Scott

44. As Kroll acknowledges, a .75x option is not part of the Distribution Plan and was incorrect to use. For claims that were in a status of “Paid,” this reduction in points would have reduced the Class Member’s payout. As a hypothetical example:

	Location Points	Direction Points	Physical Presence Points	Age Points	Symptoms Points (Existence)	Symptoms Points (Nature)	Medical Treatment Points	Formal Diagnosis Points	Total Points
Kroll	1	1	1	1	1	.75	1	1	75
Epiq	1	1	1	1	1	1	1	1	100

**Category 2 – Direction Points**

45. Category 2 assigns points in relation to the direction that the eligible location was from the Derailment Site:

*Category 2 – Direction Points*

<b>Direction from Derailment Site<sup>1</sup></b>	200* - 317*	All Other Directions
<b>Multiplier</b>	.50x	1x

**Note: Direction Points are only applicable to claims made outside of the Village of East Palestine or 2 Miles from the Derailment Site.**

46. In our preliminary review of the Valid and Paid claims, Epiq identified inconsistencies in the assignment of Direction Points. Based on the note in the Distribution Plan,

Direction Points are NOT relevant in the calculation *if* the claimant is within the Village of East Palestine *or* within two miles of the Derailment Site.

47. However, Epiq has identified 394 Paid claims and 150 Valid claims where the Distance from the Derailment Site was more than two miles from the Derailment Site and the Direction Points were 200 – 317 but the Class Member was awarded a 1 rather than .5. Epiq notes that 139 of the Valid and 361 of the Paid do have a notation in the Kroll Data that they are “Within EP” and might be within the Village of East Palestine. However, the Distance recorded in the “Claim Form\_Distance From Site” for those claims are all over the two miles. Kroll confirmed with Class Counsel this understanding on April 9, 2025:

- The Village of EP is like a 1 mile x 1 mile stretch. Anything outside of the Village, and outside the 2-mile radius from the site, are treated as any other address. Thus, a person living 3.5 miles from the site, with an East Palestine address, would get a 50% reduction for location. In addition, if they lived in the direction of 200-317 degrees, they would then get the 50% directional deduction. I have confirmed this with Adam this morning. Basically, any address over 2 miles from the site and in the 200-317 direction are hit with the 50% directional deduction.

Kroll also noted that if the Class Member was an East Palestine Resident, then they would not be subjected to the Direction Point reduction.

All of these class members are East Palestine Residence. See column AI “East Palestine Resident?”. If TRUE then they will NOT be subject to the direction point deduction of .5 points. This would dramatically impact the class members payment literally cutting their payments in half.

48. Epiq identified this referenced data point and it was blank for all but five of these claims. *See* Column BK of the “Personal Injury Data – 83113” spreadsheet. Presumably this means that these Class Members were NOT East Palestine Residents and should have been subjected to the Direction Point reduction.

49. Thus, Epiq cannot identify a reason based on the Kroll Data as to why these claims were given a 1 as opposed to a .5 for Category 2, other than an error on the part of Kroll. For claims that were in a status of “Paid,” this increase in points could potentially, incorrectly double a Class Member’s payout. As a hypothetical example:

	Location Points	Direction Points	Physical Presence Points	Age Points	Symptoms Points (Existence)	Symptoms Points (Nature)	Medical Treatment Points	Formal Diagnosis Points	Total Points
Kroll	1	1	1	1	1	1	1	1	100
Epiq	1	.5	1	1	1	1	1	1	50

50. In addition, Epiq identified 32 claims with a Valid status where the Direction Points were .25. This is not a value contained in the Distribution Plan.

**Category 1 – Location Points**

51. Category 1 allocates points based on the proximity of the eligible location to the Derailment Site:

*Category 1 – Location Points*

Distance from Derailment Site	Trackside <sup>7</sup>	Village of East Palestine or Out to 2 Miles	2-3 Miles	3-4 Miles	4-5 Miles	5-6 Miles
Multiplier	1.10x	1x	.60x	.50x	.40x	.20x

Distance from Derailment Site	6-7 Miles	7-8 Miles	8-9 Miles	9-10 Miles
Multiplier	.14x	.08x	.06x	.04x

<sup>7</sup> Defined as the area of the Village of East Palestine, Ohio, bounded by Taggart Street (South); E. Martin Street (North); PA State Line (East); N. James Street (West).

52. In our preliminary review of the Valid and Paid claims, Epiq identified potential errors in the assignment of Location. If an eligible location was over two miles from the derailment site, then the points awarded should have been less than a full point. However, Epiq has identified 250 Paid claims and 120 Valid claims where the Distance from the Derailment Site was more than two miles from the Derailment Site but the Class Member was awarded a 1 rather than a lesser value. To date, Epiq cannot identify a reason based on the Kroll Data as to why these claims were given a 1 as opposed to lesser value other than an error on the part of Kroll.

**Valid Claim But No Points Assigned**

53. As Epiq began reviewing the 16,600 claims in a status of Valid, it recognized that only 4,420 (or 26.63%) of those claims had points assigned for calculation under the Distribution

Plan. Meaning 12,180 did not have points assigned and are not ready for payment. Based on the systematic errors in data entry, misprocessing and assignment of points discussed in this Declaration, Epiq does not have confidence in the underlying data for these 16,600 in order to use the points assigned or use the underlying data captured by Kroll to assign points and proceed with calculations for these Class Members.

**Potential Missing Claimants**

54. It is Epiq’s understanding based on communications with Kroll that all Personal Injury claimants were identified in the Kroll Data with a Ref Number beginning in 831139. However, Epiq has identified at least a half dozen claims where a claimant is listed on a claim form but has not been assigned their own 831139 Ref Number.<sup>7</sup> Without this Ref Number, the individual is not considered a claimant and thus has no claim.

55. **Missing Claimant Example: Kroll Ref Number [REDACTED] 2SHF/[REDACTED] 1413.** A claim form was filed that contained personal injury claims for 5 family members including [REDACTED]:

**Household Member No. 5**

- Name of participating Household member: [REDACTED]
- Date of birth of participating Household member: [REDACTED]
- Physical location between February 3, 2023 – February 8, 2023, if different from physical address above:  
[REDACTED]

On 1/2/2025, a Defect Notice was sent referencing all 5 family members.

<sup>7</sup> Epiq has not reviewed every single claim form as part of its initial review. These errors were identified while performing an initial analysis of approved claims.



Epiq has identified, it raises a concern that additional individuals may be listed on claim forms but were not properly recorded as having a personal injury claim.

**STATUS UPDATE ON ADMINISTRATION TRANSFER TO EPIQ**

57. Pursuant to the Order, Epiq was appointed as Substitute Settlement Administrator. ECF No. 979. As part of the Order, Kroll Settlement Administration LLC (“Kroll”) was required to (ECF No. 979 at ¶11): (i) redirect all Class Member inquiries to Epiq; (ii) transfer all access, control, and responsibility of the Settlement’s website, email, and toll-free phone number, and the qualified settlement fund (“QSF”) established for the Settlement at Huntington Bank to Epiq; and (iii) provide all available data, administration-related materials, and case reports to Epiq.

58. Between June 23, 2025, and July 11, 2025, Epiq received and downloaded 249,179 files from 10,184 folders. The total file size shared with Epiq is 3.29 terabytes of data. Epiq was able to begin the process of cataloging all files received, sorting and assigning the images to various Settlement Class Member records in a secure database created for the administration within Epiq and begin enhanced review of Personal Injury Claim submissions.

59. As noted above, the Order required Kroll to transfer all aspects of the administration to Epiq. Accordingly, Epiq and Kroll met via a Microsoft Teams call on June 12, 2025, to discuss the Order, requirements, and questions. Members from Kroll detailed the items that would be needed from Epiq to facilitate the various transfers and points-of-contact for email and phone communications, data transfer, materials transfer, banking team, and leadership members who could answer specific questions.

**Class Member Communications Transfer**

60. During the June 12, 2025, call between Kroll and Epiq, scripting updates were discussed to quickly change the Settlement’s website to include notice that: (a) the Court had

appointed Epiq as Substitute Settlement Administrator; and (b) a temporary toll-free phone (1-855-369-5685) number controlled and answered by Epiq was in place. Additionally, the established/original phone number, 1-833-425-3400, was updated to forward to the temporary phone number controlled by Epiq. These updates were completed by Kroll on June 12, 2025 and necessary because it takes some days working through the various telecommunications companies to transfer ownership of a toll-free line from one company to another.

61. As part of the June 12, 2025, meeting, Kroll notified Epiq that the website and email domain transfers and phone number porting would be completed after the June 16, 2025, deadline due to the domain transfer waiting periods and documentation requirements for the phone number's carrier.

- a. The website's domain transfer ([EastPalestineTrainSettlement.com](http://EastPalestineTrainSettlement.com)) was initiated on June 16, 2025, and was fully transferred to Epiq on June 25, 2025. Following the transfer, Epiq updated the Settlement's website to reflect the change in administrators and added specific frequently asked questions and answers to detail the Settlement's distribution delays.
- b. The Settlement's email inbox ([info@EastPalestineTrainSettlement.com](mailto:info@EastPalestineTrainSettlement.com)) could not be transferred until the website domain ownership was transferred to Epiq. Due to this delay, Epiq created a temporary inbox, [Info@EpiqAdministrator.com](mailto:Info@EpiqAdministrator.com), that was noted on the Settlement's website and was actively monitored by Epiq. Following the website domain transfer completion on June 25, 2025, the temporary inbox was removed from all forward-facing information available to Settlement Class Members and forwarding was set up to send all received messages to the original inbox created for the Settlement.

- c. The toll-free phone number's transfer was initiated on June 16, 2025. As part of the transfer, the ownership of the phone number had to be transferred from Kroll to Epiq with the carrier. Following verification by the carrier that Epiq was to be the new owner of 1-833-425-3400, the phone number's ownership was successfully ported on July 2, 2025. Following the transfer, the phone number's pre-recorded messaging was updated to reflect the transfer in administration and updates to frequently asked questions. The temporary phone number was updated to forward all received calls to the established number.

62. Kroll notified Epiq that the Settlement's existing P.O. Box (P.O. Box 5324, New York, NY 10150-5324) established for the Settlement's administration could not be transferred to Epiq due to Kroll using the box for various other Settlements. Due to this limitation, Epiq established a new dedicated inbox for the Settlement's administration (P.O. Box 6820, Portland, OR 97228-6820).

63. Epiq considers it a best practice to utilize a unique/dedicated P.O. Box for all settlements in which it is appointed as an administrator. Epiq has determined that a dedicated P.O. Box minimizes the risk of received mail being lost or interrupted through the misassignment to an incorrect settlement. This practice, in Epiq's experience, also ensures that all mail is properly sorted and counted in a timely manner.

64. Due to the change in mailing details, Kroll and Epiq have established a documentation transfer protocol where any mail received by Kroll is sent by FedEx to Epiq. All pieces of mail are inventoried, and details are sent by email and confirmed upon receipt from FedEx.

65. Shortly after our appointment, Epiq was informed by Kroll that, on June 11, 2025, 10,553 denial notices were mailed to Settlement Class Members whose personal injury submissions were denied for either (1) being beyond 10 miles from the Derailment Site and/or (2) missing required documentation or information. The response deadline printed on the notices was June 24, 2025. Due to the transition, Epiq, in consultation with Class Counsel and Defense Counsel, updated the Settlement's website and toll-free phone number scripting that the printed deadline was no longer valid and future details related to any Claim Form denials would be provided by Epiq.

66. As part of the transition process, Epiq was also informed that deficient letters were mailed prior to the Court's Order and included a 45-day response deadline to provide any curing information or documentation, which was June 21, 2025. Like the denial notices, the deadline to respond was suspended, which was noted on the Settlement's website and in the script for the toll-free phone number.

67. Following consultation with Class Counsel and Defense Counsel, Epiq directed Kroll to close the Settlement Center that was in East Palestine, Ohio. Previously scheduled Settlement Class Member meetings at the Settlement Center were cancelled and Settlement Class Members were directed to reach out to Epiq via phone or email.

**QSF Transfer and Active Distribution**

68. On June 12, 2025, Kroll provided the details to initiate the transfer of the QSF's rights, responsibilities, and access. As part of the transfer, Epiq was required to open a new account at Huntington Bank that would retain the same account number and tax details so that control would be under Epiq's name. Due to required confirmations and account restrictions

established by Huntington Bank, the QSF's existing funding was transferred on June 17, 2025, totaling \$100,878,595.58.

69. Kroll informed Epiq that 231 checks remained outstanding at the time of the QSF's transfer and were set to expire on July 28, 2025. Rather than voiding those checks and moving the monies associated with those 231 payments to Epiq, in consultation with Class Counsel and Defense Counsel, Epiq asked Kroll to keep the outstanding checks and related funding active until after the checks passed their stale date and further evaluation could be made by the parties. Voiding checks prior to their stale date could have resulted in fees charged to those 231 class members, something all involved wanted to avoid.

70. As of September 29, 2025, 47 payments were not negotiated more than 60 days after their sale dates and have been voided. The associated funds were transferred to Epiq and we understand the account maintained by Kroll has a balance of \$0.<sup>8</sup>

### **Data and Materials Inventory**

71. The Court's Order required that Kroll "[provide] to Epiq and Class Counsel an inventory of all available data and administration-related materials and case reports [by June 18, 2025.]" During a call with Kroll representatives on June 16, 2025, Epiq was notified that an inventory would be provided by the June 18 deadline.

72. On June 18, 2025, Kroll circulated three files – all data dictionaries – that described the various points in the data that was to be transferred to Epiq and a description of each specific data point. An excerpt from one of the dictionaries detailing the personal injury data points, examples, and related descriptions is as follows:

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<sup>8</sup> If the account earns any interest in the month of September 2025, Kroll has indicated it will also transfer those proceeds to the QSF managed by Epiq when they are received.

UDF(User Defined Field) Name	Example	Description
RefNum	83113000000	Unique identifier used to search and query each individual claim
ClaimStatusName	Valid	Label provided as the status of that record
PrimaryPersonFullName	Jane Ann Smith	Full name of the class member
FirstName	John	First name of person who filed claim
Middle	Ann	Middle name of class member
LastName	Smith	Last name of the class member
Address1	321 w Broad st	Original address for notice
Address2	Apt 1	Current mailing address 2
City	East Palestine	Current city
State	OH	Current state
Zip	45654	Current zip code
Payment Form Address 1	100 East Main St	Address at the time of the derailment
Payment Form City	East Palestine	City at the time of the derailment
Payment Form Zip Code	44401	Zip code at the time of the derailment
Payment Form State	OH	State at the time of the derailment
Res Proof Date	2/3/2023	The date listed on the class member's proof of residence
Distance from Site	1.4	This is a calculation of distance from the train derailment site to the class member's address at the time of derailment (miles)
Trackside	TRUE	Class member claimed location is track side per the plan of distribution
Direction Point	100.17	Direction bearing in degrees

73. In addition to the three data dictionaries circulated on June 18, 2025, Epiq was also provided a single CSV file that detailed all Settlement Class Member information and Claim Form data.

74. Through the end of June, Epiq was not notified of or able to locate any files, document, or email(s) with a detailed inventory of all administration-related materials information.

75. Epiq notified Kroll on July 3, 2025, that a sufficient inventory had not been provided to Epiq to allow tracking and detailing all data and administration-related materials. Following a call on July 7, 2025, Kroll provided a spreadsheet detailing the file transfer location,

file/document counts, file name, contents, file types, and status. An excerpt of the file's details is below:

Folder	Count	File	Contents	File Type	Status
Web Claim Supporting Documentation	217	EP_BUS_20250618.zip	All supporting documentation for online business claims	ZIP file with PDFS	Uploaded
DATA	396076	EP_83036_20250618.csv	All claim data	Comma-delimited	Uploaded

76. Epiq has been using the information included within the inventory to verify the files and counts that have been transferred to Epiq.

#### **Data, Administration-Related Materials, and Case Reports Transfer**

77. The Court, in its Order, required that Kroll “[c]ompletely transfer[] all available data, administration-related materials[,] and case reports to Epiq [by June 21, 2025.]” This original deadline fell on a Saturday. Epiq notified Class Counsel and Defense Counsel of this deadline’s weekend date and requested that it be extended to the following Monday, June 23. Upon approval of the deadline extension by the Parties, Epiq notified Kroll of the treatment of the weekend deadline and timeline to provide data to Epiq.

78. Through the June 23, 2025, deadline, Epiq received three files directly (the data dictionaries referenced in paragraph 69), two FedEx boxes containing mailing items received by Kroll following the Court’s Order, and notification that eight uploads of data, materials, and reports to Kroll’s secure file share portal that Epiq had access to. Included within the file share uploads were four CSV files that detailed all Settlement Class Member data, including mailing and claim-detail information.

79. The four CSV files were noted as including all database records maintained by Kroll and inclusive of all Settlement Class Member records and Claim Form information relating

to the Settlement. Kroll indicated that these files were inclusive of all Settlement Class Member data and the basis of the related Personal Injury payments. The files received were as follows:

- a. File titled, “DATA - Direct Payment Data UDRs” – this file included 194,417 rows and 48 columns of information. According to the related data dictionary supplied for this file, the information related to payment details for the specific Settlement Class Member record.
- b. File titled, “DATA - Direct Payment Filed Claimed Information – 83036” – this file included 396,240 rows and nine (9) columns of information. According to the related data dictionary supplied for this file, the information related to Claim Form specific items.
- c. File titled, “DATA - Personal Injury Data – 83113” – this file included 38,722 rows and 134 columns of information. According to the related data dictionary supplied for this file, the information related to all Personal Injury Claim Form data points included within a submission.
- d. File titled, “EP\_83036\_20250618” – this file included 396,077 rows and 241 columns of information. According to the related data dictionary supplied for this file, the information related to all Settlement Class Member data or record information.

80. Following the transfer deadline, Epiq received the following data or material items through the secure file share portal:

- a. June 24, 2025 – one (1) upload containing all Settlement Class Member call recordings;

- b. June 26, 2025 – 25 separate uploads containing PDF images of Personal Injury Claim release forms, claim review documents, sample documents of claims rejected personal injury claims, PDF images of Business Loss claims, Business Loss claims data review, calculation work product, claims reports, claims review work product, late claims review work product, Settlement Class Member escalation work product, Personal Injury Claim payment review work product, and internal Kroll work product;
- c. June 27, 2025 – 21 separate uploads containing Personal Injury review work product, PDF images of Personal Injury Claims, and internal Kroll work product; and
- d. July 11, 2025 – two (2) separate uploads containing Business Loss payment information files and QSF account ledger details.

81. During the data and file transfer process, Epiq discovered that some of the files were inaccessible or corrupted. Upon notice of these issues, Kroll established a separate secure file share portal to allow for members of Epiq to access and download data and materials where accessibility issues were discovered.

82. Through the receipt of the files, materials, and reports, Epiq was able to begin the process of cataloging all files received, sorting and assigning the images to various Settlement Class Member records in a secure database created for the administration within Epiq and begin enhanced review of Personal Injury Claim submissions.

83. During the attempt to sort Settlement Class Member data and materials to properly establish a secure database, appropriately handle Settlement Class Member inquiries, and begin

review of Claim Form data, Epiq discovered the following issues within the data and materials supplied:

- a. Multiple data sets – Epiq received four separate data files that included Settlement Class Member data, Personal Injury Claim Form submission details, payment information, and direct payment data. The data files did not include any specifics relating to all associated mailings (sent or received) that were related to a Settlement Class Member record or associated communication records.
  - i. In Epiq’s experience, all mailing details and communications received are captured for proper tracking and record keeping.
- b. Record duplication – Epiq discovered that the Settlement Class Member data that would be loaded for the secure database’s creation included at least 25 duplicate records.
- c. Test records – The Settlement Class Member data included over 100 test records, where, to avoid issues with historical tracking, Epiq needed to identify and code to ensure any test record identified as such would not be reviewed or counted for any potential payment.
- d. Payment details – payment details for those Personal Injury payments that were issued did not originally tie back to records properly.
  - i. Upon notice of this issue, Kroll supplied a report to allow payment tracking and association to specific Settlement Class Member records.
- e. Processor tracking details – the data files did not include process details relating to any person that would have reviewed the Claim Form information.

- i. In Epiq's experience, when a class member record is touched or claim is processed, information about the employee (a numeric person identifier or abbreviated name) is captured with a date and time stamp on the record. This information allows (1) historical tracking for when a record has been touched or modified, (2) a means to identify and correct any issues introduced to a record (or records) by an outside source, and/or (3) note any mass changes for reporting purposes.
  - ii. When requested, Kroll did supply a report that identified initials for any Personal Injury Claim Form reviewer and related date.
- f. Lack of Personal Injury Claim Form valuations – As discussed previously, Epiq identified over 12,000 records in the Personal Injury data that did not receive a point valuation in accordance with the Plan of Distribution. When reviewing all internal records and reports that were provided to Epiq, a report was located that identified potential valuations for this group of over 12,000 records. When Epiq raised this issue with Kroll and noted the file, Epiq was informed that the report was for internal use only and was for testing. No official valuations existed.
- g. Point discrepancies – As previously described, we identified numerous mistakes and inconsistencies in point assignments.
  - i. Kroll was notified about this data issue and confirmed that there was no authority or authorization granted to deviate from the Plan of Distribution's point assignment methodology.

84. The data issues noted herein are not exhaustive due to the over 249,000 files received. Epiq is only able to discover issues when a file is attempted to be accessed or is able to extract information for review against the class data files received.

I declare under penalty of perjury under the laws of the United States and the District of Columbia that the foregoing is true and correct and that this declaration was executed on October 23, 2025, in Washington, D.C.



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Michael R. O'Connor







































































































































































































































































































































































































































































































































































































































































































# EXHIBIT O

## Cassandra Guidetti

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**From:** Fenwick, Scott <Scott.Fenwick@kroll.com>  
**Sent:** Thursday, May 23, 2024 12:40 PM  
**To:** Prizgintas, Albinas; Seth Katz; Elizabeth Graham  
**Cc:** Adam J. Gomez; MMorgan@forthepeople.com; Schoenfeld, Alan E; Kress, Simon B; Rapazzini, Mark; Ferruzzi, Paul; Ferrante, Angela  
**Subject:** RE: East Palestine: Short Form (publication) Notice

We will review all notice materials, scripting, website, ....and remove all references to pro rata and proportionally throughout.

Scott

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### Scott Fenwick

Senior Director

T +1 215 430 6036 | M +1 612 282 9793

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**From:** Prizgintas, Albinas <Albinas.Prizgintas@wilmerhale.com>  
**Sent:** Thursday, May 23, 2024 11:37 AM  
**To:** Seth Katz <SKatz@burgsimpson.com>; Elizabeth Graham <egraham@gelaw.com>  
**Cc:** Fenwick, Scott <Scott.Fenwick@kroll.com>; Adam J. Gomez <AGomez@gelaw.com>; MMorgan@forthepeople.com; Schoenfeld, Alan E <Alan.Schoenfeld@wilmerhale.com>; Kress, Simon B <Simon.Kress@wilmerhale.com>; Rapazzini, Mark <Mark.Rapazzini@kroll.com>; Ferruzzi, Paul <Paul.Ferruzzi@kroll.com>; Ferrante, Angela <Angela.Ferrante@Kroll.com>  
**Subject:** [EXTERNAL] RE: East Palestine: Short Form (publication) Notice

Just discussed with Beth, and I think we're all in agreement here on this change: Deleting "on a pro rata basis" in the long-form notice, and "proportionally" in the IVR and agent script — as reflected below.

Kroll, can you confirm that "pro rata" or "proportionally" doesn't appear anywhere else?

Long-Form Notice:

"If, after everyone sends in Claim Forms, the compensation claims total more than \$600 million, net of all other expenses under the Settlement, the payments will be reduced ~~on a pro rata basis~~. If the compensation claims are less than \$600 million net of costs, the payments will be increased and/or additional payments will be made ~~on a pro rata basis~~."

IVR and Agent updated wording:

"If, after everyone sends in Claim Forms, the compensation claims total more than \$600 million, net of all other expenses under the Settlement, the payments will be reduced ~~proportionally~~. If the compensation claims are less than \$600 million net of costs, the payments will be increased and/or additional payments will be made ~~proportionally~~."

**Albinas Prizgintas | WilmerHale**

+1 202 663 6719 (t)

[albinas.prizgintas@wilmerhale.com](mailto:albinas.prizgintas@wilmerhale.com)

**From:** Seth Katz <[SKatz@burgsimpson.com](mailto:SKatz@burgsimpson.com)>  
**Sent:** Thursday, May 23, 2024 12:28 PM  
**To:** Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)>; Prizgintas, Albinas <[Albinas.Prizgintas@wilmerhale.com](mailto:Albinas.Prizgintas@wilmerhale.com)>  
**Cc:** Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)>; Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>; [MMorgan@forthepeople.com](mailto:MMorgan@forthepeople.com);  
Schoenfeld, Alan E <[Alan.Schoenfeld@wilmerhale.com](mailto:Alan.Schoenfeld@wilmerhale.com)>; Kress, Simon B <[Simon.Kress@wilmerhale.com](mailto:Simon.Kress@wilmerhale.com)>; Rapazzini,  
Mark <[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)>; Ferruzzi, Paul <[Paul.Ferruzzi@kroll.com](mailto:Paul.Ferruzzi@kroll.com)>; Ferrante, Angela  
<[Angela.Ferrante@kroll.com](mailto:Angela.Ferrante@kroll.com)>  
**Subject:** Re: East Palestine: Short Form (publication) Notice

**EXTERNAL SENDER**

That too is a good idea, probably a better idea

**Seth A. Katz**  
[skatz@burgsimpson.com](mailto:skatz@burgsimpson.com)

**BURGSIMPSON**  
**40 Inverness Drive East**  
**Englewood, CO 80112**  
**Telephone: (303)792-5595**  
**Facsimile: (303)708-0527**  
[www.burgsimpson.com](http://www.burgsimpson.com)

---

**From:** Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)>  
**Date:** Thursday, May 23, 2024 at 10:27 AM  
**To:** Prizgintas, Albinas <[Albinas.Prizgintas@wilmerhale.com](mailto:Albinas.Prizgintas@wilmerhale.com)>  
**Cc:** Seth Katz <[SKatz@burgsimpson.com](mailto:SKatz@burgsimpson.com)>, Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)>, Adam J. Gomez  
<[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>, [MMorgan@forthepeople.com](mailto:MMorgan@forthepeople.com) <[MMorgan@forthepeople.com](mailto:MMorgan@forthepeople.com)>, Schoenfeld, Alan E  
<[Alan.Schoenfeld@wilmerhale.com](mailto:Alan.Schoenfeld@wilmerhale.com)>, Kress, Simon B <[Simon.Kress@wilmerhale.com](mailto:Simon.Kress@wilmerhale.com)>, Rapazzini, Mark  
<[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)>, Ferruzzi, Paul <[Paul.Ferruzzi@kroll.com](mailto:Paul.Ferruzzi@kroll.com)>, Ferrante, Angela  
<[Angela.Ferrante@kroll.com](mailto:Angela.Ferrante@kroll.com)>  
**Subject:** Re: East Palestine: Short Form (publication) Notice

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I would propose just deleting everything after payments will be made. Delete on a pro rata basis throughout.

M. Elizabeth ("Beth") Graham  
Partner

Grant & Eisenhofer, P.A.  
2325 Third Street

Suite 329  
San Francisco, CA 94107

123 S. Justison Street  
Wilmington, DE 19801

CA Direct: 415.293.8210  
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Mobile: 415.710.7973  
[egraham@gelaw.com](mailto:egraham@gelaw.com)  
[www.gelaw.com](http://www.gelaw.com)<<http://www.gelaw.com>>

On May 23, 2024, at 9:19 AM, Prizgintas, Albinas <[Albinas.Prizgintas@wilmerhale.com](mailto:Albinas.Prizgintas@wilmerhale.com)> wrote:

Seth, emails crossed on this. What are you proposing in the alternative? In the long-form attached to the settlement agreement, we had the following.

<image001.png>

\*\*\*\*\*

Copying and pasting Paul's language below, so all in one place:

Long-Form Notice:

"If, after everyone sends in Claim Forms, the compensation claims total more than \$600 million, net of all other expenses under the Settlement, the payments will be reduced on a pro rata basis. If the compensation claims are less than \$600 million net of costs, the payments will be increased and/or additional payments will be made on a pro rata basis."

IVR and Agent updated wording:

"If, after everyone sends in Claim Forms, the compensation claims total more than \$600 million, net of all other expenses under the Settlement, the payments will be reduced proportionally on a pro rata basis. If the compensation claims are less than \$600 million net of costs, the payments will be increased and/or additional payments will be made proportionally on a pro rata basis."

Albinas Prizgintas | WilmerHale  
+1 202 663 6719 (t)  
[albinas.prizgintas@wilmerhale.com](mailto:albinas.prizgintas@wilmerhale.com)<<mailto:albinas.prizgintas@wilmerhale.com>>

From: Seth Katz <[SKatz@burgsimpson.com](mailto:SKatz@burgsimpson.com)>  
Sent: Thursday, May 23, 2024 12:10 PM  
To: Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)>; Prizgintas, Albinas <[Albinas.Prizgintas@wilmerhale.com](mailto:Albinas.Prizgintas@wilmerhale.com)>; Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)>  
Cc: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>; [mmorgan@forthepeople.com](mailto:mmorgan@forthepeople.com); Schoenfeld, Alan E <[Alan.Schoenfeld@wilmerhale.com](mailto:Alan.Schoenfeld@wilmerhale.com)>; Kress, Simon B <[Simon.Kress@wilmerhale.com](mailto:Simon.Kress@wilmerhale.com)>; Rapazzini, Mark <[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)>; Ferruzzi, Paul <[Paul.Ferruzzi@kroll.com](mailto:Paul.Ferruzzi@kroll.com)>; Ferrante, Angela <[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)>  
Subject: Re: East Palestine: Short Form (publication) Notice

EXTERNAL SENDER

we should take "pro rata" out of the notices (both) b/c money will not go to everyone who received a payment, which is

how I interpret pro rata

Seth A. Katz

[skatz@burgsimpson.com](mailto:skatz@burgsimpson.com)<<mailto:skatz@burgsimpson.com>>

BURGSIMPSON

40 Inverness Drive East

Englewood, CO 80112

Telephone: (303)792-5595

Facsimile: (303)708-0527

[www.burgsimpson.com](http://www.burgsimpson.com)<<https://url.us.m.mimecastprotect.com/s/nq5wCgJxpVtYkgn0uol2x3/>>

From: Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)<<mailto:Scott.Fenwick@kroll.com>>>

Date: Thursday, May 23, 2024 at 9:59 AM

To: Prizgintas, Albinas <[Albinas.Prizgintas@wilmerhale.com](mailto:Albinas.Prizgintas@wilmerhale.com)<<mailto:Albinas.Prizgintas@wilmerhale.com>>>, Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)<<mailto:egraham@gelaw.com>>>

Cc: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)<<mailto:AGomez@gelaw.com>>>, Seth Katz

<[SKatz@burgsimpson.com](mailto:SKatz@burgsimpson.com)<<mailto:SKatz@burgsimpson.com>>>,

[mmorgan@forthepeople.com](mailto:mmorgan@forthepeople.com)<<mailto:mmorgan@forthepeople.com>>

<[MMorgan@forthepeople.com](mailto:MMorgan@forthepeople.com)<<mailto:MMorgan@forthepeople.com>>>, Schoenfeld, Alan E

<[Alan.Schoenfeld@wilmerhale.com](mailto:Alan.Schoenfeld@wilmerhale.com)<<mailto:Alan.Schoenfeld@wilmerhale.com>>>, Kress, Simon B

<[Simon.Kress@wilmerhale.com](mailto:Simon.Kress@wilmerhale.com)<<mailto:Simon.Kress@wilmerhale.com>>>, Rapazzini, Mark

<[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)<<mailto:Mark.Rapazzini@kroll.com>>>, Ferruzzi, Paul

<[Paul.Ferruzzi@kroll.com](mailto:Paul.Ferruzzi@kroll.com)<<mailto:Paul.Ferruzzi@kroll.com>>>, Ferrante, Angela

<[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)<<mailto:Angela.Ferrante@Kroll.com>>>

Subject: RE: East Palestine: Short Form (publication) Notice

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All Counsel

I see on some of the materials we received the following sentences were changed as noted. However, this change was not suggested for the long-form notice. Would you like to leave the long-form notices as is, or change the notice so it is consistent with the IVR and agent scripting changes provided.

Long-Form Notice:

"If, after everyone sends in Claim Forms, the compensation claims total more than \$600 million, net of all other expenses under the Settlement, the payments will be reduced on a pro rata basis. If the compensation claims are less than \$600 million net of costs, the payments will be increased and/or additional payments will be made on a pro rata basis."

IVR and Agent updated wording:

"If, after everyone sends in Claim Forms, the compensation claims total more than \$600 million, net of all other expenses under the Settlement, the payments will be reduced proportionally on a pro rata basis. If the compensation claims are less than \$600 million net of costs, the payments will be increased and/or additional payments will be made proportionally on a pro rata basis."

Please let us know if we should leave the long-form notice as is, or update the above sentences to align with the IVR/Agent scripting.

Thanks  
Scott

---

Scott Fenwick  
Senior Director

T +1 215 430 6036 | M +1 612 282 9793

From: Prizgintas, Albinas <[Albinas.Prizgintas@wilmerhale.com](mailto:Albinas.Prizgintas@wilmerhale.com)<mailto:Albinas.Prizgintas@wilmerhale.com>>  
Sent: Wednesday, May 22, 2024 3:20 PM  
To: Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)<mailto:Scott.Fenwick@kroll.com>>; Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)<mailto:egraham@gelaw.com>>  
Cc: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)<mailto:AGomez@gelaw.com>>; Seth Katz <[SKatz@burgsimpson.com](mailto:SKatz@burgsimpson.com)<mailto:SKatz@burgsimpson.com>>; [mmorgan@forthepeople.com](mailto:mmorgan@forthepeople.com)<mailto:mmorgan@forthepeople.com>; Schoenfeld, Alan E <[Alan.Schoenfeld@wilmerhale.com](mailto:Alan.Schoenfeld@wilmerhale.com)<mailto:Alan.Schoenfeld@wilmerhale.com>>; Kress, Simon B <[Simon.Kress@wilmerhale.com](mailto:Simon.Kress@wilmerhale.com)<mailto:Simon.Kress@wilmerhale.com>>; Rapazzini, Mark <[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)<mailto:Mark.Rapazzini@kroll.com>>; Ferruzzi, Paul <[Paul.Ferruzzi@kroll.com](mailto:Paul.Ferruzzi@kroll.com)<mailto:Paul.Ferruzzi@kroll.com>>; Ferrante, Angela <[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)<mailto:Angela.Ferrante@Kroll.com>>  
Subject: [EXTERNAL] RE: East Palestine: Short Form (publication) Notice

All,

Attached are our edits, in redline, to the following seven documents; we've also included a couple questions/comments in comment bubbles. Happy to jump on a call to discuss any of these, if helpful.

- \* Agent training document
- \* Automated recording document (IVR)
  
- \* Long form notice
- \* Short form notice (Publication Notice)
  
- \* Individual Claim Form
- \* Business Claim Form
  
- \* Personal Injury Release

You'll see that we've got some edits throughout and new Q&As on the agent training and IVR document; minor edits on the notices and claims forms; and then just two formatting edits to the personal injury release (adding italics), and also: the pagination reflects "of 9" here but there are 10 pages, so should be "of 10".

Sending all this now in the interest of time, but our client is still reviewing. Assuming Class Counsel are in agreement, we'd like to see one final turn on these, and then can sign-off as soon as possible after that. And we'll continue to hold

on the website pending finalizing these documents.

Albinas Prizgintas | WilmerHale

+1 202 663 6719 (t)

[albinas.prizgintas@wilmerhale.com](mailto:albinas.prizgintas@wilmerhale.com)

From: Prizgintas, Albinas

Sent: Tuesday, May 21, 2024 4:36 PM

To: Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)>; Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)>

Cc: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>; Seth Katz

<[SKatz@burgsimpson.com](mailto:SKatz@burgsimpson.com)>;

[mmorgan@forthepeople.com](mailto:mmorgan@forthepeople.com); Schoenfeld, Alan E

<[Alan.Schoenfeld@wilmerhale.com](mailto:Alan.Schoenfeld@wilmerhale.com)>; Kress, Simon B

<[Simon.Kress@wilmerhale.com](mailto:Simon.Kress@wilmerhale.com)>; Rapazzini, Mark

<[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)>; Ferruzzi, Paul

<[Paul.Ferruzzi@kroll.com](mailto:Paul.Ferruzzi@kroll.com)>; Ferrante, Angela

<[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)>

Subject: RE: East Palestine: Short Form (publication) Notice

We'll get back to you with our edits as soon as possible, likely by tomorrow.

On the settlement website, I think much of the material (if not all) comes from the documents, right? If so, won't focus on that until after we send proposed edits on the documents.

Albinas Prizgintas | WilmerHale

+1 202 663 6719 (t)

[albinas.prizgintas@wilmerhale.com](mailto:albinas.prizgintas@wilmerhale.com)

From: Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)>

Sent: Tuesday, May 21, 2024 4:33 PM

To: Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)>

Cc: Prizgintas, Albinas <[Albinas.Prizgintas@wilmerhale.com](mailto:Albinas.Prizgintas@wilmerhale.com)>; Adam J.

Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>; Seth Katz

<[SKatz@burgsimpson.com](mailto:SKatz@burgsimpson.com)>;

[mmorgan@forthepeople.com](mailto:mmorgan@forthepeople.com); Schoenfeld, Alan E

<[Alan.Schoenfeld@wilmerhale.com](mailto:Alan.Schoenfeld@wilmerhale.com)>; Kress, Simon B

<[Simon.Kress@wilmerhale.com](mailto:Simon.Kress@wilmerhale.com)>; Rapazzini, Mark

<[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)>; Ferruzzi, Paul

<[Paul.Ferruzzi@kroll.com](mailto:Paul.Ferruzzi@kroll.com)>; Ferrante, Angela

<[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)>

Subject: RE: East Palestine: Short Form (publication) Notice

EXTERNAL SENDER

Thanks Beth

We will look for feedback from Defense Counsel on the attached, which incorporates your edits.

Scott

---

Scott Fenwick

Senior Director

T +1 215 430 6036 | M +1 612 282 9793

From: Elizabeth Graham [egraham@gelaw.com](mailto:egraham@gelaw.com)<<mailto:egraham@gelaw.com>>

Sent: Tuesday, May 21, 2024 3:19 PM

To: Fenwick, Scott [Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)<<mailto:Scott.Fenwick@kroll.com>>

Cc: Prizgintas, Albinas <[Albinas.Prizgintas@wilmerhale.com](mailto:Albinas.Prizgintas@wilmerhale.com)<<mailto:Albinas.Prizgintas@wilmerhale.com>>>; Adam J.

Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)<<mailto:AGomez@gelaw.com>>>; Seth Katz

<[SKatz@burgsimpson.com](mailto:SKatz@burgsimpson.com)<<mailto:SKatz@burgsimpson.com>>>;

[mmorgan@forthepeople.com](mailto:mmorgan@forthepeople.com)<<mailto:mmorgan@forthepeople.com>>; Schoenfeld, Alan E

<[Alan.Schoenfeld@wilmerhale.com](mailto:Alan.Schoenfeld@wilmerhale.com)<<mailto:Alan.Schoenfeld@wilmerhale.com>>>; Kress, Simon B

<[Simon.Kress@wilmerhale.com](mailto:Simon.Kress@wilmerhale.com)<<mailto:Simon.Kress@wilmerhale.com>>>; Rapazzini, Mark

<[Mark.Rapazzini@kroll.com](mailto:Mark.Rapazzini@kroll.com)<<mailto:Mark.Rapazzini@kroll.com>>>; Ferruzzi, Paul

<[Paul.Ferruzzi@kroll.com](mailto:Paul.Ferruzzi@kroll.com)<<mailto:Paul.Ferruzzi@kroll.com>>>; Ferrante, Angela

<[Angela.Ferrante@Kroll.com](mailto:Angela.Ferrante@Kroll.com)<<mailto:Angela.Ferrante@Kroll.com>>>

Subject: [EXTERNAL] Re: East Palestine: Short Form (publication) Notice, Personal Injury Release

Importance: High

Thanks Scott. I have added one sentence to the 4 short form,. Apropos of our conversation clarifying that no one needs to hire a lawyer. See attached.

M. Elizabeth ("Beth") Graham

Grant & Eisenhofer, P.A.

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San Francisco, CA 94107

123 S. Justison Street

Wilmington, DE 19801

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DE Direct: 302.622.7099

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[egraham@gelaw.com](mailto:egraham@gelaw.com)<<mailto:egraham@gelaw.com>>

[www.gelaw.com](http://www.gelaw.com)<<http://www.gelaw.com>>

On May 21, 2024, at 9:01 AM, Fenwick, Scott <[Scott.Fenwick@kroll.com](mailto:Scott.Fenwick@kroll.com)<<mailto:Scott.Fenwick@kroll.com>>> wrote:

All

As requested, the following documents are attached:

\* Personal Injury Release

\* Short Form (publication) notice in redline, clean and sample publication version

As shared previously regarding the Personal Injury Release, no changes have been made to any wording or content. The updates we made were simple formatting of the various fields that the claimants are to complete.

Thanks again for your immediate attention, and please reach out if you have any questions.

Scott

---

Scott Fenwick  
Senior Director

T +1 215 430 6036 | M +1 612 282 9793

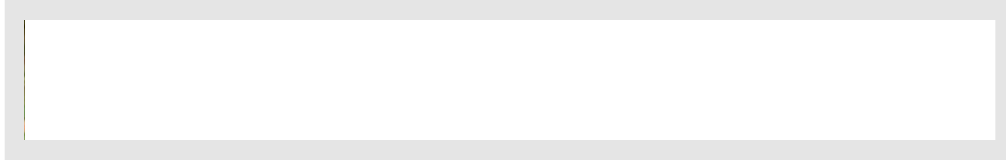
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# EXHIBIT P



## East Palestine residents unhappy with Norfolk after settlement

- Train derailment left East Palestine residents with health issues
- Railroad company Norfolk Southern settled class action lawsuit
- Residents want to see Norfolk Southern do more to 'make it right'

[Rich McHugh](#)

Updated: APR 10, 2024 / 06:07 PM CDT

([NewsNation](#)) — Norfolk Southern agreed to a [\\$600 million settlement](#) in a class action lawsuit, but some residents of East Palestine, Ohio, say they still want to see more from the company after a [fiery train derailment in the town](#) left them with health issues.

About 100,000 residents and businesses are eligible to get money from the settlement. They have to be within a 20-mile radius of the derailment. Split per person, that means these residents can expect to get about \$6,000 each before attorney's fees are added in, although lawyers tell NewsNation some will get more and others will get less depending on their claims.

"The compensation will include loss of property value, the cost of having to evacuate or take particular measures with your home," Jayne Conroy, co-lead counsel on the settlement, said. "If your kids had to make changes, change schools, do those types of things, all of those issues will be explored."

A judge still has to approve the settlement.

## Remains presumed to be Dylan Rounds found in Utah desert

Although Conroy called it a “great result,” a number of residents say they are still beyond upset with Norfolk.

A chiropractor in East Palestine, [Dr. Rick Tsai](#), who made an unsuccessful bid for Congress in response to the derailment, says residents he talks to are not happy with the settlement. Residents told NewsNation they are upset a settlement is coming before a final report on the incident by the National Transportation Safety Board is completed.

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“Norfolk Southern, you better move that settlement another zero, decrease the radius and offer lifetime health care,” he said. “You put people in danger with your criminal acts.”

Norfolk Southern, meanwhile, said in a news release that this settlement is not an admission of guilt or liability but rather furthers the work the company has done to help right the wrong in East Palestine. The rail company spent over \$1.1 billion in 2023 related to the derailment, according to its [2023 annual report for investors](#).

“What you can spare our community and the neighboring communities and everyone who has been subjected to chemicals and dioxins is just a little over one-quarter of your net profits,” one resident, Linda Murphy, said. “Keep on making it right, Norfolk, keep on making it right. ”

## How to file a claim in Walmart’s \$45M class action settlement

Asked about the criticisms of the settlement, Conroy said she was “sorry to hear” them.

---

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“I think that we have to recognize that the (Environmental Protection Agency) — the Ohio and the federal EPA — [is still responsible](#) and is seeking Norfolk Southern responsible for the cleanup and the cost of the cleanup of the contamination,” Conroy said. “We can never make people whole again, but we can, you know, compensate people for what they’ve been through.”

Conroy acknowledged that this does not solve the whole problem and that cleanup and contamination are separate issues.

“If the court allows this to go through, all they’re doing is rolling out the red carpet for these corporations to put that into next year’s budget,” East Palestine resident Jess Conard said. ““Oh, this is the cost if you want to poison a community: \$600 million. Oh, this is this is the cost if you want to spill your product all over a community and cause them cancer. You don’t have to pay for their health care. You don’t have to pay for their indoor air monitoring. You don’t have to pay for soil testing. All you

have to do is just work this \$600 million into your budget. It's for them."

## OHIO TRAIN DERAILMENT

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at 87**

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**Florida**

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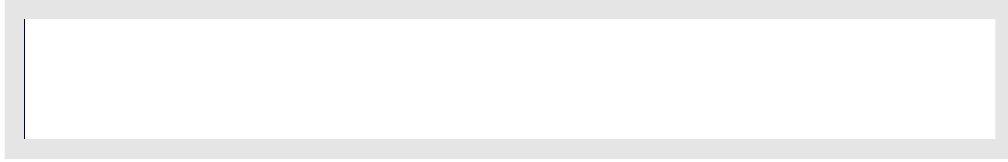
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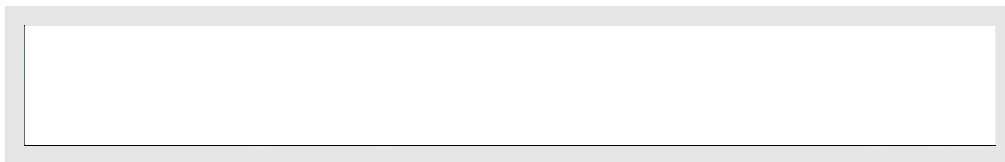
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# EXHIBIT Q

## Cassandra Guidetti

---

**From:** Burkholder, Randall <Randall.Burkholder@kroll.com>  
**Sent:** Thursday, May 15, 2025 7:58 PM  
**To:** Adam J. Gomez; Elizabeth Graham  
**Cc:** Seth Katz; Jayne Conroy; Jo Anna Pollock  
**Subject:** RE: East Palestine

Hi Adam,

In reviewing the claims we also identified the East Palestine vs. Village of East Palestine issue. Some claims with an East Palestine address but not in the Village of East Palestine were calculated utilizing the Village numbers. We are in the process of reviewing that data. We should be able to send you a spreadsheet tomorrow identifying the affected claims.

With respect to the claim images, that will be a much larger undertaking. We'll discuss options with our IT team and revert.

---

### Randall Burkholder

Managing Director, Head of Settlement Administration

T [+1 215 430 6137](tel:+12154306137) | M [+1 646 404 3305](tel:+16464043305)

---

**From:** Adam J. Gomez <AGomez@gelaw.com>  
**Sent:** Thursday, May 15, 2025 4:47 PM  
**To:** Burkholder, Randall <Randall.Burkholder@kroll.com>; Elizabeth Graham <egraham@gelaw.com>  
**Cc:** Seth Katz <skatz@burgsimpson.com>; Jayne Conroy <jconroy@simmonsfirm.com>; Jo Anna Pollock <jpollock@simmonsfirm.com>  
**Subject:** [EXTERNAL] Re: East Palestine

Hi Randy,

We spent yesterday reviewing the spreadsheet from 7:08 on Tuesday, including plotting the claims on a map showing the 2-mile radius and borders of the Village of East Palestine. Both factors are relevant for whether Categories 1 and 2 of the point system apply and to what degree. Based on that review, we identified many claims that may not have been scored properly with respect to location and distance points, because while they have East Palestine zip codes (44413), they are not within the Village of East Palestine or 2 miles from the derailment site. I asked Paul for a handful of the claim forms to confirm whether they were mis-scored, which appears to be the case.

To confirm whether and to what extent the other claims we identified as potentially mis-scored are, in fact, incorrect, we need the following: (1) a spreadsheet with all available data entered/captured during the claims process for the 10,076 claims paid to date; and (2) the underlying claims forms supporting the 10,076 claims paid to date. On point (1), we have seen various spreadsheets throughout the claims process with different combinations of distance calculations, geographic degrees, claims addresses, symptoms, treatment, and final award figures. Still, we do not have one where all that information is in one place. The spreadsheet from Tuesday, for example, only contains the multipliers and final awards, but not the underlying data like we have seen in other spreadsheets.

Let me know if I can provide any additional clarity on what we need.

Thanks,  
Adam

Adam J. Gomez  
Grant & Eisenhofer P.A.  
[agomez@gelaw.com](mailto:agomez@gelaw.com)<<mailto:agomez@gelaw.com>>

From: Burkholder, Randall <[Randall.Burkholder@kroll.com](mailto:Randall.Burkholder@kroll.com)>  
Date: Thursday, May 15, 2025 at 3:58 PM  
To: Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)>  
Cc: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>, Seth Katz <[skatz@burgsimpson.com](mailto:skatz@burgsimpson.com)>, Jayne Conroy <[jconroy@simmonsfirm.com](mailto:jconroy@simmonsfirm.com)>, Jo Anna Pollock <[jpollock@simmonsfirm.com](mailto:jpollock@simmonsfirm.com)>  
Subject: RE: East Palestine  
Beth,

Scott shared this in the email sent Tuesday at 7:08 EST (attached). Let me know if there's something else you were expecting.

---

Randall Burkholder  
Managing Director, Head of Settlement Administration

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From: Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)>  
Sent: Thursday, May 15, 2025 3:05 PM  
To: Burkholder, Randall <[Randall.Burkholder@kroll.com](mailto:Randall.Burkholder@kroll.com)>  
Cc: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)>; Seth Katz <[skatz@burgsimpson.com](mailto:skatz@burgsimpson.com)>; Jayne Conroy <[jconroy@simmonsfirm.com](mailto:jconroy@simmonsfirm.com)>; Jo Anna Pollock <[jpollock@simmonsfirm.com](mailto:jpollock@simmonsfirm.com)>  
Subject: [EXTERNAL] Re: East Palestine

Understood and much appreciated, but we also would like to discuss the formula itself that Kroll is using, outside of the pro rata issues. We want to make absolutely sure it is designed to correctly effectuate the plan. So please let us know when we can get the data behind the claims for the checks already issued.

Thanks again.

M. Elizabeth ("Beth") Graham  
Partner

Grant & Eisenhofer, P.A.

2325 Third Street  
Suite 329  
San Francisco, CA 94107

123 S. Justison Street  
Wilmington, DE 19801

CA Direct: 415.293.8210  
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[egraham@gelaw.com](mailto:egraham@gelaw.com)<<mailto:egraham@gelaw.com>>  
[www.gelaw.com](http://www.gelaw.com)<<http://www.gelaw.com>><<http://www.gelaw.com><<http://www.gelaw.com>>>

On May 15, 2025, at 11:04 AM, Burkholder, Randall  
<[Randall.Burkholder@kroll.com](mailto:Randall.Burkholder@kroll.com)<<mailto:Randall.Burkholder@kroll.com>>> wrote:

We pulled everything off Scott's plate and he's working through this as his one and only priority.

As you all know we were not planning a pro rata distribution so there is a fair amount of work needed to perform the calculations. We will share the results as soon as we are able.

---

Randall Burkholder  
Managing Director, Head of Settlement Administration

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From: Elizabeth Graham <[egraham@gelaw.com](mailto:egraham@gelaw.com)<<mailto:egraham@gelaw.com>>>  
Sent: Thursday, May 15, 2025 12:51 PM  
To: Burkholder, Randall <[Randall.Burkholder@kroll.com](mailto:Randall.Burkholder@kroll.com)<<mailto:Randall.Burkholder@kroll.com>>>  
Cc: Adam J. Gomez <[AGomez@gelaw.com](mailto:AGomez@gelaw.com)<<mailto:AGomez@gelaw.com>>>; Seth Katz  
<[skatz@burgsimpson.com](mailto:skatz@burgsimpson.com)<<mailto:skatz@burgsimpson.com>>>; Jayne Conroy  
<[jconroy@simmonsfirm.com](mailto:jconroy@simmonsfirm.com)<<mailto:jconroy@simmonsfirm.com>>>; Jo Anna Pollock  
<[jpollock@simmonsfirm.com](mailto:jpollock@simmonsfirm.com)<<mailto:jpollock@simmonsfirm.com>>>  
Subject: [EXTERNAL] Re: East Palestine

Any updates for us?

M. Elizabeth ("Beth") Graham  
Partner

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[egraham@gelaw.com](mailto:egraham@gelaw.com)<<mailto:egraham@gelaw.com><<mailto:egraham@gelaw.com>%3c<mailto:egraham@gelaw.com>>>>  
[www.gelaw.com](http://www.gelaw.com)<<http://www.gelaw.com>><<http://www.gelaw.com><<http://www.gelaw.com>>><<http://www.gelaw.com><<http://www.gelaw.com>>>>

On May 13, 2025, at 2:40 PM, Burkholder, Randall  
<[Randall.Burkholder@kroll.com](mailto:Randall.Burkholder@kroll.com)<<mailto:Randall.Burkholder@kroll.com><<mailto:Randall.Burkholder@kroll.com>%3c<mailto:Randall.Burkholder@kroll.com>>>>> wrote:

Received. Thank you Beth and Adam.

---

Randall Burkholder  
Managing Director, Head of Settlement Administration

T +1 215 430 6137 | M +1 646 404 3305

From: Elizabeth Graham  
<[egraham@gelaw.com](mailto:egraham@gelaw.com)<<mailto:egraham@gelaw.com><<mailto:egraham@gelaw.com>%3c<mailto:egraham@gelaw.com>>>>>  
Sent: Tuesday, May 13, 2025 5:37 PM  
To: Adam J. Gomez  
<[AGomez@gelaw.com](mailto:AGomez@gelaw.com)<<mailto:AGomez@gelaw.com><<mailto:AGomez@gelaw.com>%3c<mailto:AGomez@gelaw.com>>>>>  
Cc: Burkholder, Randall  
<[randall.burkholder@kroll.com](mailto:randall.burkholder@kroll.com)<<mailto:randall.burkholder@kroll.com><<mailto:randall.burkholder@kroll.com>%3c<mailto:randall.burkholder@kroll.com>>>>>; Seth Katz  
<[SKatz@burgsimpson.com](mailto:SKatz@burgsimpson.com)<<mailto:SKatz@burgsimpson.com><<mailto:SKatz@burgsimpson.com>%3c<mailto:SKatz@burgsimpson.com>>>>>; Jayne Conroy  
<[jconroy@simmonsfirm.com](mailto:jconroy@simmonsfirm.com)<<mailto:jconroy@simmonsfirm.com><<mailto:jconroy@simmonsfirm.com>%3c<mailto:jconroy@simmonsfirm.com>>>>>; Jo Anna Pollock  
<[jpollock@simmonsfirm.com](mailto:jpollock@simmonsfirm.com)<<mailto:jpollock@simmonsfirm.com><<mailto:jpollock@simmonsfirm.com>%3c<mailto:jpollock@simmonsfirm.com>>>>>  
Subject: [EXTERNAL] Re: East Palestine

Thanks Adam.

@Randy, further to this, Scott personally provided this timeline to us in April 2024 as indicated below.







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<East Palestine - Proposed Settlement Timeline.docx>

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# EXHIBIT R

### **Class Action Settlement Agreement**

This Settlement Agreement is entered into by and between Francely Acosta, Robert McNaughton, Irasema Zapata, Thomas Tulip, Edward Accomando, Yohanny Cespedes, Cavallo Diner & Restaurant, LLC, and Capilla Evangelica Hispana, Inc., the class representatives of the Settlement Class as defined herein (collectively “Plaintiffs”), and Defendants Bay State Gas Company d/b/a Columbia Gas of Massachusetts, NiSource, Inc. and NiSource Corporate Services Company (collectively “Columbia Gas”), intending that this class action litigation shall be fully and finally compromised, settled and released, and dismissed with prejudice, as to all Parties to this Settlement Agreement upon the terms and conditions set forth herein.

**WHEREAS**, between September 18, 2018, and December 19, 2018, the Plaintiffs separately filed a total of 12 lawsuits against Columbia Gas in the Superior Courts of Essex County and Suffolk County, styled as class actions and “mass actions” respectively, on behalf of similarly situated residents, property owners and business owners for claims arising out of the natural gas over-pressurization event that occurred in Lawrence, Andover and North Andover, Massachusetts, on September 13, 2018;

**WHEREAS**, these actions alleged claims that included negligence, nuisance, strict liability, trespass, negligent infliction of emotional distress, breach of contract, breach of express and implied warranties, and malicious, willful, wanton and reckless conduct or gross negligence, unjust enrichment, violations of Massachusetts General Laws Chapter 93A, and other claims;

**WHEREAS**, the Plaintiffs' actions sought to recover for (1) loss of use and enjoyment of property; (2) relocation and mitigation of impaired residences; (3) loss of earnings; (4) loss of personal or business property; (5) real property damage; (6) negligent infliction of emotional distress (7) intentional infliction of emotional distress (8) loss of business income; (9) extra operating expenses for businesses; (10) loss of goodwill to businesses; and (11) other claims;

**WHEREAS**, on January 14, 2019, pursuant to Mass. R. Civ. P. 42, these actions were administratively consolidated in this Aggregate Proceeding, captioned *In Re: Columbia Gas Cases*, with the Lead Case designation under docket number No.1877CV01343G;

**WHEREAS**, on August 22, 2019, Plaintiffs filed a Consolidated Amended Class Action Complaint encompassing all plaintiffs and claims in the Action;

**WHEREAS**, the Parties, by and through Court Appointed Co-Lead and Class Counsel, Frank Petosa, Morgan & Morgan, P.A., John Roddy, Bailey & Glasser LLP, Elizabeth Graham, Grant & Eisenhofer, P.A., and Co-Liaison Counsel, Leo Boyle and Brad Henry, Meehan, Boyle, Black & Bogdanow, P.C., and certain members of the Court-Appointed Plaintiffs' Executive Committee, Seth Katz, Burg Simpson Eldredge Hersh & Jardine, P.C., and Robert Jenner, Jenner Law, have engaged in a total of 12 in person mediation sessions on behalf of the Class, before mediators Eric Green, Carmin Reiss and Michael Robertson of Resolutions, LLC in Boston, Massachusetts, and engaged in numerous telephonic settlement discussions independently and with the aid of the Mediators; and

**WHEREAS**, any actions or payments made pursuant to this Agreement are made solely for purposes of settlement and are not to be construed as any admission of liability or unlawful conduct on the part of Columbia Gas, which denies any such liability or unlawful conduct;

**WHEREAS**, in order to avoid the expense and burden of further litigation, Plaintiffs and Columbia Gas desire fully and finally to resolve the Action and all claims, other than physical bodily injury, wrongful death, and insurance subrogation as specified herein, that were or could have been asserted based on the allegations in the Complaint;

**NOW, THEREFORE**, in consideration of the covenants, agreements, and releases set forth herein, Plaintiffs and Columbia Gas agree to the settlement of the Action, subject to Court approval, to the provisions contained in this Agreement, and that the claims against the Released Parties are fully and finally compromised, settled and released and shall be dismissed with prejudice upon full performance, in accordance with the following terms:

**I. Defined Terms**

**1.01** "Action" means this Aggregate Proceeding, No.1877CV01343. It also includes all filed class actions and mass actions related to the Merrimack Valley September 13, 2018 natural gas over-pressurization event that have been or may be filed, including, but not limited to:

CASE	CASE NUMBER
<b>Class Actions</b>	
Accomando, et al., v. Bay State Gas Company, et al.	1877CV01355
Acosta, et al., v. Bay State Gas Company, et al.	1877CV01343

Cordero, et al., v. Bay State Gas Company, et al.	1877CV01370
Colon, et al., v. Bay State Gas Company, et al.	1877CV01402
Crockett-Thornhill, et al., v. Bay State Gas Company, et al.	1877CV01404
Bengochea, et al., v. Bay State Gas Company, et al.	1877CV01444
Cespedes, et al., v. Bay State Gas Company, et al.	1877CV01848
<b>Mass Actions</b>	
Cerrullo, et al., v. Bay State Gas Company, et al.	1977CV00363
Canty, et al., v. Bay State Gas Company, et al.	1877CV01856
Ferreiras, et al., v. Bay State Gas Company, et al.	1877CV01733

**1.02** “Administrative Deposit” means a down payment of \$3,000,000 into an interest-bearing escrow account established by the Settlement Administrator or Class Counsel paid within five business days after the grant of Preliminary Approval by the Court.

**1.03** “Administrative Expenses” means the costs incurred in administering this Settlement, including costs of Notice.

**1.04** “Agreement,” “Settlement Agreement,” or “Settlement” means this Settlement Agreement.

**1.05** “Claim” means a request to participate in the Settlement Fund submitted by a Settlement Class Member to the Settlement Administrator in accordance with the terms of the Settlement Agreement.

**1.06** “Class Counsel” or “Plaintiffs’ Co-Lead Counsel” means John Roddy of Bailey & Glasser LLP; Frank Petosa of Morgan & Morgan, P.A. and Elizabeth Graham of Grant & Eisenhofer, P.A.

**1.07** “Class Period” means the period from September 13, 2018, to the date of Preliminary Approval.

**1.08** “Complaint” means the Consolidated Class Action Complaint filed in the Action on August 22, 2019.

**1.09** “Costs” means any litigation costs the Court may authorize to be paid to Class Counsel for the costs and expenses incurred in the Action.

**1.10** “Court” means the Massachusetts Superior Court for Essex County.

**1.11** “Credit” means the amount of money paid by Columbia Gas via its Existing Process and mediations to resolve claims by residents and businesses between the signing of the term sheet on July 26, 2019, and the date of the Preliminary Approval Order that will be deducted from the final amount owed to the Settlement Class in the Settlement Fund.

**1.12** “Defendants” or “Columbia Gas” means Bay State Gas Co. d/b/a Columbia Gas of Massachusetts, NiSource, Inc., and NiSource Corporate Services Company collectively, unless a subset is specifically listed.

**1.13** “Defendants’ Counsel” means John F. Rooney III and Robert Treat of Melick & Porter, LLP, and J. Brian Jackson and Diane Flannery of McGuireWoods LLP.

**1.14** “DPU Orders” means orders issued pursuant to section 4B of chapter 25 of the General Laws by the Chairman of the Massachusetts Department of Public Utilities related to the Merrimack Valley September 13, 2018 gas incident.

**1.15** “Effective Date” means the first business day after all of the following events shall have occurred:

- a) The Court has entered the Preliminary Approval Order.

b) The Court has entered the Final Approval Order and Judgment approving the Settlement in all respects, dismissing the Action with prejudice.

c) The time for appeal from the Final Approval Order and Judgment shall have expired without the initiation of an appeal, or, when all objections and any appeals are resolved upholding the Settlement, and which Final Approval Order and Judgment is not subject to further adjudication or appeal.

**1.16** “Escrow Account” means the interest bearing bank account established by Plaintiffs’ Co-Lead Counsel and/or Settlement Administrator for purposes of this Settlement Agreement.

**1.17** “Existing Process” means the Natural Gas Event Claims Process established by Columbia Gas following the Merrimack Valley September 13, 2018 natural gas over-pressurization event and continuing through Preliminary Approval, whereby residents and businesses may seek recovery of damages related to the incident.

**1.18** “Fee Award” means such award of fees as the Court may authorize to be paid to Class Counsel for the services they rendered to the Plaintiffs and the Class in the Action.

**1.19** “Final Approval” or “Final Approval Hearing” means a hearing held before the Court to consider the Final Approval of the Settlement, the merits of any objections to this Settlement Agreement and the Settlement, whether and in what amount any Incentive Award shall be awarded to the Plaintiffs and whether and in what amount any Fee Award should be awarded to Class Counsel.

**1.20** “Final Approval Order and Judgment” means an order and judgment issued by the Court finally approving the Settlement and this Agreement as binding upon the Parties and the Settlement Class Members, extinguishing Released Claims against the Released Parties, and dismissing the Action with prejudice. A proposed form of the Final Approval and Judgment, subject to Court approval, is attached as Exhibit B.

**1.21** “Incentive Award” means such award as the Court may authorize to be paid to the Named Plaintiffs.

**1.22** “Mediators” and “Mediation” shall refer to the claims resolution services provided by Eric Green, Carmen Reiss, and Michael Robertson of Resolutions, LLC.

**1.23** “Named Plaintiffs” means Francely Acosta, Robert McNaughton, Irasema Zapata, Thomas Tulip, Edward Accomando, Yohanny Cespedes, Cavallo Diner & Restaurant, LLC, and Capilla Evangelica Hispana, Inc.

**1.24** “Net Settlement Fund” means the Settlement Fund less:

- (1) Incentive Awards approved by the Court;
- (2) Attorneys’ fees approved by the Court;
- (3) Plaintiffs’ Counsel’s actual costs and expenses approved by the Court; and
- (4) Notice and Administrative Expenses approved by the Court.

**1.25** “Notice” or “Settlement Notice” means a notice to the Settlement Class Members made available in English and Spanish (and additionally in Vietnamese on the Settlement website) describing the Settlement, including its application and effect, the

amounts of the Incentive Awards and attorneys' fees and costs to be sought, and the opportunity of Settlement Class Members to object to the Settlement, substantially in the form attached hereto as Exhibit C or in such other form as may be approved by the Court.

**1.26** "Objection Deadline" means the date 60 days following the date on which the Court grants Preliminary Approval of the Settlement.

**1.27** "Parties" means Plaintiffs and Columbia Gas.

**1.28** "Plaintiffs' Co-Liaison Counsel" means Leo Boyle and Bradley Henry of Meehan, Boyle, Black & Bogdanow, P.C.

**1.29** "Plaintiffs' Executive Committee" means Robert Jenner of Jenner Law, P.C.; Michael Burg of Burg Simpson Eldredge Hersh & Jardine, P.C.; Nathaniel Orenstein of Berman Tabacco; and Hunter Shkolnik of Napoli Shkolnik.

**1.30** "Plaintiffs' Steering Committee" means Claudine Cloutier of Keches Law Group; Kathy Jo Cook of KJC Law Firm; Albert Farrah, Jr. of Farrah & Farrah; Douglas Sheff of Sheff Law Offices, P.C.; Barry Altman of Altman & Altman; and Danilo Gomez of the Law Offices of Danilo J. Gomez.

**1.31** "Preliminary Approval" or "Preliminary Approval Order" means the Court's order of preliminary approval of this Settlement Agreement and conditionally certifying the Settlement Class for purposes of authorizing distribution of Notice to the Settlement Class. A proposed form of the Preliminary Approval Order, subject to Court approval, is attached as Exhibit A.

**1.32** “Released Claims” means any and all claims, demands, causes of action and liabilities arising from the facts alleged in the Complaint, including all claims against Columbia Gas which are or could have been raised arising out of or related to the September 13, 2018 natural gas over-pressurization event occurring in the Merrimack Valley of Massachusetts, including without limitation, Massachusetts General Laws Chapter 93A, property damage, real property damage, personal property damage (including appliances not subject to DPU Orders ), relocation or displacement expenses, transportation, rent, rental income, loss of goodwill, loss of income, lost business revenue, diminution in property value, loss of use and enjoyment of property, and food spoilage. Released Claims also include damages claimed for annoyance, fear, disturbance, mental anguish, mental or emotional distress, post-traumatic stress disorder, insomnia, inconvenience, and all other similar claims unless they are secondary to a physical bodily injury. The following claims are not Released Claims: (1) physical bodily injury and wrongful death; (2) insurance subrogation, whether equitable, contractual or otherwise; and (3) Claims arising out of allegedly defective appliances, their repair and/or their installation, which are the subject of the DPU Orders, will remain the responsibility of the appliance manufacturer and/or the contractors who performed the repairs or installations and are not Released Claims.

**1.33** “Released Parties” means Defendants Bay State Gas Company d/b/a Columbia Gas of Massachusetts, NiSource, Inc., NiSource Corporate Services Company and each and all of their past, present, and future parents, subsidiaries, affiliated companies and corporations, and contractors and each and all of their past, present, and

future directors, officers, managers, employees, general partners, limited partners, contractors, principals, agents, insurers, reinsurers, shareholders, attorneys, advisors, representatives, predecessors, successors, divisions, joint ventures, assigns, or related entities, and each and all of their executors, successors, assigns, and legal representatives.

**1.34** “Settlement” means the terms and conditions set forth in this Agreement.

**1.35** “Settlement Administrator” means Heffler Claims Group, LLC.

**1.36** “Settlement Award” means the amount that a Settlement Class Member is entitled to receive from the Settlement Fund after deduction of Administrative Expenses, as well as any Fee Award, Costs, and Incentive Award that may be authorized by the Court.

**1.37** “Settlement Class” or “Settlement Class Members” means:

All persons who resided, owned property, or owned a business in Lawrence, Andover and North Andover (“the Class Area”) as of September 13, 2018.

The Settlement Class shall exclude officers and Board of Directors of Columbia Gas, and members of their immediate families, and Columbia Gas’ legal representatives, heirs, successors or assigns and any entity in which they have or have had a controlling interest, and including insurers and insurance syndicates whose claims for damages regarding the September 13, 2018 fires and explosions arise out of a right of subrogation, whether equitable, contractual or otherwise.

Physical bodily injury and wrongful death claims are not part of the Consolidated Class Action. To the extent someone has a physical bodily injury claim and develops emotional distress, those claims are not part of the class because individuals cannot pursue both litigation and participate in the class settlement.

Individuals who suffer emotional distress, regardless if they develop some physical manifestations as a result of that emotional distress (such as insomnia, loss of appetite, headaches, digestive trouble, etc.), are included in the Settlement Class.

**1.38** “Settlement Fund” means the total of \$143,000,000 to be paid by Columbia Gas pursuant to the terms of this Agreement. The Settlement Fund shall be used to pay: (a) payments to Settlement Class Members; (b) Administrative Expenses; (c) any Incentive Award that the Court may direct be paid to the Named Plaintiffs; and (d) any Fee Award and Costs that the Court may direct be paid to Class Counsel.

## **II. Court Approval Contingency**

**2.01** All terms of this Agreement are contingent upon 1) Preliminary Approval of the Settlement by the Court; 2) Final Approval of the Settlement by the Court dismissing all Released Claims with prejudice, including the exhaustion of any appeals; and 3) certification by the Court of the Settlement Class for settlement purposes only.

**2.02** The Parties and their counsel agree that, within 14 calendar days of their execution of this Agreement, Plaintiffs will file a motion for Preliminary Approval of Class Action Settlement and a supporting memorandum of law, seeking Preliminary Approval of this proposed Settlement. The Court shall be asked to approve the terms and conditions of the Settlement Agreement, the Notice to the Class, the claim forms, and the procedure for submitting claims, and to schedule a Final Approval Hearing, not earlier than 120 days after Preliminary Approval.

**2.03** The motion for Preliminary Approval will also request that the Court schedule such proceedings as may be necessary regarding the request for Preliminary Approval of the proposed Settlement not less than 14 calendar days after the filing of the Motion. Counsel for the Parties will communicate with the Clerk of the Court and make any further filings necessary to secure the approval of their request.

**2.04** The Preliminary Approval Order shall also, among other things, require any objections to the Settlement to be postmarked or submitted by the Objection Deadline of no later than 60 days after the Preliminary Approval Order.

**2.05** If the Court preliminarily approves the Settlement, following class Notice as set forth in Section III, Plaintiffs shall submit a motion for Final Approval of the Settlement by the Court. The Motion for Final Approval shall be filed no later than 20 calendar days before the Final Approval Hearing.

**2.06** The Parties agree to take all commercially reasonable actions necessary to obtain Preliminary and Final Approval of the Settlement and entry of a Final Order and Judgment dismissing all Released Claims against all Released Parties with prejudice. The Parties agree to offer mutual support to the proposed Settlement in all court proceedings and public communications.

**2.07** Columbia Gas stipulates for settlement purposes only to the certification of the Settlement Class but does not waive, and instead expressly reserves, its right to challenge the propriety of conditional or class certification for any other purpose as if this Agreement had not been entered into by the Parties in the event that the Court does not approve the Settlement or the Effective Date does not occur. The Parties agree that, if approved, certification of the Settlement Class is in no way an admission by Columbia Gas that class certification is proper in the Action, or any other litigation against Columbia Gas. The Parties further agree that, other than to effectuate the Settlement of this Action in this jurisdiction, the certification of the Settlement Class for settlement purposes and all documents related thereto, including this Agreement and all

accompanying exhibits and all orders entered by the Court in connection with this Agreement, shall not be construed or asserted as an acknowledgement of liability and shall not be admissible in any judicial, arbitral, administrative, investigative, or other court, tribunal, forum, or other proceeding, against any of the Released Parties.

**2.08** The form of class certification order set forth in the Preliminary Approval Order, Final Approval Order, and Judgment or otherwise, shall expressly state that the Parties agree that certification of the Settlement Class is a conditional certification for settlement purposes only. The Settlement is contingent upon court approval and such approval becoming final and non-appealable, either through resolution of all appeals or by the passage of time. Absent final court approval, the Parties will revert to the positions they were in prior to signing this Term Sheet.

**2.09** The Parties agree that if the Court does not approve any material term in the motion for Preliminary Approval or Final Approval or requires as a condition to granting the Motion any term that effects a material change in this Agreement, then this Agreement may be voided at either Party's election. The Parties further agree that Columbia Gas being required to pay any amount greater than the amount specified herein shall be deemed a material change. The Parties further agree that any ruling that the Court may make regarding Counsel's motion or petition for a Fee Award or costs or Plaintiffs' motion for any Incentive Award shall not constitute a material change in this Agreement, unless such award has the effect of increasing the total amount Columbia Gas must pay in as specified in the Agreement.

### III. Notice

3.01 The Parties agree to the following procedures regarding notice:

a) Within 14 calendar days after the Parties execute a copy of this Agreement, the Plaintiffs shall file a motion asking the Court to grant Preliminary Approval of the Settlement, approve certification of the Settlement Class, schedule a Final Approval Hearing, and approve the Settlement Notice in the form proposed by Exhibit C. If the Court does not grant the motion, the Parties agree to make reasonable efforts to obtain the Court's certification of the Settlement Class and approval of the Settlement Notice, including by filing additional motions for Preliminary Approval of the Settlement.

b) Within 5 business days after the Court grants Preliminary Approval of the proposed Settlement, Columbia Gas will provide the Settlement Administrator with an electronic list of the names, addresses, and, where available, email addresses of its customers in the Settlement Class; and Plaintiffs will work with the Settlement Administrator to develop an electronic list of the names and addresses of all residents and businesses located in the Class Area as of September 13, 2018 for purposes of Class Notice.

c) Within 10 business days after the Court grants Preliminary Approval of the proposed Settlement, the Settlement Administrator shall send the Settlement Notice approved by the Court to all Settlement Class Members, via First Class regular U.S. mail, using the most current mailing addresses presently available to Plaintiffs. Any Settlement Notice returned to the

Settlement Administrator by the Postal Service with a forwarding address shall be re-mailed within 5 business days following receipt of the returned mail by the Settlement Administrator.

d) Within 10 business days after the Court grants Preliminary Approval of the proposed Settlement, the Settlement Administrator shall establish an Internet website that will inform Settlement Class Members of the terms of this Settlement, their rights, dates and deadlines and related information. The Internet website shall also make the claim forms available for download and provide Settlement Class Members with the ability to complete and submit the claim forms electronically. The Parties shall confer on information posted on the Settlement website.

e) Within 10 business days after the Court grants Preliminary Approval of the proposed Settlement, the Settlement Administrator shall provide Notice by publication as set forth in the Notice plan, described in the affidavit of Jeanne C. Finegan, attached as Exhibit D.

f) The Settlement Administrator is directed to file with the Court and serve upon Class Counsel 25 calendar days before the Final Approval Hearing a declaration confirming the dissemination of the Notice to the Class in accordance with the Court's Preliminary Approval Order.

g) The Settlement Administrator shall provide Settlement Notice in English and Spanish (and additionally in Vietnamese on the Settlement website).

**3.02** If any Settlement Notice is returned to the Settlement Administrator without a forwarding address, the Administrator shall conduct reasonable address verification efforts consistent with the customary practices in the settlement administration industry. The Settlement Administrator shall perform a second mailing of the Notice to any Settlement Class Member whose initial Notice was returned and for whom an alternate mailing address was located through address verification. The Settlement Administrator shall also provide Notice through social media in a manner consistent with the customary practices in the settlement administration industry.

**3.03** If any person contacts any of the Parties before the Objection Deadline, claiming that he or she should have been sent a Settlement Notice and should be entitled to participate in the Settlement, that person shall be instructed to submit his or her position in writing to Class Counsel and Defendants' Counsel, together with any documents or other evidence in support of such position. Defendants' Counsel shall promptly provide Class Counsel access to any documents or other evidence in the possession of the Defendants with respect to the dispute. The Parties shall then attempt in good faith to resolve the dispute.

#### **IV. Objections to Settlement**

**4.01** The Notice shall provide Members of the Settlement Class who wish to object to the Settlement with instructions that they must serve any objection on the Settlement Administrator with a written statement objecting to the Settlement. For an objection to be considered by the Court, the objection must be submitted no later than

the last day of the Objection Period, as specified in the Notice. Omnibus objections are invalid, objections must be individually made.

**4.02** In addition, for an objection to be considered by the Court, the objection must set forth:

- a) A statement that the objection is to the proposed Columbia Gas Settlement (the formal name of the Action is not required);
- b) The objector's full name, mailing address, email address, telephone number, and addresses at which the objector lived on September 13, 2018;
- c) All grounds for the objection, accompanied by any legal support for the objection known to the objector or his or her counsel;
- d) The identity of all counsel who represent the objector, if any;
- e) A statement confirming whether the objector intends to personally appear and/or testify at the Final Approval Hearing;
- f) The objector's signature (an attorney's signature alone is not sufficient); and
- g) Identification of any class action settlements objected to by the objector's counsel in the last three years.

**4.03** Such written objection and all supporting briefs or other materials must be served on the Settlement Administrator no later than 60 days after the date of the Preliminary Approval Order. Class Counsel shall file all such written objections with the Court at least 20 days prior to the Final Approval Hearing. No person shall be entitled to be heard at the Final Approval Hearing (whether individually or through

separate counsel) or to object to the Settlement, and no written objections or briefs submitted by any person shall be received or considered by the Court at the Final Approval Hearing, unless such written statement of objections and supporting materials are timely served upon the Settlement Administrator as set forth herein. Persons who wish to speak at the Final Approval Hearing to object to the Settlement must so state in their written objection, as described above. Persons who fail to file and serve timely written objections in the manner specified above shall be deemed to have waived any objections and shall be foreclosed from making any objection (whether by appeal or otherwise) to the Settlement. Persons who are not Settlement Class Members may not object to the Settlement.

**4.04** In the exercise of their due diligence, Class Counsel and/or Counsel for Columbia Gas may seek expedited discovery from an objecting Class Member regarding the basis for the objection, to allow them to appropriately respond to the objection. Failure by the objecting Class Member to comply with expedited discovery requests may result in the Court striking the Class Member's objection and otherwise denying that Class Member the opportunity to make an objection or be further heard.

**4.05** To the extent any Class Member objects to the Settlement, and such objection is overruled in whole or in part, such Class Member will be forever bound by the Final Approval Order and Judgment of the Court.

**4.06** Any overruled objection will be treated as a timely-filed claim for lump sum payment.

**V. Windup and Oversight of Existing Natural Gas Event Claims Process**

**5.01** In the interest of obtaining relief for the residents, property owners and businesses of Andover, North Andover, and Lawrence, Columbia Gas shall, in good faith, continue to fully administer and promptly and fairly pay all claims that are submitted under its existing Natural Gas Event Claims Process (“Existing Process”) through the date of Preliminary Approval.

**5.02** For claims resolved by Columbia Gas following execution of the Term Sheet between the Parties on July 26, 2019, Columbia Gas shall cooperate with the Mediators in the administration of all pending Released Claims submitted through its Existing Process. For those claims resolved through the Existing Process for \$25,000 or less, Columbia Gas shall not require the Mediators’ prior approval, but shall provide weekly notice of all such resolved claims to the Mediators.

**5.03** For those claims resolved through the Existing Process for more than \$25,000, Columbia Gas shall provide the Mediators 5 business days’ notice to review, approve, adjust or request additional information in consideration of the claim.

**5.04** Columbia Gas may also elect, with the claimant’s permission, to submit any claim under the Process, regardless of amount, to the Mediators for review, adjustment, approval or declination.

**5.05** In all cases, the Mediators shall have the final authority to approve, decline, adjust or otherwise administer any Released Claim submitted under the Existing Process through the date of Preliminary Approval.

**5.06** Upon the grant of Preliminary Approval, all pending Released Claims in the Existing Process will be transferred to the Settlement Fund claims process described in this Agreement.

**5.07** Columbia Gas shall receive a Credit against the Settlement Fund for all payments made through the Existing Process and any mediations between July 26, 2019 and the date of Preliminary Approval related to the Existing Process.

## **VI. Settlement Fund**

**6.01** Columbia Gas agrees to pay \$143,000,000 into a Qualified Settlement Fund, as defined in United States Treasury Regulation 26. C.F.R. § 1.468B-1 in order to fully and finally resolve the Released Claims in their entirety. The Settlement Fund is inclusive of Class Counsel's Fee Award and Costs, Administrative Costs, and Plaintiffs' Incentive Award, if any.

**6.02** Neither the Parties nor the Settlement Administrator shall take any position in any filing or before any tax authority that is inconsistent with treating the Settlement Fund as a qualified settlement fund. Columbia Gas shall be the "transferor" and the Settlement Administrator shall be the "administrator" of the Settlement Fund within the meaning of United States Treasury Regulations §§ 1.468B-1(d)(1) and 1.468B-2(k)(3), respectively. As a result, the Settlement Administrator will be responsible for all tax withholding and reporting obligations of any payments made from the Settlement Fund, including any reporting required on IRS Form 1099, if any, for distributions made from the Settlement Fund. The Parties agree to take all necessary and reasonable actions to qualify the Settlement Fund pursuant to the United States Treasury Regulations.

**6.03** Class Counsel and/or the Settlement Administrator shall establish an interest bearing account designated as a Qualified Settlement Fund pursuant to the Internal Revenue Code to be held in escrow pending the Effective Date (the “Escrow Account”). Columbia Gas shall have no responsibility or liability relating to the administration, investment, or distribution of the Settlement Fund, which shall be the sole responsibility of Class Counsel and the Settlement Administrator.

**6.04** Columbia Gas shall pay the Administrative Deposit of \$3,000,000 into the Escrow Account 5 business days after the grant of Preliminary Approval by the Court. The remaining balance (minus the Credit discussed in paragraph 5.07) shall be paid by Columbia Gas to the Escrow Account 15 business days after entry of a Final Approval Order. The \$143,000,000 is the maximum amount that Columbia Gas will pay for the entire Settlement, including all Credits, costs and fees of any kind. None of the Settlement Fund shall revert to Columbia Gas, unless the Court approval contingency of Section II is not met, in which case the Settlement Fund plus any accrued interest, minus Class Notice and Settlement Administrator costs (in no event to exceed \$3 million), will be refunded to Columbia Gas.

**6.05** Once Final Approval is granted and all appeals have been completed or the period for appealing has expired, the Settlement Fund will be non-reversionary and all interest earned shall be applied for the benefit of the Settlement Class.

**6.06** All funds specified in this Section shall remain in the Escrow Account pending the disposition of any appeal of any Final Approval Order and Judgment.

**6.07** The principal and interest in the Escrow Account (the amount deposited plus interest), minus the cost of Notice and Administrative Expenses, shall be returned to Columbia Gas within 5 business days if a Final Approval Order entered by the Court is set aside by an appellate court, unless otherwise agreed in writing by the Parties. In no event, should the Class Notice and Administrative Expenses exceed \$3,000,000 from the funds returned to Columbia Gas.

**6.08** Recipients of any Settlement Award will be responsible for any taxes that may be assessed.

## **VII. Settlement Claims Process and Distribution of the Settlement Relief**

**7.01 Common Fund.** This is a common fund settlement to be administered on a claims-made basis. In order to be entitled to participate in the Settlement Fund, a Settlement Class Member must submit a valid Claim on or before 90 days following the Preliminary Approval Order or by the deadline established by the Court. Any Settlement Class Member who does not submit a timely, valid Claim shall not be entitled to share in the Settlement Fund, but nonetheless shall be barred and enjoined from asserting any of the Released Claims described herein.

**7.02 Claims Process.** All Members of the Settlement Class will be entitled to make a Claim against the Settlement Fund. Claim forms will be submitted electronically or by mail and will be administered by the Settlement Administer. Members of the Settlement Class will need to submit the information and/or documentation identified in the claims form. Sample claim forms are attached as part of the Class Notice, Exhibit C.

**7.03 Allocation Plan.** The Settlement Award each Settlement Class Member receives shall be determined by the Settlement Administrator. The Settlement Award shall be based upon the factors identified by Class Counsel's experts to determine the severity of harm the Settlement Class Member suffered as a result of the September 13, 2018 incident. The Settlement Administrator will also consider previous payments made to Members of the Class pursuant to the Existing Process or mediation in order to avoid duplicate compensation. Disputes regarding the fairness of the compensation shall be resolved first by the Administrator. Continuing disputes shall be resolved through mediation, and if mediation is unsuccessful by the Court. The Court's rulings on such disputes shall be final and unappealable.

**7.04** Within 15 business days after the Effective Date, the Settlement Administrator shall distribute the Settlement Fund as follows:

- a) the Settlement Administrator shall issue and mail to each Settlement Class Member a check in the amount determined to be owed to such Class Member, pursuant to the Allocation Plan described above;
- b) the Settlement Administrator shall issue and mail to each Named Plaintiff any Incentive Award approved by the Court; and
- c) the Settlement Administrator shall pay any Fee Award and Costs authorized by the Court by wire transfer to Class Counsel in accordance with Class Counsel's written instructions.

**7.05** Any Settlement Class Member's check returned to the Settlement Administrator by the Postal Service with a forwarding address shall be re-mailed by the

Settlement Administrator within 5 business days following its receipt of the returned mail. If any Settlement Class Member's check is returned to the Settlement Administrator without a forwarding address, the Settlement Administrator shall undertake reasonable efforts to locate the correct address and shall promptly re-mail the Settlement Class Member's check after verifying its validity.

**7.06** Each Settlement Class Member will have 90 calendar days from the date on which the Settlement Awards are issued to cash or deposit his or her settlement check, and each check shall bear a legend stating that the check shall be void after 90 days. If any settlement check is not cashed or deposited in that period of time, that settlement check will become void. Any individual Settlement Award or portions thereof which remain unnegotiated 90 calendar days following the mailing of the Settlement Award shall be deemed unclaimed. In such event, those Settlement Class Members will be deemed to have irrevocably waived any right in or claim to a Settlement Award, but the Settlement Agreement and release of claims contained therein nevertheless will be binding upon them.

**7.07** If a Settlement Class Member notifies the Settlement Administrator or Class Counsel that he or she believes that a settlement check has been lost or stolen, the Settlement Administrator shall promptly stop payment on such check. If the settlement check in question has not been negotiated prior to the stop payment order, the Settlement Administrator will issue a replacement check, from which the fees associated with the stop payment order will first be deducted. The Class Member will have an additional 45 calendar days to cash or deposit the re-issued check from the date of re-

mailing. If any settlement check is not cashed or deposited in that period of time, that settlement check will be voided.

**7.08** If there remains any residual from the Settlement Fund after all payments are made under this Agreement because settlement checks are not cashed or deposited within 90 calendar days after issuance, the residual shall be paid to Settlement Class Members who cashed their checks in a pro-rata distribution if economically feasible, otherwise, Plaintiffs shall apply to have any residual distributed to a *cy pres* fund approved by the Court.

### **VIII. Attorneys' Fees and Costs**

**8.01** Class Counsel may petition the Court for a Fee Award and Costs in conjunction with the Parties' Settlement. Any such petition shall be filed no later than 20 calendar days prior to the date of the Final Approval Hearing.

**8.02** Any attorneys' fees awarded in conjunction with the Parties' Settlement shall be paid from the Settlement Fund and shall reduce the Settlement Fund payable to Members of the Settlement Class. Class Counsel will seek a reimbursement of costs and expenses, which reimbursement shall be paid if allowed from the Settlement Fund and shall reduce the Settlement Fund payable to Members of the Settlement Class pursuant to this Agreement ("Net Settlement Agreement"). Columbia Gas will not oppose any request by Class Counsel for a Fee Award that, in total, does not exceed 16.5% of the Settlement Fund. Columbia Gas will not oppose any request for reimbursement of Costs that does not exceed 3% of the Settlement Fund.

**8.03** The Fees and Costs awarded to Class Counsel will be paid from the Settlement Fund by wire transfer to the account number identified by Class Counsel at the same time as payments hereunder are made to Members of the Settlement Class.

**IX. Incentive Award to Named Plaintiffs**

**9.01** Class Counsel may petition for an Incentive Award to the Named Plaintiffs. Any such petition shall be filed no later than 20 calendar days prior to the date of the Final Approval Hearing. Any Incentive Award granted to Named Plaintiffs shall be paid from the Settlement Fund and shall reduce the Settlement Fund payable to Members of the Settlement Class, and shall be in addition to payments that such Named Plaintiffs shall receive as Members of the Settlement Class.

**9.02** Any such Incentive Award granted by the Court shall be distributed by the Settlement Administrator in a separate check mailed contemporaneously with the mailing of checks to the Class and shall be reported to state and federal taxing authorities as non-wage income on IRS Form 1099.

**9.03** Columbia Gas will not oppose any request by Counsel for Incentive Awards to the Named Plaintiffs that do not exceed \$ 40,000 in total.

**X. Settlement Administrator**

**10.01** Class Counsel shall retain Heffler Claims Group to serve as Settlement Administrator and perform services including, without limitation, dissemination of Notices to Settlement Class Members, maintain a Settlement website, calculation of payments due, distribution of awards from the Settlement Fund to Settlement Class Members, and tax reporting related to the Settlement.

**10.02** The Settlement Administrator shall also provide any necessary information to the Court concerning the administration and processing of claims, and respond to inquiries from Class Counsel, Defendants' Counsel, the Court, and potential Class Members.

**10.03** The costs of administering the Settlement, including the fees and costs paid to the Settlement Administrator, shall be paid from the Settlement Fund.

**XI. Releases by Settlement Class**

**11.01** Upon the Effective Date, by operation of the entry of the Final Approval Order and Judgment, Plaintiffs and all Members of the Settlement Class shall be deemed to fully, forever and irrevocably release, remise, and discharge the Released Parties from any and all Released Claims as described in Paragraph 1.32, and shall be enjoined from continuing, instituting, or prosecuting any legal proceeding against the Released Parties relating in any way to the Released Claims.

**11.02** The Released Claims also include a release of all claims for attorneys' fees and costs incurred by Settlement Class Members or by Class Counsel in connection with the Action and the Settlement of the Action.

**11.03** Settlement Class Members understand and agree that this release is a full and final release applying to both those Released Claims that are currently known, anticipated, or disclosed and to all those Released Claims that are presently unknown, unanticipated, or undisclosed to any and all Settlement Class Members arising out of the alleged facts, circumstances, and occurrences underlying: (i) the claims set forth in the Action; or (ii) the Released Parties' conduct with respect to the Action.

## **XII. Dismissal of Action**

**12.01** The Final Approval Order shall provide that upon the Effective Date, the Action shall be dismissed with prejudice and without costs, with the Court retaining jurisdiction over the case for purposes of ensuring compliance with the terms of this Settlement Agreement and any order of the Court issued in connection therewith.

## **XIII. Miscellaneous Provisions**

**13.01 Complete Agreement.** Other than as stated herein, the Parties warrant that no representation, promise, or inducement has been offered or made to induce any Party to enter into this Agreement and that they are competent to execute this Agreement and accept full responsibility therefore. This Agreement contains and constitutes the entire understanding and agreement between the Parties and supersedes all previous oral and written negotiations, agreements, commitments, and writings in connection therewith. This Agreement may not be amended or modified except by a writing signed by authorized representatives of all Parties.

**13.02 Arbitration.** The Parties agree to meet and confer in good faith to resolve any disagreements over the implementation of the terms of this Agreement or any other documents necessary to effectuate the Settlement. If the meet and confer is not successful, the Parties agree to binding, non-appealable arbitration before Mediator Eric Green to resolve any disagreements over the implementation of the terms of this Agreement or any other documents necessary to effectuate the Settlement. If ordered by Mr. Green, the prevailing Party in any such dispute will be awarded the costs of the arbitration and its attorneys' fees.

**13.03 Knowing and Voluntary Agreement.** Each Party agrees that he, she or it is entering into this Agreement knowingly, voluntarily, and with full knowledge of its significance. Each party further affirms that he, she or it has not been coerced, threatened, or intimidated into signing this Agreement; that he, she or it has been advised to consult with an attorney; and that he, she or it in fact has consulted with an attorney before signing this Agreement. Class Counsel represent that they have conducted a thorough investigation into the facts of the Action and have diligently pursued an investigation of the claims asserted on behalf of Members of the Settlement Class against Columbia Gas. Based on their own independent investigation, analysis of information provided by Columbia Gas including documents, interviews, and the extensive mediation which led to this Settlement, Class Counsel state that they are of the opinion that the Settlement with Columbia Gas is fair, reasonable, and adequate, and is in the best interest of the Members of the Settlement Class, in light of all known facts and circumstances, including the risks of significant delay and defenses asserted by Columbia Gas. Class Counsel found that no material adverse change existed upon their investigation of the Existing Claims asserted on behalf of Members of the Settlement Class.

**13.04 Notices.** Any notices issued pursuant to the terms of this Agreement shall be sent to the Parties at the addresses of their respective counsel as follows:

<b>Plaintiffs</b>	<b>Columbia Gas</b>
Bailey & Glasser LLP John Roddy 99 High Street, Suite 304 Boston, MA 02110	Melick & Porter, LLP John F. Rooney III One Liberty Square Boston, MA 02109

**13.05 Severability.** If any part of this Agreement is found to be illegal, invalid, inoperative or unenforceable in law or equity, such finding shall not affect the validity of any other provisions of this Agreement, which shall be construed, reformed and enforced to affect the purposes thereof to the fullest extent permitted by law. If one or more of the provisions contained in the Agreement shall for any reason be held to be excessively broad in scope, subject matter or otherwise, so as to be unenforceable at law, the Parties agree that such provision(s) shall be construed to be limited or reduced so as to be enforceable to the maximum extent under the applicable law.

**13.06 Binding on Successors and Assigns.** This Agreement shall be binding upon and inure to the benefit of the Parties and their respective heirs, trustees, issue, next-of-kin, executors, administrators, successors, and assigns.

**13.07 Counterparts.** This Agreement may be executed in counterparts, and when each Party has signed and delivered at least one such counterpart, each counterpart shall be deemed an original, and when taken together with other signed counterparts, shall constitute one Agreement, which shall be binding upon and effective as to the Parties.

**13.08 Headings.** The headings used in this Agreement are for convenient reference only, and do not alter or limit the terms of each Section.

**13.09 Amendment or Modification.** This Agreement may be amended or modified only by a written instrument signed by all Parties and their counsel.

**13.10 Authorization to Enter into Settlement Agreement.** Counsel for Plaintiffs and Columbia Gas are expressly authorized by the Parties whom they represent to enter

into this Agreement and to take all appropriate action required or permitted to be taken by such parties to effectuate its terms, and to execute any other documents required to carry out the terms of this Agreement.

**13.11 Governing Law.** All terms of this Agreement and the exhibits hereto shall be governed by and interpreted according to the laws of the Commonwealth of Massachusetts without regard to its principles of conflict of laws.

**13.12 Jurisdiction of the Court.** Any dispute regarding the interpretation or validity of or otherwise arising out of this Agreement, or relating to the Action or the Released Claims, including any disputes regarding fees, costs and/or expenses amongst counsel, shall be subject to the exclusive jurisdiction of the Court and shall be decided pursuant to the laws of the Commonwealth of Massachusetts. The Court shall retain jurisdiction with respect to the interpretation, implementation, and enforcement of the terms of this Agreement and all orders and judgments entered in connection therewith, and the Plaintiffs and Columbia Gas and their counsel submit to the jurisdiction of the Court for purposes of interpreting, implementing, and enforcing the Settlement embodied in this Agreement and all orders and judgments entered in connection therewith.

**13.13 Invalidity of Any Provision.** The Plaintiffs and Columbia Gas request that before declaring any provision of this Agreement invalid, the Court shall first attempt to construe all provisions valid to the fullest extent possible consistent with applicable precedents.

**13.14 Waiver of Right to Object.** By signing this Agreement, Named Plaintiffs, and their counsel, and Columbia Gas and its counsel, agree to be bound by the terms herein and further agree not to object to any of the terms of this Agreement. Any such objection shall therefore be void and of no force or effect.

**13.15 Public Communications.** Plaintiffs' counsel (including their firms and any representative on their behalf) agree that they will not make any statements which disparage Columbia Gas's conduct, character or business reputation. Facts in the public domain shall not be considered disparaging.

**13.16 Continuing Stay Pending Settlement Approval.** The Parties agree to stay the Action pending Final Settlement Approval and dismissal. Plaintiffs agree not to oppose any motion by Columbia Gas to stay non-class proceedings pending the grant of Preliminary Approval so the Parties can evaluate whether any plaintiffs are Settlement Class Members.

IN WITNESS WHEREOF, the Plaintiffs and Columbia Gas and their counsel have executed this Agreement as of the date first set forth below.

Plaintiff: Robert C. McLaughlin Date: 9/24/2019

Plaintiff: \_\_\_\_\_ Date: \_\_\_\_\_

Plaintiff: \_\_\_\_\_ Date: \_\_\_\_\_

Plaintiff: \_\_\_\_\_ Date: \_\_\_\_\_

Plaintiff: \_\_\_\_\_ Date: \_\_\_\_\_

Plaintiff: \_\_\_\_\_ Date: \_\_\_\_\_

Plaintiff: \_\_\_\_\_ Date: \_\_\_\_\_

Plaintiff: \_\_\_\_\_ Date: \_\_\_\_\_

**Defendant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Defendant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**By:** \_\_\_\_\_

**Title:** \_\_\_\_\_

# EXHIBIT S

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION**

DAVE MCCORMICK, T'LANI ROBINSON, DENNIS  
MAGANA, SCOTT SWINDELL, DAVID TOROSYAN, and  
ROBBY BROWN, individually and on behalf of all others  
similarly situated,

Case No.: 2018-CH-04872

*Plaintiffs,*

v.

ADTALEM GLOBEL EDUCATION INC., formerly known as  
DEVRY EDUCATION GROUP, INC., a Delaware corporation,  
DEVRY UNIVERSTIY, INC., a Delaware corporation,

*Defendants*

**DECLARATION OF RANDALL P. BURKHOLDER**

1. I, Randall Burkholder, am a Managing Director of Kroll Settlement Administration LLC, f/k/a Heffler Claims Group (“Kroll”),<sup>1</sup> the Settlement Administrator appointed in the above-captioned case, whose principal office is located at 2000 Market Street, Suite 2700, Philadelphia, Pennsylvania 19103. I am over 21 years of age and am authorized to make this declaration on behalf of Kroll and myself. I am familiar with Kroll’s work on this matter.

2. I write this declaration to advise the Court as to the facts regarding the incorrect check amounts that were sent out to Settlement Class Members late last week.

3. On October 21, 2022, checks were sent to 45,212 class members totaling \$17,444,335.82.

4. On October 25, 2022, Kroll discovered that it had miscalculated the distribution

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<sup>1</sup> Capitalized terms used herein and not otherwise defined have the meanings assigned to them in the Settlement Agreement and Release (the “Settlement Agreement”) entered into in connection with the above-captioned case.

FILED DATE: 10/26/2022 2:12 PM 2018CH04872

amounts owed to class members and, therefore, the amounts indicated in the checks that had been sent out were incorrect. The nature of the error was a miscalculation in determining proper eligibility for Graduate Payments which, therefore, impacted the *pro rata* distribution.

5. Kroll is continuing to audit the cause of this error and calculate the appropriate distribution amounts for all class members.

6. Preliminary audit results, which are still being calculated, indicate that 34,766 class members incorrectly received checks in an amount greater than their allocated part of the Settlement. The aggregate amount of this overpayment if left uncorrected would have been \$5,657,854.26.

7. Preliminary audit results, which are still being calculated, also indicate that 14,529 class members incorrectly received checks in an amount less than their allocated part of the Settlement. The aggregate amount of this underpayment if left uncorrected would have been \$7,934,351.74.

8. In an effort to mitigate the issues resulting from this administrative error, Kroll coordinated with its bank and issued a stop payment order on all outstanding checks so that no further checks could be cashed. Kroll also promptly contacted all class members who had not yet cashed their checks and directed them not to cash any further checks until new checks are issued.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 26th day of October 2022, in New York, New York.

*Randall P Burkholder*

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Randall P. Burkholder