

**YOU MAY BE ENTITLED TO A PAYMENT OF \$600
FROM A CLASS ACTION SETTLEMENT.**

YOU HAVE BEEN IDENTIFIED AS THE PARENT OR GUARDIAN OF A MINOR who 1) Was a registered student of Summit Elementary school; 2) Received a letter from Dr. Dale Lumley, on behalf of the Butler Area School District (“BASD”), dated January 20, 2017, warning of elevated copper and lead levels in the school’s drinking water; 3) Who was later offered medical testing by the Butler Area School District; and 4) Who accepted the offer and obtained medical testing in the form of a finger stick blood test.

A court authorized this notice. This is not a solicitation from a lawyer.

- **Your legal rights are affected whether you act or don’t act. Read this notice carefully.**

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:	
DO NOTHING	Your child will receive an automatic payment of \$600.00 if the Court approves the settlement. Payments will be made if the Court approves the settlement after appeals are resolved.
EXCLUDE YOURSELF	Receive no settlement payment. This is the only option that allows you to ever be part of any other lawsuit against BASD about the claims in this case.
OBJECT	Write to the Court if you disapprove of the settlement.
GO TO A HEARING	Ask to speak in Court about the fairness of the settlement.

- These rights and options – **and the deadlines to exercise them** – are explained in this notice.

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BASIC INFORMATION

1. Why is this Notice being provided?

This Notice is being provided to you because the records of Butler Area School District (“BASD”) indicate that you are the parent or guardian of a minor who 1) Was a registered student of Summit Elementary school between August 15, 2016 and January 20, 2017; 2) Received a letter from Dr. Dale Lumley, on behalf of the Butler Area School District (“BASD”), dated January 20, 2017, warning of elevated copper and lead levels in the school’s drinking water; 3) Who was later offered medical testing by the Butler Area School District; and 4) Who accepted the offer and obtained medical testing in the form of a finger stick blood test.

The Court directed that you be sent this Notice because you have a right to know about a proposed settlement of a class action lawsuit, and about all of your options, before the Court decides whether to approve the settlement. If the Court approves the settlement, and after any objections and appeals are resolved, a neutral administrator (referred to in this Notice as the “Settlement Administrator”) approved by the Court will make the payments that the settlement allows.

The Court in charge of the case is the Court of Common Pleas of Butler County, Pennsylvania, (referred to in this notice as the “Court”). The case is known as *SHANE STARK, a minor, by and through his parent and natural guardian DONNA HOPE, individually and on behalf of all other similarly situated individuals, Plaintiffs, vs. BUTLER AREA SCHOOL DISTRICT and GLENN TERWILLIGER, Defendants*, No. 18-10759 (Court of Common Pleas of Butler County, Pennsylvania) (referred to in this notice as the “Lawsuit”). The people who sued are called Plaintiffs, and the entities who have been sued, BASD and Glenn Terwilliger, are called the Defendants.

This package explains the lawsuit, the settlement, your legal rights, what benefits are available, who is eligible for them, and how to get them.

2. What is this lawsuit about?

The lawsuit alleges sometime before the 2016/2017 school year, the Summit Elementary water system contained excessive concentrations of chlorine, which accelerated the corrosion of the water system and which resulted in a slow and continuous movement of dangerous levels of lead and copper into the Summit Elementary water system. The lawsuit claims that the Defendants knew or should have known of the dangerous levels of lead and copper in the school’s water system and fixed the problem and/or warned the students. The lawsuit claims that because the Defendants failed to fix the problem or warn about it, they were negligent, and caused the students to drink contaminated water, which placed them at risk of copper and/or lead poisoning. The lawsuits claims that while there is no evidence the students were harmed by exposure to copper or lead, they suffered injury due to the fingersticks many of them received when undergoing related blood testing. Plaintiffs further claim that they are entitled to recover money damages related to pain, suffering, and inconvenience caused by the fingersticks.

The Defendants deny the Plaintiffs’ claims and deny any wrongdoing. The Defendants deny the students suffered any injury. The entire history of the case can be found via a review of the docket at No. 18-10759 in the Court of Common Pleas of Butler County.

If you believe your minor child meets the criteria described in Section #1 of this Notice and suffered harm therefrom in the form of demonstrable copper or lead poisoning you will be giving up any such claims if you do not exclude yourself from this class action settlement. If you want to pursue such claims on an individual basis you should consider retaining an attorney of your own choice and excluding yourself from this class action using the exclusion procedure explained below in the Answer to Question NO. 11. The Class Counsel listed below in the Answer to No. 14 cannot represent you to file such individual claims either in this action or a separate lawsuit.

The Court has preliminarily approved this Lawsuit to proceed as a class action for settlement purposes only. If the settlement is not approved, the Court will have to decide whether this Lawsuit should be treated as a class action for the purpose of addressing the merits and trying the Lawsuit.

3. Why is this a class action?

In a class action, one or more people called class representatives sue on behalf of people who they believe have similar claims. All of these people are a class or class members. One court resolves the issues for all class members, except for those who exclude themselves from the class. In the Lawsuit, the “Class Representative” is the named Plaintiffs, Sharn Stark, a minor and his mother and natural guardian, Donna Hope. This Lawsuit is being presided over by Judge S. Michael Yeager, of the Court of Common Pleas of Butler County, Pennsylvania.

4. Why is there a settlement?

Both sides believe their claims or defenses would have won in this Lawsuit. However, the Court has not decided in favor of Plaintiffs or Defendants. Instead, both sides have agreed to a settlement. That way, they and the Settlement Class Members avoid the risk, delay, and expense of continuing the Lawsuit, and the Settlement Class Members will be eligible to receive compensation. The Class Representative and the attorneys think the settlement is best for all Settlement Class Members.

WHO IS A CLASS MEMBER?

To see if your child will be affected by this class action, you first have to determine if they are a Class Member.

5. How do I know if my child is a part of the settlement?

Judge Yeager decided that everyone who fits the following description is a Class Member: 1) A registered student of Summit Elementary school during the time period of August 15, 2016 through January 20, 2017; 2) Who received a letter from Dr. Dale Lumley, on behalf of the Butler Area School District (“BASD”), dated January 20, 2017, warning of elevated copper and lead levels in the school’s drinking water; 3) Who was later offered medical testing by the Butler Area School District; and 4) Who accepted the offer and obtained medical testing in the form of a finger stick blood test.

A search of BASD’s records identified your child as a potential member of the Settlement Class. If your child is a member of the Settlement Class, unless you exclude them from the Settlement Class, you will be deemed to be a “Settlement Class Member” and subject to the settlement.

6. What if I am not sure whether my child is included?

If you are not sure whether you are included in the Class, or you have questions about the case, you may call or email Class Counsel:

Brendan B. Lupetin, Esq.
LUPETIN & UNATIN
The Gulf Tower – Suite 3200
707 Grant Street
Pittsburgh, PA 15219
E: blupetin@pamedmal.com
P: (412) 281-4100

THE SETTLEMENT BENEFITS – WHAT YOU COULD RECEIVE

7. What can my child receive from the settlement?

Settlement Class Members as to whom BASD has a record that they received blood testing are eligible to receive a one-time lump sum payment of \$600 if Judge Yeager approves the settlement as fair, reasonable, and adequate.

HOW YOUR CHILD RECEIVES A PAYMENT

8. How can my child receive a payment?

You do not have to do anything in order for your child to receive the payment of \$600.00. Your child has been identified as a person as to whom BASD has a record of having went and obtained a blood test after receiving a notice letter and offer of medical treatment from BASD. Since BASD has a record of your child's medical test your child is eligible to receive this payment under the settlement.

9. When would my child receive payment?

The Court will hold a hearing on December 6, 2023, to decide whether to approve the settlement. If Judge Yeager approves the settlement, there may be appeals after that. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. Please be patient.

10. What is my child giving up to receive a payment or stay in the class?

Unless you exclude your child, they are staying in the Class, and that means that they can't sue, continue to sue, or be part of any other lawsuit against the Defendants about the issues that were or could have been raised in *this* case. It also means that all of the Court's orders will apply to you child and legally bind you and them, including the Release of Claims described in detail in the Settlement Agreement. This Release of Claims provision describes exactly the legal claims that your child is giving up if this settlement is approved and you do not exclude them.

EXCLUDING YOUR CHILD FROM THE SETTLEMENT

If you want to keep your child's right to sue or continue to sue the Defendants on your own about the legal issues that were or could have been raised in this case, then you must take steps to get out. This is called excluding yourself/them from – or is sometimes referred to as opting out of – the Settlement Class.

If you believe that your child suffered an injury greater that what is claimed in this case (pain and suffering from a needle stick), you should consider excluding your child from this class action using the exclusion procedure explained below in the Answer to Question NO. 11.

11. How does my child get out of the settlement?

To exclude your child from the Settlement Class, you must make your request in writing. A request for exclusion must contain the following: (1) a prominent identifying reference to the case as follows "*Stark et al. v. Butler Area School District et al., No. 18-10759, Court of Common Pleas of Butler County;*" (2) your name and your child's name; (3) your address; (4) an expression of your desire to opt out or be excluded from the Settlement Class; and (6) your signature. A separate request for exclusion must be submitted for each Settlement Class Member who wants to be excluded from the settlement i.e. if you have more than one child who meets the class description you would need to make a separate request for each.

Your written request for exclusion must be sent by First Class Mail, postage prepaid, and postmarked no later than November 17, 2023, and must be addressed to the Court-appointed Settlement Administrator at:

Butler Area School District Case
P.O. Box 2002
Chanhassen, MN 55317-2002
info@ButlerAreaSchoolDistrictCase.com
833-310-4275

You cannot exclude your child on the phone or by e-mail. If you ask to file the proper exclusion document, you will not receive any settlement payment from this lawsuit, and you cannot object to the settlement. Neither you nor your

child will be legally bound by anything that happens in this lawsuit. You may be able to sue (or continue to sue) the Defendants with regard to the issues raised in this case in the future.

12. If I don't exclude my child can I sue the Defendants for the same thing later?

No. Unless you exclude your child now, you give up the right to sue the Defendants for the claims this settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You must exclude yourself from this Class to continue your own lawsuit. Remember, the exclusion deadline is **November 17, 2023**.

13. If I exclude my child, can I receive money from this settlement?

No. If you exclude your child, they will not receive any money from this settlement. But, they may sue separately, continue to sue, or be part of a different lawsuit against the Defendants.

THE LAWYERS REPRESENTING YOU

14. Do I/Does my child have a lawyer in the case?

The Court appointed this lawyer and law firm to represent you and other Class Members. This lawyer is called Class Counsel or Lead Counsel. You will not be charged for these lawyers.

Brendan B. Lupetin, Esq.
LUPETIN & UNATIN
The Gulf Tower – Suite 3200
707 Grant Street
Pittsburgh, PA 15219
E: blupetin@pamedmal.com
P: (412) 281-4100

If you want your child to be represented by their own lawyer in this case, you may hire one at your own expense. The Class Counsel listed above cannot represent you or your child to file any individual claims in a separate lawsuit.

15. How will the lawyers be paid?

Neither you nor your child will be charged for the services of Class Counsel. As part of the consideration provided to you and the other Settlement Class Members, the Defendants will pay Class Counsel's fees, costs and expenses separate and apart from the Settlement Relief being made available to Settlement Class Members.

Class Counsel will ask the Court to approve payment in the amount of no more than \$71,666.67 to them for attorneys' fees, costs and expenses. Class Counsel will also ask the Court to approve payments of \$1,500 each to Shane Stark and Dona Hope for their service as Class Representatives. The fees and payments would pay Class Counsel and the Class Representatives for investigating the facts and litigating the Lawsuit, as well as negotiating the settlement and monitoring your child's rights during approval and administration of the settlement. These amounts will not come out of the funds for payments to Settlement Class Members. The Court may award less than the amount requested.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you don't agree with the settlement or some part of it.

16. How do I tell the Court that I don't like the settlement?

You may remain a member of the Settlement Class and object to the settlement. If you do not exclude your child from the Settlement Class, you may object to any aspect of the proposed settlement, including final certification of the Settlement Class, the fairness, reasonableness, or adequacy of the proposed settlement, the adequacy of the representation by the Class Representatives or by Class Counsel, or the request of Class Counsel for fees, costs and

expenses and awards to the Class Representatives. Each objection must be in writing and include: (1) a prominent identifying reference to the case as follows “*Stark et al. v. Butler Area School District et al., No. 18-10759, Court of Common Pleas of Butler County*” (2) your name and your child’s name; (3) your address; (4) a statement of each objection being made and basis therefore; (5) a statement indicating whether you intend to appear at the Fairness Hearing; and (6) a list of witnesses whom you may call by live testimony and copies of any documents or papers that you plan to submit in support of your objection(s)..

You must file your objection(s) with the Court, and send copies by First Class Mail, postage prepaid, to Class Counsel and counsel for the Defendants postmarked no later than November 17, 2023 as follows:

CLASS COUNSEL	COUNSEL SHEC
Brendan B. Lupetin Pa. I.D. No. 201164 LUPETIN & UNATIN The Gulf Tower – Suite 3200 707 Grant Street Pittsburgh, PA 15219	Thomas W. King, III, Esquire Dillon McCandless King Coulte & Graham, L.L.P. 128 West Cunningham Street Butler, PA 16001 tking@dmkcg.com <i>(Counsel for Defendant Butler Area School District)</i> John C. McMeekin, II, Esquire Rawle & Henderson LLP The Widener Building 1339 Chestnut Street, 16th Floor Philadelphia, PA 19107 jmcmeekin@rawle.com <i>(Counsel for Defendant Butler Area School District)</i> Jon Hogue, Esquire Murray Hogue & Lannis 707 Grant Street, Suite 3400 Pittsburgh, PA 15219 jhogue@mhandl.com <i>(Counsel for Defendant Glenn Terwilliger)</i>

If you do not comply with these procedures, including the deadline for submitting written objections, you will lose any opportunity to have your objection considered by the Court at the Fairness Hearing or to otherwise contest the approval of the proposed settlement or to appeal from any orders or judgments entered by the Court in connection with the proposed settlement.

17. What is the difference between objecting and excluding?

Objecting is simply telling the Court that you don’t like something about the settlement. You can object only if you stay in the Class, and you will be bound as a Settlement Class Member if the Court approves the settlement despite any objections. Excluding yourself is telling the Court that you don’t want your child to be part of the Class. If you exclude your child, you have no basis to object because the case no longer affects you.

THE COURT’S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the settlement. You may attend and you may ask to speak, but you do not have to.

18. When and where will the Court decide whether to approve the settlement?

The Court will hold a Fairness Hearing at 2:00 p.m. on December 6, 2023, in room 3 at the Butler County Courthouse, 124 W Diamond Street, Butler, PA 16001. At this hearing, the Court will consider whether the settlement is fair,

reasonable, and adequate. If there are objections, the Court will consider them. Persons who have followed the procedures described below may appear to be heard by the Court. The Court may also decide whether to approve Class Counsel's fees, costs and expenses and awards to the Class Representatives as negotiated in the settlement. After the hearing, the Court will decide whether to approve the settlement. It is not known how long these decisions will take.

19. Do I have to come to the hearing?

No. Class Counsel will answer questions the Court may have. But, you are welcome to come at your own expense. If you send a timely and proper objection, the Court will consider it whether or not you attend the hearing. You may also pay your own lawyer to attend, but it is not necessary.

20. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. To do so, you must notify the Court and parties in writing. The writing must contain: (1) a prominent identifying reference to the case as follows: "*Stark et al. v. Butler Area School District et al., No. 18-10759, Court of Common Pleas of Butler County*;" (2) your full name, address, telephone number, and signature; and (3) if counsel will appear on your behalf, the counsel's full name, address, telephone number, and bar identification number.

You must file your Notice of Intent to Appear with the Court, and send copies by First Class Mail, postage prepaid, to Class Counsel and counsel for the Defendants, at the addresses provided for submitting objections set forth in Section 18 of this Notice, no later than November 17, 2023. You cannot speak at the hearing if you excluded yourself from the Settlement Class.

IF YOU DO NOTHING

21. What happens if I do nothing?

If you do nothing, your child will receive a lump sum payment of \$600 from this settlement. But, unless you exclude your child, you won't be able to start a lawsuit or continue with a lawsuit against the Defendants about the legal issues that were or could have been raised in this case, ever again.

GETTING MORE INFORMATION

22. Are there more details about the settlement?

This notice summarizes the lawsuit. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement by writing to Class Counsel at the addresses listed in Section 14 of this Notice or at www.ButlerAreaSchoolDistrictCase.com. Or reach out to the Settlement Administrator at:

Butler Area School District Case
P.O. Box 2002
Chanhassen, MN 55317-2002
info@ButlerAreaSchoolDistrictCase.com
833-310-4275

Date: October 18, 2023.

DO NOT CALL THE COURT.
DO NOT CALL OR SEND CORRESPONDENCE TO JUDGE YEAGER OR HIS STAFF.