

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

NOTICE OF SETTLEMENT

If at any point from December 15, 2012 to the present you (1) owned, (2) occupied, or (3) rented and occupied property within the approximately one-half (0.5) mile radius from 200 14th Street in West Point, you may be entitled to money.

- Named Plaintiffs Ashton Bell, Delilah Bell, Lucy Edwards, Clarence Burrell, Sheila Burrell, Linda White, Nancy Saunders, and Dale Saunders sued WestRock CP, LLC (“WestRock”) and West Point Chips, Inc. (“West Point Chips”) alleging nuisance and trespass purportedly resulting from fugitive wood dust blowing onto their properties. WestRock and West Point Chips denied these allegations and contended that they did not violate the law or any applicable standard of care.
- The Parties have reached a settlement in this matter. The Court has granted preliminary approval of the Settlement.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:

MAKE A CLAIM	Collect your portion of the Settlement. If you submit a claim form and supporting paperwork (detailed below) demonstrating you are a part of the Class, you will be entitled to a portion of the settlement upon the Final Approval of the Court. In making a claim, you will waive your right to sue WestRock or West Point Chips on your own about the same claims in this lawsuit.
OPT-OUT	Opt-out of the Settlement By opting out or excluding yourself from the lawsuit, you will not recover any part of the settlement fund, but will keep your right to sue WestRock and/or West Point Chips on your own about the same claims in this lawsuit, or any other claims related to WestRock or West Point Chips’ alleged emission of wood dust.
DO NOTHING	Ignore this Notice By doing nothing, you are choosing to stay in the lawsuit, but will not be eligible for any compensation. You will receive no money from the settlement and you will give up the right to sue WestRock or West Point Chips on your own about the same claims in this lawsuit.
OBJECT	Lodge an Objection By lodging an objection, you are choosing remain a part of settlement class but object to its terms. The Court will review your objection prior to deciding whether to grant final approval of the settlement.

- Your rights and options are explained in this notice. To make a claim for your pro rata portion of the settlement, to exclude yourself, or to object, you must act by **January 20, 2020**.

QUESTIONS? CALL 1-855-935-1340 TOLL FREE--OR—VISIT
www.WestPointClassAction.COM

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BASIC INFORMATION

1. Why was this notice issued?

This notice was issued because a Court has preliminarily approved a settlement in this lawsuit and your rights may be affected. If, at any time since December 15, 2012, (1) owned, (2) occupied, or (3) rented and occupied property within the approximately one-half (0.5) mile radius from 200 14th Street in West Point, you may have legal rights and options in this case. This notice explains all of these things.

Judge John A. Gibney of the United States District Court for the Eastern District of Virginia, Richmond Division, is overseeing this class action. The case is known as *Ashton Bell, et al. v. WestRock CP, LLC, et al.*, Case No. 3:17-cv-829. The persons who sued are called the Plaintiffs. The companies they are suing, WestRock CP, LLC and West Point Chips, Inc., are called the Defendants.

2. What is this lawsuit about?

The lawsuit claims that Defendants emitted wood dust from their properties, which crossed onto class members' properties, causing a loss of use and enjoyment of class members' properties.

Defendants deny those allegations.

No decision about whether the Plaintiffs or Defendants are right has been made. Both parties have however, agreed to a settlement of all claims.

More information about this lawsuit, including pleadings filed by the Plaintiffs and Defendants, is available at www.WestPointClassAction.com.

3. What is a class action?

In a class action, one or more people, called Class Representatives, sue on behalf of all people who have similar claims. Together these people are called a Class or Class Members. In this case the Class Representatives are Ashton Bell, Delilah Bell, Lucy Edwards, Clarence Burrell, Sheila Burrell, Linda White, Nancy Saunders, and Dale Saunders.

THE CLAIMS IN THE LAWSUIT

4. What does the lawsuit complain about?

The lawsuit claims that Defendants emitted wood dust from their properties, which crossed onto class members' properties, causing a loss of use and enjoyment of class members' properties. More information on what the lawsuit complains about can be found at www.WestPointClassAction.com.

5. How do WestRock and West Point Chips answer?

Defendants deny all of the claims and allegations in the lawsuit. More information on Defendants' Answer and defenses to the claims can be found at www.WestPointClassAction.com.

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6. What are the Plaintiffs asking for on behalf of the Class?

Plaintiffs originally sought compensation for the loss of use and enjoyment of their property due to the wood dust allegedly emitted from Defendants' properties. The loss of use and enjoyment includes compensation for things such as additional cleaning, inability to freely open windows, and difficulties in enjoying their yards. Plaintiffs also sought attorneys' fees and costs.

Defendants argued that Plaintiffs waited too long to bring claims for compensation for loss of use and enjoyment of their properties. The Court agreed with Defendants, and found that the only remedy available to Plaintiffs could be an injunction against Defendants. An injunction could force Defendants to take different actions related to allegations of fugitive wood dust. Even if Plaintiffs won an injunction however, neither Plaintiffs nor members of the class could be monetarily compensated for any loss of use and enjoyment of their property over the past years.

The Settlement Terms

7. What are the terms of the agreement?

WestRock and West Point Chips have agreed to settle this litigation with Plaintiffs and the Settlement Class for \$700,000.00, in total and inclusive of attorneys' fees and costs, in consideration for a release of all claims and of all requests for relief brought or that could have been brought in the lawsuit against Defendants. Individuals who remain a part of the settlement class, by either making a claim or doing nothing, will completely resolve, release, and forever discharge all claims and requests for relief that are or could have been alleged by Plaintiffs concerning the fugitive wood dust emitted from WestRock and West Point Chips' facilities. The full settlement agreement can be found at www.WestPointClassAction.com

8. Is there any money available now?

Yes. The Court has preliminarily approved the Parties settlement agreement. You have until **January 20, 2020** to submit a form to claim your portion of the settlement. If you do not submit a claim form and the requested supporting documentation, you will not be able to collect a portion of the settlement.

The Court has scheduled a hearing to review the settlement process and the number of Claims that have been made, as well as the number of people who have opted out of the settlement. The final approval hearing is set for March 18, 2020. At this time the Court will also consider any objections to the settlement agreement.

9. How much will I receive?

The settlement fund will be allocated on a pro rata basis. This means that after payment of an incentive award to the Named Plaintiffs, attorneys fees and costs, the remaining fund will be split amongst all individuals who submit a claim form showing they are a part of the class. We estimate that approximately \$800 - \$1000 will be distributed to the owners and occupants, collectively, of each property in the class. This number may vary based on the number of individuals who submit a claim.

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MEMBERS OF THE CLASS

10. How do I know if I am part of the Class?

You are part of this lawsuit if, at any point on or after December 15, 2012, through to the date of final approval of the settlement, you (1) owned, (2) occupied, or (3) rented and occupied property in the Class Area. The Class Area is defined as all properties within the approximately one-half (0.5) mile radius from 200 14th Street in West Point, Virginia and bound as follows: Beginning at the intersection of Main Street and 21st Street, going northeast on 21st Street to Lee Street; going southeast on Lee Street to 20th Street; going northeast on 20th Street to F Street; going southeast on F Street to 18th Street; going northeast on 18th Street to the tributary of the Mattaponi River located between F Street and Chelsea Road; going south along the western bank of the tributary as it continues under 14th Street and connects to the Mattaponi River; going south along the western bank of the Mattaponi River to the point where 7th Street, if extended, would meet the Mattaponi River; southwest from the point where 7th Street, if extended, would meet the Mattaponi River to 7th Street and continuing on 7th Street to Lee Street; going southeast on Lee Street to 5th Street; going southwest on 5th Street until it dead ends into an unnamed road that parallels the train tracks; going northwest on the unnamed road that parallels the train tracks until it dead ends at 7th Street; continuing northwest from the dead end of the unnamed road on a line parallel with the train tracks to the intersection of Kent Street and 13th Street; continuing northwest on Kent Street until it dead ends into 16th Street; going northeast on 16th Street to 17th Street; going northwest on 17th Street to Main Street; going northwest on Main Street to 21st Street.

YOUR RIGHTS AND OPTIONS

11. How do I collect my share of the settlement?

To collect your pro rata share of the settlement, you must make a claim. Making a claim is easy. Simply fill out the attached form and provide proof of residency. Proof of residency can include: (1) drivers license or other government-issued identification card showing your home address as within the class area; (2) utility bill showing your name and a property address from within the class area; (3) lease agreement; or (4) property tax bill from during the class period showing your name and your property address from within the class area. The claim form must be sent via U.S. Mail to West Point Class, c/o Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103 or via e-mail to westrock@securefiles.angeiongroup.com. Claim forms can also be completed online, at www.WestPointClassAction.com.

If you submit a claim form you will be legally bound by the terms of the settlement and will be unable to sue WestRock or West Point Chips in a different case over the same legal claims that are included in this lawsuit.

12. What happens if I do nothing at all?

If you do nothing, you are choosing to stay in the Class, but will not receive any portion of the settlement. This means that you will be legally bound by the terms of the settlement agreement, and you will not be able to sue or continue to sue Defendants in a different case over the same legal claims that are included in this lawsuit.

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13. What happens if I exclude myself?

If you exclude yourself, or “opt-out” from the Class, you will not be legally bound by the settlement or entitled to take any portion of the settlement funds. You will however retain your right to sue WestRock and/or West Point Chips in a different case regarding injunctive relief. The Court has already determined that monetary recovery is unavailable.

14. How do I ask to be excluded?

To exclude yourself, send a letter or e-mail that says you want to be excluded from the *Ashton Bell, et al. v. WestRock CP, LLC, et al.*, Case No. 3:17-cv-829. Include your name, address, telephone number, and signature or electronic signature. You must mail your exclusion request letter so that it is postmarked by **January 20, 2020**, to: West Point Class, ATTN: Exclusions, P.O. Box 58220, Philadelphia, PA 19102, or send your exclusion request email by **January 20, 2020** to info@WestPointClassAction.com.

15. How do I object to the settlement?

You can tell the Court that you do not agree with the Settlement or some part of it.

In order to object, send a letter or e-mail that says you are a Settlement Class Member and object to the Settlement, and stating the reason why you object. Your letter must: contain (a) the name of the case *Ashton Bell, et al. v. WestRock CP, LLC, et al.*, Case No. 3:17-cv-829; (b) information sufficient to identify and contact you such as your address, telephone number, email address, and the contact information for any attorney you retained in connection with the objection; (c) a detailed statement of the objection being lodged and associated factual and legal support for the objection; (d) a statement of whether you intend to appear, either in person or through counsel, at the Final Fairness Hearing; and (e) if you object or intent to appear through counsel, the counsel’s name, contact information, a description of where counsel is licensed to practice law, and a list identifying all objections your counsel has made to class action settlements from January 1, 2009 to the present, and the results of each objection. All Class Members who file objections must make themselves available for deposition upon 10 days written notice. If you attend to appear at the Final Fairness Hearing, you must provide a list of any witnesses you intend to call as well as a brief summary of their testimony.

In order for your objection to be considered you must mail your objection so that it is postmarked by **January 20, 2020**, to Class Counsel Gary E. Mason, WHITFIELD BRYSON & MASON LLP, 5101 Wisconsin Avenue NW Ste. 305, Washington, D.C. 20008.

The Final Fairness Hearing is scheduled for 12:00 p.m. on March 18, 2020 at the District Court for the Eastern District of Virginia, Richmond Division, 701 East Broad Street, Richmond, Virginia 23219.

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THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

Yes. The Court has preliminarily approved the appointment of Gary E. Mason of Whitfield Bryson & Mason, LLP, David Wise of Wise & Donahue PLC, and Patrick Pendley of Pendley Baudin & Coffin LLP, to represent class members who are a part of the settlement class. Complete contact information for these law firms can be found at www.WestPointClassAction.com.

17. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is representing you and all the other members of the Class. However, you are allowed to hire your own lawyer, even if you remain a member of the class. He or she may ask to appear in Court for you in this case, if you want someone other than Class Counsel to speak for you, but you will have to pay that lawyer.

18. How will the lawyers be paid?

If the Court approves the settlement, Class Counsel will ask the Court for approval of fees and expenses. You will not personally have to pay any of these fees and expenses.

19. How much will the lawyers be paid?

If the Court grants approval of the Settlement, including approval of attorneys' costs and fees, Class Counsel will take fees in the amount of 30% of the total fund, or \$210,000 as payment for prosecuting the case. Attorneys will also seek no more than \$300,000 to cover costs of bringing the suit. The attorneys will ask the Court for approval of fees and expenses. You will not personally have to pay any of these fees and expenses.

GETTING MORE INFORMATION

20. Is more information about the lawsuit available?

More information about the lawsuit is available by visiting www.WestPointClassAction.com, by calling toll-free 1-855-935-1340, or writing to West Point Class, c/o Settlement Administrator, 1650 Arch Street, Suite 2210, Philadelphia, PA 19103. You can view a copy of the Court's Memorandum Opinion and Order, the Plaintiffs' Complaint, and the Defendants' Answers at the website.

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