

IN THE CIRCUIT COURT OF
PUTNAM COUNTY, WEST VIRGINIA

ZINA G. BIBB, et al. : CIVIL ACTION NO. 04-C-465
: :
Plaintiffs : :
: :
v. : :
: :
MONSANTO COMPANY, et al. : :
: :
Defendants : :

**NOTICE OF PROPOSED SETTLEMENT
OF PROPERTY CLASS**

You may be entitled to have the interior of your property cleaned under the terms of a settlement agreement, if you owned residential property within a certain geographic area in Putnam and Kanawha Counties, near the City of Nitro, West Virginia, known as the “Property Class Cleanup Area” as of September 30, 2010.

*The Circuit Court of Putnam County, West Virginia authorized this Notice.
This is not a solicitation from a lawyer.*

On February 23, 2012, the Court presiding over this lawsuit issued an Order preliminarily approving a settlement for persons who owned residential property within the geographic area in Putnam and Kanawha Counties, West Virginia known as the “Property Class Cleanup Area” as of September 30, 2010. A Map of that area is attached to this Notice as Exhibit A. The settlement establishes a Property Program and Fund that provides eligible members of the Property Class with the right to have the interiors of their residences cleaned, subject to the terms and conditions of the Property Class Settlement Agreement and the Property Program established thereunder.

You should examine the Map closely. If your property falls outside the Cleanup Area designated by the Map, you will not be eligible for benefits under the Property Program, even though you are a Class Member. If this Settlement is approved by the Court, all Class Members (even those not eligible for benefits under the Program) will release the Defendants for all property-related claims, in return for which the Defendants have agreed to pay for the cleanup of the residences of eligible members.

The Court still has to decide whether to issue final approval of the Settlement. The Property Program will only be provided if the Court approves the Settlement and after appeals, if any, are resolved.

Your legal rights are affected whether you act or don’t act. These rights and options — and the deadlines to exercise them — are explained in this Class Notice. Please read it carefully.

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS
PROPERTY SETTLEMENT:**

DO NOTHING NOW, THEN REGISTER FOR AND PARTICIPATE IN THE FREE PROPERTY PROGRAM	If the Court approves the Settlement, notice of the commencement of the Property Program will be sent by first-class mail, and you will have 120 days thereafter to sign up.
OBJECT TO THE PROPOSED SETTLEMENT	Write to the Court about why you don't like the settlement. Your objections must be in writing and postmarked not later than June 7, 2012. All Class Members have standing to object.
GO TO THE FAIRNESS HEARING	Ask to speak in Court about the fairness of the settlement. You may not speak unless you have asked to do so in writing before June 7, 2012.
DO NOTHING NOW, DON'T OBJECT, AND DON'T PARTICIPATE IN THE PROPERTY PROGRAM	Participation in the Property Program is completely voluntary. Approval by the court means that those eligible class members who wish to participate will have the opportunity to do so.

1. BASIC INFORMATION

Certain persons owning residential property in and around Nitro, West Virginia filed a lawsuit in 2004 in West Virginia state court alleging that their property and persons were contaminated by dioxins released at Monsanto Company's Nitro Plant located in Nitro, West Virginia, which is no longer operational (the "Plant"). Specifically, Plaintiffs in the lawsuit allege that waste disposal practices at the Plant between 1948 and 1969 resulted in widespread dioxin contamination in the Class Area. The Defendants deny that any such contamination occurred. Nonetheless, the Parties to the lawsuit have reached a preliminary Settlement. As part of that Settlement, the Parties are required to notify certain affected persons (*i.e.*, the Property Class) of their right to participate in the Property Program established under the Settlement.

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

The Court in charge of this case directed that this Class Notice be provided to you because you have a right to know about a proposed Settlement of the Property Class before the Court decides whether to issue final approval of the Settlement. This Notice provides details on what options you have in response to this Settlement, and how to claim benefits provided by the Settlement.

2. DOES THIS NOTICE PERTAIN TO ME?

You have received this Notice because you are a member of the Property Class. However, only those persons who own residential property within the geographic area in Putnam and Kanawha Counties, West Virginia known as the "Property Class Cleanup Area" as of September 30, 2010 (as designated in the Map attached to this Notice) are permitted to participate in the Property Program. Residential property is defined as a residential property, such as houses, mobile homes or condominiums owned by an individual or individuals, and does not include apartments, apartment buildings, commercial properties or government buildings of any kind. To determine if you are eligible to participate in the Property Program, follow the directions contained in Section 6 below.

3. WHAT IS A CLASS ACTION?

In a class action, one or more people called “Class Representatives” sue on behalf of a group of people with similar claims. All of these people together are called the “Class” or “Class Members.” One court resolves the issues for all Class Members.

4. WHY IS THERE A SETTLEMENT?

A settlement is not an admission of any wrongdoing by the Defendants. The Court or a jury did not make any decision in favor of the Plaintiffs or the Defendants. Instead, the two sides agreed to settle. By settling, they both avoid the risks, delays, and costs of a trial, and the Property Class Members will get benefits as a result. The Parties in the case and their attorneys believe this Settlement is the best option for everyone in the Property Class.

5. OVERVIEW OF THE PROPERTY PROGRAM

As part of the proposed Settlement, Defendants have agreed to fund a Property Program. The Defendants have agreed to pay as much as \$9,000,000 to fund the Program, which will last three years. The Property Program is designed to clean accessible horizontal surfaces in the interior of eligible residential properties. If your property is eligible you will be entitled to receive, free of charge, the following services to be performed by property cleanup specialists: (a) vacuuming carpets, rugs and accessible horizontal surfaces with a HEPA vacuum; and (b) wet cleaning the following accessible horizontal surfaces: floors and floor vents, tops of doors and window moldings, window mullions, interior window sills, window troughs (if accessible), ceiling fans and light fixtures and radiators. The cleanup targets easily accessible areas in living spaces and as such will not extend to attics, garages, utility rooms, outbuildings, utility sheds, closets, internal shelving, and drawers in furniture and cabinets. Objects sitting on top of accessible surfaces will need to be removed by you prior to cleaning.

The Program is not being offered because the residences in the Cleanup Area have a documented dioxin problem. To the contrary, analyses of indoor dust samples taken from living spaces of area residences have shown dioxin levels on average substantially below the USEPA Soil Guideline of 1000 ppt. According to the USEPA, dioxin is found almost everywhere, and has many commonplace sources, such as automobile exhaust, fireplaces, backyard barrel burning, cigarettes, municipal and medical waste incineration and the like. Also, testing performed on residential soils in the area has shown no human health or environmental threat. Accordingly, soil cleanup is not included in the Property Program.

The details of the clean-up procedures under the Property Agreement are included in a document entitled *Standard Operating Procedure: Removing Dust from Homes* which is Exhibit D to the Property Class Settlement Agreement preliminarily approved by the Court. It may be reviewed as set forth in Section 15, below.

6. HOW TO PARTICIPATE IN THE PROPERTY PROGRAM

To participate in the Property Program established under the Settlement, you must first fill out a Questionnaire provided by the Registration Administrator and provide documentation as required. The Registration Administrator will carefully review your Questionnaire and determine whether your property is eligible. To obtain the Questionnaire, you must visit the Registration Location (to be determined) or visit the Nitro Class Settlement Website, which will contain helpful information and Questionnaires. To participate in the Property Program, all Questionnaires must be completed and turned in during the initial Registration Period, which will last for 120 days following Final Approval of the Settlement.

7. WHEN WILL CLEAN-UP BEGIN?

Property determined to be eligible will be scheduled for clean-up on a first-come, first-served basis by the company retained by the Defendants to perform the clean-up, Foth Infrastructure & Environment, LLC (“Foth”), in

cooperation with the Program Administrator. The Program Administrator will have the right to make groupings of residences to be cleaned so that the process is more efficient. Under the terms of the Property Class Settlement Agreement it may take up to three years for all the eligible residences to be cleaned.

8. RELEASE OF CLAIMS AGAINST DEFENDANTS

If you are a member of the Property Class and did not opt out of the Class, Final Approval by the Court of the Settlement will result in the dismissal of all property claims you may have against the Defendants. In return for the dismissal of all claims, Defendants have agreed to fund the Property Program.

9. THE LAWYERS REPRESENTING YOU

The Court previously ordered that W. Stuart Calwell, Jr., Esquire, of The Calwell Practice, Pllc, will represent you and the other Class Members. This lawyer and the law firm are called "Class Counsel."

If you want to be represented by your own lawyer, you may hire one at your own expense.

10. HOW WILL CLASS COUNSEL BE PAID?

Class Counsel will ask the Court for an award of attorneys' fees and reimbursement of expenses, which the Court will consider at the Fairness Hearing described in Section 12. The amount of attorneys' fees and costs awarded to Class Counsel by the Court are separate and apart from any benefits made available to the Property Class and will not affect in any way the settlement benefits to which you are entitled. Class Counsel has petitioned the Court for an award of fees up to \$2,250,000 and for reimbursement of direct case costs of up to \$2,000,000. Defendants have agreed to pay up to those amounts should the Court find the request for fees and costs fair and reasonable. Class Counsel's petition for fees and costs and the justifications supporting the request may be reviewed at www.BibbClass.com.

11. OBJECTING TO THE SETTLEMENT

If you are a member of the Property Class and you wish to object to the Settlement, you can object to the Settlement or the award of attorneys' fees and costs, if you wish. You must do so in writing and must include the reasons why you think the Court should not approve the settlement or an award of attorneys' fees and costs. The Court will consider your views.

To object, you must send a letter saying that you object to the proposed Settlement in the *Bibb v. Monsanto Co.*, NO. 04-C-465 litigation. You must include your name, address, telephone number, and your signature. You must also state the reasons why you object. Mail copies of the objection to each of the following addresses, postmarked no later than June 7, 2012:

Clerk of the Court
Circuit Court of Putnam County,
West Virginia
3389 Winfield Road
Winfield, WV 25213-9354

12. WHEN AND WHERE WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?

The Circuit Court of Putnam County, West Virginia will conduct a Fairness Hearing to determine whether the Settlement is fair, reasonable, and adequate. The Court will consider statements by those who have asked to speak at the hearing, either objecting to the settlement or in favor of it. The Court may also decide how much to pay to Class Counsel. After the Fairness Hearing, the Court will decide whether to issue final approval of the Settlement.

The Fairness Hearing will take place on June 18, 2012, at 9 a.m. in Courtroom #1, at the Putnam County Courthouse located at 3389 Winfield Road Winfield, WV 25213-9354.

Please do not call the Court or the Judge about this case.

13. MAY I SPEAK AT THE HEARING?

You may attend the hearing (at your own expense) and you may ask to speak, but you don't have to. Class Counsel and Defense Counsel will answer any questions the Court may have. You may also pay your own lawyer to attend, but it's not necessary.

If you would like to speak at the Fairness Hearing, you must include with your objection (described in Section 11) the statement, "I hereby give notice that I intend to appear at the Fairness Hearing in *Bibb v. Monsanto Co.*" Be sure to include your name, address, telephone number, and your signature. This is your Notice of Intention to Appear. If you intend to have any witnesses testify or to introduce any evidence at the Fairness Hearing, you must list the witnesses and evidence in your objection.

Your Notice of Intention to Appear must be postmarked no later than June 7, 2012, and be sent to the Clerk of the Court. at the address above.

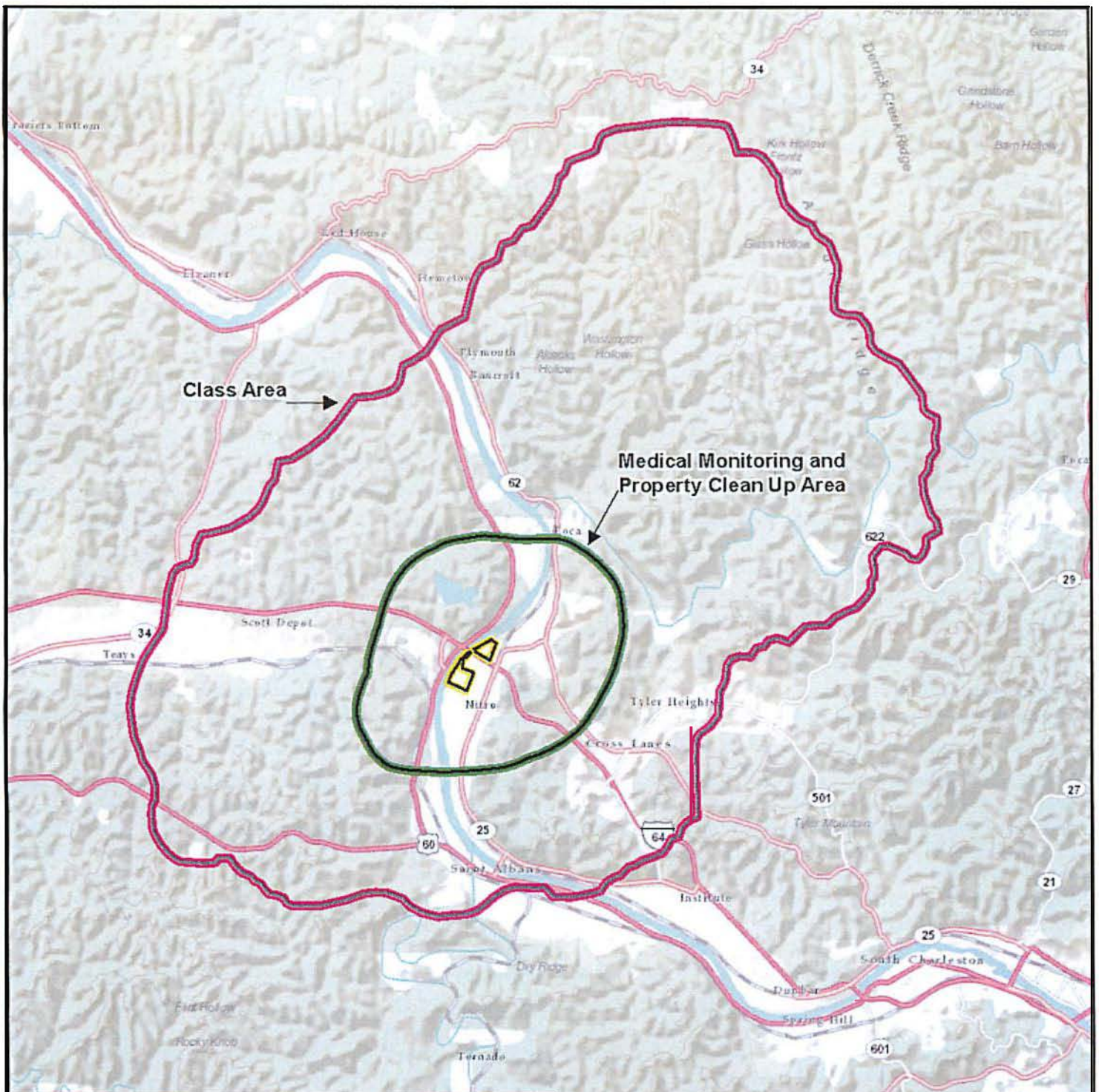
14. IF YOU DO NOTHING

If you do not register in accordance with the terms of the Property Class Settlement Agreement, you will not be able to participate in the Property Program.

15. GETTING MORE INFORMATION

This Class Notice summarizes the proposed Settlement. For full details, you may review the Property Class Settlement Agreement and all exhibits appended thereto filed with the Court, which may be obtained by visiting The Nitro Class Settlement Website www.BibbClass.com. You may also inspect copies of the documents during business hours at the Circuit Court of Putnam County, West Virginia, 3389 Winfield Road, Winfield, WV 25213-9354.

Any other questions should be directed to Class Counsel.



Class Area →

Medical Monitoring and Property Clean Up Area →



EXHIBIT A
Class Area and Medical Monitoring /
Property Clean Up Area

-  Class Area
-  Medical Monitoring and Property Clean Up Area

