



<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT:</b>	
Submit a Claim Form	The only way to get a payment.
Exclude Yourself.	Get no payment. Hire your own lawyer and file a separate lawsuit.
Object	Write to the Court about why you don't like the settlement.
Go to a Hearing	Ask to speak in Court about the fairness of the settlement.
Do Nothing	Get no payment. Give up rights.

- These rights and options – **and the deadlines to exercise them** – are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the settlement. Payments will be made if the Court approves the settlement and after appeals, if there are any, are resolved. Please be patient.
- This settlement is separate from and different than an earlier settlement of the State of Illinois' claims against Shell arising from the same pipeline spill. The State's settlement does not affect the settlement in this case.

## BASIC INFORMATION

### 1. Why did I get this notice?

You have been identified as a current or prior property owner or resident in the area of Limestone Township, Kankakee County, Illinois, outlined on the attached map. The Court is sending you this notice because you have a right to know about a proposed settlement of a class action lawsuit, and about 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, an Administrator appointed by the Court will make the payments the settlement allows. You will be informed of the progress of the settlement.

This package 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 is the Circuit Court of Kankakee County, and the case is known as Quick v. Shell et al, No. 01-L-147.

### 2. What is this lawsuit about?

This lawsuit involves a release of gasoline containing MTBE from a Shell pipeline in Kankakee County in 1988. This release has contaminated groundwater in the vicinity of the spill. MTBE has been detected in a number of wells near the release site. This lawsuit involves claims by property owners and nearby residents for damages caused by the release of MTBE gasoline from Shell's pipeline.

### 3. Why is this a class action?

Class actions allow people who are affected by a single event, such as Shell's pipeline spill, to file a single case and avoid the expense of filing and trying separate cases. In a class action lawsuit, one or more people called "Class Representatives" (in this case John Panozzo and Lisa Kibbons) sue on behalf of other people who have similar claims. These are a "Class" or "Class Members." One court resolves the issues for everyone in the Class—except for those

people who choose to exclude themselves from the Class. The honorable Judge Gordon Lustfeldt is in charge of this class action.

4. Why is there a settlement?

The Court did not decide in favor of Plaintiffs or Defendants. Instead, both sides agreed to a settlement. That way, they avoid the cost of a trial, and the people affected will get compensation. The Class Representatives and the attorneys think the settlement is best for everyone in the area potentially affected by the Shell pipeline spill.

#### **WHO IS IN THE SETTLEMENT?**

5. How do I know if I am part of the settlement?

If you currently own real property in the Outer Area or Core Area, as defined in the map attached hereto as Exhibit A, or resided or owned property within the Core Area from November 1, 1988, to the present, you are a member of the Class and eligible to participate in the settlement. The settlement does not involve or address any claims for personal injuries arising from exposure to MTBE.

#### **THE SETTLEMENT BENEFITS - WHAT YOU GET**

6. What does the settlement provide?

Shell has agreed to provide a compensation fund of \$26 million for Class Members. Shell has also agreed to connect Class Members in the “Core Area” depicted on the attached map to public water supplies, to install water mains and to bring water “to the tap” for Class Members within the Core Area, at Shell’s expense. Wells in the “Core Area” will be closed and sealed at Shell’s expense after existing water systems are connected to public water supplies. The \$26 million will be used to compensate Class Members in the Core Area for interference with the use and enjoyment of their property, for any diminishment in property value resulting from the Shell pipeline spill, and for any additional expense associated with being connected to a public water supply. In addition, the \$26 million will be used to pay for regular testing of the water used by

Class Members in the Outer Area, to provide useable water to those Members should MTBE or other gasoline components reasonably attributable to Shell's pipeline spill be detected in the water of these Class Members, and to compensate those Class Members for the inconvenience and annoyance of having their water tested

7. What can I get from the settlement?

A settlement administrator has been appointed by the Court and, under the supervision of the Court, will determine how to distribute the \$26 million settlement. Money from the settlement fund will be available to compensate Class Members for any damages they may have suffered (other than personal injury), including diminution in property value resulting from the spill, for interference with the use and enjoyment of property resulting from the spill, for any additional monthly water bills that result from being connected to public water supplies, and for other consequential damages relating to or caused by the spill. In addition, Class Members in the "Core Area" depicted on the attached map will be connected to public water supplies. The \$26 million will not be used to pay attorneys. Payment of the attorneys will be determined separately by the Court.

8. How can I get a payment?

A claims form is attached to this notice. The form should be filled out and submitted to the settlement administrator by February 14, 2008. The administrator will determine the amount to be paid for each claim, and will provide payment as soon as possible after receiving the claim form.

9. When would I get my payment?

The Court will hold a hearing at the Kankakee County Courthouse, Kankakee, Illinois on February 28, 2008, at 1:30 p.m. to decide whether to approve the settlement. If the Court approves the settlement and there are no appeals, Shell will deposit the \$26 million and the Administrator will begin evaluating claims by the end of April. If there are appeals, resolving them can take time, perhaps more than a year. If there are appeals, Class Members will be informed of any progress. Please be patient.

10. What am I giving up to get a payment or stay in the Class?

Unless you exclude yourself, you are staying in the Class. That means you can participate in the settlement, but that you can't sue, continue to sue, or be part of any other lawsuit against Shell about the legal issues in this case. It also means that all of the Court's orders will apply to you and legally bind you.

By signing a claim form, you are agreeing to release legal claims for property damages related to Shell's pipeline spill in return for settlement benefits. A complete description of the property damage claims being released in return for settlement benefits may be found in the Settlement Agreement. Instructions for obtaining a complete copy of the Settlement Agreement are set forth below. This case does not involve any issues as to whether MTBE or other gasoline constituents caused any personal injuries, and any such claims will not be affected by this settlement.

#### **EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you don't want a payment from this settlement, but you want to keep the right to sue or continue to sue Shell on your own about the legal issues in this case, then you must take steps to get out of the case. This is called excluding yourself – or is sometimes referred to as opting out of the Settlement Class.

11. How do I get out of the settlement?

To exclude yourself from the settlement, you must send a letter by mail saying that you want to be excluded from Quick v. Shell et al, No. 01-L-147. Be sure to include your name, address, telephone number and your signature. You must mail your exclusion request postmarked no later than February 14, 2008, addressed to:

Shell Exclusions  
c/o Joseph R. Yurgine  
Suite 500, One Dearborn Square  
Kankakee, Ill. 60901

You can't exclude yourself on the phone or by e-mail. If you ask to be excluded, you will not get any settlement payment, and you cannot object to the settlement. You will not be legally bound by anything that happens in this lawsuit. You may be able to sue (or continue to sue) Shell in the future at your own expense.

12. If I don't exclude myself, can I sue Shell for the same thing later?

No. If you participate in the settlement and do not exclude yourself, you give up the right to sue Shell for the claims that 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 February 14, 2008.

13. If I exclude myself, can I get money from this settlement?

No. If you exclude yourself, you may not receive money from the settlement and should not submit a claim form. You may sue, or continue to sue, as part of your own lawsuit against Shell. If you start your own lawsuit against Shell after you exclude yourself, however, you will have to hire and pay your own lawyer for that lawsuit, and you'll have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against Shell, you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

### **THE LAWYERS REPRESENTING YOU**

14. Do I have a lawyer in this case?

The Court decided that the law firms of Miller, Axline & Sawyer, Joe Yurgine, and John Cashion are qualified to represent you and all Class Members. Together the law firms are called "Class Counsel." They are experienced in handling similar cases against petroleum companies and manufacturers and distributors of MTBE. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

15. How will the lawyers be paid?

Class counsel will ask the Court for attorneys' fees and expenses. Shell will separately

pay the fees and expenses the Court awards. The costs and attorney fees will not come out of the \$26 million fund for payments to Class Members. Shell has agreed to pay Class Counsels' fees and expenses, but the amount of payment has not been determined. The Court must approve any payment.

### 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?

If you are a Class Member, you can object to the settlement if you don't like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must send a letter saying that you object to the settlement in Quick v. Shell. Be sure to include your name, address, telephone number, your signature, and the reasons you object to the settlement. Mail the objection to these three different places postmarked no later than February 14, 2008.

COURT	CLASS COUNSEL	DEFENSE COUNSEL
Clerk of the Court Kankakee County Courthouse 450 East Court Street Kankakee, IL 60901 Case No.: 01-L-147	Joseph Yurgine Suite 500, One Dearborn Square Kankakee, IL 60901	John Galvin Fox, Galvin LLC One Memorial Drive, 8th Floor St. Louis, Missouri 63102

17. What's the difference between objecting and excluding?

Objecting is simply telling the Court you don't like something about the settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court you don't want to be part of the Class. If you exclude yourself, you have no basis to object because you will not be participating in the settlement and 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 don't have to.

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

The Court will hold a fairness hearing at 1:30 p.m. on February 28, 2008, at the Kankakee County Court House at 450 East Court Street, in Kankakee, Illinois. At this hearing the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay class counsel. After the hearing, the Court will decide whether to approve the settlement. We do not know 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. You are welcome, however, to come at your own expense. If you send an objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend, but it's 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 send a letter saying that it is your "Notice of Intention To Appear In Quick v. Shell." Be sure to include your name, address, telephone number and your signature. Your Notice of Intention To Appear must be postmarked no later than February 14, 2008, and be sent to the Clerk of the Court, Class Counsel, and Defense Counsel, at the three addresses on page 8, in question 16. You cannot speak at the hearing if you excluded yourself.

## IF YOU DO NOTHING

21. What happens if I do nothing at all?

If you do nothing, you will get no money from this settlement. To get money from the settlement, you must submit a claim on the form that is included with this Notice to Mr. Thomas Ewert, Settlement Administrator, c/o Joseph R. Yurgine, One Dearborn Square, Suite 500, Kankakee, Illinois, 60901. To exclude yourself, you must follow the instructions for exclusion given above. If you do not submit a claim form, or do not exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against Shell about the legal issues in this case, ever again.

## GETTING MORE INFORMATION

22. Are more details available about the settlement?

This notice summarizes the proposed settlement. More details are set forth in the full Settlement Agreement. You can get a copy of the settlement agreement by writing Joseph Yurgine, Suite 500, One Dearborn Square Kankakee, Ill. 60901, or by visiting <http://www.kankakeeclassaction.com>, where you will find a copy of the agreement. You will also find a link to the class action website on Mr. Yurgine's website, [www.agoodjoe.com](http://www.agoodjoe.com).

23. Where can I get more information?

You can call 866-661-4637 toll free; write to Shell Settlement, c/o Joseph Yurgine, Suite 500, One Dearborn Square Kankakee, Ill. 60901, or visit the website at <http://www.kankakeeclassaction.com>, where you will find answers to common questions about the settlement, plus other information to help you determine whether you are a Class Member and whether you are eligible for a payment.

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JUDGE GORDON LUSTFELDT

Dated this \_\_\_\_\_ day of December, 2007.