

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT WITH ATTACHED CLAIM FORM

THIS IS NOT A SOLICITATION. THE MAILING OF THIS NOTICE HAS BEEN APPROVED BY THE COURT.

To: The Biscoe Water System (“BWS”) and the East Prairie County Water System (“EPCWS”); (2) the BWS and EPCWS customers in customer lists provided with the motion for class certification, and those natural persons residing in the dwellings or structures that those accounts service; and (3) the property owners during September 1–September 6, 2017, as shown by the records of the Recorder for Prairie County and which were serviced by the accounts listed in the BWS and EPCWS customer lists.

WHY HAVE YOU RECEIVED THIS NOTICE? The Court ordered us to send you this Notice because you might be a member of the Settlement Class defined above.

WHAT IS THIS LAWSUIT ABOUT? Plaintiffs filed a class alleging that Defendants negligently broke and repaired water and sewer lines, causing contamination of the BWS and part of the EPCWS. Defendants deny Plaintiffs’ allegations. No court has decided which side is right. Both sides agreed to the settlement to resolve the case and provide relief to settlement class members.

WHAT IS THE PROPOSED SETTLEMENT? Without admitting any fault or liability, and in exchange for a release of all claims against them, Defendants have agreed to pay \$11.9 million (the “Settlement Fund”) to pay class members who submit a Claim Form (attached), to pay an award to Plaintiffs for serving as the class representatives, and to pay attorneys’ fees and costs to Class Counsel. If the Court approves the settlement, all Class members who submit valid and timely Claim Forms will receive a payment from the Settlement Fund. The Court has preliminarily approved this settlement, subject to a final hearing to approve claims that will be held at the Des Arc courthouse on March 10, 2022, at 9 a.m.

WHAT ARE YOUR OPTIONS?

1. Return a completed Claim Form. To receive a share of the settlement fund, you must complete, sign, and return a Claim Form on or before February 15, 2022. You may return your Claim Form by mail addressed to John Neihouse, Settlement Administrator, P.O. Box 1788, Fayetteville, Arkansas, 72702. If you return a claim form and receive payment, you will be bound by the judgment entered by the Court and will release your claims, if any, against the Defendants.

2. Do nothing. If you do nothing, you will remain in the Class. You will be bound by the judgment entered by the Court, you will release your claims against Defendants, but you will receive nothing.

3. Opt out of the settlement. You have the right to exclude yourself, or an entity which you manage or control, from the settlement by sending a written request for exclusion. If you opt out, you will not receive a settlement payment.

FOR INDIVIDUALS: For individual claims, your request must state (a) your, name, your spouse’s name, address, and telephone number; (b) a sentence certifying that you are a Settlement Class Member; (c) “I request to be excluded from the class settlement in *Bezner, et al. v. C.J. Mahan Construction Company, et al., Case No. 59SCV-17-38, Prairie County Circuit Court:*” and (d) be signed by you and if applicable, your spouse.

FOR CORPORATIONS, LIMITED LIABILITY COMPANIES, TRUSTS, PARTNERSHIPS, ESTATES AND OTHER ENTITIES: For claims on behalf of a corporation, limited liability company, partnership, trust or estate, your request must state (a) your name, address and telephone number; (b) the name, address and telephone number of the entity which you are opting out; (c) a sentence certifying that the entity is a Settlement Class Member; (d) a statement that describes your position and authority to speak and make such election on behalf of the entity; and (e) a statement that “I, on behalf of (the name of the entity) using my authority as (state your position) request that (name of the entity) be excluded from the class settlement in *Bezner, et al. v. C.J. Mahan Construction Company, et al., Case No. 59SCV-17-38, Prairie County Circuit Court:*” and (f) be signed by you in your official capacity to act on behalf of the entity. You must include with your statement Articles of Formation, Certificate of Trust, Signed Resolutions of the management or other appropriate documents that authorizes you to make the election on behalf of the entity.

You must mail your exclusion request by February 15, 2022, to the Settlement Administrator at P.O. Box 1788, Fayetteville, Arkansas, 72702.

4. Object to the settlement. If you, an entity which you control, objects to the settlement, and wish to file an objection rather than simply excluding yourself or the entity which you control, you either individually or on behalf of the entity which you control, must file a written objection with Clerk’s Office of the Circuit Court of Prairie County, Southern District, P.O. Box 283, DeValls Bluff, AR 72041, with copies to Class Counsel at the address below and Defendants’ counsel, Gary D. Marts, Jr., Wright, Lindsey & Jennings LLP, 200 W. Capitol Ave., Suite 2300, Little Rock, AR 72201. Your objection must be filed by February 15, 2022, and your objection must reference the case name and number. Additionally, if you want the Court to consider your objection, you must also appear at the final fairness hearing on March 10, 2022, at 9 a.m. In order to be valid, any Settlement Class Members making objections must provide: (1) the objector’s name, address, and telephone number; (2) a sentence certifying that to the best of his or her

knowledge he or she is a Settlement Class Member; (3) the factual basis and legal grounds for the objection to the Settlement; (4) the identity of witnesses whom the objector may call to testify at the Final Fairness Hearing; (5) copies of exhibits the objector may seek to offer into evidence at the Final Fairness Hearing; and (6) be signed by the person making the objection. Any objection you make must state each and every reason(s) why you are objecting to the Settlement. Failure to include all the above information may result in the denial of your objection.

WHO REPRESENTS THE CLASS? Plaintiffs are the Class Representatives. Their attorney is Class Counsel: Randy Hall and Mattie Taylor; Hall & Taylor Law Partners; 415 N. McKinley St. #1000; Little Rock, AR 72205; (501) 404-2333 and Doyle Nalley and Chance Nalley, 501 North Main, Benton Arkansas, 72015; 501-315-7491.

As part of the settlement Plaintiffs will request that the Court award each of them an incentive award of \$5,000. Plaintiffs will further request that the Court award attorneys' fees to Class Counsel of 35% of the Settlement Fund and costs incurred in the case. Incentive awards, attorneys' fees, and costs will all be paid from the Settlement Fund before any claims are paid.

WHERE CAN YOU GET MORE INFORMATION? If you have questions, you can contact Class Counsel at the phone number and address above or visit BiscoeWaterClassAction.com. The court files for this case are available for your inspection at the Circuit Court of Prairie County, 183 Prairie Street, DeValls Bluff, AR 72041. **DO NOT CONTACT THE COURT BECAUSE COURT PERSONNEL ARE NOT PERMITTED TO ANSWER YOUR QUESTIONS ABOUT THIS SETTLEMENT.**