

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JUAN DUARTE and BETSY DUARTE, on
Behalf of Themselves and All Others Similarly
Situating,

Plaintiffs,

vs.

UNITED STATES METALS REFINING
COMPANY; FREEPORT MINERALS
CORPORATION; FREEPORT-MCMORAN
INC., and AMAX REALTY DEVELOPMENT,
INC.,

Defendants.

Civil Action No.: 2:17-cv-01624-EP-MAH

Honorable Evelyn Padin
Honorable Michael A. Hammer

**DECLARATION OF BRONYN
HEUBACH REGARDING
NOTICE ADMINISTRATION**

STATE OF WASHINGTON)
) SS:
COUNTY OF KING)

BRONYN HEUBACH, being duly sworn, declares and states as follows:

1. I am an Assistant Director at JND Legal Administration. JND is a legal administration services provider with its headquarters located in Seattle, Washington. JND has extensive experience in all aspects of legal administration and has administered class actions in hundreds of cases.

2. JND is serving as the Settlement Administrator in the above-captioned litigation (the "Action") pursuant to the Court's Order Certifying Settlement Class, Preliminarily Approving Class Action Settlement, and Approving the Form and Manner of Notice, dated April 19, 2023.

CAFA NOTICE

3. In compliance with the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, JND compiled a CD-ROM containing the following documents:

- a. Fifth Amended Class Action Complaint and Jury Demand, filed March 27, 2023;
- b. Joint Motion for Preliminary Approval of Proposed Class Action Settlement, filed March 28, 2023;
- c. Memorandum in Support of Joint Motion for Preliminary Approval of Class Action Settlement, filed March 28, 2023;
- d. Class Settlement Agreement and General Release, filed March 28, 2023;
- e. [Proposed] Order Certifying Settlement Class, Preliminarily Approving Class Action Settlement, and Approving the Form and Manner of Notice, filed March 28, 2023;
- f. Agreement and Settlement Term Sheet; and
- g. List and Share of Class Members by State.

4. On April 7, 2023, JND mailed the CD-ROM to the appropriate Federal and State officials identified in an enclosed Service List with an accompanying cover letter, copies of which are attached as **Exhibit A**.

CLASS MEMBER DATA

5. On April 7, 2023, Class Counsel provided JND with data containing the names and contact information of potential Class Members (“Class Members”) as well as information relating to the 1,205 unique parcels in the Class Area. On April 29, 2023, Class Counsel provided JND with supplemental data for former property owners. JND promptly loaded information for the

1,710 current and former owners identified in these files into a secure database established for this administration.

6. Prior to mailing Notices, JND performed advanced address research using TransUnion's skip-trace database and then verified the mailing addresses through the National Change of Address ("NCOA") database.¹

PUBLICATION NOTICE

7. On May 5, 2023, JND caused a summarized version of the Notice, including a color map image of the Class Area ("Publication Notice") to appear in the *New Brunswick Home News Tribune*, a daily newspaper serving Middlesex County, New Jersey. The Publication Notice appeared in the newspaper once a week for four weeks. Representative copies of the Publication Notice as seen in the print and digital versions of the newspaper are attached as **Exhibit B**.

8. In addition to the direct notice effort discussed below and the newspaper placements, notice was also extended via unpaid press coverage, including articles that appeared on patch.com, tapinto.net, mycentraljersey.com, carteret.net, topclassactions.com, sabireviews.com, msn.com, news.yahoo.com, newsbreak.com, abc7ny.com, and the-sun.com. Samples of such articles are attached as **Exhibit C**.

MAILED NOTICE

9. On May 10, 2023, JND mailed the Court-approved Notice ("Mailed Notice") to the 1,710 individuals with mailing addresses provided in the class data. JND tracked 74 Mailed Notices that were returned to JND as undeliverable. JND conducted advanced address research to

¹ The NCOA database is the official United States Postal Service ("USPS") technology product which makes change of address information available to mailers to help reduce undeliverable mail pieces before mail enters the mail stream. This product is an effective tool to track address changes when a person has completed a change of address form with the USPS. The address information is maintained in the database for 48 months.

located updated addresses and promptly re-mailed the Notice to the six Class Members for whom updated addresses were obtained. A representative copy of the Mailed Notice is attached as **Exhibit D**.

10. As of the date of this Declaration, 1,642 Class Members were mailed a Notice that was not returned as undeliverable, representing 96% of the total Class Member population. This deliverability rate is favorable and is in line with other settlement notice plans administered by JND.

SETTLEMENT WEBSITE

11. On May 4, 2023, JND established a dedicated settlement website (www.CarteretSmelterSettlement.com) with the option to submit a claim electronically. The website hosts copies of important case documents, including the Notice (in English and Spanish), Claim Form, Map of Class Area, List of Class Addresses, Declaration of Ownership, Settlement Agreement, and Preliminary Approval Order. The website also provides answers to frequently asked questions, key dates and deadlines, and contact information for the Settlement Administrator.

12. As of the date of this Declaration, the website has tracked 5,446 unique users with 35,214 pageviews. JND will continue to maintain the settlement website throughout the administration process.

SETTLEMENT EMAIL ADDRESS

13. On May 4, 2023, JND established a case-specific, dedicated email address, info@CarteretSmelterSettlement.com, to receive and respond to Class Member inquiries.

14. As of the date of this Declaration, the email address has received 414 emails.

TOLL-FREE TELEPHONE NUMBER

15. On May 4, 2023, JND established a case-specific, dedicated toll-free telephone number (1-844-798-0743) for Class Members to obtain more information about the Settlement.

16. As of the date of this Declaration, the toll-free number has received 871 calls. JND will continue to maintain the toll-free information line throughout the administration process.

CLAIMS RECEIVED

17. The Notices informed Class Members that anyone who wanted to participate in the Settlement must submit a completed and signed Claim Form, postmarked or submitted online on or before June 26, 2023.

18. As of the date of this Declaration, JND has received a total of 1,191 Claim Forms, of which 1,178 were timely and 13 were late. These timely claims represent 870 unique property addresses, of which 818 are within the Class Area. JND will continue to process and report to Counsel any additional Claim Forms that are received.

19. Pursuant to the Settlement Agreement, JND will mail deficiency notices (“Deficiency Notice”) to Class Members with deficient claims that will provide an opportunity to cure the various deficiencies.

REQUESTS FOR EXCLUSION

20. The Notices informed Class Members that anyone who wanted to be excluded from the Settlement could do so by submitting a written request for exclusion (“opt-out”) to the Settlement Administrator, postmarked on or before June 26, 2023.

21. As of the date of this Declaration, JND has received one exclusion request. A complete list of opt-outs is attached as **Exhibit E**.

OBJECTIONS

22. The Notices informed Class Members that anyone who wanted to object to the Settlement could do so by submitting a written objection to the Settlement Administrator, postmarked on or before June 26, 2023.

23. As of the date of this Declaration, JND has received one objection. The objection is attached as **Exhibit F**.

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed on July 10th, 2023 at Seattle, Washington.



BRONYN HEUBACH

EXHIBIT A



Lewis Cooper Sutherland lsutherland@velaw.com
Tel +1.713.758.2367 Fax +1.713.615.5322

April 7, 2023

The Appropriate Federal
and State Officials Identified
in Attachment A

Re: Notice of Proposed Class Action Settlement pursuant to 28 U.S.C. § 1715
Juan Duarte, et al. v. United States Metals Refining Company, et al., No. 2:17-cv-01624,
In the United States District Court for the District of New Jersey (“*Duarte*”).

Dear Sir or Madam,

This letter is on behalf of each of the Defendants in the above referenced case to advise your office of a proposed class action settlement. Under the Class Action Fairness Act of 2005 (“CAFA”), each defendant participating in a proposed class action settlement is required to serve a notice on the Attorney General of the United States and the appropriate state official of each state in which a settlement class member resides. *See* 28 U.S.C. § 1715(b). We are providing this notice to you in compliance with 28 U.S.C. § 1715.

BACKGROUND

Duarte is a civil action in which Plaintiffs sought redress from the Defendants for damages allegedly suffered by Plaintiffs as a result of the Defendants’ alleged wrongful emission, release, discharge, handling, storage, transportation, processing, disposal and/or failure to remediate toxic and hazardous waste, which was generated as a by-product of their smelter and related industrial operations located on and around 300-400 Middlesex Avenue in the Borough of Carteret, Middlesex County, New Jersey (the “Smelter”) and/or their alleged failure to test, identify, disclose, remove and/or properly remediate contamination and toxic substances related to such operations from Plaintiffs’ properties (“Smelter Contaminants”).

Defendants deny that they are liable for any of Plaintiffs’ claims, and deny that Plaintiffs have suffered any damages, including but not limited to invasion of their properties with Smelter Contaminants, any loss of use of enjoyment of their properties or any diminution in their property values as a result of Smelter Contaminants.

In the current operative complaint (Fifth Amended Complaint, ECF No. 266), Plaintiffs allege causes of action for private nuisance, strict liability, trespass, and negligence. The Fifth Amended Complaint defines the Class as follows (§157):



All persons who own or owned any Residential Property (as that term is defined by N.J. Admin. Code § 18:12-2.2(b) and includes ‘dwelling house[s] and the lot or parcel of land on which the dwelling house is situated [where the] dwelling is functionally designed for use and enjoyment by not more than four families and includes residential condominiums’) and (ii) vacant lots zoned for residential use in each case located within the geographical boundary defined by Exhibit A [to the Settlement Agreement] (the “Class Area”) at any time during the Class Period, but excluding (i) properties owned by the Defendants or employees of Defendants, and (ii) properties owned by any federal, state, or local government or any subdivision of such government entities. The Class Area is generally bounded by Peter J. Sica Industrial Highway to the East, Romanowski Street to the North-East Cypress Street to the North, Arthur and East Grant Streets to the West, and Middlesex Ave. to the South. The Class includes Residential Properties located on both sides of the boundary streets. The Class Period is from January 30, 2017 to March 27, 2023.

The Class relates to Class 2 Residential Properties (1-4 family) and vacant lots zoned for residential use within the vicinity of the Smelter. The proposed settlement agreement resolves the claims by owners of Class 2 Residential Property and vacant lots zoned for residential use within the Class. The Parties have engaged in arms-length settlement negotiations to resolve this matter and believe that the settlement agreement reached is fair to all concerned while recognizing the uncertainty of litigation. The proposed class action settlement does not release class members’ claims for personal injury or medical monitoring or punitive or exemplary damages related to such claims (if any).

COMPLIANCE WITH 28 U.S.C. § 1715

Subsection 1715(b) lists eight items that must be provided in connection with any proposed class action settlement. Each of these items is addressed below.

1. Complaint and Related Materials (28 U.S.C. § 1715(b)(1))

Enclosed as Exhibit 1 is a copy of Plaintiffs’ Fifth Amended Class Action Complaint (Dkt. No. 266), filed March 27, 2023. Copies of prior complaints are available on the PACER docket for this case maintained by the United States District Court for the District of New Jersey (<https://pacer.uscourts.gov/file-case/court-cmecf-lookup/court/NJDC>).

2. Notice of Any Scheduled Judicial Hearing (28 U.S.C. § 1715(b)(2))

On March 28, 2023, the Parties filed a Joint Motion for Preliminary Approval of Proposed Class Action Settlement (Dkt. No. 267). A copy of that motion is enclosed as Exhibit 2. The Parties’ Memorandum in Support of their Motion for Preliminary Approval of Proposed Class Action Settlement was also filed with the Court on March 28, 2023 (Dkt. No. 267-1) and is attached as Exhibit 3. An executed copy of the settlement agreement (Dkt. No. 267-2) is attached as Exhibit 4. The Court has not yet



scheduled a preliminary approval hearing; however, the Parties have noticed their Motion for Preliminary Approval for presentment on May 1, 2023.

3. Proposed Notification to Class Members (28 U.S.C. § 1715(b)(3))

The proposed notice plan to class members is described in the Parties' Memorandum in Support of Preliminary Approval (Ex. 3) and the Parties' proposed Preliminary Approval Order (Dkt. No. 267-3), which is attached as Exhibit 5. The notice plan includes (i) individual notice to class members who can be identified through reasonable effort, (ii) publication notice in the print and digital versions of a local newspaper (the Home News Tribune), (iii) the establishment of a toll-free phone number with settlement information, and (iv) the establishment of a website with information on the proposed class action settlement. Copies of the proposed individual and publication notice are included as Exhibits 1 and 2 to the proposed Preliminary Approval Order (Ex. 5).

4. Proposed Class Action Settlement (28 U.S.C. § 1715(b)(4))

A copy of the executed settlement agreement including all exhibits is included as Exhibit 4.

5. Any Settlement or Other Agreement Contemporaneously Made Between Class Counsel and Defendant's Counsel (28 U.S.C. § 1715(b)(5))

Defendants and Class Counsel have also agreed in principle to settle the claims of a limited number of individual homeowners who are not included within the class geographic area (the "Outside-the-Class Settlements"). This agreement in principle includes the stipulation that payments to these Outside-the-Class property owners will not exceed the per property settlement amounts received by similarly situated class members. Final settlement documents for the Outside-the-Class Settlements are not complete at this point, but the agreement in principle is memorialized in paragraph 11 of the Parties' settlement term sheet, which is attached as Exhibit 6.

6. Final Judgment (28 U.S.C. § 1715(b)(6))

There has been no final judgment or notice of dismissal. Accordingly, no such document is presently available. A copy of the parties' proposed Final Judgment is attached to the Settlement Agreement as Exhibit D.

7. Names of the Class Members who Reside in Each State and the Estimated Proportionate Share of the Claims of Such Members to the Entire Settlement (28 U.S.C. § 1715(b)(7))

The names of the class members who can be identified with reasonable effort and who reside in each state have been provided to that State's appropriate State official, as required by 28 U.S.C. §



1715(b)(7)(A). A list of class members who can be identified with reasonable effort along with the last known state of residence is attached as Exhibit 7.

8. Judicial Opinions Related to the Settlement (28 U.S.C. § 1715(b)(8))

There are no judicial opinions related to settlement at this time.

TIMELINESS OF THIS NOTICE

Section 1715(b) provides that a defendant must serve this notice “not later than 10 days after a proposed settlement of a class action is filed in court.” Defendants complied with this deadline because the settlement was filed in court on March 28, 2023, and this notice is being served by certified mail on or before April 7, 2023.

Should you have any questions regarding this matter, please do not hesitate to contact me or Defendants’ lead counsel:

James D. Thompson III
Vinson & Elkins LLP
Texas Tower
845 Texas Avenue
Houston, TX 77002
713.758.4502
jthompson@velaw.com

Sincerely,

/s/ Lewis Sutherland

Lewis Sutherland
Vinson & Elkins, LLP
Counsel for Defendants: United States Metals
Refining Company, Freeport Minerals
Corporation, Freeport-McMoRan Inc., and AMAX
Realty Development, Inc.

No. 2:17-cv-01624 (D.N.J.)

CAFA Notice – Attachment A – Service List

CAFA Coordinator
Office of the Attorney General
Consumer Protection Section
455 Golden Gate Ave., Ste 11000
San Francisco, CA 94102

Kathy Jennings
Delaware Department of Justice
Carvel State Office Building
820 N French Street
Wilmington, DE 19801

Ashley Moody
Office of the Attorney General
State of Florida
PL-01 The Capitol
Tallahassee, FL 32399

Chris Carr
Office of the Attorney General
40 Capitol Sq SW
Atlanta, GA 30334

Brenna Bird
Office of the Attorney General
Hoover State Office Building
1305 E. Walnut Street Rm 109
Des Moines, IA 50319

Todd Rokita
Office of the Attorney General
Indiana Government Center South
302 W Washington St 5th Fl
Indianapolis, IN 46204

Jeff Landry
Office of the Attorney General
1885 N. Third St
Baton Rouge, LA 70802

Anthony G. Brown
Office of the Attorney General
200 St. Paul Pl
Baltimore, MD 21202

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Office of the Attorney General
445 Minnesota St
Suite 1400
St. Paul, MN 55101

Andrew Bailey
Attorney General's Office
Supreme Court Building
207 W High St
Jefferson City, MO 65101

Josh Stein
Attorney General's Office
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25 Market St 8th Fl, West Wing
Trenton, NJ 08611

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28 Liberty St
15th Fl
New York, NY 10005

Gentner Drummond
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313 NE 21st St
Oklahoma City, OK 73105

Michelle Henry
PA Office of the Attorney General
Strawberry Square 16th Fl
Harrisburg, PA 17120

Alan Wilson
Office of the Attorney General
Rembert C. Dennis Bldg
1000 Assembly St Rm 519
Columbia, SC 29201

Ken Paxton
Office of the Attorney General
300 W. 15th St
Austin, TX 78701

Sean D. Reyes
Office of the Attorney General
Utah State Capitol Complex
350 North State St Ste 230
Salt Lake City, UT 84114

Jason S. Miyares
Office of the Attorney General
202 N. Ninth St.
Richmond, VA 23219

Brian Schwalb
Office of the Attorney General
400 6th St NW
Washington, DC 20001

Merrick Garland
Office of the U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Ave NW
Washington, DC 20530

Domingo Emanuelli Hernández
Dpto. de Justicia de Puerto Rico
Calle Teniente César González 677
Esq. Ave. Jesús T. Piñero
San Juan, PR 00918

EXHIBIT B

LEGAL NOTICE

If you owned residential property located near the former USMR Smelter Site in the Southeast corner of Carteret, New Jersey at any time during the period January 30, 2017 through March 27, 2023, you may be eligible for a payment from a class action settlement.

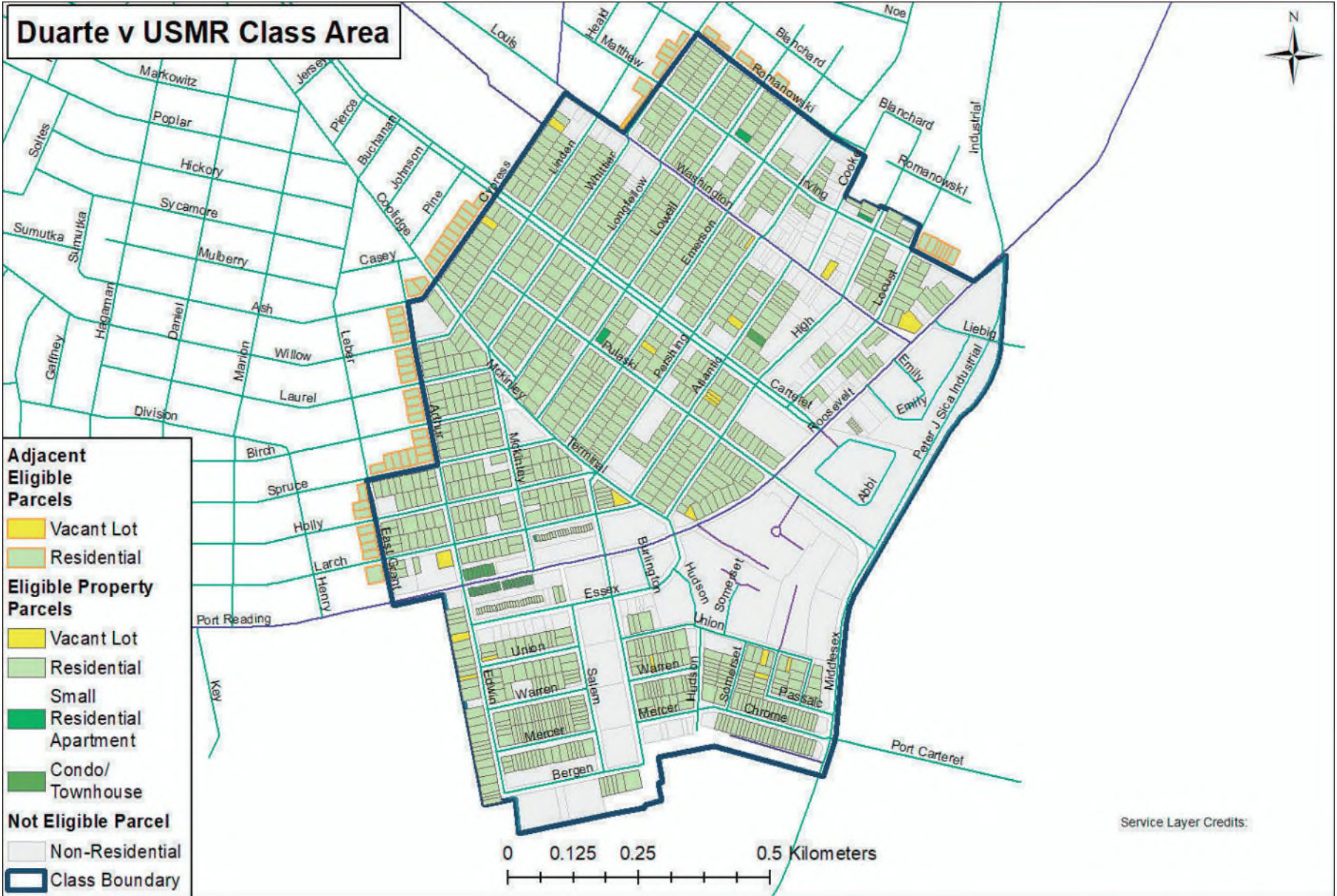
Notice Of Proposed Class Action Settlement And Your Rights

A federal 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.
- The settlement will create a cash settlement fund that equals approximately \$42,000,000, which will be used to pay (i) cash payments to eligible property owners; (ii) Class Counsel’s attorneys’ fees and expenses; (iii) the Class Representative incentive awards; and (iv) settlement administration costs in excess of \$250,000 (if any).
- The settlement will pay eligible owners of residential real property identified in the area indicated on the attached map (the “Class Area”) to settle claims related to alleged property damages allegedly caused by the historical operation of USMR Smelter Site in Carteret, New Jersey and/or the alleged failure to properly test and remediate any contaminants from that operation. The payments will be made in exchange for a release of claims against USMR and the other Defendants as more fully described at www.CarteretSmelterSettlement.com.
- If you own or owned residential property in the Class Area between January 30, 2017 and March 27, 2023, you are a class member. **Please see the map shown here or visit the website to determine if your property is covered by the settlement.**
- The settlement provides for a monetary payment to the owners of each eligible property. The exact amount of any final payment to the property owners will depend on the Court’s award of attorneys’ fees and expenses, the Court’s award of class representative incentive awards, the costs of settlement administration, and the remaining amount (if any) from the Settling Individual Homeowners payments. The eligible property payment amount will be calculated by the

Settlement Administrator once all of these other costs are known. Individual class member payments will be time-weighted based on the duration of ownership during the period January 30, 2017 through March 27, 2023 (the Class Period). However, based on reasonable estimates of the above costs, the Settlement Class Counsel and Defendants estimate that each eligible property will entitle its owner(s) during the entire Class Period to payment(s) that when added together equal a total of approximately \$17,500 per eligible property.

- TO RECEIVE A PAYMENT, YOU MUST FILL OUT A CLAIM AND RELEASE FORM and demonstrate that you own or owned property covered by the settlement. The claim form is available online at www.CarteretSmelterSettlement.com, or you can call 1-844-798-0743 to request that a form be sent to you. You must return the claim and release form by **June 26, 2023**.
- If you do not wish to participate in or be bound by the settlement, you must exclude yourself by filing an “opt-out” or “exclusion” notice by **June 26, 2023**, or you will be barred from bringing any legal action that this settlement resolves. Details regarding how to opt-out or exclude yourself are available at www.CarteretSmelterSettlement.com. If you exclude yourself, you will not receive any payment under the settlement.
- The Court will hold a hearing in this case, *Juan Duarte, et al. v. United States Metals Refining Company, et al.*; Civil Action No. 2:17-cv-01624, on July 26, 2023 at 2 p.m. eastern time to consider whether to approve the settlement and class counsel’s request for fees, costs, and expenses. You have the right to appear at this hearing personally or through counsel at your own expense, although you do not have to. For more information, or to request a more detailed notice, go to www.CarteretSmelterSettlement.com or call 1-844-798-0743.



A14

[illegible]

Woodbridge Volunteer Fire Co. #1
 125th Anniversary Celebration
 Saturday, May 6, 2023 12.5 PM
 Alvin P. Williams Memorial Park Cliff Road, Swanton, ND

JACK'S BAR & GRILL
 Food - Hot Dogs, Burgers and More
 Live Band and DJ
 Playground for the kids
 Covered Tables & Seating

More Information
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Classifieds	A11
New Jersey	A14
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Bonus Edition	

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EXHIBIT C



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Carteret Homeowners May Be Paid In \$42-Million U.S. Metals Settlement

1,000+ Carteret property owners are eligible to receive up to \$17,500, according to the settlement terms:



Carly Baldwin, Patch Staff 

Posted Tue, May 16, 2023 at 3:51 pm ETUpdated Wed, May 17, 2023 at 12:22 pm ET

 Reply

ADVERTISEMENT



ADVERTISEMENT

Each of the 1,000+ property owners is eligible to receive up to \$17,500, according to the settlement

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The "class area" is Peter J. Sica Industrial Highway to the east, Romanowski Street to the northeast, Cypress Street to the north, Arthur and East Grant streets to the west and Middlesex Avenue to the south.

The "class period" for eligibility is for property owners from Jan. 30, 2017 to March 27, 2023. To see if an address qualifies for a portion of the settlement, visit <https://www.carteretsmelterset...>

ADVERTISEMENT

U.S. Metals Refining Co. was a smelting company that operated from 1903 through the mid-1980s on the Carteret waterfront. They ceased operations in 1986.

The lawsuit alleged that because of their smelting activities along what used to be Carteret's "Chemical Coastline," there are levels of lead, arsenic and other contaminants in the soil that exceed state and federal safety levels.

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The final approving hearing for the \$42-million settlement will take place at 2 p.m. on July 26 via Zoom.

Here is how you can attend the July 26 Zoom meeting:

<https://zoomgov.com/postattend...>

Meeting ID: 1612878055

Passcode: 0139635

Carteret Mayor Dan Reiman said he was pleased with the settlement, which he called a win for Carteret homeowners.

In November 2017, U.S. Metals previously agreed to pay the borough of Carteret a separate \$7.4 settlement.

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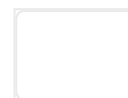
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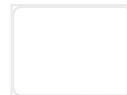
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Edison Gets \$207,274 To Remove Litter From The Community
4. [📍 Woodbridge, NJ News](#)
Carteret Homeowners May Be Paid In \$42-Million U.S. Metals Settlement
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Tony Gallotto



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Carteret Residents May Share \$42M from Contamination Settlement



A commercial copper smelting plant from a 2006 industrial brochure.
Metals Mining

By TONY GALLOTTO

Published May 10, 2023 at 12:49 PM

CARTERET, NJ — Homeowners who live near a long-gone copper smelting plant along the Arthur Kill may be eligible for \$17,500 payouts from a class action settlement over soil and water contamination it left behind.

The payment would be shares of a \$42 million settlement with the old United States Metal Refining Company (USMR) to resolve a class action lawsuit. The residents' 2017 lawsuit alleges that USMR did not completely test or clean up contamination after its copper smelting plant closed in 1986.

Information about the \$42 million deal came to light in documents recently made [public online](#).

Story continues below newsletter sign up

Eligible to share the payments are a few hundred Carteret households who lived near the former USMR smelter between Jan. 30, 2017, and March 27, 2023.

The settlement area is bordered by Peter J. Sica Industrial Highway to the east, Romanowski Street to the northeast, Cypress Street to the north, Arthur and East Grant streets to the west and Middlesex Avenue to the south. Nonresidential properties are not eligible.

"I'm pleased USMR has reached a significant settlement with Carteret's residential owners whose properties may have been impacted by U.S. Metals," said Mayor Daniel J. Reiman, who supported his residents' class action case in 2017.

Story continues below advertisement

Residents can [learn online](#) how to file a claim.

USMR, a subsidiary of Freeport McMoRan since 2007, denies any wrongdoing despite allegations that it released lead, arsenic and other contaminants into the environment.

The company operated an industrial smelter and other metal refining operations on the Arthur Kill in Carteret from 1903 to 1986.

Story continues below advertisement

In 1988, USMR signed consent order with the N.J. Department of Environmental Protection to clean up the site, but borough officials and residents say the company never sufficiently complied.

The borough took legal action against the company in 2012 over its unfinished remediation. And, in 2017, Carteret received a \$7.4 million settlement which the borough applied to environmental, public health and waterfront recreation initiatives.

Also in February 2017, neighborhood homeowners banded together to file their class action lawsuit against USMR, alleging that 80 years of extracting copper polluted their nearby properties, exposed residents to unsafe levels of lead and arsenic, and harmed their property values.

Story continues below advertisement

The \$42 million settlement now on the table is meant to resolve those class action claims.

[Read More TAPinto Woodbridge/Carteret News](#)

MIDDLESEX COUNTY

Carteret residents may be eligible for payments in \$42 million contamination settlement

Suzanne Russell MyCentralJersey.com

Published 5:21 a.m. ET May 8, 2023

CARTERET – Residents in the southeast section of the borough may be eligible for \$17,500 payouts in a class action settlement over contamination by the former United States Metal Refining (USMR) Company.

The \$42 million settlement is funding payments to eligible residential property owners near the former USMR smelter site between Jan. 30, 2017, and March 27, 2023.

Public documents indicate the area of hundreds of residential properties is bordered by the Peter J. Sica Industrial Highway to the east, Romanowski Street to the northeast, Cypress Street to the north, Arthur and East Grant streets to the west and Middlesex Avenue to the south. Nonresidential properties are not eligible in the settlement.

The settlement is aimed at resolving property damage claims caused by USMR's smelter site and its alleged failure to properly test and remediate any contaminants. The company, which had denied any wrongdoing, allegedly released lead, arsenic and other contaminants into the environment.

USMR, a subsidiary of Freeport McMoRan since 2007, operated a smelter and other metal refining operation in Carteret from 1903 to 1986. The company entered a consent order with the state Department of Environmental Protection in 1988 to clean up the site.

More: Carteret waterfront walkway boosted by \$1.4M state grant

More: Grant money available for Carteret building upgrades. See who can apply

It is estimated that each eligible property will be entitled to about \$17,500, according to public documents.

In 2017 Carteret announced a \$7.4 million settlement with USMR over contamination which included an initial payment of \$4.25 million to the borough and then another \$3.15 million during the next 10 years. The borough earmarked the funds for environmental, public health and waterfront recreation initiatives.

For more information and how to file a claim go to www.CarteretSmelterSettlement.com.

Email: srussell@gannettnj.com

Suzanne Russell is a breaking news reporter for MyCentralJersey.com covering crime, courts and other mayhem. To get unlimited access, please subscribe or activate your digital account today.

U.S. Metals settles with Carteret residents for \$42M in class-action contamination lawsuit

Published May 17, 2023

U.S. Metals settles with Carteret residents for \$42M
in class-action contamination lawsuit

*More than 1,000 property owners impacted are eligible to receive
up to \$17,500 from abandoned smelting site*

CARTERET, NJ – Mayor Daniel J. Reiman has announced his support of the proposed U.S. Metals Refining Co. settlement reached with Borough residents and businesses whose properties may have been impacted by the longtime waterfront smelter that operated from 1903 through the mid-1980s.

The Final Approval Hearing for the \$42 million settlement will take place at 2 p.m. on July 26 via Zoom. More than 1,000 property owners are eligible to receive up to \$17,500, according to the award of the settlement.

“I am pleased that USMR has reached a significant settlement with Carteret residential property owners whose property may have been impacted by the historic operations of U.S. Metals, which ceased operations in 1986,” Mayor Reiman said.

The class-action lawsuit, Juan Duarte et. al. vs. U.S. Metals, arises out of the historic operations of the former USMR Smelter Site on the Borough’s waterfront in the Port District, now the site of millions of square feet of logistical space. The lawsuit claims that properties in the Class Area have been damaged by the releases of lead, arsenic, and other contaminants from the historic operation of the smelter site into the air and soils during its historic operations, which ceased in 1986. The lawsuit also claims that the manner in which defendants tested and remediated contaminants from the smelter site was inadequate and has caused and continues to cause damage to properties in the Class Area. The defendants deny that they have done anything wrong, according to the suit, but cooperated with the Borough and its residents in regard to cleaning up the site and the impacted properties.

The Class Area is Peter J. Sica Industrial Highway to the East, Romanowski Street to the Northeast, Cypress Street to the North, Arthur and East Grant streets to the West, and Middlesex Avenue to the South. The Class Period for eligibility is for property owners of record from Jan. 30, 2017 to March 27, 2023.

To see if an address qualifies for a portion of the settlement, visit carteretsmeltersettlement.com/ or carteret.net/.

Access to the July 26 Zoom hearing will be at zoomgov.com/postattendee?id=100&mn=7OoW17JbuI-AQG_L2JboT3KkzKiLaPBuVLw.xjP8immes5QuLQnN with the meeting ID of 1612878055 and passcode of 0139635.

USMR, a subsidiary of Freeport McMoRan since 2007, entered a consent order with the state Department of Environmental Protection to clean up the site in 1988. Yet, no comprehensive plan was in put in place to address contamination that may have migrated off-site prior to a 2012 agreement between the Borough and U.S. Metals. That agreement guided USMR’s investigation of hundreds of public and private properties that may have been exposed to contaminants.

In early 2017, Borough residents received letters from USMR informing them that their properties contained contaminants above state safety levels of 400 parts per million. Some of the properties were as high as 1,500 parts per

“We sued and won Natural Resource Damages cases against five of these polluters requiring that they provide public space, open space, access to the waterfront,” the Mayor said. “Taking back these properties, requiring them to clean up the properties, to pay civil penalties to the Borough that we’re using to provide these public amenities.”

“We sued DuPont 12 years ago, and the settlement was that they had to remediate and cap the site,” he continued.

“They had to donate seven acres to the Borough for the purpose of the ferry terminal, and then we would acquire the balance of the property.”

“DuPont was the first one we went after under Natural Resource Damages. Then we went after U.S. Metals, Ichabod T. Williams & Sons Sawmill & Veneer Plant, NY/NJ Port Authority, Basin Holdings. These older companies had moth-balled properties in town that had done nothing with them. They were vacant.”

In addition to the forthcoming Carteret Intermodal Transportation Building, the 40,000-square foot hub of a future ferry service, complete with restaurants, retail, a banquet center, a bed & breakfast, office space, and rooftop amenities, the former DuPont site soon will be home to Carteret Stages. Under development with J. Bezzone, Carteret Stages will feature movie and television sound stages, a hotel, restaurants, retail, a parking garage, and rooftop amenities, including a swimming pool.

Plans are to develop portions of the U.S. Metals site in a similar way, Mayor Reiman said.

Updates about the U.S. Metals settlement will be available at Carteret.net and carteretsmeltersettlement.com/ or by following @MyCarteret on Facebook, Instagram, and Twitter.

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U.S. Metals Refining Co. smelter site contamination \$42M class action settlement

Lawsuit Filed

Class Certified

Settlement
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(Photo Credit: Aleksandar Malivuk/Shutterstock)

The U.S. Metals Refining Co. (USMR) has agreed to a \$42 million settlement to resolve allegations that properties around the former USMR Smelter Site in Carteret, New Jersey, were damaged by the release of lead, arsenic and other contaminants from the historic operation of the site.

The settlement benefits current and former owners of residential property or vacant lots zoned for residential use that are bounded by Peter J. Sica Industrial Highway to the east, Romanowski Street to the North-East, Cypress Street to the north, Arthur and East Grant streets to the west, and Middlesex Avenue to the south. Eligible owners are those who owned their properties from Jan. 30, 2017, to March 27, 2023. This group includes residential properties on both sides of the boundary streets.

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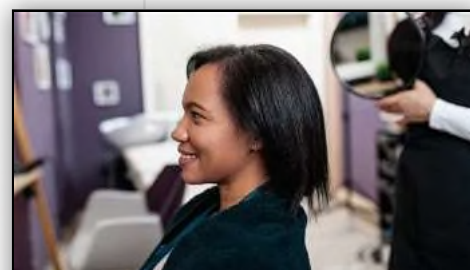
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USMR, a subsidiary of Freeport McMoRan Inc. since 2007, operated a smelter and other metal refining operations in Carteret from 1903 to 1986. The lawsuit claims properties in the surrounding area were damaged by the releases of lead, arsenic and other contaminants from the historic operation of the smelter site.

The plaintiffs allege the contamination has affected their property values and



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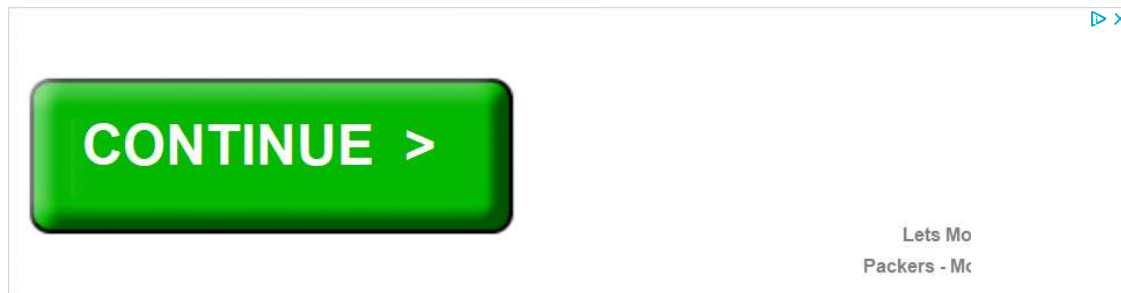
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in the area who are eligible to make a claim under the settlement.

Each qualified property owner is projected to receive an estimated \$17,500 per eligible property. The portion of the per-property payment will be based on the duration of the claimant's ownership during the period Jan. 30, 2017, through March 27, 2023.

To qualify for a payment, class members must send in a claim and release form and all required documentation by June 26, 2023. The forms are [available to download](#) or [submit online](#).



If the settlement fund is not exhausted by the claims, USMR may be entitled to a reversion of unclaimed settlement funds, but this reversion will not exceed 30% of the fund minus fees and costs, the settlement says.

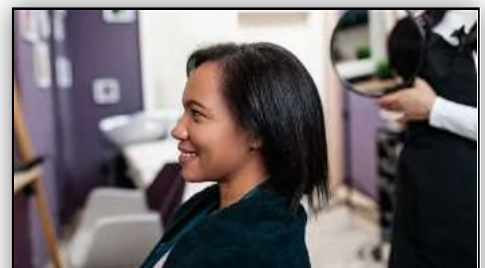
The deadline for exclusion or objection is June 26, 2023.

The final approval hearing for the U.S. Metals settlement is scheduled for July 26, 2023.

In order to receive settlement benefits, class members must submit a valid claim form by June 26, 2023.

Who's Eligible

Current and former owners of residential property or vacant lots zoned for residential use that are bounded by Peter J. Sica Industrial Highway to the east, Romanowski Street to the North-East, Cypress Street to the north, Arthur and East Grant streets to the west, and Middlesex Avenue to the south. Eligible owners are those who owned their properties from Jan. 30, 2017, to March 27, 2023.



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Potential Award

Approximately \$17,500 per property

Proof of Purchase

Proof of ownership of properties included in the settlement.

Claim Form

[CLICK HERE TO FILE A CLAIM »](#)

NOTE: If you do not qualify for this settlement do NOT file a claim.

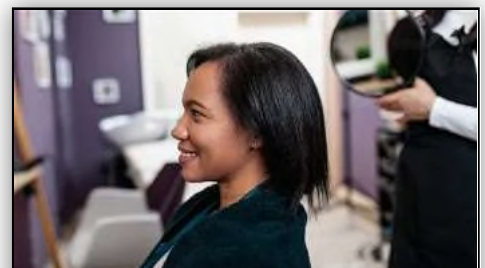
Remember: you are submitting your claim *under penalty of perjury*. You are also harming other eligible Class Members by submitting a fraudulent claim. If you're unsure if you qualify, please read the FAQ section of the Settlement Administrator's website to ensure you meet all standards (Top Class Actions is not a Settlement Administrator). If you don't qualify for this settlement, check out our database of other [open class action settlements](#) you may be eligible for.

Claim Form Deadline

06/26/2023

Case Name

Juan Duarte, et al. v. United States Metals Refining Co., et al., Case No. 2:17-cv-01624 in the U.S. District Court for the District of New Jersey.



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Duarte v. U.S. Metals Refining Co.

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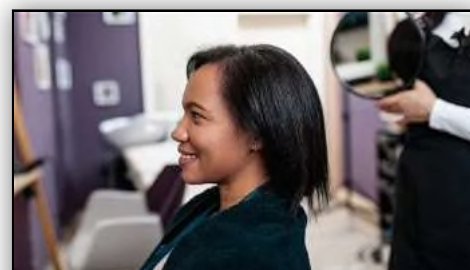
Defense Counsel

Scott Statham

Freeport Minerals Corp.

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Is The U.S Metals Refining Settlement Legit?

[June 28, 2023](#)

[Amy](#)

[No comments](#)

Did you receive the The U.S Metals Refining Settlement email? It is not a scam. You received the mail because you filed a claim.



In case you've forgotten, The U.S. Metals Refining Co. (USMR) has reached a \$42 million settlement to address allegations that properties surrounding the former USMR Smelter Site in Carteret, New Jersey, sustained significant harm due to the discharge of lead, arsenic, and other pollutants during the site's historical operations.



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2. How Much Is The Settlement?
3. How To File A Claim
4. Conclusion
 - 4.0.1. Author Profile
 - 4.0.1.1. Latest entries

Who Is Eligible For The U.S Metals Refining Settlement

Street in the northeastern direction, Cypress Street to the north, Arthur and East Grant streets to the western side, and Middlesex Avenue to the southern side. Additionally, Eligible property owners are those who held ownership of their properties between January 30, 2017, and March 27, 2023. Also, This category encompasses residential properties situated on both sides of the designated boundary streets.

How Much Is The Settlement?

Each eligible property owner is anticipated to receive an approximate amount of \$17,500 per qualified property. Also, The allocation of the per-property compensation will be determined based on the length of time the claimant owned the property within the period spanning from January 30, 2017, to March 27, 2023.

How To File A Claim

If you want to get a settlement payment. Make sure to fill out a valid claim form by June 26, 2023. That's the deadline, so don't miss it!



If you are eligible for the claim click [here](#)

Conclusion

In conclusion *Juan Duarte, et al. v. United States Metals Refining Co., et al.*, Case No. 2:17-cv-01624., class action lawsuit is not a scam. Just like [Greater New York Insurance settlement](#), The U.S. Metals Refining Co. (USMR) has reached a \$42 million settlement to address allegations that properties surrounding the former USMR Smelter Site in Carteret, New Jersey, sustained significant harm due to the discharge of lead, arsenic, and other pollutants during the site's historical operations.





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CHECK PLEASE Americans set to score direct payments up to \$17,500 from \$42million contaminants settlement – see if you qualify

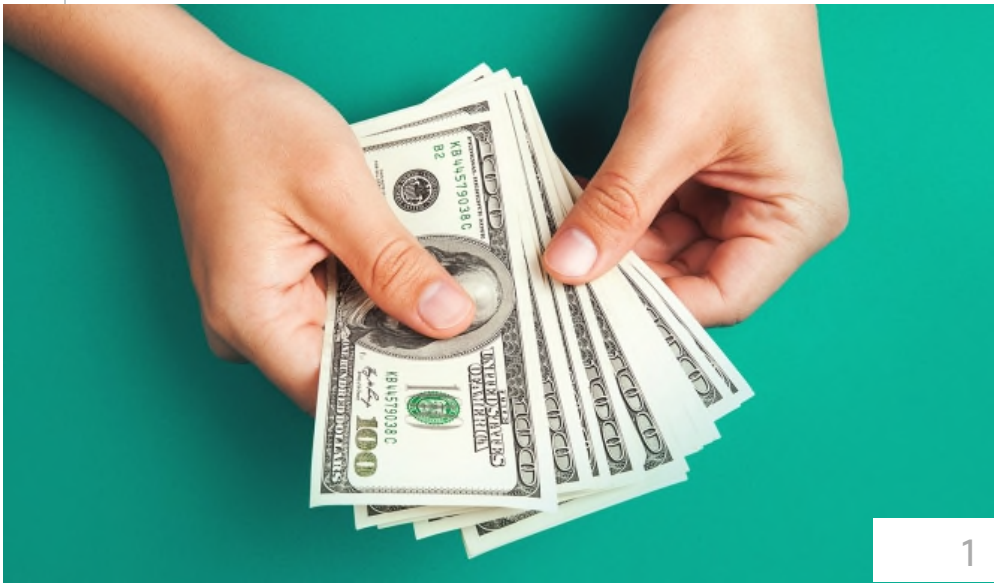
Aurielle Weiss

Published: 16:38 ET, Jun 17 2023 Updated: 16:52 ET, Jun 17 2023

PROPERTY owners in New Jersey may be eligible for direct payments as a \$42million settlement has been offered.



VS SPORT LIFESTYLE ENTERTAINMENT MONEY TECH MOTORS HEALTH TRAVEL BETTING



Qualifying New Jersey property owners may receive up to an estimated \$17,500

Plaintiffs have alleged they've suffered adverse effects after a former USMR Smelter Site in Carteret, [New Jersey](#), in which lead, arsenic, and other contaminants were released into the air and soil.

Additionally, they are claiming the contamination has also affected their [property](#) values.

The [lawsuit](#) claims that the USMR testing and remediated contaminants from the smelter were inadequate and are still causing damage to properties in the area.

Over 1,000 residents in the area are eligible to make a claim under the settlement.

READ MORE ON DIRECT PAYMENTS



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summer stimulus
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Americans can apply
for \$500 in monthl...

Every property owner who qualifies for the [payments](#) will likely receive an estimated \$17,500 per eligible property.

However, the portion of the per-property payment will be based on the duration of the ownership during a specific time frame.

ARE YOU ELIGIBLE?

You qualify for [payments](#) if you are a current or former owner of residential property or vacant lots zoned for residential use bounded by:

Peter J. Sica Industrial Highway to the east
Romanowski Street to the North-East
Cypress Street to the north
Arthur and East Grant streets to the west
Middlesex Avenue to the south

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CHOCO-NOT Customers are begging Reese's to return discontinued candy

However, you must have owned your properties from January 30, 2017, to March 27, 2023.

All claimants must submit a valid claim form by June 26, 2023.

SUBMIT A CLAIM

To qualify for a payment, you must submit a Claim and Release Form including all required documentation.

Those who qualify should have received a notice where the form was attached.

For those who did not, check the [Important Documents](#) page on the settlement website.

Once the form is completely filled out, it must be signed and mailed - postmarked no later than June 26, 2023.

You may also complete a [Claim and Release Form](#) with the login information provided with your Claim and Release Form.

Qualifying claimants should hear more details on when they would receive payments once the court hearing is over.

The "Fairness Hearing" is on July 26, 2023, at 2pm eastern time via Zoom and this is when they will decide whether to approve the settlement or not.



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Carteret Residents May Share \$42M from Contamination Settlement

By TONY GALLOTTO, 2023-05-10

CARTERET, NJ — Homeowners who live near a long-gone copper smelting plant along the Arthur Kill may be eligible for \$17,500 payouts from a class action settlement over soil and water contamination it left behind.

The payment would be shares of a \$42 million settlement with the old United States Metal Refining Company (USMR) to resolve a class action lawsuit. The residents' 2017 lawsuit alleges that USMR did not completely test or clean up contamination after its copper smelting plant closed in 1986.

Information about the \$42 million deal came to light in documents recently made public online.

Eligible to share the payments are a few hundred Carteret households who lived near the



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Residents can learn online how to file a claim.

USMR, a subsidiary of Freeport McMoRan since 2007, denies any wrongdoing despite allegations that it released lead, arsenic and other contaminants into the environment.

The company operated an industrial smelter and other metal refining operations on the Arthur Kill in Carteret from 1903 to 1986.

In 1988, USMR signed consent order with the N.J. Department of Environmental Protection to clean up the site, but borough officials and residents say the company never sufficiently complied.

The borough took legal action against the company in 2012 over its unfinished remediation. And, in 2017, Carteret received a \$7.4 million settlement which the borough applied to environmental, public health and waterfront recreation initiatives.

Also in February 2017, neighborhood homeowners banded together to file their class action lawsuit against USMR, alleging that 80 years of extracting copper polluted their nearby properties, exposed residents to unsafe levels of lead and arsenic, and harmed their property values.

The \$42 million settlement now on the table is meant to resolve those class action claims.

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Wednesday, May 17, 2023

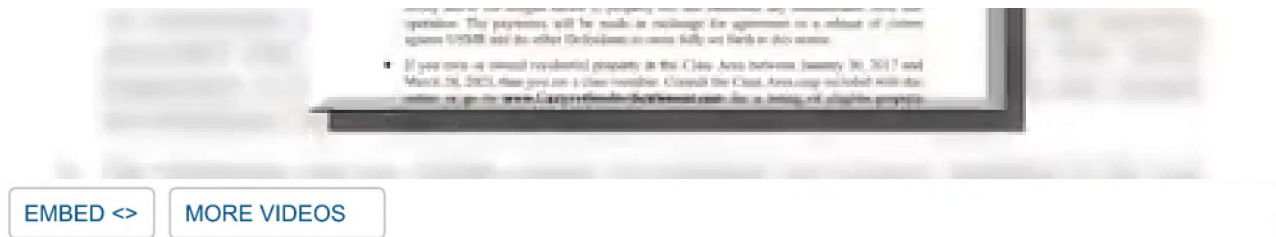


Just Blawie et al v. United States, Merly Lighting Company et al.
U.S. District No. 2-07-cv-01624 to United States District Court for the District of New Jersey

**If you own property located near the former
USMR Smelter in the Southeast corner of
Carteret, New Jersey, you may be entitled to a
payment from a class action settlement.**

A federal court authorized this notice. This is not a solicitation to sell or buy.

- The Settlement will create a single settlement fund that includes approximately \$4,000,000, which will be used to pay (i) cash payments to eligible property owners (as Class Counsel's attorney's fees and expenses, (ii) Class Representative's counsel costs, and (iii) settlement administration costs of no more than \$250,000 in total.
- United States Merly Lighting Company ("USMR") has spent more than \$100 million to date on community outreach, monitoring, and analysis, environmental remediation, and ongoing successful work in a voluntary cleanup program under the oversight of the New Jersey Department of Environmental Protection ("NJDEP"). The settlement benefits also include the Settlement Class Counsel's contribution to the NJDEP cleanup program.
- The Settlement will pay eligible owners of residential real property (hereinafter "the home") located on the site (the "Class Area") to fully (within the limits of the alleged property damage allegedly caused by the historical operations of the USMR Smelter in Carteret, New Jersey) and/or other alleged damages to residential real property located within the Class Area.



There was a major settlement on Tuesday involving a chemical contamination in New Jersey.

CARTERET, New Jersey (WABC) -- There was a major settlement on Tuesday involving a chemical contamination in New Jersey.

About one thousand property owners in Carteret could get a piece of a \$42 million settlement in a class action lawsuit against metal companies after investigations uncovered levels of toxins higher than state safety levels.

"We had samples taken and then found lead and arsenic from the soil," said Cerys Riaz.

It happened a few years ago when the United States Metals Refining Company began clean-up after a lawsuit claimed it left a large area of Carteret polluted with toxins.

"They had to dig down 18 inches," said Sharon Yacout-Comba.

This settlement, which could amount to up to about \$17,500 per residential property comes as the suit claims the company's cleanup was inadequate and that toxins continue to cause damage to the properties. U.S. Metals closed down in 1986. Warehouses are now located on the huge lot.

The city says 1,205 residential properties are in the contamination zone. Many homeowners have been keeping up with the allegations and the possibility of this settlement.

Anyone who owns or owned one of the properties between January 30, 2017, and March 28, 2023, is eligible. [CLICK HERE](#) to find out more.

It is also best to get legal advice on the options - accepting the settlement takes away any rights you may have of suing the company separately, and it releases U.S. Metals from any wrongdoing, which it continues to claim.



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A final approval hearing on the \$42 million settlement is set for July 26 held over a Zoom meeting in Carteret.






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Carteret Residents May Share \$42M from Contamination Settlement

May 10

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CARTERET, NJ — Homeowners who live near a long-gone copper smelting plant along the ... payouts from a class action settlement over soil and water contamination it left behind.

The payment would be shares of a \$42 million settlement with the old United States Metal Refining ... action lawsuit. The residents' 2017 lawsuit alleges that USMR did not completely test or clean up ... smelting plant closed in 1986.

Information about the \$42 million deal came to light in documents recently made public online.

Eligible to share the payments are a few hundred Carteret households who lived near the former ... and March 27, 2023.

The settlement area is bordered by Peter J. Sica Industrial Highway to the east, Romanowski Street ... the north, Arthur and East Grant streets to the west and Middlesex Avenue to the south. Nonresidents ...

"I'm pleased USMR has reached a significant settlement with Carteret's residential owners whose ... by U.S. Metals," said Mayor Daniel J. Reiman, who supported his residents' class action case in 2017.

Residents can learn online how to file a claim.



Carteret Residents May Share \$42M from Contamination Settlement

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Carteret residents may be eligible for payments in \$42 million contamination settlement

**Suzanne Russell, MyCentralJersey.com**

May 8, 2023 · 2 min read



CARTERET – Residents in the southeast section of the borough may be eligible for \$17,500 payouts in a class action settlement over contamination by the former United States Metal Refining (USMR) Company.

The \$42 million settlement is funding payments to eligible residential property owners near the former USMR smelter site between Jan. 30, 2017, and March 27, 2023.

Public documents indicate the area of hundreds of residential properties is bordered by the Peter J. Sica Industrial Highway to the east, Romanowski Street to the northeast, Cypress Street to the north, Arthur and East Grant streets to the west and Middlesex Avenue to the south. Nonresidential properties are not eligible in the settlement.

The settlement is aimed at resolving property damage claims caused by USMR's smelter site and its alleged failure to properly test and remediate any contaminants. The company, which had denied any wrongdoing, allegedly released lead, arsenic and other contaminants into the environment.

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Protection in 1988 to clean up the site.

More: [Carteret waterfront walkway boosted by \\$1.4M state grant](#)

More: [Grant money available for Carteret building upgrades. See who can apply](#)

It is estimated that each eligible property will be entitled to about \$17,500, according to public documents.

In 2017 Carteret [announced a \\$7.4 million settlement with USMR over contamination](#) which included an initial payment of \$4.25 million to the borough and then another \$3.15 million during the next 10 years. The borough earmarked the funds for environmental, public health and waterfront recreation initiatives.

For more information and how to file a claim go to www.CarteretSmelterSettlement.com.

Email: srussell@gannettnj.com

Suzanne Russell is a breaking news reporter for MyCentralJersey.com covering crime, courts and other mayhem. To get unlimited access, please subscribe or activate your digital account today.

This article originally appeared on MyCentralJersey.com: [Carteret NJ residents eligible for payments in class action settlement](#)

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EXHIBIT D

Juan Duarte, et al. v. United States Metals Refining Company, et al.;
Civil Action No. 2:17-cv-01624; United States District Court for the District of New Jersey

**If you own property located near the former
USMR Smelter in the Southeast corner of
Carteret, New Jersey, you may be entitled to a
payment from a class action settlement.**

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

The Settlement will create a cash settlement fund that equals approximately \$42,000,000, which will be used to pay (i) cash payments to eligible property owners; (ii) Class Counsel's attorneys' fees and expenses, (iii) Class Representative incentive awards, and (iv) settlement administration costs in excess of \$250,000 (if any).

United States Metals Refining Company ("USMR") has spent more than \$61 million to date on community outreach, sampling and analysis, environmental remediation, and reporting associated with a residential cleanup program under the oversight of the New Jersey Department of Environmental Protection ("NJDEP"). The settlement benefits also include the Settlement Class Counsel's contribution to this NJDEP cleanup program.

The Settlement will pay eligible owners of residential real property identified in the area indicated on the attached map (the "Class Area") to settle claims related to alleged property damages allegedly caused by the historical operation of the USMR Smelter in Carteret, New Jersey and/or the alleged failure to properly test and remediate any contaminants from that operation. The payments will be made in exchange for agreement to a release of claims against USMR and the other Defendants as more fully set forth in this notice.

If you own or owned residential property in the Class Area between January 30, 2017 and March 28, 2023, then you are a class member. Consult the Class Area map included with this notice or go to **www.CarteretSmelterSettlement.com** for a listing of eligible property addresses.

If you are a class member, your legal rights are affected whether you act or don't act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
Submit a Claim and Release Form	The only way to get a cash payment.
Exclude Yourself	Get no payment. This is the only option that allows you to possibly ever be part of any other lawsuit against United States Metals Refining Company, Freeport Minerals Corporation, Freeport-McMoRan Inc., and Amax Realty Development, Inc. that relates to the legal claims in this case. Exclude yourself by submitting a request to the Settlement Administrator and Parties as explained in answer to question 16 below.
Object	Write to the Court about why you do not agree with the Settlement but remain a class member.
Go To a Hearing	Ask to speak in Court about the fairness of the Settlement, but you must remain a class member to speak.
Do Nothing	Get no payment. Give up rights.

These rights and options—and the deadlines to exercise them—are explained in this notice. Additional information is available at **www.CarteretSmelterSettlement.com**.

The Court in charge of this case still must decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after appeals are resolved. Please be patient.

Questions? Call toll-free 1-844-798-0743 or visit www.CarteretSmelterSettlement.com

PLEASE DO NOT CONTACT THE COURT

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Questions? Call toll-free 1-844-798-0743 or visit www.CarteretSmelterSettlement.com

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BASIC INFORMATION

1. Why did I get this notice package?

The Court sent 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 it, and after objections and appeals are resolved, property owners in the Class Area will receive the settlement benefits described in this notice.

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 the case is the United States District Court for the District of New Jersey and the case is known as *Juan Duarte, et al. v. United States Metals Refining Company, et al.*, Civil Action No. 2:17-cv-01624. The people who sued are called the Plaintiffs, and the companies they sued, United States Metals Refining Company (USMR), Freeport Minerals Corporation, Freeport-McMoRan Inc., and Amax Realty Development, Inc., are called the Defendants.

2. What is this lawsuit about?

This lawsuit arises out of the historic operations of the former USMR Smelter Site located in Carteret, New Jersey. The lawsuit claims that properties in the Class Area have been damaged by the releases of lead, arsenic, and other contaminants from the historic operation of the Smelter Site. The lawsuit also claims that the manner in which Defendants tested and remediated contaminants from the Smelter Site was inadequate and has caused and continues to cause damage to properties in the Class Area. The Defendants deny that they have done anything wrong.

3. Why is this a class action?

In a class action, one or more people, called Class Representatives (for example, in this case, Juan Duarte and Betsy Duarte), sue on behalf of people who have similar claims. All 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. Judge Michael Hammer is in charge of this class action settlement.

4. Why is there a settlement?

The Court did not decide in favor of the Plaintiffs or the Defendants. Instead, both sides agreed to a settlement. That way, they avoid the costs and risk of a trial, and the people affected will receive compensation. The Class Representatives and the attorneys think the Settlement is best for Class Members who believe they were injured.

WHO IS IN THE SETTLEMENT

In order to get money from this settlement, you must be a Class Member.

Questions? Call toll-free 1-844-798-0743 or visit www.CarteretSmelterSettlement.com

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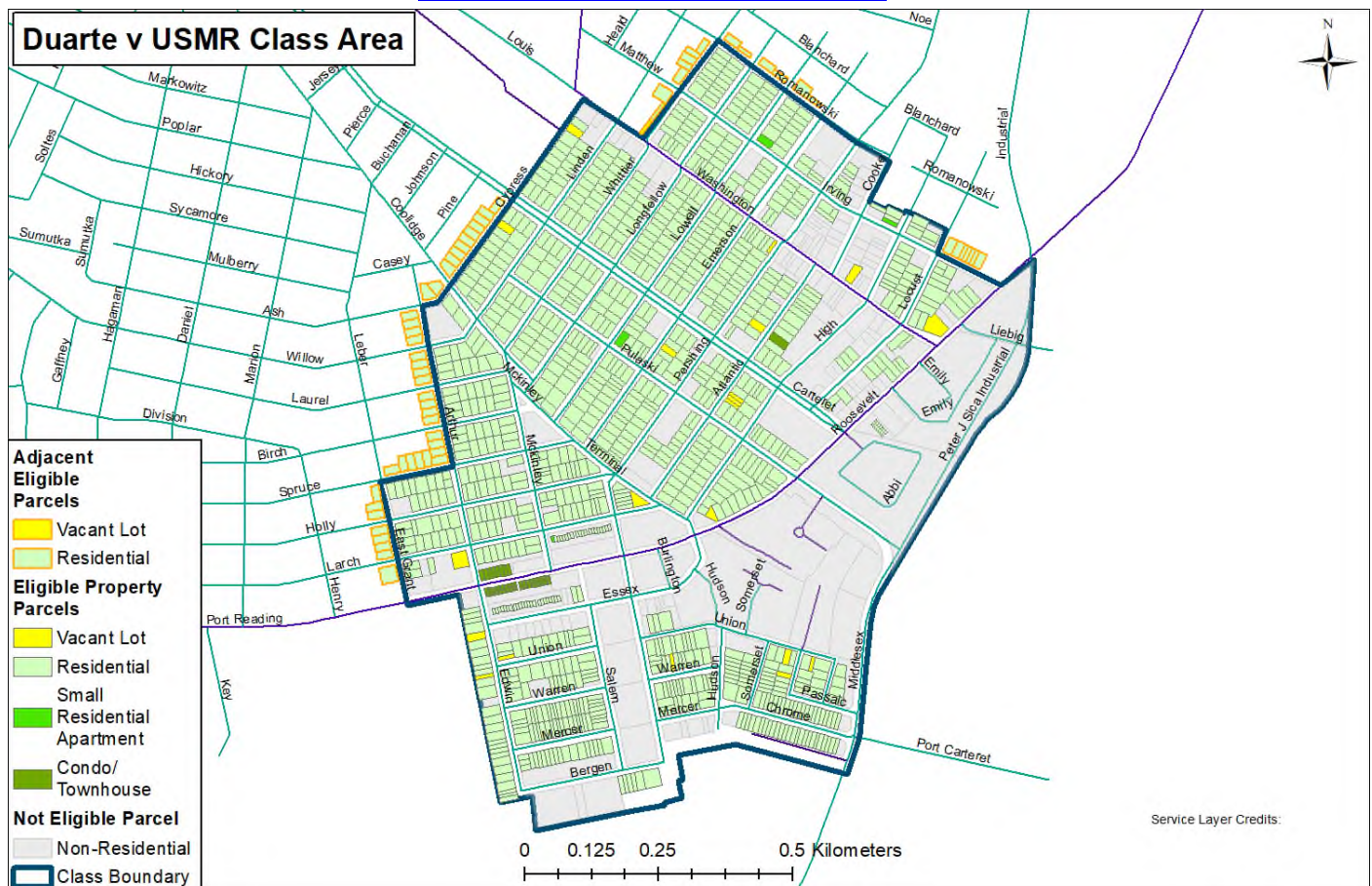
5. How do I know if I am a part of the Settlement?

If you received this notice in the mail without requesting it, land records show you may be a current or former owner of residential property covered by this settlement. But you should verify that you are a Class Member according to the definition and map below.

The Court has decided that everyone who fits the following description is a Class Member:

Property Damages Class: All persons who own or owned any Residential Property (as that term is defined by N.J. Admin. Code § 18:12-2.2(b) and includes ‘dwelling house[s] and the lot or parcel of land on which the dwelling house is situated [where the] dwelling is functionally designed for use and enjoyment by not more than four families and includes residential condominiums’) and (ii) vacant lots zoned for residential use in each case located within the geographical boundary defined by the map below (the “Class Area”). The Class Area is generally bounded by Peter J. Sica Industrial Highway to the East, Romanowski Street to the North-East, Cypress Street to the North, Arthur and East Grant Streets to the West, and Middlesex Avenue to the South. The Class includes Residential Properties located on both sides of the boundary streets. The Class Period is from January 30, 2017 to March 27, 2023.

A map of the Class Area is set out below and a list of properties by address within the Class Area is available at the website: www.CarteretSmelterSettlement.com.



Questions? Call toll-free 1-844-798-0743 or visit www.CarteretSmelterSettlement.com

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6. Which companies are included in the “Defendants”?

The Defendants are United States Metals Refining Company, Freeport Minerals Corporation, Freeport-McMoRan Inc., and Amax Realty Development, Inc.

7. If I own property in the Class Area but I don’t think it is damaged, am I included?

Yes, you are still included in the Class and are entitled to benefits as long as you own property in the Class Area, even if you do not believe your property was actually damaged.

8. I’m still not sure if I am included.

If you are still not sure whether you are included, you can ask for free help. You can call **1-844-798-0743** and ask for assistance in determining whether you are a member of the Class or you can visit **www.CarteretSmelterSettlement.com**, which contains a complete list of addresses within the Class Area. The website also contains additional details about the Settlement.

If you are a Class Member, the Claim and Release Form is attached to this Notice.

9. If my property was previously tested or remediated by the Defendants or I received other benefits from the Defendants in connection with the operation of the Smelter, am I still eligible to participate in this settlement?

Yes. If you previously participated in the NJDEP program or other prior environmental testing and remediation work in the vicinity of the USMR Smelter Site, you are still eligible to participate.

THE SETTLEMENT BENEFITS—WHAT YOU GET

10. What does the Settlement provide?

In accordance with the Settlement Agreement, USMR must place Forty-Two Million Dollars (\$42,000,000) in a court-administered fund to settle this matter. In addition, Defendants have also negotiated a separate proposed settlement with certain property owners outside of the Class Area (the “Settling Individual Homeowners”). In the event that the total aggregate of payments to all Settling Individual Homeowners (which include Settlement Individual Homeowners’ attorneys’ fees and costs) is less than Two Million Dollars (\$2,000,000), USMR will also pay the remaining amount to reach a total of \$2 million to the court-administered fund for this class settlement.

The Settlement provides for a monetary payment to the owners of each eligible property. The exact amount of any final payment to the property owners will depend on the Court’s award of attorneys’ fees and expenses, the Court’s award of class representative incentive awards, the costs of settlement administration, and the remaining amount (if any) from the Settling Individual Homeowners payments. The eligible property payment amount will be calculated by the Settlement Administrator once all of these other costs are known. Your fraction of this per-property payment will be based on the duration of your ownership during the period January 30, 2017 through March 27, 2023 (the Class Period). However, based on reasonable estimates of the above costs, the Settlement Class Counsel and Defendants estimate that each eligible property

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will entitle its owner(s) during the Class Period to payment(s) that when added together equal a total of approximately \$17,500 per eligible property. To the extent that individual Class Members do not file Claim and Release Forms and participate in the settlement benefits, USMR may be entitled to a reversion of unclaimed settlement funds, but this reversion will not exceed 30% of the amount in the settlement fund after deduction of Class Counsel's attorneys' fees, costs and expenses, and payment of approved incentive awards.

11. What if there are multiple people who own or have owned my property?

In order to be included in the Settlement, you must have owned your property at any time during the period January 30, 2017 through March 27, 2023.

If you owned property during this period, but someone else owned the property either before or after you and also during this time period, payments for your property will be divided among you and the other owner based on how long you each owned the property within the Class Period.

If multiple people own the property at the same time and each of them files a valid Claim and Release Form, the Settlement Administrator will write a single check payable to all co-owners of the property.

12. What if I find out later that my property has been damaged?

If your property may have been damaged as a result of the historical operation of the USMR Smelter, you must send in a Claim and Release Form now. If you do not send in a Claim and Release Form, you will not receive benefits under the Settlement. If you do not exclude yourself, any claims that you may have related to your property in the Class Area arising from the historical operation of the USMR Smelter Site or the environmental cleanup will be forever barred. Therefore, you must send in a Claim and Release Form now if you want compensation through this settlement. There is no procedure to receive payment through this settlement at a later time. If you do not exclude yourself, you will be waiving your right to file any other claim even if you find out later that your property had been damaged as a result of historical operation of the USMR Smelter. See Section 15 below.

**HOW YOU GET THE SETTLEMENT BENEFITS—
SUBMITTING A CLAIM AND RELEASE FORM**

13. How can I get a payment?

To qualify for a payment, you must send in a Claim and Release Form and all required documentation. A Claim and Release Form is attached to this Notice. Read the instructions carefully, fill out the form, include all documents the form asks for, sign it, and mail it postmarked no later than June 26, 2023. You may also complete this Claim and Release Form online at www.CarteretSmelterSettlement.com with the login information provided with your Claim and Release Form.

14. When would I get a payment?

The Court will hold a hearing called a “Fairness Hearing” on July 26, 2023 at 2 p.m. eastern time to decide whether to approve the Settlement. The hearing will be via Zoom. The link for the Zoom hearing will be published on the website at www.CarteretSmelterSettlement.com. Please see the answers to questions 23, 24, and 25 for the requirements to participate in the hearing. If the Court approves the Settlement, there may be appeals. It’s always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. Please be patient.

15. What am I giving up if I remain in the Class?

Unless you exclude yourself, you will remain a member of the Class, and that means that you can’t sue, continue to sue, or be part of any other lawsuit against the Defendants related to the legal issues in *this* case. It also means that all of the Court’s orders will apply to you and legally bind you. If you sign the Claim and Release Form, you will agree to a “General Release of Claims”, which describes exactly the legal claims that you give up if you get settlement benefits. Even if you do not submit a Claim and Release Form, you will give up these legal claims unless you exclude yourself from the Class (the specific requirements to exclude yourself are described below in answer to question 16).

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 the Defendants on your own about the legal issues in this case, then you *must* take steps to get out of the Class. This is called excluding yourself—or it is sometimes referred to as “opting out” of the Class. The answer to question 16 below explains the process for excluding yourself from the settlement.

16. 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 *Juan Duarte, et al. v. United States Metals Refining Company, et al.*; Civil Action No. 2:17-cv-01624; United States District Court for the District of New Jersey. Be sure to include your name, address, telephone number, and your signature. Your exclusion request must clearly state your desire not to be included in the Settlement. You must mail your exclusion request postmarked no later than **June 26, 2023** to:

Duarte v. U.S. Metals Refining Company
c/o JND Legal Administration
PO Box 91420
Seattle, WA 98111

You cannot exclude yourself on the phone or by e-mail. You cannot exclude anyone but yourself. For properties that are owned by more than one person, all persons with an ownership interest in the property must opt out for the exclusion request to be valid. If you ask to be excluded, you will not get any settlement payment, and you cannot object to the Settlement. You

Questions? Call toll-free 1-844-798-0743 or visit www.CarteretSmelterSettlement.com

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will not be legally bound by anything that happens in this lawsuit. You may be eligible to sue (or continue to sue) the Defendants in the future.

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

No. Unless you exclude yourself, you give up the right to sue the Defendants for the claims that this settlement resolves. If you have a pending lawsuit related to the USMR Smelter, 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 June 26, 2023.

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

No. If you exclude yourself, you do not send in a Claim and Release Form to ask for money. But, you may sue, continue to sue, or be part of a different lawsuit against the Defendants.

THE LAWYERS REPRESENTING YOU

19. Do I have a lawyer in this case?

The Court has asked Steven J. German and Joel M. Rubenstein of German Rubenstein, LLP; Christopher T. Nidel and Jonathan Nace of Nidel & Nace PLLC; W. Mark Lanier, Richard D. Meadow, Alex Brown, and Christopher L. Gadoury of The Lanier Law Firm, P.C.; and John M. Vlasac, Jr. and Boris Shmaruk of Vlasac & Shmaruk LLC to represent you and other Class Members. Together, the lawyers are called Class Counsel. If you want to be represented by your own lawyer, you may hire one at your own expense.

20. How will the lawyers be paid?

Class Counsel may ask the Court for attorneys' fees up to \$21,000,000, including costs and expenses reasonably incurred in the Litigation. Additionally, Class Counsel may ask the Court for up to 50% in attorney's fees, including costs and expenses reasonably incurred in the litigation, from the cash payments to the Class, if any, from the Settling Individual Homeowners payments. These amounts will be paid from the settlement funds described above.

The first \$250,000 of costs to provide this notice to the Settlement Class Members and to administer the Settlement will also be paid by USMR. If settlement administration costs exceed \$250,000, then the balance will be paid from the settlement fund.

OBJECTING TO THE SETTLEMENT

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

21. How do I tell the Court that I don't like the Settlement?

If you're 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 *Juan Duarte, et al. v. United States Metals Refining Company, et al.*; Cause Action No. 2:17-cv-01624 and you must

specifically state your objections. The specific requirements applicable to filing objections are set out in the Settlement Agreement at Section 6, which is available on the website. Be sure to include the case name (*Juan Duarte, et al. v. United States Metals Refining Company, et al.*), the case number (Civil Action No. 2:17-cv-01624), your name, address, telephone number, your signature, and a detailed reason as to why you object to the Settlement. Mail the objection to the three places listed below, postmarked no later than **June 26, 2023**.

Courthouse

U.S. District Court for the District
of New Jersey
Martin Luther King Building &
Courthouse
50 Walnut Street Room 4015
Newark, NJ 07101

Settlement Class Counsel

Steven German
19 West 44th Street, Suite 1500
New York, NY 10036

Defendants' Counsel

James Thompson III
Vinson & Elkins LLP
Texas Tower
845 Texas Avenue
Houston, Texas 77002

22. What's the difference between objecting and excluding myself?

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. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself from the Class, 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 don't have to.

23. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Fairness Hearing at 2 p.m. eastern time on July 26, 2023 via Zoom. The link for the zoom hearing will be published on the website at **www.CarteretSmelterSettlement.com**. You must follow the requirements described below if you wish to participate. 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 attended and who have asked to speak at the hearing. If you want to speak at the hearing, follow the requirements described in answer to question 25 below. 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.

To access the Zoom meeting, please visit **www.CarteretSmelterSettlement.com**.

24. Do I have to participate in 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 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.

25. 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 *Juan Duarte, et al. v. United States Metals Refining Company, et al.*; Civil Action No. 2:17-cv-01624.” Be sure to include your name, address, telephone number, and your signature. Your Notice of Intention to Appear must be postmarked no later than **June 26, 2023** and must be sent to the Court Clerk, Class Counsel, and Defendants’ Counsel at the three addresses listed in question 21. You should also consult the Preliminary Approval Order, which is available on the settlement website, for additional requirements related to speaking at the hearing and presenting evidence. You cannot speak at the hearing if you have excluded yourself or you do not or have not owned an eligible property during the Class Period.

IF YOU DO NOTHING

26. What happens if I do nothing at all?

If you do nothing at all, you’ll get no money from this settlement. But if you own or have owned an eligible property during the Class Period, unless you exclude yourself, you won’t be able to start a lawsuit, continue a lawsuit, or be part of any other lawsuit against the Defendants about the legal issues in this case ever again.

GETTING MORE INFORMATION

27. Are there more details about the settlement?

This Notice summarizes the proposed settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement as well as other information on the Settlement by visiting:

www.CarteretSmelterSettlement.com

28. How do I get more information?

You can call toll free 1-844-798-0743 or visit **www.CarteretSmelterSettlement.com**.

DATE: April 19, 2023

EXHIBIT E

DUARTE V. U.S. METALS REFINING COMPANY

UNITED STATES DISTRICT COURT, DISTRICT OF NEW JERSEY

CIVIL ACTION NO.: 2:17-cv-01624-EP-MAH

Exclusion Report

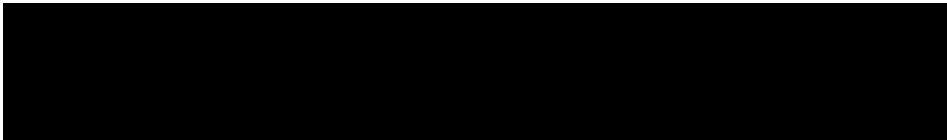
July 10, 2023

JND ID	Name	Owner	Timely	Has Signature	Postmark Date	Received Date
DEXCH32MFT	PAUL W. REMECZKI	Current	Yes	Yes	6/16/2023	6/23/2023

EXHIBIT F

June 12, 2023

Juan Duarte, et al ✓ United States Metals Ref Co et al
Civil Action No. 2:17-cv-01624
Doreen M. Stevens



Doreen M Stevens

Reasons for my objection are
as stated on following
pages 1 + 2.

Thank you

CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED

2023 JUN 15 A 10:26

June 12, 2023

Objection: Juane Duarte et. al vs U.S. MK - ^{Action No:} 2:17-cv-01624

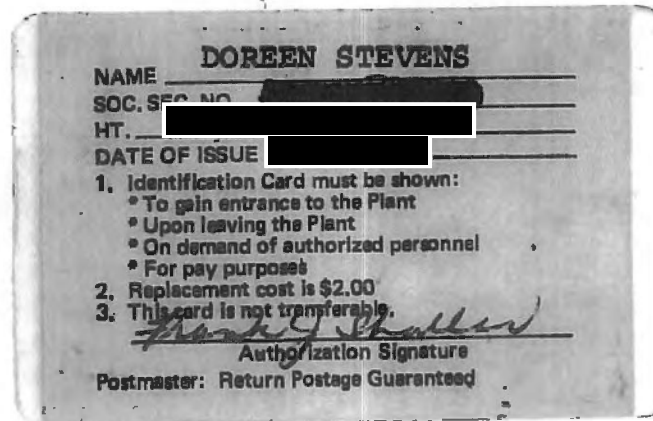
I agree to be included in the class however I feel my situation is different. The period of 2017 thru 2023 is very different from my situation. My parents purchased this house in 1997 which we all lived in from that time and I still do. Before that we lived about 15 yrs on Bergen St. which would be the direct line of all this. But it was a housing project so they're not included. However everyone one of us, my mother, father, sister and myself had cancer. I'm the only survivor still living. Before that we lived on Warren St, or before that Pershing Ave. The entire Chrome Section I fell has contributed toward my families health issues. So many of the people from my community has passed away from cancer. Lastly I worked at U.S. Metals in the yard office, had to walk through the plant daily and sit at a desk inhaling whatever is bringing this to the forefront. It may not be important to your decision, but my father was

①

a WWII hero, and we were taught to always fight for what's right. You may totally ignore me, but at least I felt compelled to state my case.

My oncologist can verify info. I have all necessary paperwork available. I can produce it at the time deemed appropriate as I don't even know if this is actually true. We get scammed so much in this country. If it is true, thank you for the consideration.

Donna M. Stevens



Proof of my working at U.S.M.R
My Employee I.D.