

Shongo, et al. v. CSX Transportation, Inc.;
 Civil Action No. 1:22-cv-02684-MJM; United States District Court for the District of Maryland

If you own or owned property in the Curtis Bay Class Area as defined below, and/or resided in the Curtis Bay Class Area as defined below, 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.

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 Deadline: July 18, 2024	The only way to get a cash payment.
Exclude Yourself Deadline: July 18, 2024	Get no payment. This is the only option that allows you to possibly ever be part of any other lawsuit concerning your real property or residence in the Curtis Bay Class Area and relating to the legal claims in this case brought for an explosion that occurred on December 30, 2021. Exclude yourself by submitting a request to the Settlement Administrator and Parties as explained below.
Object Deadline: July 18, 2024	Write to the Court about why you do not agree with the Settlement but remain a class member.
Go To a Hearing Deadline: July 18, 2024	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.curtisbaysettlement.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.

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

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objections and appeals are resolved, owners of real property and residents in the Curtis Bay Class Area who submit a valid claim and release form will receive the settlement benefits described in this notice.

The Court in charge of the case is the United States District Court for the District of Maryland and the case is known as *Shongo, et al. v. CSX Transportation, Inc.*, Civil Action No. 1:22-cv-02684-MJM.

This notice summarizes the proposed settlement and your rights. For the precise terms and conditions of the settlement, please see the settlement agreement available at www.curtisbaysettlement.com, contact the Settlement Administrator at 1-800-351-1572 or contact Class Counsel at the address listed in Part 19 below, access the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.mdd.uscourts.gov>, or visit the office of the Clerk of the Court for the United States District Court for the District of Maryland, 101 West Lombard Street, Baltimore, MD 21201 between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays. Do not contact the Court for information.

2. What is this lawsuit about?

This lawsuit arises out of an explosion that occurred on December 30, 2021 at the CSX Transfer Facility located at 1910 Benhill Avenue, Baltimore, MD 21226. Plaintiffs and the Class alleged that CSX Transportation, Inc. (the "Defendant") were negligent, strictly liable, caused a nuisance and caused a trespass to property in the Curtis Bay Class Area defined below. The Defendant denies that it has done anything wrong.

The Complaint in this action is posted on www.curtisbaysettlement.com and contains all of the allegations and claims asserted against the Defendant.

3. Why is this a class action?

In a class action, one or more people, called Class Representatives, 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.

4. Why is there a settlement?

The Court did not decide in favor of the Plaintiffs or the Defendant. 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 Class Counsel think the Settlement is best for Class Members who believe they were injured.

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

If you received this notice in the mail without requesting it, records show you may be a current or former owner of real property in the Curtis Bay Class Area, OR you may have resided in the Curtis Bay Class Area on the date of the explosion. But you should verify that you are a Class Member according to the definition below. If you receive this notice and NEITHER have owned real property in the Curtis Bay Class Area since December 31, 2021, NOR resided in the Curtis Bay Class Area on December 31, 2021, you are not eligible to participate in the proposed Class Settlement.

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

All persons who owned residential real property on or since December 30, 2021, OR on December 30, 2021 resided in a residential property that was your primary residence in the Curtis Bay Class Area as defined:

Beginning at the intersection of W. Bay Ave. and E. Patapsco Ave. extending southeast to the intersection of E. Patapsco Ave. and Curtis Ave. then extending south along Curtis Ave until its intersection with railroad tracks (located at approximately 39.216431, -71.586-087), then southwest to the intersection of Branch Ave. and Arundel Blvd., then northwest to the intersection of W. Bay Avenue and Church Street. then north along W. Bay Ave. to the intersection of W. Bay Ave. and E. Patapsco Ave.

The Class Area includes properties immediately abutting the boundary lines described above, including, for example, on the north side of E. Patapsco Ave. between West Bay Ave. and Curtis Ave.

The Class Area is depicted on a map as the blue shaded area:

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method. Checks will be valid for 90 days. Settlement class members may request that the Settlement Administrator reissue a check for one additional 90-day period for good cause shown.

12. When would I get a payment?

The Court will hold a hearing called a “Final Approval Hearing” on September 11, 2024 at 10:00 am Eastern Time to decide whether to approve the Settlement. 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.

13. 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 cannot sue, continue to sue, or be part of any other lawsuit against the Defendant related to the legal issues in *this* case. You are giving up or “releasing” the Defendant from any and all actions, causes of actions, claims, demands that have been asserted in the Complaint or could have been asserted in any form by Class Members against any or all of the Released Persons, including but not limited to, claims based on statutory or regulatory violations, tort (excluding personal injury and wrongful death), contract, common law causes of action, and any claims for damages or other relief (including any compensatory damages, special damages, consequential damages, medical monitoring, punitive damages, statutory fines or penalties, attorneys’ fees, costs and any equitable relief), direct or indirect, whether or not currently unknown, arising out of, based upon or causally related to the explosion on December 30, 2021 as alleged in the Complaint, which is available at www.curtisbaysettlement.com.

It also means that all of the Court’s orders will apply to you and legally bind you.

14. How do I get out of 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 Defendant 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.

To exclude yourself from the Settlement, you must send a letter by mail saying that you want to be excluded from *Shongo, et al. v. CSX Transportation, Inc.*, No. 1:22-cv-02684-MJM (D. Md.). 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 **July 18, 2024** to:

Shongo v CSX Transportation, Inc.
c/o Settlement Administrator
PO Box 23309
Jacksonville, FL 32241

Commented [1]: CSX Transportation, Inc.

15. If I don’t exclude myself, can I sue the Defendant for the same thing later?

No. Unless you exclude yourself, you give up the right to sue the Defendant for the claims that this settlement resolves. If you have a pending lawsuit related to the claims at issue in this case, 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 **July 18, 2024**.

16. 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, and you will not receive any money.

17. Do I have a lawyer in this case?

The Court has appointed Jonathan Nace and Zachary Kelsay of Nidel & Nace PLLC to represent you and other Class Members. The lawyers are called Class Counsel. If you want to be represented by your own lawyer, you may hire one at your own expense.

18. How will the lawyers be paid?

Class Counsel may ask the Court for attorneys’ fees up to \$577,500, plus costs and expenses reasonably incurred in the Litigation. Class Counsel will also request court approval of Service Awards to the Class Representatives in the amount of \$5,000 each. Class Counsel will file the request, along with all supporting documents, at least 30 days prior to the deadline to opt out from or object to the Settlement. The Fee and Service Award Application and all supporting papers will be available for your review on the settlement website at www.curtisbaysettlement.com. The Court will

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determine the appropriate amount of the attorneys' fees and awards to be paid. The Settlement is not conditioned upon approval of any of the attorneys' fees, costs, or service award amounts.

You are not required to make any payments to Class Counsel in this action.

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

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

You can't ask the Court to order a different settlement; the Court can only approve or reject the settlement. If the Court denies approval, no settlement payments will be sent out and the lawsuit will continue. If that is what you want to happen, you must object.

To object, you must send a letter saying that you object to *Shongo, et al. v. CSX Transportation, Inc.*, Case No.: 1:22-cv-02684-MJM (D. Md.) and you must specifically state your objections. Your objection must include the following:

- Your name, address, email address (if any), and phone number;
- Documentary proof of membership in the Settlement Class;
- The case caption, *Shongo, et al. v. CSX Transportation, Inc.*, Case No.: 1:22-cv-02684-MJM (D. Md.);
- The specific legal and factual bases for your objection, including the address you own(ed) or you resided in;
- A list of all cases in which you have objected to a class action settlement, including case name, court, and docket number;
- If you are represented by counsel, a list of all cases in which your counsel has represented an objector in objecting to a class action settlement, including the case name, court, and docket number;
- If you are represented by counsel, the name, address, bar number, and telephone number of your counsel;
- A statement indicating whether you and/or your counsel intend to appear at the Final Fairness Hearing;
- A list of witnesses, if any, that you intend to call;
- Whether the objection relates only to you, to a subset of the Settlement Class, or to the entire Settlement Class; and
- Your signature.

You must mail your objection to each of the three places below, postmarked no later than **July 18, 2024**:

<u>Courthouse</u>	<u>Class Counsel</u>	<u>Defendant's Counsel</u>
U.S. District Court for the District of Maryland 101 West Lombard Street Baltimore, MD 21201	Jonathan B. Nace Zachary Kelsay Nidel & Nace, PLLC One Church Street, Suite 802 Rockville, MD 20850	Michael K. Murphy Gibson Dunn, & Crutcher 1050 Connecticut Ave. NW Washington, DC 20009

20. 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.

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

The Court will hold a hearing to decide whether to approve the Settlement on **September 11, 2024**. You may attend and you may ask to speak, but you don't have to. 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. The Court may also decide how much to pay Class Counsel. At the hearing, the Court will decide whether to approve the Settlement.

You may ask the Court for permission to speak and call witnesses at the Final Approval Hearing. To do so, you must

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send a letter saying that you intend to appear and wish to be heard. Your Notice of Intention to Appear must include the following:

- Your name, address and telephone number;
- A statement that this is your “Notice of Intention to Appear” at the Final Fairness Hearing for the Settlement in *Shongo, et al. v. CSX Transportation, Inc.*, Case No.: 1:22-cv-02684-MJM (D. Md.);
- The reasons you want to be heard;
- A list of witnesses you intend to call, including their address and a summary of their proposed testimony;
- A detailed description of any evidence you intend to offer;
- Copies of any papers, exhibits, or other evidence of information that is to be presented to the Court at the Final Fairness Hearing; and
- Your signature.

You must submit your Notice of Intention to Appear no later than **July 18, 2024**, to the Settlement Administrator, Courthouse, Settlement Class Counsel, and Defendant’s Counsel using the addresses listed in [Parts 14 and 19](#).

22. 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.

Any Class Member who has not submitted a timely request for exclusion may appear at the Final Approval Hearing either in person or through an attorney. However, if the class member intends to appear through counsel, the class member must have submitted a written objection pursuant to this section. Any lawyer who intends to appear at the Final Fairness Hearing also must enter a written Notice of Appearance of Counsel with the Clerk of the Court no later than the Response Deadline. Any Settlement Class Member who intends to request the Court to allow him or her to call witnesses at the Final Fairness hearing must make such a request in a written brief, which contains a list of such witnesses and a summary of their requested testimony. These written notice requirements may be excused upon a showing of good cause.

23. 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 resided in an eligible property on December 30, 2021, 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 Defendant about the legal issues in this case ever again. If the settlement receives final approval from the Court, the settlement will be legally binding on all class members. The full terms of the release, which will bind all class members as to the claims in *Shongo, et al. v. CSX Transportation, Inc.*, Case No.: 1:22-cv-02684-MJM (D. Md.), against the Defendant and certain affiliates and related entities are set forth in the Settlement Agreement, which is on file with the Court and accessible at the link referenced below.

Please see the response to question 11: **How can I get payment?** for more information on how to submit a Claim and Release Form.

24. 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.curtisbaysettlement.com

Commented [2]: Settlement Admin address isn’t listed in Part 19.