

Sent: Thursday, January 31, 2002 11:20 AM
Subject: CANCER VICTIMS PAID

Dear Aquathin Dealer On-Line;

Please review this quick read follow up to the News Bulletin of 12/26/2000 titled "City Water and Leukemia". Print for your sales staff.

Warmest regards,

FOR THE BEST TASTE IN LIFE
Think Aquathin..AquathinK !!
Celebrating our 22nd birthday in 2002 !!!
(visit the allnew <http://www.aquathin.com>)

"Alfie"
Alfred J. Lipshultz, President

P.S. When responding please continue 'REPLY' to include all previous correspondences on this subject.

Legal Briefs - 1/24/2002 12:41:34 PM

Report: Victims in cancer case will get \$13.5M

NEW BRUNSWICK, NJ — The companies accused of polluting the water in Toms River and the local water utility will pay at least \$13.3 million to children who contracted cancer and to their siblings who suffered emotional distress, according a newspaper report on court records associated with the case.

The *Philadelphia Inquirer* reported that the actual total paid to the 69 families in the case is likely millions of dollars higher, but it may never be made public because the companies and the families signed a confidentiality agreement.

The settlement was announced last month, but the financial terms were not disclosed at that time.

The \$13.3 million portion was tallied by the *Inquirer* and became

public because New Jersey law requires settlements with minors to be approved by a Superior Court judge, the newspaper said.

Court records do not reflect amounts paid to the estates of 15 Toms River children who died of cancer, nor do the records reflect any payments made to adult siblings or survivors, with one exception, the article said.

The \$13.3 million includes a \$3.8 million "recurrence fund" to cover any expenses in the event a victim suffers a relapse, the newspaper reported. Of the remaining \$9.5 million, the children will share a net amount of about \$6.8 million, after attorneys' fees and other costs. Some of the payments are structured as long-term annuities, college funds or other investments, the report said.

The settlement documents in Superior Court, the newspaper said, include details of the children's symptoms, such as seizures and learning disabilities, as well as side effects of chemotherapy and radiation treatments, such as hair loss.

Those who survived cancer are to receive payments ranging from about \$90,000 to \$450,000, apparently depending on the severity of the illnesses, the newspaper said. Siblings who suffered emotional distress are to receive smaller amounts, in most cases \$5,000 apiece.

There are still lawsuits pending in the case, filed by 600 additional plaintiffs who chose not to join the 69 families. They are seeking class-action status and could be joined by thousands more residents exposed to polluted air and water, said one of their attorneys, Michael Gordon, according to the *Inquirer*.

The 69 families who settled chose not to litigate their case. They went straight to mediation, according to the newspaper. Had they gone to trial, they could have won more, or ended up with less or nothing at all.

The families alleged that their children got sick by drinking water polluted by a Ciba-Geigy chemical plant and a site where Union Carbide toxic wastes were dumped in 1971, the article said. The settlement was reached with Ciba Specialty Chemicals Corp. (the successor of Ciba-Geigy), Union Carbide, and United Water Resources Inc. (the local water utility).

Ciba-Geigy manufactured dyes and resins at a Toms River factory from 1952 to 1996, disposing of some of its waste in area lagoons. The Union Carbide waste, from the company's chemical plant in Bound Brook, Somerset County, was dumped in Toms River in 1971 by a contractor hired by the company, the newspaper reported.

Last month, just days after the 69 families announced their settlement, state and federal health officials announced the results of a five-year study into the situation. They found that Toms River girls with a high level of exposure to water contaminated by the Union Carbide wastes were more likely to contract leukemia than those with little or no exposure, the newspaper said.