

Sent: Tuesday, November 12, 2002 5:30 PM

Subject: BAD BOY REPORT: CITY GETS SUED FOR \$1 BILLION FOR THM CONTAMINATION

Dear Aquathin Dealer OnLine, Splash NewsBulletin and Allergic Reaction NewsBulletin Members;

Yesterday your read a Bad Boy Report discussing that municipal water treatment plants are receiving law suits for their negligence. Below you will read a biggie (we reported this and the Toms River,NJ incidents earlier) ! The most sad issue is that if in fact, these miscarriages were caused by THMs (as the article states, THMs can be a cause...but there are other causes as well), the parents could have installed POE and POU devices to protect themselves. I wonder if they've installed systems now that they know ?

I love my Aquathin. Warmest regards to all,

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"Alfie"

Alfred J. Lipshultz, President

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Legal Briefs - 11/11/2002 11:08:33 AM

Judge allows billion-dollar water lawsuit to go forward

CHESAPEAKE, VA — The city can be sued by a woman who says contaminated water caused her miscarriage, a judge has decided.

The [Associated Press](#) (AP) reported that early next year, Circuit Judge Norman Olitsky is expected to rule on the merits of the lawsuit and whether a jury will hear the case of Helen Cunningham, who miscarried in 1998.

Nearly 170 other women also have filed lawsuits seeking more than \$1 billion, claiming Chesapeake officials misled them about high levels of trihalomethanes (THMs) in the city's drinking water that they allege caused miscarriages, AP reported.

Water Technology magazine featured the Chesapeake case in an [April 2002 cover story](#).

Last month, the judge threw out part of Cunningham's case because some of the charges relied on inapplicable federal laws, the news service said.

In January or February, Judge Olitsky will hear evidence about when Cunningham could have reasonably discovered that the water might have caused her miscarriage, AP said. The timing is crucial in determining whether the lawsuit can go forward under the state's two-year statute of limitations.

THMs form when chlorine used to disinfect drinking water mixes with organic material such as algae, twigs and leaf particles.

AP said city officials knew about the THM problem when the first water plant was built in the early 1980s, attorneys argued last week. Research showed that the contaminated water placed women who used it at greater risk of miscarriages and other problems.

THMs came under federal regulation at about the same time, the news service said.

Officials didn't start warning the public until 1998, the women's lawsuits say, according to AP. That year, after tests showed elevated levels of THMs, the city issued public health warnings that women who drank five or more glasses of the water a day could be at higher risk of miscarriage.