

ANSWERS TO FREQUENTLY ASKED QUESTIONS

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ສຳລັບເອກະສານທີ່ແປເປັນພາສາລາວ, ກະລຸນາເຂົ້າຊົມທີ່ www.RichmondRefineryFire.com.

Case History

1. What is this case about?

On August 6, 2012, there was a fire at the Chevron Richmond facility, which resulted in a large plume of smoke rising to the sky and dispersing, in part, into the neighboring communities. The fire was the result of a thinning pipe that was leaking hydrocarbons and then caught fire. The fire lasted approximately 6 hours before it was extinguished. Chevron shut the unit down shortly before the fire began, and thus experts calculate that about 600 barrels of hydrocarbons were burned. Local authorities issued a shelter in place directive, telling residents to close their windows and stay indoors.

2. What happened in the days after the fire?

The Bay Area Air Quality Management District (BAAQMD) conducted air sampling after the fire. On August 9, 2012, the BAAQMD issued a press release stating the air samples taken near the Chevron facility detected normal background levels of toxic air contaminants. It also reported that real time particulate matter monitors did not detect any elevated levels during the fire.

On August 12, 2012, BAAQMD created a slide presentation noting: “The PM2.5 [particulate matter] monitoring network in California did not show any large rise in PM2.5 levels in the days after the incident (other than wildfires). Based on continuous measurements, no impacts were detected.”

On August 23, 2012, BAAQMD released the results of from the San Pablo monitoring station. Results showed levels below state and federal air quality standards. The director of air science for the Bay Area Air District, Eric Stevenson, stated: “Weather conditions the night of the fire helped push much of the particulate pollution from the fire high into the atmosphere.”

3. How did the cases get started?

Several thousand people reported becoming ill and visited local hospitals and doctors, complaining of irritant symptoms, such as cough, sneezing, nausea, and itchy eyes and throat. Approximately 20,000 people retained lawyers (“the plaintiffs’ lawyers”) who filed lawsuits on their behalf against Chevron.

4. What has happened since the cases were filed?

The case took many procedural turns, and was assigned to several judges. Ultimately, Judge Barry Goode was assigned the case. He set up a process in which 60 “trial pool” plaintiffs would be selected for discovery and 12 of those would be set for a trial date.

The plaintiffs’ lawyers also conducted depositions of numerous Chevron employees. The plaintiffs’ lawyers believe that a strong case was made that Chevron knew that this particular pipe was prone to failure, but did not replace it. The plaintiffs’ lawyers also believe the evidence showed that Chevron mishandled the leak on that day.

5. Why is there a settlement without a trial?

The concern was what damages were suffered by the trial pool plaintiffs. Again, BAAQMD found no elevated levels of toxins during and after the fire. The plaintiffs' lawyers retained medical experts to look at the exposures to the trial pool plaintiffs. Generally, the most the expert could support is that the fire caused short term (one to two week) irritant symptoms. The experts could not say that the fire caused any long-term medical conditions.

Shortly before the first trial, the lead plaintiffs' lawyers mediated the case with Chevron and reached a tentative Settlement Agreement. Over the course of the last nine months, the lawyers have worked to formalize this agreement and set up a protocol for eligible plaintiffs to receive an award.

6. What does my lawyer think I should do?

The plaintiffs' lawyers who have handled this case from the beginning and who have prepared the first case for trial strongly advise you to participate in this settlement. Based on the developments in the case, the plaintiffs' lawyers believe that this is the best outcome for all plaintiffs in this case. This framework provides every plaintiff with a form of a "day in court" and allows each plaintiff who participates to receive at least some amount of compensation. The reality of the situation is that there are thousands of plaintiffs, but only one judge. Each trial would take at least six weeks. There is simply no way that 99% or more of the plaintiffs would ever have an actual trial.

The plaintiffs' lawyers have spent many thousands of hours and millions of dollars in expenses to pursue this case. The plaintiffs' lawyers believe Chevron's liability is clear but that the problematic issue is damages. As your lawyer can explain to you, in this kind of case, the law requires that a plaintiff prove the type and amount of chemicals they were exposed to as well as proof that their injuries related to the chemical exposure. The law generally requires a doctor to testify, based on scientific evidence, that the chemicals caused a particular condition. Here, the evidence was that the fire lasted for six hours, the majority of the smoke went high into the sky and blew primarily out to the bay. The Bay Area Air Quality Management District conducted extensive air testing and found no elevated levels of harmful chemicals, during and after the fire.

For all of these reasons, the plaintiffs' lawyers collectively agree that it is in the best interest of all plaintiffs to participate in this settlement, and allow the Special Master to allocate individual recovery once all who intend to participate are joined.

Settlement Details

7. Who is included in the settlement?

The Settlement Framework Agreement covers all persons who filed a lawsuit in Contra Costa County for claims regarding the August 6, 2012 fire at Chevron's Richmond Facility.

Only those people with an active, filed case may participate in the settlement process. Active means the case has not been dismissed. Many clients in this litigation have been dismissed for failure to turn in a fact sheet. The plaintiffs' lawyers in the case have provided the Court-appointed Special Master with a list of their active clients, for whom they filed cases. If a person's name is not on this list, then that person likely had their case dismissed and is not eligible to participate. Any questions regarding eligibility should be directed to the lawyer that they believe they hired.

Also, only plaintiffs who complete the Release Form will be able to participate. (See instructions in #10 below)

8. How much money will I receive under the terms of this settlement?

Under the Framework Agreement, the Court-appointed Special Master will first review all of the underlying facts of the case. The lawyers handling this case took or defended over 100 depositions, reviewed thousands of pages of documents, and hired several expert witnesses and have provided the Special Master with the key facts of the case and the reports of the experts. The Special Master will then develop a protocol to determine an appropriate reward for each plaintiff.

Currently, we cannot provide you with a specific dollar amount that you will receive because we do not know exactly how many claimants will participate, and we do not know exactly how the Special Master will determine the amounts due each plaintiff. What we can say is that each plaintiff who participates will receive some compensation.

9. When should I expect to receive my money?

The Claims Administrator is now estimating that payments to claimants will occur in October 2020, as steps required by the Court approved Settlement Agreement are still being completed. We apologize for any inconvenience.

10. What do I have to do to participate in the proposed settlement?

A website has been established where you can “log on” and “e-sign” the required Release Form. By e-signing this release form, you will become a participant in the settlement.

Here are the Instructions:

1. Go to www.RichmondRefineryFire.com
2. Enter your **Date of Birth** and the **PIN #** that is found at the bottom of your letter.
3. E-sign the Release Form (you will receive a confirmation that you have done this correctly).

11. What if I do not wish to participate in the settlement process?

You should talk to your lawyer (immediately) about how to handle that issue. There is a November 15, 2019 deadline in which your lawyer must notify the Court that you are not participating in this process.

Release Form

12. What information do I need to complete the release?

To access the release, you will need your PIN number, located on the letter from the Special Master, and the Date of Birth you provided your attorney. Before you electronically sign the release, you will be asked to:

1. Verify your contact information
2. Provide your Social Security Number or Tax ID Number (see question 13 for more information)
3. In the case of a minor, provide the name and relationship of the parent or legal guardian completing the release
4. Complete the required information for the Medicare Release and Indemnification section of the release (see question 14 for more information)
5. Provide the name of a witness who will also electronically sign the release (see question 15 for more information)

13. Why do you need my Social Security Number or Tax ID Number?

Federal law requires certain payment amounts to be reported to the IRS. As we are not certain of the compensation each claimant will receive, we are gathering this information now to reduce delays in compensation if it is required. If we are required to report your compensation to the IRS and we do not have your tax information, your payment will be held until the information is received.

14. What are the questions required for the Medicare Release and Indemnification?

The release requires the claimant to complete the below paragraph, which relates to Medicare and other benefits.

*“I represent and warrant that I **am/am not** eligible, currently receiving, and/or entitled to Medicare benefits, and that I **will/will not** apply for Medicare benefits for a period of thirty (30) months from the date I sign this Agreement. I further represent and warrant that if not a US citizen I **have/have not** lived in the US for 5 continuous years, and/or **do/do not** qualify or currently receive Social Security retirement benefits, railroad retirement benefits or Social Security disability insurance.”*

15. Why do I need a witness and who can be a witness? Can I have someone translate for me? Can we discuss the settlement?

The settlement release requires a person witness your signing of the release. The witness can be any adult who is with you at the time of the signing of the release. If you are having an adult translate for you, they can be your witness. Please note that witnesses and/or translators, as well as you, must agree to maintain the confidentiality of any information regarding the settlement of your claims against Chevron. There are severe financial penalties associated with any violation of the Confidentiality of these matters.

Additional Questions

16. I am a parent of a child who engaged your firm on behalf of my child. Do I sign a release for them?

First, if your child has turned 18 during the course of the case, then they will need to sign their own Release. Second, if your child is still under 18, then you may sign a Release on their behalf, if you believe it is in their best interest. A release must be completed to be eligible for compensation.

The Court will appoint a “Guardian Ad Litem” to ensure that the settlement is in fact in their best interest. The “Guardian Ad Litem” will NOT complete the release on their behalf. That is the responsibility of the parent/guardian.

17. I still have questions that aren’t addressed above. Who can I call?

Please visit the case website at www.RichmondRefineryFire.com or call our Call Center at **(833) 239-8635**.