

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**MICHELE BAKER ET AL., individually
and on behalf of all others
similarly situated,**

Plaintiffs,

vs.

**1:16-cv-00917
(MAD/DJS)**

**E.I. DUPONT DE NEMOURS
AND COMPANY,**

Defendant.

APPEARANCES:

OF COUNSEL:

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Mae A. D'Agostino, U.S. District Judge:

**ORDER GRANTING PRELIMINARY APPROVAL OF CLASS SETTLEMENT,
PRELIMINARY CERTIFICATION OF SETTLEMENT CLASSES, APPROVAL OF
NOTICE PLAN, APPOINTMENT OF CLASS COUNSEL, APPOINTMENT OF CLASS
REPRESENTATIVES, AND APPOINTMENT OF CLASS ADMINISTRATOR**

WHEREAS, Plaintiffs Michele Baker; Charles Carr; Angela Corbett; Pamela Forrest; Michael Hickey, individually and as parent and natural guardian of O.H., infant; Kathleen Main-Lingener; Kristin Miller, as parent and natural guardian of K.M., infant; Jennifer Plouffe; Silvia Potter, individually and as parent and natural guardian of C.P., infant; and Daniel Schuttig ("Plaintiffs"), on behalf of themselves and Class Members; and Defendant E.I. DuPont de Nemours and Company, now known as EIDP, Inc. ("EIDP" or "Defendant," and together with Plaintiffs, the "Parties"), by their respective counsel, have submitted a Class Settlement Agreement to this Court that would resolve this class action ("Action");

WHEREAS, on October 20, 2025, Plaintiffs filed an unopposed motion, Dkt. No. 572, which asks the Court to: (1) preliminarily certify the Settlement Classes; (2) preliminarily approve

the Settlement; (3) approve the Notice Plan and Claim Forms; (4) appoint Verita Global, LLC (formerly known as "KCC Class Action Services" or "KCC" and referred to as such herein) as the Class Administrator and direct it to commence the Notice Plan; (5) provide authority pursuant to Local Rule of Civil Practice 17.1 and N.Y. C.P.L.R. § 1201 for parents and guardians of all minor Class Members, and for legal representatives of absent incompetent Class Members, to sign Claim Forms and releases on behalf of Class Members they represent; (6) set deadlines for filing Claim Forms, opting out, and objecting to the Settlement; and (7) schedule a Fairness Hearing to consider final approval of the Settlement and any application for attorneys' fees, costs, and Service Awards;¹

WHEREAS, having reviewed the Settlement, its exhibits, the record of proceedings, and all papers and arguments submitted in support, the Court has determined that the proposed Settlement satisfies the criteria for preliminary approval, and the unopposed motion should be granted;

NOW, THEREFORE, pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, upon the agreement of the Parties, and after consideration of the Settlement and its exhibits, **IT IS HEREBY ORDERED** that:

1. The Court finds that it has jurisdiction over the subject matter of this action and over all Parties to the action.
2. The Settlement resolves all claims alleged by Plaintiffs against Defendant for negligence and strict liability.

PRELIMINARY CERTIFICATION OF THE SETTLEMENT CLASSES

¹ Unless otherwise defined herein, terms used in this Order have the same meaning as defined in the Settlement.

3. The Court hereby **GRANTS** preliminary certification of the proposed Rule 23 Settlement Classes, as defined in the Settlement: (1) the Municipal Water Property Settlement Class; (2) the Private Well Property Settlement Class; and (3) the Medical Monitoring Settlement Class.

4. The Court finds, for purposes of the Settlement only, that the Settlement Classes satisfy the requirements of Federal Rule of Civil Procedure 23(a)(1)-(4). The Court further finds, for purposes of the Settlement only, that the Municipal Water Property and Private Well Property Settlement Classes satisfy the requirements of Federal Rule of Civil Procedure 23(b)(3) and that the Medical Monitoring Settlement Class satisfies the requirements of Federal Rule of Civil Procedure 23(b)(2).

5. The Court finds the proposed Classes satisfy the requirements of numerosity, commonality, and typicality, and that the Representative parties will fairly and adequately protect the interests of the Classes.

**APPOINTMENT OF CLASS REPRESENTATIVES AND PRELIMINARY APPROVAL
OF AUTHORITY FOR PARENTS/GUARDIANS OF MINOR PLAINTIFFS AND
ABSENT MINOR CLASS MEMBERS TO SIGN FORMS AND RELEASES ON THE
MINORS' BEHALF**

6. For the Municipal Water Property Settlement Class, the Court **APPOINTS** as Representatives: Pamela Forrest, Kathleen Main-Lingener, Jennifer Plouffe, Silvia Potter, and Daniel Schuttig.

7. For the Private Well Property Settlement Class, the Court **APPOINTS** as Representatives: Michele Baker, Charles Carr, and Angela Corbett.

8. For the Medical Monitoring Settlement Class, the Court **APPOINTS** as Representatives: Charles Carr; Angela Corbett; Michael Hickey, individually and as parent and

natural guardian of O.H., infant; Kathleen Main-Lingener; Kristin Miller, as parent and natural guardian of K.M., infant; and Silvia Potter, individually and as parent and natural guardian of C.P., infant.

9. Each of the Plaintiffs who filed this Action as parent and natural guardian of a minor will apply to the Court individually or jointly for approval of the Settlement on behalf of the minor Plaintiffs and all absent minor Class Members. This Order provides authority pursuant to Local Rule 17.1 and N.Y. C.P.L.R. § 1201 for parents and guardians of all named minor Plaintiffs and absent Class Members, and for legal representatives of absent incompetent Class Members, to sign Claim Forms and releases on behalf of the Class Members they represent. An Order from this Court finally approving the Settlement shall effectuate a settlement under Local Rule 17.1 and N.Y. C.P.L.R. § 1207 for all named minor Plaintiffs, absent minor Class Members, and absent incompetent Class Members.

10. The legal representatives of deceased absent Class Members shall have authority to sign Claim Forms and releases on behalf of the absent Class Members they represent. Where a legal representative of a deceased absent Class Member submits a Claim Form on that Class Member's behalf, that legal representative shall attest to their authority to act for the deceased absent Class Member.

PRELIMINARY APPROVAL OF THE PROPOSED SETTLEMENT

11. The Court **GRANTS** preliminary approval of the proposed Settlement.

12. The Court finds it will likely be able to grant final approval of the Settlement as fair, reasonable, and adequate.

13. The Court finds that the Settlement and its terms and conditions warrant preliminary approval and dissemination of notice so that Class Members may review the

Settlement Agreement's terms, express any objections to the Settlement, or decide whether to opt out of the Settlement.

14. The Settlement appears at this preliminary approval stage to be procedurally fair, reasonable, and adequate. Plaintiffs and Class Counsel have adequately represented the Class Members in litigating the merits of the dispute and obtaining a Settlement of significant value through arm's-length negotiations between and among sophisticated counsel and under the auspices of the Court, which acted as mediator.

15. Likewise, the Settlement appears at this preliminary approval stage to be substantively fair, reasonable, and adequate in that the relief provided is substantial, particularly when taking into account the amounts received under a related 2021 class settlement² and the costs, risks, and delays of trial and appeal. The proposed method of distributing monetary relief to the Municipal Water Property and Private Well Property Settlement Class Members is relatively streamlined, requiring only submission of a simple short Claim Form for those who participated in the 2021 Class Settlement, or a long Claim Form and few supporting documents for those who did not previously participate. Similarly, after submission of a long Claim Form and supporting documents, newly enrolled Medical Monitoring Settlement Class Members will have access to annual consultations and testing from multiple physicians at the Southwestern Vermont Medical Center.

16. The Court finds that proposal treats Class Members equitably relative to one another.

² As defined in the Settlement Agreement, the "2021 Class Settlement" refers to a "prior class settlement agreement entered into and between certain class plaintiffs" and prior defendants in this case: "Saint-Gobain Performance Plastics Corp., Honeywell International, Inc., and 3M Company" Dkt. No. 572-3 at 2.

17. Attorneys' fees will be paid only after the Fairness Hearing and only by approval of the Court, which will consider any request for fees in conjunction with final approval.

18. The Parties have represented that there is one confidential side agreement to be identified under Federal Rule of Civil Procedure 23(e)(3), which concerns Defendant's right to terminate the Settlement based upon certain conditions outlined in that agreement.

APPOINTMENT OF CLASS COUNSEL

19. The Court previously appointed Stephen G. Schwarz and Hadley E. Lundback of Faraci Lange, LLP, and James Bilsborrow and Robin Greenwald of Weitz & Luxenberg, P.C. as Class Counsel for the Certified Litigation Classes.

20. Pursuant to Federal Rule of Civil Procedure 23(g), the Court also **APPOINTS** Mr. Schwarz, Ms. Lundback, Mr. Bilsborrow, and Ms. Greenwald as Class Counsel for the Settlement Classes. Class Counsel is authorized to act on behalf of the Settlement Classes with respect to all acts required by, or which may be given pursuant to, the Settlement or such other acts that are reasonably necessary to consummate the Settlement.

ADMINISTRATION

21. The Court **APPOINTS** KCC as Class Administrator and directs that the Notice Plan be implemented as set forth in the Settlement.

NOTICE TO THE SETTLEMENT CLASSES

22. The Court **APPROVES** the Class Notice and Notice Plan set forth in Exhibits 3 and 4 to the Settlement.

23. The Court finds that the Class Notice and Notice Plan satisfy the requirements of Rule 23 and due process, and constitute the best notice practicable under the circumstances.

PROCEDURES FOR REQUESTING EXCLUSION FROM OR OBJECTING TO THE SETTLEMENT

24. The Court hereby **APPROVES** the proposed procedures for Class Members to request exclusion from or object to the Settlement.

25. Members of the Municipal Water Property Settlement Class and the Private Well Property Settlement Class may request exclusion from the Settlement at any time prior to the Opt-Out Deadline, which is set as ninety (90) days from the date of this Order, provided that an opt-out request is delivered to the Class Administrator in accordance with the procedures set forth in the Settlement Agreement. Any Class Member who elects to opt out of the Settlement shall not be entitled to receive any benefits conferred by the Settlement. Any Class Member who does not timely and validly request to opt out shall be bound by the terms of the Settlement, including the Release.

26. If an Eligible Property has more than one legal owner and one of those owners excludes himself or herself from the relevant Settlement Class, then all owners of that Eligible Property shall be deemed to have opted out of the Settlement, and no owner of the Eligible Property shall be entitled to a payment under the Settlement.

27. The Court finds that members of the Medical Monitoring Settlement Class, which is preliminarily certified pursuant to Federal Rule of Civil Procedure 23(b)(2), do not have the right to opt out of the Settlement.

28. Objections to the Settlement, to the application of attorneys' fees and costs, and/or to the Service Award must be served on the Parties in accordance with the Agreement within ninety (90) days of the date of this Order. Class Counsel and/or Defendant may conduct limited

discovery on any objector or objector's counsel consistent with the Federal Rules of Civil Procedure.

29. Except for Class Members who have timely asserted an objection to the Settlement, all Class Members shall be deemed to have waived all objections and opposition to the fairness, reasonableness, and adequacy of the Settlement.

OTHER PROVISIONS

30. Class Counsel and counsel for Defendant are authorized to take, without further approval of the Court, all necessary and appropriate steps to implement the Settlement according to its terms, including implementing the Notice Plan.

31. Pending determination of whether the Settlement should be granted final approval, further proceedings against Defendant are stayed in this Action, other than proceedings necessary to carry out or enforce the terms of the Settlement.

32. Defendant shall serve the appropriate government officials with the notice required by 28 U.S.C. § 1715 within the time provided by statute.

33. Without further orders of the Court, the Parties may make non-material modifications to the Agreement (including the exhibits thereto) in implementing the Settlement that are not inconsistent with this Order, including making minor changes to the Agreement, to the form or content of the Notice, or to any other exhibits that the Parties jointly agree in writing are reasonable or necessary, as permitted by the terms of the Settlement Agreement.

34. The Court shall retain jurisdiction over the Settlement and shall consider all further matters arising out of or connected with the Settlement.

FINAL APPROVAL HEARING

35. Plaintiffs shall file their Motion for Final Approval of the Settlement, as well as a

request for attorneys' fees, costs, and a Service Award, at least twenty (20) days prior to the Fairness Hearing, and no earlier than 120 days after the date of this Order.

36. The Court will hold a Fairness Hearing on March 25, 2026, at 12:30 P.M., at the James T. Foley U.S. Courthouse, 445 Broadway, Albany, New York 12207, or by videoconference or teleconference if determined by a separate order, to assist the Court in determining whether to grant final approval to the Settlement, enter the Final Approval Order, and grant any motions for fees, costs, and the Service Award.

SUMMARY OF DEADLINES

ACTION	DEADLINE
Deadline for Class Administrator to commence Notice Plan	No later than 30 days from the date of this Order
Deadline for filing Claim Form to participate in Settlement	No later than 90 days from the date of this Order
Opt-Out Deadline	No later than 90 days from the date of this Order
Objection Deadline	No later than 90 days from the date of this Order
Deadline for filing a Motion for Final Approval and any petition for an award of attorneys' fees, costs, and Service Award	At least 20 days prior to the Fairness Hearing and no earlier than 120 days after the date of this Order
Deadline for revoking decision to opt out	10 days before Final Approval Hearing
Deadline for Defendant to exercise its termination right under the supplemental agreement	No later than 14 days after receiving the final list of opt outs from the Class Administrator
Final Approval Hearing	March 25, 2026, at 12:30 P.M.

IT IS SO ORDERED.

Dated: November 13, 2025
Albany, New York


Mae A. D'Agostino
U.S. District Judge