

If you lived in the Nitro or St. Albans area during the tire fire in May 2006, you could get a payment from a class action settlement.

A settlement has been reached in a class action lawsuit against ChemValley Properties, Inc. (including employees, officers, and directors) and U.S. Tire Recovery, LLC (including members and partners) (the "Defendants") involving the tire fire that took place near Nitro, West Virginia on May 4-5, 2006.

The Circuit Court of Kanawha County, West Virginia, will have a hearing to decide whether to give final approval to the settlement. Those included in the class action, together called a "Class," may submit a claim form for a cash payment, exclude themselves from, or object to, the settlement. More information is provided in a detailed notice which is available by calling the toll-free number or going to the website listed below.

WHAT IS THIS ABOUT?

The lawsuit alleges that approximately 40,000 tires were stored in the Nitro warehouse that burned and that the amount of tires stored in the warehouse posed a danger to area residents due to the risk of toxic fumes and vapors if the tires caught fire. The lawsuit also claims that the fire caused property damage, the loss of use and enjoyment of property, loss of property value, inconvenience and emotional distress. The Court did not decide in favor of the Plaintiffs or the Defendants. Instead, both sides agreed to settle this case to avoid the cost and risk of trial. The settlement does not mean that any law was broken or that the Defendants did anything wrong.

WHO'S INCLUDED?

The detailed notice describes exactly who is included. The Class includes homeowners and leaseholders (including renters) who lived in the Nitro or St. Albans area on May 4, 2006 and were part of the shelter-in-place advisories issued during the tire fire. The local authorities in Nitro and St. Albans issued warnings to their residents to remain indoors during the tire fire. The shelter-in-place advisories were issued for residents in the area that included Nitro/St. Albans Bridge to 40th Street in Nitro, West Virginia, and the area from 2nd Street to Ordinance Park in St. Albans, West Virginia. A map of the area included in the Class is available at www.NitroFireSettlement.com or by calling 1-888-233-5506.

WHAT DOES THE SETTLEMENT PROVIDE?

A \$1,175,000 settlement fund will be established by U.S. Tire Recovery and ChemValley Properties. After deducting attorneys' fees, their expenses and the costs of administering the settlement, the fund will be distributed, in cash, to Class members who submit valid claim forms. Any money remaining in the settlement fund, after any appeals are resolved and the settlement process has ended, will be donated to the Nitro and St. Albans fire departments.

The amount of money you can get from the settlement is based on where you lived during the shelter-in-place advisories as well as the number of Class members who file a claim. If you submit a valid claim, based on estimates of the number of households in the Class area, you will likely get between \$14 and \$15 for each hour you were required to shelter-in-place. Payments to anyone who sheltered-in-place in the St. Albans area will be between \$68.60 and \$73.50; and between \$214.20 and \$291.00 for those who sheltered in the Nitro area.

HOW DO I GET A PAYMENT?

If you are included in the Class, you must submit a claim form by **January 7, 2009** to receive a payment from this settlement. **Only one claim per household is allowed.** You can get a claim form at the website or by calling 1-888-233-5506.

WHAT ARE YOUR OPTIONS?

If you do not want to be legally bound by the settlement, you must exclude yourself by **December 1, 2008**, or you will not be able to sue, or continue to sue, the Defendants about the legal claims this settlement resolves, ever again. If you exclude yourself, you cannot get a payment from the settlement. If you stay in the Class, you may object to it by **December 1, 2008**. The detailed notice explains how to exclude yourself or object.

The Court will hold a hearing in the case, known as *Angel v. U.S. Tire Recovery, LLC*, No. 06-C-855 on **December 15, 2008**, to consider whether to approve the settlement, and a request by Class Counsel for attorneys' fees, costs, and expenses of up to 25% of the settlement fund. You or your own lawyer may ask to appear and speak at the hearing at your own cost, but you do not have to. For more information, call or go to the website shown below.