

## NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

### **TO: OWNERS OF SINGLE-FAMILY RESIDENTIAL REAL PROPERTY NEAR THE MT. HOLLY ALUMINUM MANUFACTURING FACILITY IN GOOSE CREEK, SOUTH CAROLINA AS OF SEPTEMBER 1, 2023**

*A FEDERAL COURT HAS AUTHORIZED THIS NOTICE. THIS IS NOT A SOLICITATION FROM A LAWYER.*

#### **THIS NOTICE AFFECTS YOUR LEGAL RIGHTS. PLEASE READ IT CAREFULLY AND COMPLETELY.**

This Notice informs you of a proposed settlement of class action claims against Century Aluminum Company of South Carolina, Inc. and Century Aluminum Company (collectively, “Defendants”) in a lawsuit concerning alleged property damages for alleged air emissions emanating from Defendants’ Mt. Holly aluminum manufacturing facility in September 2023 (the “Lawsuit”). Plaintiffs allege, among other things, that Defendants breached various duties that resulted in the emission of aluminum oxide particulates from the facility into the air around the facility, where the particulates allegedly deposited onto properties. Defendants deny liability to the Plaintiffs and deny the allegations in the Lawsuit but have agreed to settle. **This Notice advises you of your rights with respect to the proposed settlement, including your right to receive an automatic payment, your right to exclude yourself from the settlement, and your right to object to the settlement.**

### **GENERAL INFORMATION**

#### **1. What is the purpose of this Notice?**

**Do not be alarmed. You have not been sued. This Notice is to inform you of this proposed class action settlement, to alert you to the fact that you have been identified as a member of the Class preliminarily certified by the court, and to inform you of your rights and options as a member of the Class.**

This Notice is being sent to you based upon Berkeley County property records indicating that you owned a single-family home in the Class Area as of September 1, 2023. You may be entitled to receive monetary benefits under a settlement of legal claims relating to alleged property damages caused by Defendants’ emissions. You are not required to submit any claim form to qualify for payment.

#### **2. Do I have to do anything?**

If the court grants final approval of the settlement and it becomes effective, you do not have to do anything to receive payment under the settlement. As set forth below, you also have the option to object to the proposed settlement, or you may exclude yourself from the settlement. If you choose to exclude yourself from the settlement, you will not receive any payments from the settlement, and you will retain the right to file any claim you may have against Defendants on your own and at your own expense.

#### **3. What is a class action lawsuit?**

In a class action, one or more people called “Class Representatives” (in this case, Katie Leigh McDaniel) sue on behalf of people who have similar claims. All these people are a “Class” or “Class Members.” The Class Representatives who sued—and all the Class Members like them—are called the Plaintiffs. The entities the Class Representatives sued are called the Defendants. One court resolves the issues for all Class Members, except for those who may choose to exclude themselves from the Class. This Notice is provided because the Defendants have agreed to a proposed settlement with the Class, and the Court has decided that this matter should proceed as a class action lawsuit.

### **INFORMATION ABOUT THE CLASS ACTION**

#### **4. What is the nature of this class action lawsuit?**

The Lawsuit was initiated in November 2023 following alleged air emissions emanating from Defendants’ Mt. Holly aluminum manufacturing facility in September 2023. Plaintiffs allege, among other things, that Defendants breached various duties that resulted in the emission of aluminum oxide particulates from the facility into the air in the area in Goose Creek around the

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facility, where the particulates allegedly deposited onto properties. Plaintiffs' allegations are detailed in the Third Amended Complaint (the "Complaint"), a copy of which may be reviewed at [www.MountHollyEmissionsSettlement.com](http://www.MountHollyEmissionsSettlement.com).

Defendants deny that they engaged in any wrongful conduct or that they violated the law in any way. Defendants contend that the claims asserted in this litigation have no merit, and they have agreed to the proposed settlement to put to rest this controversy and avoid the risks inherent in complex litigation.

## 5. How is the Class defined?

By Order dated April 16, 2025, the United States District Court for the District of South Carolina, Charleston Division (the "Court") preliminarily certified (defined) the following Class of persons in the Lawsuit:

All persons who, as of September 1, 2023, owned a single-family home located in the Class Area (the green area depicted below) as reflected by the Berkeley County public records.



This Notice is being sent to you based upon Berkeley County public records indicating that you are a member of the Class.

## 6. Who are the Class Representatives?

The Court designated Katie Leigh McDaniel to act as the Class Representative. The Court appointed the Steinberg Law Firm, LLC and McGowan Hood & Felder, LLC as Class Counsel.

## 7. Who are the Defendants in the Lawsuit?

Century Aluminum of South Carolina, Inc. and Century Aluminum Company are the Defendants in the Lawsuit.

## YOUR OPTIONS AND RIGHTS WITH RESPECT TO THIS PROPOSED SETTLEMENT

You have a choice. You can remain a member of the Class, or you have the right to exclude yourself from the Class. If you remain a member of the Class, you will participate in the proposed settlement if it is finally approved by the Court. If you remain a member of the Class, you also have the right to object in writing to any part of the settlement if you choose to do so. Each of these choices has consequences that you should understand before making your decision.

### **A. If you wish to remain a member of the Class and participate in the proposed settlement, YOU DO NOT NEED TO DO ANYTHING AT THIS TIME.**

If you wish to remain a member of the Class and participate in the proposed settlement:

1. You will be entitled to receive the benefits provided by this proposed settlement if the Court grants final approval of the settlement.

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2. Pursuant to the proposed settlement, Defendants will create a \$944,000.00 settlement fund (the “Settlement Fund”) that will be used to pay (i) equitable pro rata cash payments to eligible property owners; (ii) Class Counsel’s attorneys’ fees and expenses; (iii) a Class Representative service award; and (iv) settlement administration. Payments from the Settlement Fund will be distributed on an equitable pro rata basis to Class Members to settle property damage claims related to air emissions incidents that allegedly took place in September 2023 at Defendants’ facility. The payments will be made in exchange for a release of property damage claims against Defendants, as more fully described at [www.MountHollyEmissionsSettlement.com](http://www.MountHollyEmissionsSettlement.com).
3. The Settlement Fund will be distributed equitably among the Class Members. The settlement provides for a monetary payment of approximately \$700.00 to the owners of each residential property. The exact amount of the property owner payment will depend on the Court’s award of attorneys’ fees and expenses, the Court’s award of a class representative incentive award, and the costs of settlement administration. The property owner payment amount will be calculated by the Settlement Administrator once all these other costs are known.
4. Class Counsel and the Class Representative will continue to represent your interests in the Lawsuit. At the outset in November 2023, Class Counsel agreed to handle the Lawsuit on a “contingent” basis and to advance all costs and expenses on behalf of the Plaintiffs and the Class. Class Counsel intend to file a motion for attorneys’ fees to be paid from the Settlement Fund in an amount not to exceed 25% of the Settlement Fund and expenses advanced by Class Counsel to be paid from the Settlement Fund in an amount not to exceed \$150,000.00. Class Counsel’s Motion for Attorneys’ Fees and Expenses must be approved by the Court. Class Counsel will also seek approval of a Class Representative service award of \$2,500.00 to recognize the Class Representative’s time, energy, and commitment during the litigation.
5. In completing the settlement approval process, Plaintiffs will petition the Court for a Final Order dismissing the Lawsuit as to the Class Members with prejudice, and any person who remains in the Class and does not request exclusion from the settlement will be bound by it.

**B. If you want to exclude yourself from the proposed settlement, this is what you must do.**

If you want to exclude yourself from this proposed settlement, you must mail or deliver a Request for Exclusion to the Settlement Administrator at the address set forth below. Requests for Exclusion must contain the following information and **must be signed by the Class Member**: (i) the Class Member’s full name; (ii) the Class Member’s mailing address and the address of the Class Property, if different; and (iii) state in express and clear terms the Class Member’s desire to be excluded from the Settlement and from the Class. No Request for Exclusion can be made on behalf of a group of Class Members or through an agent or attorney. Failure to comply with these requirements and to timely submit a proper Request for Exclusion shall result in the Class Member being bound by the terms of the settlement.

A Request for Exclusion Form is available at [www.MountHollyEmissionsSettlement.com](http://www.MountHollyEmissionsSettlement.com). for your convenience. You must mail or deliver your Request for Exclusion to:

Mount Holly Emissions Settlement Administrator  
PO Box 5564  
Portland, OR 97228-5564

**To be effective, the Request for Exclusion must be completed, signed, and postmarked or delivered no later than June 23, 2025.**

By making this election to be excluded from the proposed settlement,

1. You will not receive any payments from the settlement;
2. You may not file an objection to the settlement;
3. You will not be bound by any determinations or any judgment made in the Lawsuit, whether favorable or unfavorable, and you will not be entitled to any relief awarded to the Class under the settlement or otherwise; and
4. You may attempt to pursue any claims you have against Defendants at your own risk and expense by filing your own lawsuit.

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**C. If you wish to object to any portion of the settlement, this is what you must do:**

If you remain a member of the Class, you have the right to object to the fairness of any aspect of the proposed settlement. If you wish to object, you must both file with the Court and mail to Class Counsel and Defendants' Counsel a written objection specifically referring to *McDaniel et al. v. Century Aluminum of South Carolina, Inc.*, Case No. 2:23-cv-05766-RMG. All objections must include the following information: (1) the Objector's full name; (2) the Objector's mailing address and the address of the Class Property, if different; (3) proof that the Objector is a Class Member (which may be satisfied by proof of the Objector's residence address being within the Class Area during the Class Period); (4) the grounds for the objection and any documents supporting the objection; (5) whether the Objector is represented by separate legal counsel; and (6) whether the Objector or his/her counsel intends to appear before the Court at the Final Approval Hearing in the manner prescribed by the Court.

Any Class Member who does not properly file and serve a timely written objection to the settlement shall not be permitted to object to the settlement at the Fairness Hearing and shall be foreclosed from seeking review of the settlement by appeal, collateral attack, or otherwise.

To file your objection with the Court, you must mail or deliver the original of the written objection to:

Robin L. Blume  
Clerk of Court  
United States District Court  
901 Richland Street  
Columbia, SC 29201

**PLEASE DO NOT CALL THE COURT.**

You must also mail copies of your written objection to the following Counsel:

**JAMES L. WARD, JR.**  
**MCGOWAN, HOOD, FELDER & PHILLIPS, LLC**  
Re: *McDaniel v Century Aluminum*  
10 Shem Drive, Suite 300  
Mt. Pleasant, SC 29464

**BRADFORD A. DE VORE**  
**WOMBLE BOND DICKINSON (US), LLP**  
Re: *McDaniel v Century Aluminum*  
301 S. College Center  
301 S. College Street, #3500  
Charlotte, NC 28202

**To be effective, the objection must be postmarked or delivered to the Court and Counsel no later than June 23, 2025.**

**THE FINAL FAIRNESS HEARING AND RELEASE OF CLAIMS**

**The Final Fairness Hearing.** The Court will hold a final hearing to consider the fairness and adequacy of this proposed settlement and to consider Class Counsel's Motion for Attorneys' Fees and Expenses at 10:00 a.m. on July 23, 2025, at the J. Waties Waring Judicial Center, Charleston Courtroom #1, which is located at 83 Meeting Street Charleston, SC 29401.

**Release.** The proposed settlement is intended to resolve and terminate all claims that were raised or could have been raised by or on behalf of the Class Members as alleged in the Complaint in this matter relating to allegations and claims of any kind, known or unknown, whether pursuant to federal, state, or local statutory law, common law, regulations, or other law that Plaintiffs made or could have made against Defendants that arose, directly or indirectly, from or relate to (a) the matters alleged or that could have been alleged in the Lawsuit relating to alleged air emissions emanating from Defendants' Mt. Holly aluminum manufacturing facility; or (b) attorneys' fees and expenses in the Lawsuit; provided, however, the released claims do not include claims that seek to recover for personal injury. The proposed settlement, if finally approved by the Court, will result in the release by each Class Member of all such claims, as more specifically provided in the Settlement Agreement. The claims against Defendants alleged in the Complaint will be dismissed with prejudice as to all Class Members.

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