

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT

A court authorized this Class Notice. This is not a solicitation from a lawyer.

Sullivan et al. v. Rhode Island Bioenergy Facility, LLC
Rhode Island Superior Court, Case No. PC-2024-04461

If you have owned, rented or leased, any residential property located in whole or in part within one and three-quarter (1.75) miles of the Rhode Island Bioenergy Facility located at 289 Scituate Ave., Johnston, Rhode Island (“Rhode Island Bioenergy Facility”) at any time since January 1, 2016, you may be a Class Member.

Please read this Notice carefully, as it affects your legal rights. You can also visit or call:
www.LSCCounsel.com/ribioenergy 1-800-536-0045

Your Legal Rights and Options in this Settlement		Deadline
SUBMIT A CLAIM FORM	The only way to get a cash payment. You must <u>timely</u> submit a valid Claim Form, which is attached.	Deadline to submit a Claim Form: on or before [REDACTED]
EXCLUDE YOURSELF	Receive no payment. Get out of this lawsuit. Retain your right to sue Rhode Island Bioenergy Facility, LLC. If you exclude yourself, you will <u>no longer</u> be a Class Member. This means that you will not be eligible for the benefits or relief in the Settlement. It also means that Class Counsel will not be representing you and there are statutes of limitations that may bar your individual claims.	Deadline to Exclude yourself: on or before [REDACTED]
COMMENT OR OBJECT	Write to the Court about why you do not like the Settlement. You must follow the procedures outlined below. You must remain a member of the lawsuit (you cannot ask to be excluded) in order to object to the Settlement.	Deadline to Comment or Objection: on or before [REDACTED]
DO NOTHING	You receive no payment. Remain bound by Settlement. By doing nothing, you will not recover money from the Settlement. You will also be bound by the Settlement and give up your rights to sue Rhode Island Bioenergy Facility, LLC or other affiliated persons or entities (defined as the “Rhode Island Bioenergy Facility Releasees” in the Agreement) separately about the same or similar legal claims in this lawsuit.	

These rights and options—and the deadlines to exercise them—are explained in this Class Notice. The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after appeals, if any, are resolved.

1. What is the purpose of this Class Notice?

The purpose of this Class Notice is to inform you of (a) the existence of a class action lawsuit; (b) the proposed Settlement of the class action lawsuit; and (c) your rights with respect to the proposed Settlement. Those legal rights and options include the right to be excluded from the Class and the Settlement.

A class action lawsuit is pending in the Rhode Island Superior Court, known as *Sullivan et al. v. Rhode Island Bioenergy Facility, LLC*, Case No. PC-2024-04461. Associate Justice Brian P. Stern., who is overseeing this case, authorized this Notice. You have a right to know about the class action lawsuit and proposed Settlement. As a Class Member you have various options that you may exercise before the Court decides whether to approve the Settlement. If the Court approves the Settlement, and after any appeals are resolved, payments will be made pursuant to the Settlement to Class Members who submit timely and valid claims. Defendant also will undertake certain Odor Control Measures.

This Class Notice explains the lawsuit, the Settlement, your legal rights, the available benefits, who is eligible for them, and how to get them.

Questions? Need a Claim Form?

Visit: www.lscounsel.com/ribioenergy or Contact Class
Counsel: 800-536-0045, info@lsclassaction.com

2. What is this lawsuit about?

The above captioned lawsuit was brought by Diann Sullivan and Steve Martone (“Plaintiffs”) against Rhode Island Bioenergy Facility, LLC (“Defendant”). Plaintiffs asserted various legal claims against the Defendant, based on the allegation that noxious odors emitted from the Rhode Island Bioenergy Facility invaded nearby properties. Plaintiffs are represented in this case by the law firms of Liddle Sheets P.C. and Hamel, Waxler, Allen & Collins (“Class Counsel”).

You can read the Amended Class Action Complaint at www.LSCCounsel.com/ribioenergy

3. How does the Defendant answer?

The Defendant denies that it is liable on any of Plaintiffs’ claims, and denies that any person has suffered damage to or diminution in value of their property relating to Rhode Island Bioenergy Facility.

4. Has the Court decided who is right?

To date, the Court has denied Defendant’s motion to dismiss but has not made any other rulings on Plaintiff’s claims or Defendant’s defenses.

5. Why is there a settlement?

The Court did not decide in favor of Plaintiffs or Defendant. Instead, after mediation and settlement discussions, both sides agreed to this Settlement. That way, they avoid the cost, delay and risks associated with trial and any appeals.

6. Am I part of this Class?

The Class in this lawsuit consists of all persons who have owned, rented or leased any residential property located in whole or in part within one and three quarter (1.75) miles from the Rhode Island Bioenergy Facility located at 289 Scituate Ave in Johnston, Rhode Island (the “Facility”), at any time since January 1, 2016, and who do not affirmatively Opt-Out of this Settlement. The defined Class Area is depicted on the map attached to the Settlement Agreement as Exhibit D [**See Settlement Website for Map at www.LSCCounsel.com/ribioenergy**].

7. I’m still not sure if I am included?

If you are still not sure whether you are included, you can get free help by calling 1-800-536-0045, or by writing Class Counsel at the address listed in Question 27, below. You may also visit the settlement website at www.LSCCounsel.com/ribioenergy

THE PROPOSED SETTLEMENT

8. What are the Settlement benefits?

If the Settlement is approved by the Court at or after the Fairness Hearing described in Question 23 of this Notice, the Defendant has agreed to the creation of a Settlement Fund totaling \$850,000 and to undertake certain capital Improvement Measures to mitigate the effect of any potential odors associated with the operation of the Facility.

9. What are the Odor Control Measures about?

Defendant has agreed that it shall expend approximately \$150,000 to mitigate potential odors associated with the operation of the Facility that, at the time of the Settlement, were not otherwise specifically required by any other governmental agency or entity. If the Settlement is finally approved, all Class Members will benefit from the Odor Control Measures, even if they opt out or do not submit a claim form requesting compensation from the settlement fund.

10. How do I get paid?

To obtain payment from the Settlement Fund, you must do the following:

Questions? Need a Claim Form?

Visit: www.lscounsel.com/ribioenergy or Contact Class Counsel: 800-536-0045, info@lsclassaction.com

- A. **Complete, sign and date the Claim Form** (they are enclosed with these materials). Keep a copy of the completed Claim Form(s) for your records; and
- B. **Mail the appropriate Claim Form and your supporting** documentation, postmarked on or before [REDACTED], to the following address: Attn: Rhode Island Bioenergy Facility Claims, Liddle Sheets P.C., 975 E. Jefferson Ave., Detroit, MI 48207. The documentation that must be contained with your Claim Form can be found on the Claim Form.

11. What if I don't timely mail a completed Claim Form?

If you fail to submit the Claim Form on or before [REDACTED] you will not get paid, but you will still benefit from the Odor Control Measures at the Facility. You will be bound by the terms of the Settlement Agreement, including the release of claims against Rhode Island Bioenergy Facility and affiliated persons/entities, unless you affirmatively opt out. Sending in a Claim Form late will be the same as doing nothing.

12. How are payments calculated?

The amount of compensation paid to a Class Member will be dependent, in part, on the total amount of claims. Accordingly, the amount a Class Member will receive will not be known until after all Claim Forms have been submitted and assessed. Class Counsel will determine the approved claim amount for a Class Member who has submitted a valid Claim Form based upon the total number of approved Claim Forms. The claim amount for each approved Claim will be calculated by dividing the net Settlement Fund (i.e., the balance remaining after attorneys' fees and expenses, and incentive payments have been distributed from the Settlement Fund) by the total number of addresses for which claims have been submitted.

13. When will I get paid?

The date when payments will be issued cannot be determined at this time. Please be patient. On [REDACTED], the Court will hold a hearing to decide whether or not to approve the Settlement. If the Court approves the Settlement, Class Counsel will begin reviewing each Claim Form submitted. Please note that there could be a delay if there is an appeal of the Court's order approving the Settlement.

14. What am I giving up by staying in the Class?

If the Settlement becomes final, Class Members who submit a Claim Form, objection or did nothing at all will be releasing the Rhode Island Bioenergy Facility and all related people and entities (defined as the "Rhode Island Bioenergy Facility Releasees" in the Settlement Agreement) from all claims which the Class Members ever had, now have, or can have, arising from or relating in any way to any odor or other emissions emanating from the Facility through the Effective Date of the Settlement.

The release shall not bar claims for medically diagnosed personal injuries, and shall not bar claims of any kind arising from any emissions from the Facility occurring after the effective date of the Settlement.

EXCLUDING YOURSELF FROM THE SETTLEMENT

15. How do I get out of this Settlement?

To exclude yourself from the Settlement, you must send a letter by First Class U.S. mail to the Class Counsel that contains the following statement: "I WANT TO BE EXCLUDED FROM THE SETTLEMENT IN THE RHODE ISLAND BIOENERGY FACILITY CLASS ACTION LITIGATION." You cannot exclude yourself on the phone or by e-mail. Be sure to include your full name, the address of the Settlement Class area property, signature, and the date. You must mail your exclusion request, postmarked on or before [REDACTED], to:

Class Counsel
Sullivan et al. v. Rhode Island Bioenergy Facility, LLC
c/o Liddle Sheets P.C.
975 E. Jefferson Ave.
Detroit, MI 48207

Questions? Need a Claim Form?

Visit: www.lscounsel.com/ribioenergy or Contact Class
Counsel: 800-536-0045, info@lsclassaction.com

If you timely submit your request to be excluded, you will not get any settlement payment and you cannot object to the Settlement. You will not be legally bound by the Settlement.

16. If I don't exclude myself, can I sue Defendant later?

No, not for the same legal claims at issue here. If you do not exclude yourself and the settlement is approved by the Court, you will be bound by the terms of the Settlement Agreement and will release all of the "Rhode Island Bioenergy Facility Releasees" from the "Released Claims" as defined in the Settlement Agreement. The "Released Claims" include all claims arising from or relating in any way to any odor or other emissions emanating from the Facility, except for any claim for medically diagnosed personal injuries, and any claims arising from emissions from the Facility after the Effective Date of the settlement.

You can later sue the Defendant for future conduct of Defendant which creates future harm or damages, as opposed to future harm or damages arising out of *past* conduct occurring *prior to* the Effective Date of the settlement.

17. If I exclude myself can I still get money from this Settlement?

No. If you exclude yourself from the Class you won't get any money or benefits from this Settlement. If you exclude yourself, you should not submit a Claim Form to ask for money from the Settlement. You cannot both exclude yourself from the Settlement *and* receive benefits from the Settlement.

THE LAWYERS REPRESENTING YOU

18. Do I have a lawyer in this case?

The Court has preliminarily appointed the law firm of Liddle Sheets P.C., together with the firm Hamel, Waxler, Allen & Collins, as qualified to serve as Class Counsel and to represent you and all Class Members. You will not be charged by these lawyers for their work on the case, but they will ask the Court to award attorney's fees and expenses from the Settlement Fund. You may contact Class Counsel with any questions.

19. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer or wish to consult with another lawyer about this settlement, you are free to do so and may hire one at your own cost.

20. How will the lawyers be paid and will there be incentive payments?

Class Counsel has not received any fees for the lawyer and professional time it has devoted to this matter, nor has it received any reimbursement for any of the out-of-pocket expenses it has incurred. Class Counsel will apply to the Court for an award of attorney fees that does not exceed one-third of the total Settlement value, and expenses that they incurred in litigating the case.

In addition, Class Counsel will ask that the Court award the named Plaintiffs a \$2,500 incentive award in recognition of their efforts on behalf of the Class. Any fees, expenses or incentive awards that Class Counsel request must be approved by the Court. Class Counsel will request that their fees and expenses, and the incentive awards be paid from the Settlement Fund.

SUPPORTING OR OBJECTING TO THE SETTLEMENT

21. How do I tell the Court that I like or do not like the Settlement?

If you are a Class Member, you can tell the Court that you like the Settlement and it should be approved, or that you object to the Settlement if you do not like some part or all of it. The Court will consider all comments and objections from Class Members. To comment on or to object to the proposed Settlement, you must submit a written statement to Class Counsel at the address below, setting forth:

- Your legal name, current residence address, the address of the Settlement Class area property, the time of ownership and/or residence, current contact telephone number, and signature;
- The reference "*Sullivan et al. v. Rhode Island Bioenergy Facility, LLC*, Case No. PC-2024-04461";

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Counsel: 800-536-0045, info@lsclassaction.com

- You may include documentary or physical evidence establishing your membership in the Class;
- A detailed statement of your objections, comments, and any supporting arguments, together with any supporting documents.

In order for the Court to consider your comments or objections, you must submit them, along with any request to speak at the Fairness Hearing (*See* Questions 23-25), postmarked on or before [REDACTED], to Class Counsel at the following address:

Class Counsel
Sullivan et al. v. Rhode Island Bioenergy Facility, LLC
 c/o Liddle Sheets P.C.
 975 E. Jefferson Ave.
 Detroit, MI 48207

If you do not submit a written comment or objection on the proposed Settlement in accordance with the deadline and procedure set forth above, you will waive your right to be heard at the Fairness Hearing.

22. What is the difference between objecting and excluding?

Objecting is simply telling the Court that you do not like something about the Settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you do not want to be part of the Class. If you exclude yourself, you have no basis to object because the case no longer affects you.

23. When and where will the Court decide to approve the Settlement?

The Court will hold a Fairness Hearing at [REDACTED] a.m./p.m. on [REDACTED], 2026 at the Frank J. Licht Judicial Complex, 250 Benefit Street, Providence, Rhode Island 02903. The hearing may be held by telephone or virtually if the Court so directs, in which case information regarding how Class Members may attend the hearing will be made available on the Court's docket and on the settlement website at www.LSCCounsel.com/ribioenergy. At this hearing the Court will consider whether the Settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Court may listen to people who have asked to speak at the hearing. The Court may also decide the amount of attorney's fees and expenses to be awarded to Class Counsel and the amount of any incentive award to the Class Representative, all of which will be paid from the Settlement Fund, along with administrative expenses approved by the Court. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long it will take for the Court to make its decision.

24. Do I have to come to the hearing?

No. Class Counsel will answer questions the Court may have. But, you are welcome to come at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as your written objection establishes membership in the Class and is received on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not necessary.

25. May I speak at the hearing?

If you would like to speak at the Fairness Hearing about your comments or objections to the Settlement, you must add to your letter commenting or objecting to the Settlement a statement that you intend to appear and speak at the hearing. An example is stating: "This is my Notice of Intention to Appear in *Sullivan et al. v. Rhode Island Bioenergy Facility, LLC*." If you do not submit a written comment or objection on the proposed Settlement in accordance with the deadline and procedure set forth above, you will waive your right to be heard at the Fairness Hearing. You cannot speak at the hearing if you excluded yourself. If you intend to appear at the Fairness Hearing through counsel, your comment must also state the identity of all attorneys representing you who will appear at the Fairness Hearing and provide the information described in Section 6, Paragraphs (a)-(e) of the Settlement Agreement.

IF YOU DO NOTHING

26. What happens if I do nothing at all?

If you do nothing, you'll get no money from this Settlement but will still be bound by the Settlement and lose your ability to sue, continue to sue, or be part of any other lawsuit against Defendant about the same legal issues in this case.

Questions? Need a Claim Form?

Visit: www.lscounsel.com/ribioenergy or Contact Class
 Counsel: 800-536-0045, info@lsclassaction.com

ADDITIONAL INFORMATION

27. Are there more details available?

Visit the website at www.LSCCounsel.com/ribioenergy where you can find extra Claim Forms, information on the litigation and Settlement, and documents such as the Complaint filed by the Plaintiffs. You may also contact Class Counsel at 1-800-536-0045 or write them at:

Liddle Sheets P.C.
Attn: Rhode Island Bioenergy Facility Settlement
975 E. Jefferson Ave.
Detroit, MI 48207

PLEASE DO NOT CALL OR WRITE TO RHODE ISLAND BIOENERGY FACILITY OR THE
CLERK OF THE COURT. THE CLERK OF THE COURT CANNOT ANSWER QUESTIONS
CONCERNING THE LAWSUIT OR THE SETTLEMENT.

Dated: _____

BY ORDER OF THE RHODE ISLAND SUPERIOR COURT FOR
PROVIDENCE/BRISTOL COUNTY