

**NOTICE OF CLASS CERTIFICATION AND
PROPOSED CLASS ACTION SETTLEMENT**

Pursuant to Rule 23(C)(2) of the Ohio Rules of Civil Procedure, and by order of the Honorable Judge Kenneth R. Callahan, Cuyahoga County Court of Common Pleas, (“the Court”), in the case of *Streety v. Garfield Alloys Inc. et al.*, Case Number CV-04-519385, this Notice is issued:

(a) to advise you of the pendency before the court of a class action for compensatory damages alleged to have been caused by the December 29, 2003 fire and explosions at the Garfield Heights, Ohio magnesium smelting facility then owned by Garfield Alloys Inc. (“the plant”);

(b) to advise you that a class action has been approved and that certain individuals have been approved as class representatives, and certain law firms have been chosen to represent the class;

(c) to advise you of preliminary approval of a settlement in that class action, pursuant to the terms listed in Item III below;

(d) to advise you that a fairness hearing concerning the proposed settlement will be held on November 20, 2007 at 9:30 am at Courtroom 22D of the Justice Center, located at 1200 Ontario Street, Cleveland, Ohio, 44113; and,

(e) to advise you of certain other rights of class members.

**PLEASE READ THIS NOTICE CAREFULLY
YOUR RIGHTS MAY BE AFFECTED BY THIS CLASS ACTION**

I. CLASS DEFINITION

If you are included in the class defined below, you are automatically a member of the class. You do not need to do anything to join the class.

The class includes all individuals who, on December 29, 2003, owned real property or resided within one-half mile (as defined below) of the Garfield Alloys, Inc. plant in Garfield Heights Ohio, and certain other individuals identified on the attached Exhibit A. The class originally proposed originally included all individuals residing or owning real property within one mile of the Garfield Alloys, Inc. plant in Garfield Heights, Ohio on December 29, 2003. The class approved by the court includes only those individuals residing or owning real property within one half mile of the Garfield Alloys plant in Garfield Heights, Ohio on December 29, 2003.

The identification of the one-half mile radius shall be defined and solely determined by reference to the following designated streets as described:

- Henry Street from Broadway extending south to McCracken;
- Southern Avenue from Henry Street extending east to end;
- Reindeer Avenue from Henry Street extending east to end;
- Garland Road from Henry Street extending east to end;
- Claremont Blvd. from McCracken Road extending north to Park Knoll Drive;
- Overlook Road extending north from Park Knoll Drive to end;
- Clearview Avenue extending north from Park Knoll Drive to end;
- Edgepark Drive from Henry Street extending west to Garfield Park;
- Andover Blvd. from Edgepark Drive extending south to end;
- Park Knoll Drive from Henry Street extending east to end;
- Crest Avenue from Henry Street to Park Knoll Drive;
- Center Road from Henry Street extending west to Parkway Dr.;
- Marguerite Avenue from Henry Street extending west to Parkway Dr.;
- Parkway Drive from Marguerite Avenue south to Center Road;
- Henia Circle from Center Road extending south to end;
- Chaincraft Road from Broadway extending southwest to end;
- Forestdale Drive from East 131st Street to Broadway;
- East 131st Street from Broadway extending north to Alvin Avenue;
- Broadway from 11100 Broadway extending southeast to East 135th Street and including the trailer park at 13505;
- East 135th Street from Broadway extending north to Dressler Avenue;
- Dressler Avenue from Forestdale extending east to Lawrence Avenue;
- Cranwood Park Blvd. from Forestdale extending northeast to 13500 Cranwood Park Blvd.; and
- McCracken Road from East 119th Street east to East 131st Street.

II. CLASS REPRESENTATIVES AND ATTORNEYS

The court has approved James Boyd and Teresa Chiccola as the representatives of the class. The attorneys designated to serve as the attorneys for the class are:

Robert D. Gary, Esq.
 Gary Naegele & Theado
 446 Broadway
 Lorain, Ohio 44052 1757

John R. Climaco, Esq.
 Climaco, Lefkowitz, Peca,
 Wilcox & Garofoli Co., L.P.A.
 55 Public Square, Suite 1950
 Cleveland, Ohio 44113

III. BRIEF SUMMARY OF THE CASE

The Action was commenced on January 4, 2004 by named plaintiffs Daryl Streety, Juanita Martin, James Boyd, Mary Ann Fixel, Charles and Carolyn Kurilko, Sr., and David and Maria Wittingen, and, as amended, asserts claims on behalf of James Boyd and Teresa Chiccola, and all others similarly situated, including previously named plaintiffs who have withdrawn as well as the plaintiffs in *Mary Gallagher, et al. v. Garfield Alloys, Inc.* Case Number 05-578427. The action arises from the December 29,

2003 fire and explosion at the Garfield Heights, Ohio facility then owned and operated by Garfield Alloys, Inc. There are approximately 900 households in the defined class.

The plaintiffs alleged that the December 29, 2003 fire and explosions at the Garfield Alloys plant were caused by the defendant's negligence, the defendant's creation of a nuisance, and the defendant's carrying on abnormally dangerous activities. The plaintiffs further alleged that the defendant violated the law and acted in conscious disregard for the rights and safety of class members. The plaintiffs asked the court to award compensatory damages on behalf of the class, as well as punitive damages.

The defendant disputes the plaintiff's allegations and deny that they are responsible for any damages claimed by the plaintiffs. Discovery and related matters in the case are ongoing and a trial date has not yet been scheduled.

The court ordered mediation and the parties have reached a tentative settlement. Pursuant to the tentative agreement reached at mediation, the defendant has agreed to deposit into escrow One Million Two Hundred Fifteen Thousand United States Dollars (\$1,215,000.00) "the Settlement Amount" and an additional Twenty-Five Thousand United States Dollars (\$25,000.00) to be allocated towards administrative costs. Pursuant to the tentative agreement, the total escrow available and guaranteed to the class and class counsel will be between \$1,115,000.00 and \$1,265,000.00 United States Dollars. Distributions to the class will consist of equal payments to class members who timely submit proper claim forms.

The defendants, Garfield Alloys, Inc. have six months in which to accept, or reject the settlement proposal. Subject to approval of the settlement at the fairness hearing, payments will not be made until at least 30 days after November 20, 2007, the date of the fairness hearing.

IV. CONSEQUENCES OF CLASS MEMBERSHIP

If you are a member of the class described in Part I of this Notice, you have the right to decide if you want to remain a member of the class or if you want to exclude yourself from the class. **If you wish to remain a member of the class, no action on your part is necessary at this time.** As a class member you are not responsible for advancing any of the costs of litigation. At the conclusion of litigation, the court may award attorney fees of one third (1/3) of the gross recovery plus expenses to class counsel from the money, if any, which has been paid by the defendants.

If you do not wish to remain a member of the class, you have the right to be excluded from the class. You may exercise your right to be excluded from the class by filing a request for exclusion with the court in accordance with the procedure explained in part V of this Notice.

In deciding whether to remain a member of the class, or to request exclusion from the class, you should be aware that either choice has certain consequences. Some of these consequences are as follows:

(a) If you remain a member of the class, you will be bound by any judgment or other final disposition of the class action, whether favorable or unfavorable to the class. If the final disposition of the class action is favorable to the class, you will be eligible to share, as a class member in any damages recovered by the class, in an amount to be determined by the court.

(b) If you remain a member of the class, you will have the right to object to the proposed settlement at the fairness hearing on November 20, 2007 as stated above. You may also hire an attorney to represent you at your own expense.

(c) If you exercise your right to be excluded from the class, you will not be bound by any judgment or other final disposition of the class action and you will not be eligible to share in any damages recovered by the class.

If you remain a member of the class, you will be represented by the attorneys whom the court has designated as the attorneys for the class. You have no obligation to enter an appearance through any other attorney. However, if you decide to do so, you may enter an appearance (at your costs) through another attorney.

V. REQUESTING EXCLUSION FROM THE CLASS

As explained in Part IV of this Notice, **class members do not need to do anything at this time in order to remain members of the class.** However, if you are a member of the class and wish to **exclude** yourself from the class, you must request exclusion from the class using the following procedure:

Do not follow this procedure if you wish to remain a member of the class

1. You must mail a request for exclusion to the Clerk of Courts, Cuyahoga County Common Pleas Court, 1200 Ontario Street, Cleveland, Ohio 44113; the request must be postmarked no later than June 11, 2007, or thirty days from the postmark date of this notice, whichever date is later. The request for exclusion must state:
“I do not wish to be a member of the class in *Daryl Streety v. Garfield Alloys, Inc.*, Case Numbers 04-519385 and 05-578427. I understand that I will not receive any compensatory damages that may be recovered upon successful conclusion of the case.”
2. You must sign your request for exclusion and your name and current mailing or residence addresses must be either typed or legibly printed on the request for exclusion. A request for exclusion that does not conform to these requirements will be considered void.

3. A separate request for exclusion must be submitted for each class member who wishes to be excluded from a class. A request for exclusion that is submitted for more than one class member will be considered void. Each person requesting exclusion must sign his/her own request for exclusion. A request to exclude a minor child may be filed only by the child's parent or guardian. A separate request for exclusion must be filed for each minor child.

4. A request for exclusion that is signed by an attorney and **not** by the class member will be considered void.

If you mail a request for exclusion that meets the above requirements you will be excluded from the class. The consequences of excluding yourself from the class or remaining a class member are explained in Part IV above.

If you wish to remain in the class, you do not need to do anything at this time.

If you remain a class member, you should not enter into any settlement or sign any release without consulting with class counsel.

VI. FURTHER ADVICE CONCERNING CONSEQUENCES OF CLASS MEMBERSHIP OR FILING A REQUEST FOR EXCLUSION.

If you have questions concerning the consequences of class membership or the procedure for requesting exclusion from the class, you may contact the following attorneys the court has designated as the attorneys for the class:

Robert D. Gary, Esq.
Gary, Naegele, & Theado
446 Broadway
Lorain, Ohio 44052-1797
440-244-4809

John R. Climaco, Esq.
Climaco, Lefkowitz, Peca,
Wilcox & Garofoli Co., L.P.A.
55 Public Square, Suite 1950
Cleveland, Ohio 44113
216-621-8484

EXHIBIT A

Acree, Helen	Duncan, Kenneth
Adams, Deborah K.	Dye, Natasha
Allen, Barbara	Everette, Gloria
Allen, Louis	Fink, Joan M.
Andeits, Mark	Fink, Raymond J.
Andeits, Joei	Fink, Roger A.
Austin, Moses	Fixel, MaryAnn
Becker, Terrie	Floyd, Reese
Block, Sr., Andrew V.	Floyd, Viola
Bogarty, Jasmine	Ford, Angela
Bojarski, John	Fridley, Jeanette
Bossone, Jessica	Fridley, Steven
Boyd, James	Fugo, Mary
Branch, Ernestine	Fugo, William
Brazen, Dwayne	Gallagher, Mary
Brooks, Thelonios	Gentry, Gettys
Brown, Dionne	Gillette, Cynthia M.
Brown, Mary Ann	Gillette, Walter L.
Brown, Willa	Glasko, Yvonne
Brown, William	Glasko, John
Brown, Jr., William	Glenn, Gregory
Burdzinski, Thomas	Goff, Mary
Butler, Vernetta	Goins, Bobbie
Cain, Virginia	Goins, Leroy
Calloway, Norma	Goins, Linda
Carnes, Ralph	Golian, Agnes
Carnes, Sharon	Golian, Helen
Channell, Ronald L.	Gragg, Brandy
Channell, Sandra	Gragg, Debra
Chiccola, Teresa	Gragg, Kenny
Cloud, Dorian	Greathouse, Sherry
Cloud, Gloria	Greathouse, Theodore
Cobbs, Jay	Green, Geraldine
Cofield, Theresa	Griffin, Alice
Cunningham, Delores	Hadden, James
Cunningham, Robert J.	Hickey, Robin
Dalton, Elizabeth	Homa, Alan
Dalton, John	Homa, Laurie
Daniels, Leslie	Howard, Marlene
Denk, Cheryl A.	Hunter, Elaine
Doerger, Dorothy	Hunter, Patrick
Doerger, Paul	Iacopich, Aldo
Duncan, Janice	Iacopich, Marina Sonia

Iacopich, Stanislava
Jablonski, Cheryl
Jackson, Deric L.
Jackson, Patricia
Jackson, Sharita Yolanda
Jeffreys, Robert
Jeffreys, Rose
Jenkins, Rufus
Johnson, Fatima
Johnson, Janet
Johnson, Jorgio
Johnson, Sari
Jones, Kathereen
Juby, Michael J.
Kalchert, Elsie
Keegan, Edward Joseph
Kennedy, Clarence
Khan, Ruhana
Khan, Wahaj
Khan, Durain
King, Evereleen
King, Ollie
Kish, Jr., Robert A.
Kopasek, Carol
Kopasek, Francis
Kosiewicz, Alex
Kurilko, Carolyn
Kurilko, Charles
Lauer, Allen
Lauer, Deborah
Lauer, Lori
Lauer, Danielle
Lawrence, Charles Anthony
Lee, Eva D.
Lee, Milton E.
Lesiak, Kathleen
Lindway, Tina
Malcolm, Sunday Smith
Martin, Alisa M.
Martin, Gwendolyn C.
Martin, Juanita
Martinis, Del P.
Martinis, Ersilia
Maynard, Lydia
Maynard, Shane
Maynard, Wade

Mays, Lynn
Means, Tonyetta
Meredith, Joe
Mitts, Tim
Nalepka, Carol
Nalepka, Joseph
Norvell, Royce N.
Papadelis, Ann
Papadelis, Charles
Peckman, Albert
Pertz, Judith
Pickett, Letitia
Plese, Jacqueline
Porter, Diane
Porter, Marvin
Portzer, Cynthia L.
Portzer, Henry A.
Posta, Thomas R.
Powers, Cesar
Powers, Tiffany
Powers, Venus
Powers-Cranfield, Izette
Proboski, Anna V.
Redd, Helen
Reid, Debra
Reid, Fay E.
Richardson, Joseph
Richardson, Mary
Rose, Pamela
Roskoph, Barbara
Saulsberry, Larry W.
Simmons, Amar
Simmons, Beverly
Smith, Adam
Smith, Christie
Soos, Joan R.
Spangler, Rachel
Sparks, Erma
Sparks, Georgia
Stiles, Laurie
Stone, Robert
Stone, Rose
Streety, Daryl
Sutich, Yvonne
Swalius, Susan D.
Swindler, Kenneth

Thomas, Louise
Thomas, Pamela
Thomas, Tarik D.
Trusnik, Eileen F.
Trusnik, Kenneth A.
Turner, Welton
Vidovic, Linda
Viezer, Jim
Viezer, Ross
Wagen, Joseph
Wagen, Shirley
Ward, Morice
Ward, Patricia
Weaver, Angelica

Whitlow, Jacqueline
Williams, Pamela
Wittingen, David
Wittingen, Maria
Womack, Booker T.
Woodfork, Maudeice
Wright, Lynnette
Yarbrough, Joanne
Yarbrough, Willie
Young, Debra
Zielinsk, Deborah Ann
Zielinski, Jeffrey
Zielinski, Sharon
Zielinski, Tim