

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

KENNETH SEVERA, *et al.*,

Plaintiffs,

v.

SOLVAY SPECIALTY POLYMERS,
USA, LLC, SOLVAY SOLEXIS, INC.,
and ARKEMA INC.,

Defendants.

Civil No. 1:20-cv-06906-NLH-KMW

**FIRST AMENDMENT TO
STIPULATION AND
AGREEMENT OF SETTLEMENT**

Subject to the approval of the Court, this Amendment to the Parties' Stipulation and Agreement of Settlement (the "Stipulation") filed on January 29, 2024 (Dkt. 209-7), which is submitted pursuant to Fed. R. Civ. P. 23(e), is entered into among named Plaintiffs Kenneth Severa, Carol Binck, William Teti, Denise Snyder, and Jennifer Stanton ("Lead Plaintiffs"), on behalf of themselves and the Classes (as defined in the Stipulation), and Defendants Solvay Specialty Polymers USA, LLC and Solvay Solexis, Inc. (together, "Solvay"), and Arkema Inc. ("Arkema") (collectively, "Defendants"), by and through their respective counsel.

WHEREAS

A. On October 17, 2024, the Parties filed a letter with the Court setting forth proposed amendments to the Stipulation (Dkt. 243);

B. During a hearing on October 29, 2024, the Court ordered the parties to amend the Stipulation to implement the proposed edits;

NOW THEREFORE, it is hereby STIPULATED AND AGREED, by and among the Parties, through their respective counsel, pursuant to Paragraph 36 of the Stipulation, that Paragraphs 8 and 9 of the Stipulation shall be amended to read as follows:

LIMITATION ON FUTURE PERSONAL INJURY CLAIMS

8. Neither Lead Plaintiffs nor Class Members shall bring any Personal Injury Claims against any Released Parties unless the Lead Plaintiff or Class Member who seeks to bring such a claim (a “Personal Injury Claimant”) satisfies both of the following:

a. The Personal Injury Claimant obtains an affidavit from a physician licensed to practice medicine in the United States (“Physician”) averring that, the Personal Injury Claimant has been diagnosed with a specific, identifiable physical injury. The affidavit shall state the specific diagnosis and briefly describe the laboratory findings and/or the clinical tests, signs, or symptoms that support such diagnosis. However, the Physician need not provide any supporting documentation with this affidavit, and the affidavit need not rise to the level of an expert report, as would be required under Fed. R. Civ. P. Rule 26(b)(2); and

b. The Personal Injury Claimant obtains an affidavit from a toxicologist or epidemiologist averring that the injury identified by the aforesaid Physician is one that can be caused by exposure to the particular PFAS to which the Personal Injury Claimant has been exposed. This affidavit may be based on publicly available literature or academic findings, however, the toxicologist or epidemiologist need not provide any supporting documentation with this affidavit, and the affidavit need not rise to the level of an expert report, as would be required under Fed. R. Civ. P. Rule 26(b)(2).

9. Any Personal Injury Claims brought without meeting the requirements of Paragraph 8(a)-(b) shall be barred by the terms of this Stipulation and Settlement. Satisfaction of the requirements of Paragraph 8(a)-(b), however, shall not relieve a Personal Injury Claimant from the burden of proving each element of the Personal Injury Claimant's claim for relief, including both general and specific causation. Any Personal Injury Claim that meets the requirements of Paragraph 8(a)-(b) shall nonetheless be subject to all proofs and all applicable defenses or avoidances which may be applicable to such Personal Injury Claim, including without limitation any evidentiary challenges or objections to proffered expert testimony.

DATED: November 15, 2024

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