

RESOLUTION 2024-64
RESOLUTION AUTHORIZING FILING CLAIMS IN PFAS CLASS ACTION
SETTLEMENTS AND EXECUTION OF LEGAL SERVICES AGREEMENT WITH LAW
FIRMS IN CONNECTION THEREWITH

WHEREAS, the Borough of Stockton is committed to maintaining safe drinking water for the users of its water system; and

WHEREAS, the New Jersey Department of Environmental Protection and United States Environmental Protection Agency have designated per- and polyfluoroalkyl substances (“PFAS”), also referred to as “forever chemicals,” as contaminants for which testing, treatment and remediation are necessary to ensure the safety of the public water systems; and

WHEREAS, there is a pending multi-district litigation (“MDL”) which is being overseen by the United States District Court for the District of South Carolina, including settlements to resolve claims involving PFAS contamination in Public Water Systems’ Drinking Water by various Defendants, including 3M company (“3M”); E.I. Du Pont de Nemours and company, Dupont de Nemours inc., the Chemours company, the Chemours company fc, llc, and Corteva, inc. (collectively, “Dupont”); Tyco Fire Products and Chemguard, Inc. (collectively, “the Tyco Defendants”); BASF Corporation (“BASF”); and other potential defendants; and

WHEREAS, these settlements are designed to resolve claims for PFAS contamination in Public Water Systems’ Drinking Water; and

WHEREAS, the 3M and DuPont Settlements have obtained Final Approval by the MDL Judge, the Tyco Settlement has received preliminary approval, the BASF Settlement is awaiting approval, and there are additional potential defendants which may likewise enter into settlements under the MDL; and

WHEREAS, the Borough of Stockton is listed as a Phase One Public Water System eligible to file claims in the settlements; and

WHEREAS, Phase One Public Water System Settlement Claims Forms must be filed no later than July 12, 2024 for the 3M and DuPont Settlements; and

WHEREAS, by Resolution 24-55, Council appointed several Council members to investigate these settlements and possibly select a law firm to pursue these claims under the MDL on the Borough’s behalf; and

WHEREAS, Council members recommend that the Borough participate in the MDL by submitting claims under the 3M and DuPont settlements, as well as settlements to be approved involving the other defendants; and

WHEREAS, the Borough has also met with Cossich, Sumich, Parsiola & Taylor LLC, who works jointly with Baron & Budd, P.C. on the MDL (collectively the “Law Firms”), for purposes of their

assuming joint legal responsibility to represent the Borough in pursuing the Borough's claims under these settlements; and

WHEREAS, there shall be no out-of-pocket expenses or costs to the Borough for its pursuit of these claims, and the fees paid to the Law Firms shall be based on a contingent fee arrangement whereby the Law Firms would be entitled to twenty-five percent (25%) of any net recovery after deduction of costs and expenses.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Stockton as follows:

1. The "Whereas" clauses are incorporated herein as fully restated.
2. The Mayor is hereby authorized to execute a Legal Services Agreement with the law firms of Baron & Budd, P.C. and Cossich, Sumich, Parsiola & Taylor LLC ("Law Firms") to assume joint legal responsibility to represent the Borough for purposes of pursuing the Borough's claims under the settlements with Defendants 3M and Dupont, the Tyco Defendants, Defendant BASF, and other defendants that may settle their claims under the MDL. The terms of the Legal Services Agreement shall be subject to the approval of the Borough Attorney prior to execution.
3. There shall be no out-of-pocket expenses or costs to the Borough for the services provided under the Legal Services Agreement with the Law Firms, and the fees paid to the Law Firms shall be based on a contingent fee arrangement whereby the Law Firms would be entitled to twenty-five percent (25%) of any net recovery after deduction of costs and expenses.

Certification:

I, Laurie A. Courter, Borough Clerk of the Borough of Stockton, County of Hunterdon, State of New Jersey, do hereby certify that the foregoing Resolution is a true and exact copy of a Resolution adopted by the Borough Council of the Borough of Stockton on June 17, 2024.

Laurie A. Courter, RMC

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Borough this

17th day of June, 2024

.[SEAL]