

If you were affected by the power outage that occurred on Hatteras and Ocracoke Islands from July 27, 2017 through August 4, 2017, you may qualify to receive benefits from a class action settlement.

A Federal Court authorized this notice. This is not a solicitation from a lawyer.

- A \$10.35 million settlement has been reached in a class action lawsuit about whether PCL Civil Constructors, Inc. and PCL Construction Enterprises, Inc. (hereafter “PCL” or “Defendants”) wrongfully severed the power to Hatteras and Ocracoke Islands (the “Islands”) from July 27, 2017 through August 4, 2017. The settlement resolves litigation over whether the Defendants violated state law. The Defendants denies that it did anything wrong or unlawful and denies any liability to Plaintiffs and to the members of the settlement class.
- You may be eligible to participate in the proposed settlement, if it is finally approved, if you are a business located on and/or operated on the Islands, if you rented a vacation property or rented homes to vacationers on the Islands, or if you are a permanent resident on the Islands.
- The settlement will provide benefits to those who qualify. You will need to file a Claim Form to receive benefits from the settlement.
- Your legal rights are affected whether you act, or don’t act. Read this notice carefully.

<u>YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT</u>	
SUBMIT A CLAIM FORM BY October 15, 2018	This is the only way to receive benefits.
EXCLUDE YOURSELF BY July 31, 2018	Request to be excluded and get no benefits from the Settlement. This is the only option that allows you to start or continue your own lawsuit against the Defendants for the claims at issue in the Settlement.
OBJECT BY July 31, 2018	Write to the Court about why you do not like the settlement or why you think the settlement is unfair, inadequate or unreasonable.
GO TO A HEARING	Ask to speak in Court about the fairness of the settlement.
DO NOTHING	Get no benefits. Give up any rights you might have to ever sue the Defendant about the legal claims in this case and resolved by the settlement.

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice. The deadlines may be moved, canceled, or otherwise modified, so please check the settlement website at www.OBXSettlement.com regularly for updates and further details.
- The Court in charge of this case still has to decide whether to approve the settlement. Benefits will be provided to eligible participants only if the Court approves the settlement and after any appeals are resolved. Please be patient.

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BASIC INFORMATION

1. Why is there a notice?

The Court authorized this notice because you have a right to know about the proposed settlement of a class action lawsuit, and about your options, before the Court decides whether to approve the settlement.

United States District Court Chief Judge James Dever, III in the Eastern District of North Carolina, is in charge of this case, and the case is called In re: Outer Banks Power Outage Litigation, Case No. 4:17-CV-141-D. The people who sued are called the Plaintiffs, and the company they sued, PCL Civil Constructors, Inc. and PCL Construction Enterprises, Inc., are called the Defendants. This notice explains the lawsuit, the Settlement, and your legal rights.

2. What is this lawsuit about?

On July 27, 2017, Defendants PCL Civil Constructors, Inc. and PCL Construction Enterprises, Inc. (hereafter “PCL” or “Defendants”) in the course of performing construction work on the Herbert C. Bonner Bridge, severed the sole power cable that provides electricity to the Hatteras Island and Ocracoke Island. In response to a lack of electrical power, governmental agencies with authority over Islands issued mandatory evacuations for visitors to the Islands. This mandatory evacuation for visitors remained in place until Friday, August 4, 2017.

The Plaintiffs’ Complaint, Settlement Agreement, and other case-related documents are posted on the website, www.OBXSettlement.com. The Settlement resolves the lawsuit. The Court has not decided who is right.

The Defendants deny any and all wrongdoing of any kind whatsoever and deny any liability to Plaintiffs and to the settlement class. The Defendants stand by the safety and labeling of its products and maintains that all of its products comply with all applicable laws and regulations. The settlement does not include or release any personal injury claims.

3. Why is this a class action?

In a class action, one or more people, called “Class Representatives” sue on behalf of people who have similar claims. Together, all these people with similar claims (except for those who exclude themselves) are members of the “Settlement Class.”

4. Why is there a settlement?

The Court did not decide which side was right or whether the claims have any merit. Instead, both sides agreed to a settlement to avoid the costs and risks of further litigation and provide benefits to Class Members. The settlement does not mean that a Court found that Defendants broke any laws or did anything wrong. The Class Representatives and the lawyers representing them (called “Class Counsel”) believe that the settlement is in the best interests of all Class Members.

WHO IS PART OF THE SETTLEMENT?

5. How do I know if I am in the settlement?

You are in the settlement if you fall into one of three classes:

You are in the **Business Class** if you meet this definition: All businesses located and/or operating on Hatteras and Ocracoke Islands during the time of the Incident. This class does not include persons or entities renting homes to vacationers.

You are in the **Vacationer Class** if you meet this definition: All persons who rented a vacation property on Hatteras or Ocracoke Islands during the time of the Incident (the “Vacationers”), together with all persons or entities that rented homes to Vacationers.

You are in the **Resident Class** if you meet this definition: All permanent residents of Hatteras and Ocracoke Islands at the time of the Incident.

6. What if I am still not sure if I am included in the settlement?

If you are not sure whether you are a Settlement Class Member, or have any other questions about the Settlement Agreement, visit the website at www.OBXSettlement.com, or contact the Settlement Administrator, by email at PCL.OuterBanks@us.crawco.com or call toll-free at 1-844-402-8570. You also may send questions to the Settlement Administrator at:

Mail	Express Mail
PCL Outer Banks Claim Team c/o GCG P.O. Box 10481 Dublin, OH 43017-4081	PCL Outer Banks Claim Team c/o GCG 5151 Blazer Parkway, Suite A Dublin, OH 43017

SETTLEMENT BENEFITS

7. What does the settlement provide?

If the settlement is approved, the Defendant will pay \$10,350,000 into a common fund. The Business class is allocated \$8,000,000 of the fund, and the Vacationer and Resident classes are allocated \$2,250,000 of the fund. The remaining amount, \$100,000, will be used to pay for the costs of notice and administration. If any amount of the \$100,000 set aside for the costs of notice and administration is not spent, then it will revert back to PCL; alternatively, any amounts over \$100,000 will be paid out of the common fund.

All settlement class members can file a claim to recover their economic damages. If there is additional money in the common fund after the payment of attorneys' fees and the costs of notice and administration, then members of the Business Class, Vacationers Class, and Resident Class will receive in an amount equal to 20% of their Crawford Payment Amount, subject to *pro rata* deduction dependent upon fund availability. This additional payment is meant to compensate class members for non-economic damages (such as annoyance and inconvenience) If money is still remaining after this additional payment, the Court may award the money to promote tourism on the Islands.

8. What can I get from the settlement?

All Class Members who qualify and timely submit completed claim forms may seek a full recovery of their economic damages that occurred as a result of the Incident.

Business Class member who timely submits an approved business claim shall be entitled to a payment in the amount of \$2,500.00 upon proof of a valid Business Tax Identification Number at the time of the outage and a sufficient written statement of the economic loss incurred. In the event the Business Class Member elects to seek a recovery for an amount greater than \$2,500.00, the Business Class Member is not guaranteed to recover any specific amount. If there is additional money in the common fund after the payment of attorneys' fees and the costs of notice and administration, then members of the Business Class, Vacationers Class, and Resident Class will receive in an amount equal to 20% of their Crawford Payment Amount, subject to *pro rata* deduction dependent upon fund availability. This additional payment is meant to compensate class members for non-economic damages (such as annoyance and inconvenience) If money is still remaining after this additional payment, the Court may award the money to promote tourism on the Islands.

To receive any amounts under the settlement, Class Members must submit a claim and supporting documentation to the Settlement Administrator at the address provided below, or at www.OBXSettlement.com.

9. What am I giving up to stay in the Class?

Unless you exclude yourself from the Settlement, you can't sue the Defendants, continue to sue, or be part of any other lawsuit against the Defendants about the legal issues in this case. It also means that all of the decisions by the Court will bind you. The Release is described more fully in the Settlement Agreement and describes exactly the legal claims that you give up if you stay in the Class. The Settlement Agreement is available at www.OBXSettlement.com.

HOW TO GET BENEFITS

10. How can I receive benefits?

To receive benefits, all Class Members must complete the Claim Form that is unique to their specific class and provide the requested documentation. You can get a Claim Form at www.OBXSettlement.com, by calling 1-844-402-8570, or writing to the address below:

Mail	Express Mail
PCL Outer Banks Claim Team c/o GCG P.O. Box 10481 Dublin, OH 43017-4081	PCL Outer Banks Claim Team c/o GCG 5151 Blazer Parkway, Suite A Dublin, OH 43017

Please read the instructions carefully, fill out the Claim Form, submit it electronically at www.OBXSettlement.com or by email at (PCL.OuterBanks@us.crawco.com) or by mail to the Settlement Administrator postmarked no later than **October 15, 2018** to the address above. The Claim Form will help you determine the important information required to submit a valid claim. If you do not submit a valid Claim Form by the deadline, you will not receive benefits.

11. When will I get my benefits?

Benefits will be mailed to Class Members who send in valid Claim Forms on time, as early as after the Court grants “preliminary approval” to the settlement. Additional payments up to 20% of the Crawford Payment Amounts will only be made, if at all, after all claims have been filed. If the Court approves the settlement after a hearing on [Insert Date], there may be appeals. It’s always uncertain whether these appeals can be resolved, and resolving them can take time.

EXCLUDING YOURSELF FROM THE SETTLEMENT

12. How do I get out of the settlement?

If you don’t want a payment, but you want to keep the right to sue the Defendants over the legal issues in this case, then you must take steps to get out of this settlement. This is called asking to be excluded from—or sometimes “opting out” of—the settlement class. To exclude yourself from the settlement, you must complete and mail to the Settlement Administrator a letter that includes the following:

- Your name, address, and telephone number;
- The total value of your economic losses;
- The name of the case (*In re: Outer Banks Power Outage Litigation*, Case No. 4:17-CV-141-D);
- A statement that you want to be excluded from this settlement; and
- Your signature.

You must mail your exclusion request, postmarked no later than **July 31, 2018** to:

Mail	Express Mail
PCL Outer Banks Claim Team c/o GCG P.O. Box 10481 Dublin, OH 43017-4081	PCL Outer Banks Claim Team c/o GCG 5151 Blazer Parkway, Suite A Dublin, OH 43017

If you don’t submit your Request for Exclusion on time, you will remain a Class Member and will not be able to sue the Defendant about the claims in this lawsuit. You may opt out of the Settlement Class only for yourself. So-called “mass” or “class” opt outs, whether filed by third parties on behalf of a “mass” or “class” of Settlement Class Members or multiple Class Members where no personal statement has been signed by each and every individual Settlement Class Member, are not allowed.

13. If I don't exclude myself, can I sue the Defendants for the same thing later?

No. Unless you exclude yourself, you give up any right to sue the Defendants for the claims that this settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. You must exclude yourself from this Class to continue your own lawsuit.

14. If I exclude myself, can I still get benefits?

No. You will not receive any benefits from the Settlement if you exclude yourself. If you exclude yourself from the Settlement, do not send in a Claim Form asking for benefits.

OBJECTING TO THE SETTLEMENT

15. How can I tell the Court if I do not like the settlement?

If you are a Class Member, you can object to the Settlement or to Class Counsel's request for attorneys' fees and expenses. To object, you must send a letter that includes the following:

- Your name, address, telephone number, and, if available, email address;
- The name, address, email address, and telephone number of your lawyer, if you have one, including any former or current counsel who may be entitled to compensation for any reason related to the objection;
- The name of the case (*In re: Outer Banks Power Outage Litigation*, Case No. 4:17-CV-141-D);
- The reasons you object to the settlement, accompanied by any legal support for your objection;
- A statement of whether you intend to appear at the Final Approval Hearing, either with or without counsel;
- A statement verifying under penalty of perjury your membership in the Class, including all information required by the Claim Form;
- All other information required by the Court's order of May 2, 2018 preliminarily approving the settlement, which is available on the settlement website, and
- Your signature and, if you have one, your lawyer's signature.

Your objection, along with any supporting material you wish to submit, must be filed with the Court, with a copy delivered to the Settlement Administrator, Class Counsel, and Defendant's Counsel postmarked no later than **July 31, 2018** at the following addresses:

<u>Clerk of the Court</u>	<u>Class Counsel</u>	<u>Defendant's Counsel</u>
Clerk of Court The Terry Sanford Federal Building and Courthouse, 310 New Bern Avenue, Raleigh, NC 27611	Daniel K. Bryson Mona Lisa Wallace Robert Zaytoun c/o Whitfield Bryson & Mason LLP 900 W. Morgan St. Raleigh, NC 27603	Rod Pettey Yates, McLamb & Wehyer LLP 434 Fayetteville Street, Ste 2200 Raleigh, NC 27601

16. What is the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the settlement. You can object to the settlement only if you do not exclude yourself from the settlement. Excluding yourself from the settlement is telling the Court that you don't want to be part of the settlement. If you exclude yourself from the settlement, you have no basis to object to the settlement because it no longer affects you.

THE LAWYERS REPRESENTING YOU

17. Do I have a lawyer in this case?

Yes. The Court has appointed the following lawyers, called “Class Counsel,” to represent all Class Members: Daniel K. Bryson of Whitfield Bryson & Mason LLP; Mona Lisa Wallace of Wallace & Graham, P.C., and Robert Zaytoun of the Zaytoun Law Firm. Additionally, the Court has appointed the following lawyers, called “Plaintiffs Steering Committee,” to represent you: J. Michael Malone of Hedren, Redwine & Malone, PLLC, Thomas H. Burt of Wolf Haldenstein Alder Freeman & Herz LLP, Jean S. Martin of the Law Office of Jean Sutton Martin, PLLC, Joseph G. Sauder of Sauder Schelkopf LLC, and John A. Yanchunis of Morgan & Morgan Complex Litigation Group. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

18. How will the lawyers be paid?

Class Counsel will ask the Court to approve attorneys’ fees not to exceed \$3,415,500 and reimbursement of expenses not to exceed \$100,000. The Court will determine the amount of fees and expenses to award. Class Counsel will request the Court to make 75% of any amount awarded payable within ten days of the Effective Date, with the remaining 25% to be paid within 30 days of the end of the Claim Period. Class Counsel will also request that \$2,500 be paid to the Class Representatives, with an aggregate total of \$72,500, who helped the lawyers on behalf of the whole Class. The fees and expenses and service awards awarded by the Court will be paid by Defendant out of the \$10,350,000 referenced above (*see* Question 7).

THE COURT’S FINAL APPROVAL HEARING

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

The Court will hold a Final Approval Hearing on **September 14, 2018 at 2:00 p.m.** at the United States District Court for the Eastern District of North Carolina, Courtroom One, before the Honorable James Dever, III, Chief U.S. District Judge, 310 New Bern Avenue, Raleigh, North Carolina, 27601.

The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.obxsettlement.com for updates. At the Final Approval Hearing, the Court will consider whether the Settlement Agreement is fair, reasonable, and adequate. The Court will also consider how much to pay Class Counsel and the Class Representatives. If there are objections, the Court will consider them at this time. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take.

20. Do I have to come to the hearing?

No. Class Counsel will answer any questions that the Court may have. But, you may come at your own expense. If you send an objection, you don’t have to come to Court to talk about it. As long as you mailed your written objection on time to the proper addresses, the Court will consider it. You may also pay your own lawyer to attend, but it’s not necessary.

21. May I speak at the hearing?

Yes. You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must send a letter saying that it is your “Notice of Intent to Appear.” In your letter, you must include the following:

- Your name, address, telephone number, and, if available, email address;
- The name, address, email address, and telephone number of any lawyer(s) who will be appearing on your behalf at the Final Approval Hearing;
- The name of the case (*In re: Outer Banks Power Outage Litigation*, Case No. 4:17-CV-141-D);
- Your signature and, if you have one, your lawyer’s signature. You will also need to provide other information as required in the Court’s order of May 2, 2018 preliminarily approving the settlement. The order is available at www.OBXSettlement.com.

You must mail your Notice of Intent to Appear, postmarked no later than **September 4, 2018**, to all of the addresses in Question 15.

QUESTIONS? CALL TOLL-FREE 1-844-402-8570 OR VISIT WWW.OBXSETTLEMENT.COM

IF YOU DO NOTHING

22. What happens if I do nothing at all?

If you do nothing, you will not get any benefits from the settlement. Unless you exclude yourself, you won't be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Defendants about the legal issues in this case, ever again.

GETTING MORE INFORMATION

23. How do I get more information?

This notice summarizes the proposed settlement. More details are in the Settlement Agreement. You can get a complete copy of the Settlement Agreement and other information at www.OBXSettlement.com. If you have additional questions or want to request a Claim Form, you can visit the settlement website at www.OBXSettlement.com call the Settlement Administrator at 1-844-402-8570; or write to the Settlement Administrator at:

Mail	Express Mail
PCL Outer Banks Claim Team c/o GCG P.O. Box 10481 Dublin, OH 43017-4081	PCL Outer Banks Claim Team c/o GCG 5151 Blazer Parkway, Suite A Dublin, OH 43017

Updates will be posted at www.OBXSettlement.com as information about the settlement process becomes available.

PLEASE DO NOT CONTACT THE COURT OR THE CLERK'S OFFICE CONCERNING THIS CASE.