

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

IN RE RED DUST CLAIMS

MASTER CASE NO.
SX-15-CV-000620

DEFENDANTS' REPORT TO COURT

In accordance with the Court's December 11, 2017 Order, defendants St. Croix Alumina, LLC, Arconic Inc. (fka Alcoa Inc.), Glencore Ltd., Century Aluminum Company, and St. Croix Renaissance Group (collectively, "Defendants") report as follows:

Through a meet and confer exchange, counsel for all parties have agreed on a form of questionnaire to be completed by plaintiffs. That form is attached as Exhibit A.¹

However, the meet and confer process (described in more detail below) did not result in a consensus discovery plan. Defendants therefore submit their proposed discovery plan, which is comprised substantially of the steps set forth in Defendants' filing of July 28, 2017 prior to the August 2, 2017 preliminary Rule 16 conference. As of the date of this filing, counsel for Plaintiffs have not provided an alternative discovery plan, and have only provided one substantive comment on Defendants' plan, as discussed below. For that reason, Defendants request that the Court enter the Proposed Order (Exhibit B).

The Meet and Confer Process

On December 15, Defendants initiated the meet and confer process, suggesting topics and procedures for meeting and conferring, per the Court's Order. Numerous emails were

¹ Exhibit A incorporates two non-substantive clarifications which Defendants can, if necessary, delete from the questionnaire.

subsequently exchanged among counsel. On December 30, Defendants provided a proposed questionnaire to Plaintiffs' counsel, and Plaintiffs' counsel promptly responded with comments. By December 31, the parties were in agreement on the substantive content of the questionnaire, and Defendants undertook to create a final questionnaire incorporating the comments and edits of Plaintiffs' counsel. The final version (Exhibit A) was provided to Plaintiffs' counsel on January 15, 2018.

Progress was not as fast or productive on the issue of the actual discovery plan. In Defendants' December 15 email initiating the meet and confer process, Defendants advised that their discovery plan proposal remained as set forth at pages 5-7 of their Preliminary Rule 16 report, which was attached. Defendants requested that Plaintiffs' counsel promptly engage on that issue, if Plaintiffs were not agreeable to the discovery plan Defendants proposed. As of December 31, Plaintiffs' counsel had not provided any substantive comments or alternative to Defendants' discovery plan.

Therefore, on December 31, Defendants advised Plaintiffs' counsel that Defendants would be providing a proposed order that tracks the discovery plan outlined in at pages 5-7 of their Preliminary Rule 16 report.

On January 1, 2018, Plaintiffs' counsel replied as follows:

The plaintiffs do not agree to your discovery plan as it is not in keeping with VI law. This is not a case where plaintiffs need expert's, for instance. [*typo in original email*]

On January 1, 2018, Defendants responded as follows, requesting either detailed comments on Defendants' discovery plan, or an alternative plan:

Defendants are attempting to comply with the Court's order to meet and confer. You have had our discovery plan since last August, and have not engaged on it substantively beyond your comment about experts (with which we disagree). If you have further comments or an alternative plan to propose, please provide either

or both. If you have nothing further, we will timely report to the Court on our efforts to meet/confer and the status of the progress we have made to date.

As noted above, as of the date of this filing, counsel for Plaintiffs have not provided an alternative discovery plan, and have not provided any further comments on Defendants' plan.

Defendants' Discovery Plan

As was determined in the *Henry* case, managing and resolving the claims of the 1,376 plaintiffs through a “class” or “representative” proceeding is legally inappropriate as well as impractical. The parties and the Court are therefore faced with the challenge of moving these individual claims forward as expeditiously and fairly as possible, with the minimum burden on the Court.

The *Henry* case (which lasted more than 15 years)—and which attempted to resolve on a representative basis the claims of a group that allegedly included many of these 1,376 plaintiffs—gave these same Plaintiffs' counsel the opportunity to hand-select approximately twenty individuals as “representative” or “bellwether” plaintiffs. These were, presumably, plaintiffs' “best” cases. Seventeen of the cases were fully discovered, medical examinations were conducted, experts were designated and deposed, and ultimately, the personal injury claims of all seventeen named plaintiffs were resolved by summary judgment in favor of defendants, as affirmed on appeal by the Third Circuit Court of Appeals.

As discussed with the Court at the Preliminary Rule 16 conference, the many differences among the seventeen named plaintiffs meant they could not represent a “class,” but some common themes emerged during discovery and litigation, including the following, which provide the justification for Defendants' discovery plan:

- No plaintiff was able to offer sufficient proof of medical causation to successfully oppose motions for summary judgment.

- Plaintiffs and their exposure experts were unable to prove any exposure to a harmful substance as a result of the hurricane, much less exposure to a dose sufficient to cause harm.
- No plaintiff presented admissible evidence of a permanent medical condition resulting from the alleged exposure during and after the hurricane: the claims were of transient, common conditions such as rashes or conjunctivitis (and with regard to these symptoms, a contemporaneous on-island investigation by the United States Center for Disease Control concluded that an epidemic of the same symptoms caused by the coxsackie virus started shortly before the hurricane and peaked thereafter).
- Most plaintiffs had not sought medical care for the alleged conditions caused by the hurricane, which—even at the time *Henry* was filed, only months after the hurricane (as opposed to now, 20 years later)—made it extraordinarily difficult for experts reliably to opine on causation.

The agreed questionnaire (Exhibit A) will provide some of the preliminary information Defendants and the Court need to start evaluating the above issues for the plaintiffs in these cases, which is essential to determining which ones (if any) should go forward, if (and how) they can be resolved pre-trial, and, if not otherwise resolved, how they can be tried?

Henry proved that allowing Plaintiffs' counsel to select "representative" plaintiffs will not advance the ball. Nor will discovering and trying some handful of cases, regardless of who selects them; that would be a process destined to last decades.

Following receipt of the completed questionnaires, Defendants remain willing (and prefer) to follow the traditional path and commence discovery from all 1,376 plaintiffs now.

Defendants are prepared to start that process as soon as the questionnaires start coming in, and pursue it with dispatch, as anticipated by the rules of procedure. Completing the process for all plaintiffs may take a few years, but in the interim period, it should involve minimal burden on the Court, as Defendants may propound written discovery to some or all plaintiffs, subpoena medical and property records, depose plaintiffs, depose treating physicians, complete medical examinations,² and designate and depose experts. At that point, the cases will be ready for dispositive motions and/or trial.

In the event the Court wishes to consider other—and possibly more expeditious—ways for Defendants and the Court to learn necessary details about the claims, and from that, make decisions about next steps, Defendants make the suggestions set forth below, based on experiences in other litigations involving hundreds of personal injury plaintiffs.

Alternative Discovery Proposal

Defendants propose either full, open discovery of all plaintiffs (as discussed above), or the following as an alternative:

1. All plaintiffs shall respond, under oath, to the agreed questionnaire (Exhibit A) within a time frame set by the Court. Plaintiffs who do not do so will be dismissed. Because this is a process that will be completed by the actual plaintiffs, not counsel, Defendants propose a period of 120 days for all plaintiffs to complete the questionnaire.
2. From the group of plaintiffs which remain: Use a neutral computer program to randomly order all remaining plaintiffs. The first 150 plaintiffs on the list (from

² In *Henry*, the parties litigated and resolved an appropriate protocol for medical examinations, so that process should not have to be repeated here.

different family groups³) each will be required to offer evidence of the medical efficacy of his/her case before proceeding further, comprised specifically of the following:

- a. Declaration(s) or affidavit(s) by a qualified medical expert regarding each individual plaintiff's alleged injuries, which shall affirm the chemicals or toxic substances to which that plaintiff was exposed; the date or dates, place, duration, and dose of exposure to each; the method of exposure to each; the resulting personal injuries (including onset, duration, and severity); the personal injuries which the plaintiff has an increased chance of developing; the basis for the expert's opinion that such injuries were caused by (or are likely to be caused by) the claimed exposure).
 - b. In addition, with respect to any real or personal property damage claims, each plaintiff shall provide specific information concerning each plaintiff's real and personal property that was allegedly damaged. All statements required to be produced pursuant to this Paragraph 2 will be due 90 days after the completion of the questionnaires.
3. As before, anyone among the 150 randomly selected plaintiffs who does not complete the process set forth in Paragraph 2 will be dismissed. If plaintiffs are dismissed as a result of this provision or for any other reason, additional plaintiffs will be added, in the order they appear on the initial random list, to keep the number moving through the discovery process at 150.

³ No more than one person from each family group should be included to assure maximum coverage on property damage claims.

4. With respect to those among the 150 randomly selected plaintiffs remaining after any dismissals pursuant to Paragraph 3 (including any added pursuant to Paragraph 3), Defendants will be entitled to obtain medical records and conduct one hour depositions.

Discuss next steps. When the above has been completed, the parties and the Court can meet to discuss next steps to trial. Obviously, for any plaintiffs moving forward for dispositive motions or trial, a full deposition may be required, as well as treating (and expert) physician depositions, medical examinations, and property inspections.

Respectfully Submitted



For Andy Simpson with permission

ANDREW C. SIMPSON

VI Bar No. 451

Andrew C. Simpson P.C.

2191 Church St., Ste. 5

Christiansted, St. Croix

U.S. Virgin Islands 00820

340.719.3900

asimpson@coralbrief.com

www.coralbrief.com

Attorney for Defendants St. Croix

Alumina, LLC and Alcoa, Inc.

Dated: January 16th, 2018



RICHARD H. HUNTER

V.I. Bar No. 332

Hunter & Cole

1138 King Street, Suite 301

Christiansted, V.I. 00820

Telephone: (340) 773-3535

Facsimile: (340) 778-8241

E-mail: rhunter@huntercolevi.com

Attorney for Defendant Glencore Ltd.

Dated: January 16th, 2018

Dated: January 16, 2018



FOR ATTY HOLT WITH PERMISSION

JOEL H. HOLT, ESQ.

Law Offices of Joel H. Holt

2132 Company Street

Christiansted, V.I. 00820

Tel: (340) 773-8709

Fax: (340) 773-8677

Email: holtvi@aol.com

Attorney for St. Croix Renaissance Group

LLL

Dated: January 16, 2018



FOR ATTY HOLT WITH PERMISSION

JAMES L. HYMES, ESQ.

P.O. Box 990

St. Thomas, VI 00804-0990

Tel: (340) 776-3470

Fax: (340) 775-3300

Email: jim@hymeslawvi.com

Attorney for Century Aluminum Company

CERTIFICATE OF SERVICE

I hereby certify that on this 16th day of January, 2018, I served a copy of the foregoing by mail and email, as agreed by the parties, on:

Lee J. Rohn, Esq.

Lee J. Rohn & Associates
1101 King Street
St. Croix, V.I. 00820
Tel: (340) 778-8855
Fax: (340) 773-2953
Email: lee@rohnlaw.com

René P. Tatro, Esq.

Juliet A. Markowitz, Esq.
Tatro Tekosky Sadwick LLP
333 S. Grand Ave, Ste. 4270
Los Angeles, CA 90071
Tel: (213) 225-7171
Fax: (213) 225-7151
Email: renetatro@ttsmlaw.com

Carl J. Hartmann, III, Esq.

5000 Estate Coakley Bay, L-6
Christiansted, V.I. 00820
Email: carl@carlhartmann.com



IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

IN RE RED DUST CLAIMS

MASTER CASE NO.
SX-15-CV-000620

[PROPOSED] DISCOVERY ORDER

The Court hereby enters the following discovery plan:

DISCOVERY PLAN (ALTERNATIVE I)

1. All plaintiffs shall respond, under oath, to the agreed questionnaire (Exhibit A) within 120 days of this Order. Plaintiffs who do not do so will be dismissed.
2. Discovery shall then proceed as to all plaintiffs. Defendants may propound written discovery to some or all plaintiffs, subpoena medical and property records, depose plaintiffs, depose treating physicians, complete medical examinations,¹ and designate and depose experts. Plaintiffs likewise may conduct fact discovery of defendants.
3. The parties shall report to the Court by _____ as to the progress of such discovery, at which time further orders may be entered by the Court as appropriate.

DISCOVERY PLAN (ALTERNATIVE II)

1. All plaintiffs shall respond, under oath, to the agreed questionnaire (Exhibit A) within 120 days of this Order. Plaintiffs who do not do so will be dismissed.
2. From the group of plaintiffs which remain: A neutral computer program shall be used to randomly order all remaining plaintiffs. The first 150 plaintiffs on the list (from different

¹ The parties shall follow the protocol for medical examinations used in the *Henry* case.

family groups²) each will be required to offer evidence of the medical efficacy of his/her case before proceeding further, comprised specifically of the following:

- a. Declaration(s) or affidavit(s) by a qualified medical expert regarding each individual plaintiff's alleged injuries, which shall affirm the chemicals or toxic substances to which that plaintiff was exposed; the date or dates, place, duration, and dose of exposure to each; the method of exposure to each; the resulting personal injuries (including onset, duration, and severity); the personal injuries which the plaintiff has an increased chance of developing; the basis for the expert's opinion that such injuries were caused by (or are likely to be caused by) the claimed exposure).
 - b. In addition, with respect to any real or personal property damage claims, each plaintiff shall provide specific information concerning each plaintiff's real and personal property that was allegedly damaged. All statements required to be produced pursuant to this Paragraph 2 will be due 90 days after the completion of the questionnaires.
3. As before, anyone among the 150 randomly selected plaintiffs who does not complete the process set forth in Paragraph 2 will be dismissed. If plaintiffs are dismissed as a result of this provision or for any other reason, additional plaintiffs will be added, in the order they appear on the initial random list, to keep the number moving through the discovery process at 150.

² No more than one person from each family group should be included to assure maximum coverage on property damage claims.

4. With respect to those among the 150 randomly selected plaintiffs remaining after any dismissals pursuant to Paragraph 3 (including any added pursuant to Paragraph 3), Defendants will be entitled to obtain medical records and conduct one hour depositions.
5. Discuss next steps. When the above has been completed, the parties and the Court shall meet to discuss next steps to trial, which likely will entail, for any plaintiffs moving forward for dispositive motions or trial, a full deposition, as well as treating (and expert) physician depositions, medical examinations, and property inspections.

SO ORDERED.

Dated: _____, 2018

Douglas A. Brady
Judge of the Superior Court

FIRST INTERROGATORIES / PLAINTIFF QUESTIONNAIRE
PROPOUNDED BY DEFENDANTS
TO BE ANSWERED UNDER PENALTY OF PERJURY BY ALL PLAINTIFFS

INSTRUCTIONS

1. Please print your answers to this questionnaire in pen (not in pencil).
2. Your responses are being given under penalty of perjury. You should give answers that are as complete and accurate as possible. If the space provided is inadequate for your answer, please complete your answer on one of the supplemental pages at the end of this booklet and specify the question number to which you are providing further answers.
3. If you do not know an answer, please write, "I do not know." Do your best to not leave any question blank.
4. If you are answering this questionnaire on your own behalf, please answer each question with ***your own*** information. However, if you are answering this document on behalf of someone else (such as a minor, a deceased person, or an incompetent person), please answer questions 1 through 4 with ***your*** information, and the rest of the questions with the ***other person's*** information. If you are answering for more than one person, you must complete a ***separate*** questionnaire for each individual



6. If you had a spouse at the time of Hurricane Georges, provide the information below for that spouse.

Name of Spouse	Date of Marriage	Manner in which marriage ended (e.g., divorce, death of spouse, etc.)
_____	_____	_____

7. If you have ever been known by another name, list the other names and dates of use. Complete your answer on supplemental pages if additional space is required.

Name	Date		Date
_____	_____	to	_____
_____	_____	to	_____
_____	_____	to	_____

8. Provide the name, place of birth and date of birth of each of your children. Complete your answer on supplemental pages if additional space is required.

I have no children born to me, fathered by me, or adopted by me. (Go to question 10)

Name	Place of Birth	(City, State)	Date of Birth
_____	_____	_____	_____
Name	Place of Birth	(City, State)	Date of Birth
_____	_____	_____	_____
Name	Place of Birth	(City, State)	Date of Birth
_____	_____	_____	_____

9. State all of your educational experience beginning with high school. If you have more than three schools/institutions, complete your response on the supplemental pages (please include the same information requested below). For any institutions at which you had a "major" field of study, please include the name of the field of study with your "Degree Received."

<u>Degree Received</u>	<u>Name of School/Institution</u>	<u>City and State of School/Institution</u>	<u>Dates of Attendance</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

10. Have you ever been a plaintiff or a defendant in a civil lawsuit (including a class action suit, small claims matter, or any other civil litigation that involved a claim for personal injuries or property damage)? (If more than one such lawsuit, complete your response on the

supplemental pages by providing all the information requested below for all other lawsuits.)

Yes No (Go to question 11)

If yes, provide the information requested below for each such lawsuit.

a. Name of action: _____

Case No.: _____ Court and location: _____

Date filed: _____

b. Were you a plaintiff or defendant? (Check one)

c. What were the circumstances (type) of the action?

11. Have you been convicted of a felony in the last fifteen years (including any pleas of no contest or nolo contendere)?

Yes No (Go to question 12)

If yes, provide the information requested below for each such conviction. Use extra pages if needed..

a. Court and location in which prosecution took place: _____

b. Charge: _____

EMPLOYMENT HISTORY

12. Have you ever worked at the alumina plant on St. Croix?

Yes No (Go to question 13)

a. Dates: _____

b. Job title(s): _____

c. Duties performed: _____

13. For your current as well as all previous jobs for a period of ten years before Hurricane Georges to the present, please state the following (use supplemental pages if necessary; please provide the same information requested below on supplemental pages):

a. Name of employer: _____

RESIDENCES

Throughout the remainder of this Questionnaire, the term "Plant" is used to refer to the alumina plant on St. Croix.

17. List any and all addresses you have occupied starting with your current residence and ending with the residence you occupied at the time of Hurricane Georges. Use supplemental pages if necessary (please provide the same information requested below for on the supplemental pages). For any residences you've owned (in whole or in part) at which you claim property damage from materials blown from the Plant, please include the price paid and price for which you sold your residence.

Number _____ Street _____ Apartment No. _____

City _____ State _____ Zip _____

Dates of residence: _____

Do you: Own Rent/Lease Other _____

Where did your household drinking water come from?

WAPA Cistern Bottled water Other Don't know

18. What documents do you have to show occupancy? _____

19. If you claim damages related to exposure to substances blown from the Plant to this property, please specify:

Distance/mile(s) from the Plant: _____

Price Paid for real property: _____ Sale Price for real property: _____

REAL PROPERTY DAMAGE CLAIMS

20. In this litigation, are you asserting a claim for damage to real property you own? (If you claim damage to more than one property, use supplemental pages.)

Yes No (Go to question 29)

a. Provide the address of the property that is the subject of your claim. _____

b. Use of property (i.e., home, rental, etc.): _____

c. State the size of the property: _____

- d. Type of building (e.g., 3 bed/1 bath) _____
- e. Describe any improvements (buildings, etc.) that are on the property: _____

- g. Names of any co-owners of the property: _____
- h. Date of purchase: _____ Purchase price: _____
- i. Date of sale: _____ Sale price: _____
- j. Type of alleged damage to the building _____
- k. Amount of damage you claim: _____
- l. If you had this property appraised before or after Hurricane Georges, please state the amount of the appraisal and the company that performed the appraisal. _____

- m. On what date(s) do you claim your real property was damaged by substances blown from the Plant? _____

- n. To the best of your knowledge, what substance(s) from the Plant damaged your real property on each of the dates listed above? Describe as best you can. _____

- o. Describe in detail the damage that was done to your real property on each of the date(s) listed above, and how you determined the value of that damage. Use extra pages at the end if needed.

21. Do you have any photographs or videos of “red dust” or “red mud” on any of your property?

- Yes No

22. Did you get any FEMA, SBA, or insurance assistance following Hurricane Georges related to damage to your residence?

- Yes No (Go to question 23)

Who gave the assistance, what was the assistance for, and what was the dollar amount of the assistance? _____

23. When did you first see “red dust” or “red mud” (that you claim came from the Alumina Plant) on a property on which you lived in St. Croix? _____

24. When did you first inhale “red dust” or “red mud” (that you claim came from the Alumina Plant)? _____

25. Has any of the damage described in response to question no. 20 been repaired in whole or in part?

Yes No (Go to question 26)

Describe in detail what has and has not been repaired, and the cost for repairs (including cleaning, if the property was cleaned) Examples of “details” include: invoices for repairs or cleaning, who conducted the repairs, when it was done, what areas were repaired or cleaned, etc. Use extra pages if needed. _____

26. Did St. Croix Alumina (or anyone other than you) arrange to clean your property (including your cistern)?

Yes No (Go to question 27)

Describe what was cleaned. Use extra pages if needed. _____

27. Did you clean your property or cistern after the damage described above?

Yes No (Go to question 28)

Describe the cleaning process, including what cleaning was done, when, using what, who was involved, and the results of the cleaning efforts, including any claims you have as a result. Use extra pages if needed. _____

28. Do you have in your possession a sample of the material you claim damaged your real property?

Yes No

PERSONAL PROPERTY DAMAGE CLAIMS

29. In this litigation, do you claim damage to any personal property you own (clothes, furniture, etc.) from substances blown from the Plant?

Yes No (Go to question 33)

30. Do you have any photographs or videos of any other dust on any of your property, including coal dust, asbestos, etc.?

Yes No

31. For each item of personal property you claim was damaged by substances blown from the Plant, provide the following information. (If necessary, use supplemental pages, and provide the information below for each item of personal property.)

a. Describe the item: _____

b. Date item purchased: _____ Purchase price: _____

c. Date item sold: _____ Sale price: _____

d. Date item was damaged: _____

e. Describe the alleged damage to the item: _____

f. To the best of your knowledge, what substance(s) from the Plant damaged the item? Describe as best you can: _____

g. Was the item cleaned/repaired?

Yes No

h. Was the item replaced?

Yes No If yes, replacement price: _____

32. Do you have in your possession a sample of the material you claim damaged your personal property?

Yes No

PERSONAL INJURY CLAIMS

33. In this lawsuit, do you claim to have experienced any physical injury or illness because of exposure to materials blown from the Plant?

Yes No (Go to question 38)

a. Identify at which, if any, of the addresses listed in response to question 20, you allege you were exposed to materials blown from the Plant that caused you physical injury or illness. _____

b. If you allege exposure to materials blown from the Plant that caused you physical injury or illness at any location other than your residence (e.g., school, workplace, etc.), identify each such location by name and street address. _____

c. For each address at which you allege exposure, on what date(s) do you claim to have been exposed to substances blown from the Plant? _____

d. To the best of your knowledge, to what substance(s) from the Plant were you exposed on each of the dates listed above? Describe as best you can. _____

e. State the ways in which you believe you were exposed to substances blown from the Plant on each of the dates listed above (by inhaling, by contact with skin, etc.).

f. Provide a description of each of your injuries and/or illnesses. (Use the supplemental pages provided if additional space is required; please provide the same information requested below on any supplemental pages needed.)

Injury or illness: _____

Description (symptoms, severity of the symptoms, frequency of symptoms, etc.):

Date symptoms started: _____

Date symptoms ended: _____

- g. List any medical expense you claim in this lawsuit including total amount and how it was paid.

_____ Date _____

_____ Date _____

- h. If you experienced any physical restrictions as a result of any of the injuries or illnesses described above, identify which injury/illness caused restrictions, describe fully the restrictions, and identify the dates and duration of the restrictions. Use supplemental pages if necessary. _____

- i. Provide the requested information for each doctor, hospital, clinic or other health care provider with whom or where you received advice or treatment regarding any of the injuries and/or illnesses listed above. Use supplemental pages if necessary; provide the information requested below on supplemental pages.

Name of healthcare provider (clinic, hospital, doctor, etc.): _____

Address: _____

If hospital or clinic, name of treating doctor: _____

Specialty: _____

Telephone number _____

Dates of treatment by this doctor or facility: _____

Injury/illness treated and treatment (e.g., tests, procedures, medications, etc.) provided for each condition: _____

Has this doctor ever told you that exposure to materials from the Plant caused or contributed to any of your health problems?

No Yes (Who? _____ When? _____)

- j. Are any of the above health care providers your regular treating physician? If so, identify which one(s) by name:

- k. If not listed above, provide the requested information for each doctor, hospital, clinic or other health care provider with whom or where you received advice or treatment during the period of five years before Hurricane Georges to the present. (If needed, complete your answer on the supplemental pages by providing all the information requested below for all other doctors/clinics.)

Name of healthcare provider (clinic, hospital, doctor, etc.): _____

Address: _____

If hospital or clinic, name of treating doctor: _____

Specialty: _____

Telephone number _____

Dates of treatment by this doctor or facility: _____

Injury/illness treated and treatment (e.g., tests, procedures, medications, etc.) provided for each condition: _____

Has this doctor ever told you that exposure to materials from the Plant caused or contributed to any of your health problems?

No Yes (Who? _____ When? _____)

- l. If you ever have had any symptoms or conditions impacting:
- i. your eyes (including, but not limited to, blurred vision, cataracts, glaucoma, or double vision),

- ii. your **ears, nose, mouth or throat** (including, but not limited to, chronic earaches, chronic sinus infections, hearing loss, or chronic nosebleeds),
 - iii. your **skin or musculoskeletal system** (including, but not limited to, psoriasis, eczema, osteoporosis, bone deformity, arthritis, chronic back or neck pain, or paralysis),
 - iv. your **gastrointestinal system** (including, but not limited to, Crohn's disease, colitis, irritable bowel, diverticulitis, chronic diarrhea, gallstones, pancreatitis, or liver disease (including cirrhosis or hepatitis)) or
 - v. your **respiratory system** (including, but not limited to, asthma, chronic cough, emphysema, asbestosis, chronic bronchitis, fibrosis or pneumonia),
- please list the conditions and provide the dates of treatment and the name, address, and telephone number of the health care providers who treated your symptoms, conditions, or other problems.

m. Have you ever had diabetes ("sugar")?

- No Yes

n. Have you ever had hypertension ("pressure")?

- No Yes

o. Have you ever had a chest or lung x-ray taken?

- No Yes (Where? _____ When? _____)

For what reason? _____)

p. Did you ever have any allergies to:

<u>Yes</u>	<u>No</u>	<u>Explain/Specify (including when diagnosed/by whom)</u>
<input type="checkbox"/>	<input type="checkbox"/>	Drugs (Penicillin, etc.) _____
<input type="checkbox"/>	<input type="checkbox"/>	Dust _____
<input type="checkbox"/>	<input type="checkbox"/>	Chemicals Food _____
<input type="checkbox"/>	<input type="checkbox"/>	Animal _____
<input type="checkbox"/>	<input type="checkbox"/>	Pollen _____
<input type="checkbox"/>	<input type="checkbox"/>	Other _____

q. Have you ever had a positive tuberculin test?

- Yes (Date(s) _____)
 No

r. Has anyone ever provided any information to you regarding the level of your alleged exposure to materials blown from the Plant which you experienced? If so, state the material or substance, concentration, who provided this information and when they provided the information. _____

s. Have you ever been tested or examined for the effects of any materials from the Plant on your health?

- Yes No (Go to question 34)

Number of times tested and/or examined: _____

Locations where test(s) and/or examination were conducted: _____

Person(s) who conducted test(s) and/or examination (including agency name(s) if applicable): _____

Date(s) of testing and/or examination: _____

Describe the tests (including what samples were taken, etc.) and/or examination and results: _____

Do you have a copy of the results? No Yes (If yes, attach a copy of the results to your Questionnaire response.)

34. Have you ever smoked tobacco or anything else?

- Yes No (Go to question 35)

a. Dates (years) of use and frequency of use. _____

b. Was there ever a time when you smoked in greater or lesser quantities than the averages described above? If so, describe when and how much you used. _____

35. Have you ever lived with anyone who smoked in your home or in your presence?

- Yes No (Go to question 36)

- a. Who? _____
- b. Years? _____
- c. What is the amount, on average, they smoked in your presence and overall each day (if this amount changed over time, provide the average amounts and state the corresponding time periods)? _____
-

36. Do you now, or did you ever drink alcoholic beverages?

Yes No (Go to question 37)

- a. What year did you start drinking? _____
- b. How much do/did you drink on an average day? _____
- c. Do you currently drink?
 Yes No If no, when did you quit? _____
- d. What do or did you drink? (Check all that apply)
 Beer Mixed drinks or liquor Wine
- e. Was there ever a time when you drank more or less than the averages described above? If so, describe when and how much you drank. _____
-

37. Provide the following information concerning your current height and weight.

- a. Current height: _____ feet _____ inches
- b. Current weight: _____ pounds
- c. What is the most (excluding pregnancies) and the least you have weighed in the last five years?
Most: _____ pounds Least: _____ pounds
- d. Has any healthcare provider ever advised you to lose weight?
 Yes No (Go to question 38)

If yes, identify the healthcare provider and state when and what he or she advised.

LOST INCOME

38. Do you claim any lost income (whether from work or from renting out a property or anything else) in this lawsuit?

Yes No (Go to question 42)

39. How much income did you lose? _____

40. What are the dates of the loss? _____

41. What type of income did you lose (employment, rental, etc.) and who paid you the income? _____

EMOTIONAL DISTRESS

42. Do you seek compensation in this lawsuit for emotional distress?

Yes No (Go to question 44)

a. When did the emotional distress begin? _____

b. If it has ended, when did the emotional distress end? _____

c. Describe in detail the emotional distress you experienced, including symptoms, severity, frequency, etc.

d. Provide the information requested below for each psychiatrist, psychologist, counselor or therapist who has ever treated or examined you, at any time, for any emotional condition or illness. (If needed, complete your response on the supplemental pages by providing all the information requested below for all counselors/therapists.)

Counselor/Therapist

Name: _____

Street address: _____

City: _____ State: _____ Zip: _____

Date(s) of treatment: _____

Diagnosis or conclusion: _____

Treatment (including all medications): _____

Cost of treatment (including any medications): \$ _____

43. Other than the claims asserted in your above responses to this Questionnaire, do you claim to have suffered any other injury or damage for which you seek compensation?

Yes No (Go to question 44)

Describe each of the other claim(s) that you make in this lawsuit.

TESTING / KNOWLEDGE

44. Have you ever had any contact with the any governmental agency regarding pollution or dust from the Plant?

Yes No (Go to question 45)

Describe your contact with the each agency, including with whom you had contact, when the contact occurred and the substance of the communications:

45. Has any air, soil, or other testing been done on any property you own or on which you have resided or worked? (Use supplemental pages if needed.)

Yes No (Go to question 46)

a. Complete address of property: _____

b. Number of times tested: _____

c. Person(s) who conducted test(s) (including agency name(s) if applicable): _____

d. Date(s) of testing: _____

e. Describe the tests, including how samples were taken, equipment used, etc.: _____

f. Do you have a copy of the results?

No Yes (If yes, attach a copy of the results to your Questionnaire response.)

46. Have you ever attended a meeting at which the health effects of red mud or bauxite exposure or other Plant emissions were discussed?

Yes No (Go to question 47)

If so, give the date and location of the meeting and a description of the information provided.

47. Have you ever had any communications with anyone from the Plant?

Yes No (Go to question 48)

If yes, describe the contact including dates, names, who initiated contact, method of contact (e.g., a conversation, a letter, etc.) and the information exchanged. _____

QUESTIONNAIRE PREPARATION

48. State the name, address and relationship to you of each person who prepared or assisted in the preparation of the responses to this Questionnaire.

49. Identify any documents reviewed to prepare the responses to this Questionnaire, including the title, author, and date of each document.

QUESTIONNAIRE VERIFICATION

I, _____ (print your full name) declare under penalty of perjury under the laws of the U.S. Virgin Islands, that the foregoing Answers to the Questionnaire are within my personal knowledge and are true and correct.

Executed this _____ day of _____, 2018 at _____
(month) (location)

DATED: _____,
(Sign your full name)

QUESTIONNAIRE VERIFICATION BY GUARDIAN

I, _____ (print your full name), as guardian for _____ (print full name of minor for whom you are acting as guardian), declare under penalty of perjury under the laws of the U.S. Virgin Islands that the foregoing answers to the Questionnaire are within my personal knowledge and are true and correct.

Executed this _____ day of _____, 2018 at _____.
(month) (location)

DATED: _____,
(Sign your full name)