

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 90-cv-00181-JLK

MERILYN COOK, *et al.*,

Plaintiffs,

v.

ROCKWELL INTERNATIONAL CORPORATION
and THE DOW CHEMICAL COMPANY,

Defendants.

**DECLARATION OF MICHAEL E. HAMER, HEFFLER CLAIMS GROUP, IN SUPPORT
OF PLAINTIFFS' AND CLASS COUNSEL'S MOTION FOR A THIRD AND FINAL
DISTRIBUTION OF THE NET SETTLEMENT FUNDS**

I, Michael E. Hamer, declare as follows:

1. I am a Client Services Manager at Heffler Claims Group LLC (“Heffler”), the Court-approved Settlement and Claims Administrator. (See the Court’s Order Appointing Heffler Claims Group as Settlement and Claims Administrator, ECF No. 2417.) I am over 21 years of age and not a party to this action. This Declaration is based upon my personal knowledge as well as information provided to me by my associates and staff.

2. I submit this declaration in connection with Plaintiffs’ and Class Counsel’s Motion for a Third and Final Distribution of the Net Settlement Funds.

3. As of August 1, 2019, Heffler has distributed a total of \$107,572,481.25 in Initial Distribution awards and \$97,790,068.54 in Second Distribution awards to 8,504 claimants in this matter.

4. As of August 1, 2019, approximately \$10,534,897.71 remains in the Net Settlement Fund for further distribution.

5. Heffler estimates that future claims and administration expenses and taxes due on the interest earned by the Net Settlement Funds will not exceed \$150,000.00.

6. Heffler estimates that the proposed Third Distribution, if approved by the Court, will result in approximately \$10,384,897.71 being paid to Claimants who have timely-filed, valid claims, if the Third Distribution payment amounts are calculated in the manner set in Plaintiffs’ and Class Counsel’s Motion for a Third and Final Distribution of the Net Settlement Funds. That would leave approximately \$150,000.00 in the Net Settlement Fund, which Plaintiffs and Class Counsel propose to hold in escrow to cover future administration expenses.

7. Heffler understands, based on information from consultant Dr. Mark McNulty, who is assisting in the claim distribution calculations, that less than 20% of the money distributed in the Third Distribution will be distributed to claimants owning property located within two miles of the southeast corner of the Rocky Flats Plant, even accounting for the relatively higher weighting that Plaintiffs and Class Counsel request be given to properties located within two miles of the southeast corner of the Rocky Flats Plant.

8. Because the proposed methodology for the Third and Final Distribution is the same as the methodology that the Court approved for the Second Distribution, the weighting adjustments applied to claimant properties for purposes of calculating Third and Final Distribution payment amounts will be the same as those that the Claims Administrator applied in calculating Second Distribution payments. Thus, all claimants—regardless of whether the claimant’s property was residential, vacant, or commercial, or whether their property is located within two miles of the southeast corner of the Rocky Flats Plant—will receive a Third and Final Distribution award, on a pro rata basis, equal to approximately 10.78 percent of the amount of their Second Distribution. This is because the Third Distribution award amounts are calculated in the same way that the Second Distribution award amounts were calculated and approximately 10.78 percent as much money will be distributed in the Third Distribution as compared to the Second Distribution.

9. A copy of the letter that Heffler proposes to send with Third Distribution awards is attached as Exhibit A to this Declaration. The letter makes clear that the Third Distribution award is in addition to the distribution awards already paid to each Claimant.

10. A map showing the area within two miles of the Plant is attached as Exhibit B to this Declaration.

Dated: August 1, 2019



Michael E. Hamer

EXHIBIT “A”

**Rocky Flats Settlement
c/o Heffler Claims Group
Settlement and Claims Administrator
P.O. Box 58459
Philadelphia, PA 19102-8459
1-844-528-0187
www.RockyFlatsSettlement.com**

[Date]

Re: *Cook, et al. v. Rockwell International Corp. and The Dow Chemical Co.*,
No. 90-cv-00181-JLK (D. Colo.)

Dear Claimant:

We are the Settlement and Claims Administrator appointed by the Court in the above-listed matter and, along with Class Counsel, are pleased to send you the attached Third and Final Distribution check. More information about the settlement is available at the official, Court-approved settlement website: www.RockyFlatsSettlement.com. As we previously informed you in connection with sending your Second Distribution, based upon our review of the information submitted in connection with your Proof of Claim Form, we have determined that your claim is valid and eligible for this award from the Net Settlement Fund, and that you, as the claimant, are entitled to the "Percentage" of the award (listed on the check stub) for the "Property" (also listed on the check stub) based on the circumstances of your claim and the Property. (This Percentage is 100% if you are the only person who is entitled to file a claim in connection with the Property, and you will receive 100% of the award associated with the Property. If the Percentage is less than 100%, it is because there are multiple persons entitled to a share of the award. For example, if you are one of four people who were equal owners of the Property in 1989 [or one of four heirs to the 1989 owner], then you will receive 25% of the award associated with the Property.)

Please note that the Court approved this Third and Final Distribution and approved the manner of calculating the Third and Final Distribution amount. The Court's Order approving this distribution and related documents are available on the official, Court-approved settlement website: www.RockyFlatsSettlement.com. The Court-approved methodology for the Third and Final Distribution is the same as the methodology that the Court approved for the Second Distribution. Thus, all claimants will receive a Third Distribution award, on a *pro rata* basis, equal to approximately 10.78 percent of the amount of their Second Distribution award. Because the tax treatment of these award payments varies based on each Authorized Claimant's tax status and circumstances, you should consult your tax advisor to determine the tax consequences, if any, of these award payments to you. Please note that the Internal Revenue Service has issued regulations under Internal Revenue Code §468B that may affect your tax treatment of these award payments.

Please also note that we do not anticipate that there will be any further distributions in connection with the settlement of the above-listed matter.

PLEASE NOTE THAT IF YOUR ADDRESS OR CONTACT INFORMATION HAS CHANGED SINCE SUBMITTING YOUR CLAIM FORM, OR CHANGES AT ANY TIME IN THE FUTURE, YOU MUST CONTACT US WITH YOUR NEW ADDRESS OR CONTACT INFORMATION AT YOUR EARLIEST CONVENIENCE. PLEASE BE SURE TO INCLUDE YOUR CLAIM NUMBER IN ANY CORRESPONDENCE OR COMMUNICATIONS WITH US. MAKE SURE THAT YOU WRITE AND KEEP YOUR CLAIM NUMBER (LISTED ON THE CHECK STUB) BEFORE YOU CASH OR DEPOSIT YOUR CHECK SO THAT YOU WILL HAVE YOUR CLAIM NUMBER FOR FUTURE CORRESPONDENCE WITH US.

Additionally, if you have any questions about your claim or this letter or check, or need assistance with anything related to your claim, please contact us: (a) in writing at the address on this letterhead; (b) by telephone at 1-844-528-0187; or (c) through the "Contact" section of the official, Court-approved settlement website: www.RockyFlatsSettlement.com. Thank you.

Sincerely,

Heffler Claims Group
Settlement and Claims Administrator

EXHIBIT “B”

Two Miles From Southeast Plant Corner

