

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

**If you were subject to the Evacuation Order resulting from the Superior Refinery explosion and fire on April 26, 2018, you may be eligible to receive \$150 in a class action settlement**

*A federal court authorized this Notice. This is not a solicitation.*

- A proposed class action settlement has been reached in the case of *Jasen Bruzek, Hope Koplín, and Christopher Peterson v. Husky Oil Operations LTD and Superior Refining Company LLC*, Case No. 18-cv-697.
- On April 26, 2018, an explosion and fire occurred at the Superior Refining Company LLC (“SRC”) refinery (“Superior Refinery”) in Superior, Wisconsin, and a mandatory evacuation order was issued by the local government to the community surrounding the refinery (the “Evacuation Order”).
- Plaintiffs (also known as Class Representatives), who are persons subject to the Evacuation Order resulting from the explosion and fire, claim that Husky Oil Operations Limited and SRC (collectively “Defendants”) were negligent in their operation of the Superior Refinery on April 26, 2018, and did not adequately compensate community members for the costs of the evacuation. Defendants maintain that they have done nothing wrong and that they provided adequate compensation to community members subject to the Evacuation Order through their voluntary Reimbursement Program. The Court has not decided who is right or wrong. Instead, Plaintiffs and Defendants have agreed to a settlement to avoid the risk, cost, and time of further litigation.
- The Court has certified a Class in Plaintiffs’ case. You are included in the Class if you were over the age of 18 and subject to the Evacuation Order declared on April 26, 2018, as a result of the Superior Refinery explosion and fire and seek compensation for economic loss or loss of use and enjoyment of your property, excluding personal injury damages (“Class Members”).
- Defendants have agreed to establish a \$1.05 million Fund to pay Class Members’ claims, the costs of class notice and settlement administration, and Class Representatives’ service payments. The Court dismissed Plaintiffs’ claims for injunctive relief and reserved issues of causation and damages related to the explosion for separate hearings.
- The proposed settlement has been preliminarily approved by the Court. This notice provides information about the settlement, and your rights and options as a Class Member. Your legal rights are affected whether or not you act. *Please read this notice carefully.*

<b>YOUR LEGAL RIGHTS AND OPTIONS</b>		
<b>FILE A CLAIM</b>	<ul style="list-style-type: none"> <li>• File a Claim for payment online or by mail</li> <li>• Be bound by the settlement</li> <li>• Give up your right to sue or continue to sue Defendants for the claims released by the settlement</li> </ul>	Submit online or postmarked by <b>November 3, 2021</b>
<b>ASK TO BE EXCLUDED (“OPT OUT”)</b>	<ul style="list-style-type: none"> <li>• Remove yourself from the Class and receive no payment</li> <li>• Keep your right to sue or continue to sue Defendants for the claims released by the settlement</li> <li>• You <b>cannot</b> both request exclusion and also object</li> </ul>	Postmarked by <b>November 3, 2021</b>
<b>OBJECT</b>	<ul style="list-style-type: none"> <li>• Tell the Court what you do not like about the settlement</li> <li>• You will still be bound by the settlement and you may still file a Claim</li> <li>• You <b>cannot</b> both request exclusion and also object</li> </ul>	Received by <b>November 3, 2021</b>
<b>ATTEND THE HEARING</b>	<ul style="list-style-type: none"> <li>• Ask to speak in Court about the settlement</li> <li>• If you want your own attorney to represent you, you must pay for that attorney</li> <li>• File your Notice of Intent to Appear by November 3, 2021</li> </ul>	<b>December 22, 2021 at 11.00 a.m. (CT)</b>
<b>DO NOTHING</b>	<ul style="list-style-type: none"> <li>• Receive no payment</li> <li>• Give up your right to sue or continue to sue Defendants for the claims released by the settlement</li> </ul>	

- Your 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, [www.SuperiorRefinerySettlement.com](http://www.SuperiorRefinerySettlement.com), regularly for updates and further details.
- The Court in charge of this case still has to decide whether to finally approve the settlement. Settlement payments will be made only if the Court finally approves the proposed settlement and after any appeals are resolved in favor of upholding the settlement. This can take time. Please be patient.

Questions? Visit [www.SuperiorRefinerySettlement.com](http://www.SuperiorRefinerySettlement.com) or call toll-free at 1-833-677-1092.

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## **BASIC INFORMATION**

### **1. Why was this notice issued?**

This notice was issued to inform you about a proposed class action settlement and about your rights and options before the Court decides whether to approve the proposed settlement.

You are a member of the Class if you were over the age of 18 and were subject to the Evacuation Order declared on April 26, 2018, as a result of the Superior Refinery explosion and fire.

Judge William M. Conley of the United States District Court for the Western District of Wisconsin (the “Court”) is currently overseeing this case. The case is known as *Jasen Bruzek, et al. v. Husky Oil Operations Limited and Superior Refining Company LLC*, Case No. 18-cv-697-wmc. The people who sued are called the Plaintiffs; the companies they are suing, Husky Oil Operations Limited and Superior Refining Company LLC, are called the Defendants.

### **2. What is a class action?**

In a class action, one or more people called “Class Representatives” (in this case, Jasen Bruzek, Hope Koplín, and Christopher Peterson) file a lawsuit on behalf of a group of people who they assert have similar claims. Once the court resolves the issues in the lawsuit of the Class Representatives, the issues are resolved for all class members, except for those who exclude themselves from (or “opt out” of) the class.

In this case, the Court has preliminarily approved the settlement for the Members of the Class, as defined in Question 5. A copy of the Court’s order granting preliminary approval may be found at [www.SuperiorRefinerySettlement.com](http://www.SuperiorRefinerySettlement.com).

### **3. What is this lawsuit about?**

On the morning of April 26, 2018, an explosion and resulting fire occurred at the Superior Refinery in Superior, Wisconsin. A mandatory Evacuation Order was issued by the local government to the community members surrounding the refinery.

Plaintiffs allege that Defendants are liable to community members subject to the Evacuation Order for economic loss, including loss of use and enjoyment of their property, inconvenience, annoyance, and discomfort resulting from the evacuation.

As noted above, Defendants deny the claims and allegations made in the case and assert that they have already paid for any Class Members’ loss through their voluntary Reimbursement Program. Defendants are settling to avoid the expense, inconvenience, risk, and disruption of litigation. It is not an admission of any wrongdoing.

The Court has not decided who is right or wrong.

### **4. Why is there a settlement?**

Defendants deny that they did anything wrong. Instead, both sides have agreed to the proposed settlement to avoid the risk, cost, and time of further litigation. The Court has not decided in favor of the Class Representatives or Defendants. The Class Representatives and Class Counsel believe the settlement is in the best interests of the Class and is fair, reasonable, and adequate.

Questions? Visit [www.SuperiorRefinerySettlement.com](http://www.SuperiorRefinerySettlement.com) or call toll-free at 1-833-677-1092.

## **WHO IS IN THE SETTLEMENT?**

### **5. Am I part of the settlement?**

You are part of the Class if you were over the age of 18 and subject to the Evacuation Order declared on April 26, 2018 as a result of the Superior Refinery explosion and fire and seek compensation for economic loss or loss of use and enjoyment of your property, excluding personal injury damages.

The Evacuation Order was issued to everyone within a three-mile radius east and west of the Superior Refinery, as well as within 10 miles south of the Superior Refinery.

### **6. What if I am still not sure if I am part of the settlement?**

If you are not sure whether you are a Class Member, or have any other questions about the settlement, you should visit the Settlement Website, [www.SuperiorRefinerySettlement.com](http://www.SuperiorRefinerySettlement.com), or call the Claim Administrator toll-free at 1-833-677-1092.

## **SETTLEMENT BENEFITS – WHAT CLASS MEMBERS RECEIVE**

### **7. What does the settlement provide?**

Defendants have agreed to pay \$1.05 million to a Fund, which will be used to pay: (1) notice and settlement administration expenses (up to \$169,000); (2) service payments of \$2,000 to each Class Representative, for a total payment of \$6,000; and (3) monetary benefits to eligible Class Members as described below in response to Question 8.

If there are any amounts in the Fund after these three payments, up to \$75,000 will be paid to Superior Douglas County Family YMCA, a beneficiary designated by the Court. If there are any funds remaining after this payment, the funds may go back to Defendants to fund any obligation to pay attorneys' fees and expenses, if any, awarded by the Court. If there are any funds available in the Fund after payment of attorneys' fees and expenses awarded by the Court, the remainder will be paid to Superior Douglas County Family YMCA.

### **8. What can I receive from the settlement?**

If you are a Class Member and submit a claim, you may receive \$150 per claimant, not to exceed \$300 per household. If SRC's Reimbursement Program made payments to you or on your behalf, that amount will be deducted from any amount you may receive under this settlement.

Payments are subject to a possible *pro rata* adjustment (upwards or downwards) depending on the number of timely and valid claims submitted.

- Amounts will be increased *pro rata*, up to a maximum of \$200 per claimant (with an offset for amounts already paid through Reimbursement Program), not to exceed \$400 per household ("Claim Maximum"), if funds are available in the Fund after (i) payment of notice and administrative costs, and (ii) service payments to the Class Representatives.

Questions? Visit [www.SuperiorRefinerySettlement.com](http://www.SuperiorRefinerySettlement.com) or call toll-free at 1-833-677-1092.

- Amounts will be reduced on a *pro rata* basis if the amount sought in claims exceeds the total amount remaining in the Fund after (i) payment of notice and administration costs, and (ii) service payments to the Class Representatives.

## **HOW TO REQUEST A PAYMENT**

### **9. How can I request a payment?**

To be eligible to receive a payment through the settlement, you must complete and timely submit a Claim Form. The Claim Form can be obtained online at [www.SuperiorRefinerySettlement.com](http://www.SuperiorRefinerySettlement.com) or by writing or emailing the Claim Administrator at the address listed below. The completed Claim Form must be submitted to the Claim Administrator online at [www.SuperiorRefinerySettlement.com](http://www.SuperiorRefinerySettlement.com) or by mail to the address below so that it is postmarked by **November 3, 2021**.

Superior Refinery Settlement  
c/o JND Legal Administration  
P.O. Box 91339  
Seattle, WA 98111

If you do not complete a valid Claim Form submitted online or postmarked by **November 3, 2021**, you will not receive a payment, but you will be bound by the settlement and the Court's judgment (including the release).

### **10. When will I receive my payment?**

Settlement Payments will be made to Class Members who submit a valid and timely Claim Form after the Court grants "final approval" to the settlement and after any appeals are resolved in favor of upholding the settlement. If the Court approves the settlement, there may be appeals. It is always uncertain whether these appeals can be resolved and resolving them can take time. Please be patient.

### **11. What am I giving up if I request a payment and stay in the settlement?**

If you are a Class Member, unless you exclude yourself from the settlement, you cannot sue, continue to sue, or be part of any other lawsuit against the Released Parties for the Released Claims, regardless of whether you make a Claim or not. It also means that all the decisions by the Court will bind you.

More information regarding the Released Claims and Released Parties can be found in the Settlement Agreement available at [www.SuperiorRefinerySettlement.com](http://www.SuperiorRefinerySettlement.com).

## **EXCLUDING YOURSELF FROM THE SETTLEMENT**

If you do not want a payment from the settlement or you want to keep the right to sue or continue to sue the Released Parties for the Released Claims, then you must take steps to get out of the settlement. This is called excluding yourself—or it is sometimes referred to as “opting out” of the settlement.

### **12. How do I exclude myself from the settlement?**

To exclude yourself from or “opt out” of the settlement, you must provide an “Exclusion Request” to the Claim Administrator. An Exclusion Request must include the following information: your full name, current address, telephone number, and signature, and a statement saying “I wish to be excluded from the Class in *Jasen Bruzek, et al. v. Husky Oil Operations Limited and Superior Refining Company LLC*, Case No. 18-cv-697-wmc.”

You must mail your Exclusion Request postmarked by **November 3, 2021** to:

Superior Refinery Settlement  
c/o JND Legal Administration  
P.O. Box 91339  
Seattle, WA 98111

If you ask to be excluded, you will not be part of the Class, you will not receive any payment, and you cannot object to the settlement. You will not be legally bound by the settlement, and you may be able to sue (or continue to sue) the Defendants for the claims released by the settlement. If you bring your own lawsuit against Defendants after you exclude yourself, you may hire your own lawyer for that lawsuit and pursue your own claims.

**If you do not include the required information on or timely submit your Exclusion Request, you will remain a Class Member and you will be bound by the settlement.**

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

No. If you are a Class Member, unless you exclude yourself, you give up any right to sue Defendants for the claims released by the settlement whether or not you already have your own lawsuit pending. If you properly exclude yourself from the settlement, then you will not be bound by any orders or judgments entered in the class action relating to the settlement and can pursue your own claims.

### **14. If I exclude myself, can I still receive a settlement payment?**

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

## THE LAWYERS REPRESENTING YOU

### **15. Do I need to hire my own lawyer?**

No. The below lawyers are Class Counsel and represent you and other Class Members:

ZIMMERMAN REED LLP

J. Gordon Rudd, Jr.  
Patricia A. Bloodgood  
June P. Hoidal  
Charles Toomajian, III  
1100 IDS Center, 80 South 8th Street  
Minneapolis, MN 55402

Phone: (612) 341-0400

Gordon.Rudd@zimmreed.com  
Patricia.Bloodgood@zimmreed.com  
June.Hoidal@zimmreed.com  
Charles.Toomajian@zimmreed.com

If you choose to hire your own lawyer to represent you, you will have to pay for that lawyer on your own.

### **16. How will Class Counsel be paid?**

Class Counsel will ask the Court for reasonable attorneys' fees and expenses. Defendants agree that Class Counsel is entitled to reasonable attorneys' fees and expenses separate and apart from the \$1.05 million Fund. Provided, however, that attorneys' fees and expenses awarded will be paid in whole or in part from the Fund if amounts remain in the Fund after service awards, notice and administration costs, payments to Class Members, including potential *pro rata* increases, and a \$75,000 payment to Superior Douglas County Family YMCA. You will not have to pay these fees and expenses. If the Court grants Class Counsel's request, the fees and expenses will be paid by Defendants and will not reduce any award to which you are entitled.

## OBJECTING TO THE SETTLEMENT

### **17. How do I tell the Court if I do not like the settlement?**

Any Class Member who does not timely and properly opt out of the settlement may object to the fairness, reasonableness, or adequacy of the proposed settlement. Each Class Member who wishes to object to any term of this settlement must electronically file via the Court's ECF system, or deliver to the Clerk of the Court by mail, express mail, or personal delivery, a written notice of objection. The objection must be received by **November 3, 2021**.



The written objection must include:

- The case name, *Bruzek v. Superior Refining Co.*, and the case number, 18-cv-697 (WMC)
- Your name, current address, telephone number, and email address
- The name, address, telephone number, and email address of all counsel (if any) who represent you
- Documents or testimony sufficient to establish membership in the Class
- A detailed statement of any objection asserted, including the grounds for the objection stated with specificity
- Whether you are requesting the opportunity to appear and be heard at the Final Approval hearing, and any reasons for making this request
- The identity of all counsel (if any) representing you who will appear at the Final Approval hearing and, if applicable, a list of all persons who will be called to testify in support of the objection
- Copies of any papers, briefs, or other documents upon which the objection is based
- A detailed list of any other objections submitted by you, or your counsel, to any class action submitted in any state or federal court in the United States in the previous five years (or affirmatively stating that no such prior objection has been made)
- A statement of whether the objection applies only to you, to a specific subset of the class, or to the entire class
- Your signature (even if represented by an attorney), in addition to the signature of your attorney (if any)—an attorney’s signature alone will not be deemed sufficient to satisfy this requirement

Your objection, along with any supporting material you wish to submit, must be delivered to the Clerk of the Court by **November 3, 2021** at the following address:

Office of the Clerk of Court  
United States District Court for the Western District of Wisconsin  
120 North Henry Street, Room 320  
Madison, WI 53703

#### **18. What is the difference between objecting and excluding?**

Objecting is 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 do not 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.

Questions? Visit [www.SuperiorRefinerySettlement.com](http://www.SuperiorRefinerySettlement.com) or call toll-free at 1-833-677-1092.

## **IF YOU DO NOTHING**

### **19. What happens if I do nothing?**

If you do nothing, you will not receive a payment from the settlement. Unless you exclude yourself from the Class, you will not be able to file a lawsuit or be part of any other lawsuit asserting claims against Defendants related to the allegations or claims in this case, other than claims for personal injury.

## **THE COURT'S FINAL APPROVAL HEARING**

### **20. When and where will the Court decide whether to approve the settlement?**

The Court will hold a Final Approval Hearing on **December 22, 2021 at 11:00 a.m. (CT)** at the United States District Court for the Western District of Wisconsin, located at 120 North Henry Street, Room 320, Madison, WI 53703.

At the Final Approval Hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. The Court will also consider Class Counsel's request for fees, costs, and service awards to 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.

The date and time are subject to change, as it is the Court's decision whether to hold the Final Approval Hearing in person or by video. Please continue to check the Settlement Website ([www.SuperiorRefinerySettlement.com](http://www.SuperiorRefinerySettlement.com)) for updates.

### **21. Do I have to come to the Final Approval Hearing?**

No. You do not need to attend the Final Approval Hearing. Class Counsel will answer any questions that the Court may have. If you submit an objection, you do not 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 if you choose, but it is not necessary.

### **22. May I speak at the Final Approval Hearing?**

Yes. You may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must send a letter to the Clerk of the Court saying that it is your "Notice of Intent to Appear." Your request must be filed with the Clerk of the Court and served on Class Counsel and Defendants' Counsel no later than **November 3, 2021**.

Any such request must state your name, address, and telephone number, as well as the name, address, and telephone number of any person that may appear on your behalf. Any request for appearance that fails to satisfy these requirements, or that has otherwise not been properly or timely submitted, will be deemed ineffective and will waive your right to appear and to comment on the settlement at the Final Approval Hearing. Persons who opt out may not request to appear and be heard at the Final Approval Hearing.

## **OBTAINING MORE INFORMATION**

### **23. How can I obtain more information?**

This Notice contains a summary of the proposed settlement. You may obtain more information by visiting [www.SuperiorRefinerySettlement.com](http://www.SuperiorRefinerySettlement.com), emailing [info@SuperiorRefinerySettlement.com](mailto:info@SuperiorRefinerySettlement.com), or calling 1-833-677-1092.

**PLEASE DO NOT CONTACT THE COURT ABOUT THIS CASE**

Dated: August 20, 2021

By Order of the United States  
District Court Western District of Wisconsin

Questions? Visit [www.SuperiorRefinerySettlement.com](http://www.SuperiorRefinerySettlement.com) or call toll-free at 1-833-677-1092.