

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

COMMISSIONERS OF PUBLIC WORKS OF)	Civil Action No. 2:21-cv-00042-RMG
THE CITY OF CHARLESTON (d.b.a.)	
Charleston Water System), Individually and on)	<u>CLASS ACTION</u>
Behalf of All Others Similarly Situated,)	
)	DECLARATION OF ROSS D. MURRAY
Plaintiff,)	REGARDING NOTICE DISSEMINATION
)	AND PUBLICATION
vs.)	
)	
COSTCO WHOLESALE CORPORATION,)	
CVS HEALTH CORPORATION, KIMBERLY-)	
CLARK CORPORATION, THE PROCTER &)	
GAMBLE COMPANY, TARGET)	
CORPORATION, WALGREEN CO. and WAL-)	
MART, INC.,)	
)	
Defendants.)	
_____)	

I, ROSS D. MURRAY, declare and state as follows:

1. I am employed as a Vice President by Gilardi & Co. LLC (“Gilardi”), located at 1 McInnis Parkway, Suite 250, San Rafael, California, 94903. The following statements are based on my personal knowledge and information provided to me by other Gilardi employees and, if called to testify thereto, I could and would do so competently.

2. Pursuant to this Court’s October 4, 2021 Order and Opinion (the “Preliminary Approval Order”), Gilardi was appointed to supervise and administer certain elements of the notice procedure in connection with the above-captioned action (the “Action”). I oversaw the notice services that Gilardi provided in accordance with the Preliminary Approval Order.

3. I submit this declaration in order to provide the Court and the parties to the Action with information regarding: (i) mailing of the Court-approved Notice of Proposed Settlement (the “Notice”), attached hereto as Exhibit A; and (ii) publication of the Notice via press release.

DISSEMINATION OF THE NOTICE

4. Pursuant to the Preliminary Approval Order, Gilardi was responsible for disseminating the Notice to potential Settlement Class Members by First-Class Mail. The Settlement Class consists of all STP Operators in the United States whose systems were in operation between January 6, 2018 and the date of preliminary approval. An “STP Operator” is an entity that “owns and/or operates sewage or wastewater conveyance and treatment systems, including municipalities, authorities, and wastewater districts.”

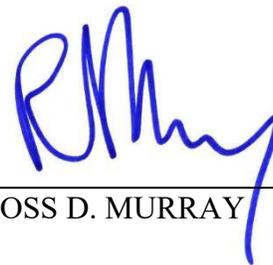
5. Gilardi received an excel file, via email, from Plaintiff’s counsel, which contained the names and addresses of potential Settlement Class Members. Specifically, this file was described as the EPA’s list of Publicly Owned Treatment Works (POTWs) as of August 27, 2021. The list was reviewed to identify and correct incomplete data, resulting in a mailing list of 17,297 unique names and addresses. Gilardi had the unique name and address data printed on the postcard

Notices, posted the Notices for First-Class Mail, postage prepaid, and delivered 17,297 Notices on October 25, 2021, to the United States Post Office for mailing.

PUBLICATION OF THE NOTICE

6. In accordance with the Preliminary Approval Order, on October 25, 2021, Gilardi caused a Summary Notice to be transmitted in a press release over *Business Wire*, as shown in the confirmation of publication attached hereto as Exhibit B. The press release further directed potential Settlement Class Members to the Settlement website for additional information about the Settlement, including the long-form Notice.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed this 7th day of December, 2021, at San Rafael, California.



ROSS D. MURRAY

EXHIBIT A

Charleston Wipes Settlement
c/o Gilardi & Co. LLC
P.O. Box 43034
Providence, RI 02940-3034

*Commissioners of Public Works of the City of
Charleston (d.b.a. Charleston Water System)
v. Costco Wholesale Corporation, CVS Health
Corporation, Kimberly-Clark Corporation,
The Procter & Gamble Company, Target
Corporation, Walgreens Boots Alliance, Inc.
and Wal-Mart, Inc.*

COURT APPROVED
LEGAL NOTICE

CASE NO. 2:21-CV-00042 (D.S.C.)

A FEDERAL COURT HAS
AUTHORIZED THIS NOTICE.

THIS IS NOT A SOLICITATION
FROM A LAWYER.

WWW.CHARLESTONWIPESSETTLEMENT.COM

«3of9 barcode »

«BARCODE»

Postal Service: Please do not mark barcode

C4A «Claim Number»

«NAME_1A» «NAME_1B»

«NAME_2A» «NAME_2B»

«ADDRESS LINE 1» «ADDRESS LINE 2»

«CITY», «STATE»«PROVINCE» «POSTALCODE»

«COUNTRY»

C4A

United States District Court for the District of South Carolina, Charleston Division

IF YOU ARE A SEWAGE TREATMENT SYSTEM OPERATOR IN THE UNITED STATES WHOSE SYSTEM WAS IN OPERATION BETWEEN JANUARY 6, 2018 AND OCTOBER 4, 2021, A CLASS ACTION SETTLEMENT MAY AFFECT YOUR RIGHTS.

*A federal court authorized this Notice. You are not being sued.
This is not a solicitation from a lawyer.*

A proposed settlement (“Settlement”) has been reached in the above class action with Defendant Kimberly-Clark Corporation (“Kimberly-Clark”) limited to claims against Kimberly-Clark. The action challenges the manufacturing, design, marketing and/or sale of multiple Defendants’ flushable wipes.¹ Kimberly-Clark denies the allegations about its flushable wipes and there has been no finding of liability against Kimberly-Clark. Kimberly-Clark has agreed to the Settlement to avoid the uncertainties and expenses associated with continuing the case.

WHO IS IN THE SETTLEMENT CLASS?

If you own[ed] or operate[d] a sewage or wastewater conveyance and treatment plant, such as a municipality, authority or wastewater district in the United States whose system was in operation between January 6, 2018 and October 4, 2021, you are part of the Settlement Class.

The Court-certified Settlement Class is defined as “All STP (Sewage Treatment Plant) Operators in the United States whose systems were in operation between January 6, 2018 and the date of preliminary approval.”

WHAT DOES THE SETTLEMENT WITH KIMBERLY-CLARK PROVIDE?

Kimberly-Clark has agreed to implement certain modifications to its business practices and the Settling Parties have made certain representations and commitments with respect to the flushable wipes Product, Kimberly-Clark’s Cottonelle-branded flushable wipes manufactured in the United States, including any FreshCare or GentlePlus-branded Cottonelle flushable wipes. The details of these business practice modifications are set forth in the Notice which is located at www.charlestonwipessettlement.com.

YOUR RIGHTS AND OPTIONS

Do Nothing. By doing nothing, you will receive the benefits of the Settlement with Kimberly-Clark in the form of business practice modifications described in the Notice. You will automatically receive the benefits of this Settlement.

Object to the Settlement or the request for attorneys’ fees and expenses. You can object to the Settlement and/or Class Counsel’s request for attorneys’ fees and expenses of up to \$600,000.

Should I Hire An Attorney? You do not need to hire your own attorney because Class Counsel is working on your behalf. If you retain an individual attorney, you will need to pay for that attorney.

Final Approval Hearing. The Court will hold the Final Approval Hearing on January 24, 2022 at 10 a.m. at the United States District Court for the District of South Carolina, Charleston Division, J. Waties Waring Judicial Center, 83 Meeting Street, Charleston, South Carolina 29401. You can go to this hearing, but you do not have to. The Court will hear any objections, determine if the Settlement with Kimberly-Clark is fair, and consider Class Counsel’s request for attorneys’ fees and expenses. Class Counsel’s request for fees and expenses will be posted on the Settlement Website after they are filed.

HOW DO I GET MORE INFORMATION?

This Notice is only a summary. For more information, including the Stipulation and other legal documents, visit www.charlestonwipessettlement.com.

**PLEASE DO NOT CALL OR WRITE THE COURT
FOR INFORMATION OR ADVICE.**

¹ The terms of the Settlement are in the Stipulation of Settlement, dated April 21, 2021 (the “Stipulation”), which can be viewed at www.charlestonwipessettlement.com. All capitalized terms not defined in this Notice have the same meanings as in the Stipulation.

EXHIBIT B



If you are a Sewage Treatment System Operator in the United States whose system was in operation between January 6, 2018 and October 4, 2021, a class action settlement may affect your rights.

October 25, 2021 03:45 PM Eastern Daylight Time

MELVILLE, N.Y.--(BUSINESS WIRE)--Robbins Geller Rudman & Dowd LLP and AquaLaw PLC announce that a proposed settlement (“Settlement”) has been reached in a class action with Kimberly-Clark Corporation (“Kimberly-Clark”) about the manufacturing, design, marketing and/or sale of multiple Defendants’ flushable wipes.¹ Kimberly-Clark denies the allegations about its flushable wipes and there has been no finding of liability against Kimberly-Clark. Kimberly-Clark has agreed to the Settlement to avoid the uncertainties and expenses associated with continuing the case.

You are part of the Settlement Class if you own[ed] or operate[d] a sewage or wastewater conveyance and treatment plant, such as a municipality, authority or wastewater district in the United States whose system was in operation between January 6, 2018 and October 4, 2021.

To settle the lawsuit, Kimberly-Clark has agreed to implement certain modifications to its business practices and the Settling Parties have made certain representations and commitments with respect to the flushable wipes Product, Kimberly-Clark’s Cottonelle-branded flushable wipes manufactured in the United States, including any FreshCare or GentlePlus-branded Cottonelle flushable wipes. The details of these business practice modifications are set forth in the Notice which is located at www.charlestonwipesettlement.com.

If you are part of the Settlement Class, you will automatically receive the benefits of this Settlement. You may also object to the Settlement and/or Class Counsel’s request for attorneys’ fees and expenses of up to \$600,000. You may retain and pay for an individual attorney, but you do not need to because Class Counsel is working on your behalf.

For more information, including the Stipulation and other legal documents, visit www.charlestonwipesettlement.com.

¹ The terms of the Settlement are in the Stipulation of Settlement, dated April 21, 2021 (the “Stipulation”), which can be viewed at www.charlestonwipesettlement.com. All capitalized terms not defined in this Notice have the same meanings as in the Stipulation.

Declaration of Publication

I, Carla Peak, as Vice President, Legal Notification Services at Gilardi & Co. LLC, a KCC Class Action Services Company in San Rafael, California, hereby certify that I caused the attached notice to be published as a press release by the following wire service:

Name of Publication: BusinessWire

Address: 101 California Street 20th Floor

City, State, Zip San Francisco, CA 94111

Phone #: 415-986-4422

State of: California

The press release was distributed on October 25, 2021 to the following media circuits offered by the above-referenced wire service:

1. US1 National Newsline

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 25th day of October 2021, at Sellersville, Pennsylvania.



Carla Peak
Carla Peak