

**23<sup>rd</sup> JUDICIAL DISTRICT COURT  
PARISH OF ASCENSION  
STATE OF LOUISIANA**

**DOCKET NO. 82,488**

**DIVISION: "D"**

**TODD EVERETT BAUMANN**

**Versus**

**D&J FILL, INC, DUANE RODOSTA,  
ACE ENTERPRISES, CARLTON R. JONES,  
and EVEREST INDEMNITY INSURANCE COMPANY**

**NOTICE OF PENDENCY OF CLASS ACTION AND OF RIGHTS OF CLASS MEMBERS**

**TO: (1) All persons maintaining a place of business or residing within the geographic boundary indicated on the map introduced into evidence at the certification hearing between February 1, 2005 and the present date; (2) and who have sustained legally cognizable damages arising or resulting from the release of odors and/or fumes into the community from the activities at the D&J Fill facility; and (3) who reside within 2.0 miles from the D&J Fill facility located at LA Highway 928 (Bluff Road) in Prairieville, Louisiana as evidenced on the map, including those persons residing in the subdivisions of Fountain Hill, Spanish Oaks, Lake at Manchac, Manchac Place, Manchac Plantation, Seven Oaks, and Bluff Oaks; and (4) motorists on Interstate 10 within 2.0 miles of the D&J Fill facility as evidenced on the map.**

Notice is given to you that Todd Everett Baumann has filed a suit in the Twenty Third Judicial District Court, Parish of Ascension, State of Louisiana, on behalf of himself and all members of the class addressed in this notice.

By judgment dated January 31, 2007, the Court in this action determined that the action should be maintained as a class action. Additionally, the Court entered an order directing the giving of this Notice to class members.

Notice is hereby given as follows:

1. Plaintiff's petition alleges violations of Louisiana state law on the part of the Defendants that he contends caused damage to the class, for which recovery is sought, and continues to cause damage to the class for the foreseeable future by emitting fumes and odors from the D&J Fill site causing the Plaintiff to become ill and/or causing him serious or material discomfort. The Defendants have denied any wrongdoing, and have denied any liability to Plaintiff or any members of the class. This Notice is not to be construed as an expression of any opinion by the Court, or the parties, with respect to the merits of the original claim or the defenses of the parties. This Notice, and the attached "Exclusion Request" are merely to advise you of the pendency of the action and the rights which you have with respect to it.
2. The Court will exclude any member of the class to whom this notice is addressed upon written request for such exclusion on the attached form, postmarked on or before September 20, 2007. Persons who request exclusion will not be entitled to share in the benefits of any judgment if it is favorable to Plaintiff, and will not be bound by any judgment if it is adverse to Plaintiff. All requests for exclusion should be mailed by first class mail or delivered to D&J EXCLUSION, 17405 PERKINS ROAD, BATON ROUGE, LA. 70810. A form for this purpose appears on this web site and was part of each of these Notices given to class members. All class members who fail to return the exclusion form in the manner and within the time specified above will automatically be included in this action as members of the class represented by Plaintiff.
3. All members of the class who do not request exclusion as prescribed in the preceding paragraph, and who are therefore deemed to have elected to participate in this action, will be entitled to the benefits of any judgment favorable to the class or in any settlement of their claims, after deduction of attorney fees and disbursements, but they will also be bound by any judgment

unfavorable to the class. Included class members will also be subject to the orders of the Court and notices subsequently given in this action with reference to the furnishing of statements, the filing of proofs of claim, and other matters of that nature.

4. If any class member does not desire to be excluded but does wish to appear in his or her own behalf, such class member may enter an appearance through counsel of his or her own choosing at his or her own expense. All members who do not request exclusion or who do not enter an appearance through counsel of their own choosing will be represented by Plaintiff through his counsel.

5. Counsel for Plaintiff and for the members of the class included in this action are Stephen M. Irving, Steve Irving, LLC, 111 Founders Drive, Suite 700, Baton Rouge, Louisiana 70810, telephone (225) 752-2688; Vincent J. Sotile, Jr., Sotile Law Firm, 38089 Post Office Road, Suite 13, Prairieville, Louisiana 70769, telephone (225) 677-5500; Kenneth H. Hooks, III and Richard J. Dodson, Dodson, Hooks & Frederick, 17405 Perkins Road, Baton Rouge, Louisiana 70810, telephone (225) 756-0222. All communications and questions concerning this Notice should be sent to such attorneys and should not be addressed to the Clerk of Court or the Judge's staff.

6. The pleadings and other papers filed in this action are available for inspection in the office of the Clerk of Court, 785 East Worthey Street, Gonzales, LA 70737

**PRINT AND CUT FORM HERE**

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**REQUEST TO BE EXCLUDED FROM CLASS OF PLAINTIFFS**

**TO: D&J EXCLUSION  
17405 Perkins Road  
Baton Rouge, LA 70810**

**Re. SUIT NO. 82,488 DIVISION "D"**

Please note that I, \_\_\_\_\_ [your full name],  
whose Social Security number is \_\_\_\_\_ of  
\_\_\_\_\_ [address], \_\_\_\_\_ [city],  
\_\_\_\_\_ [state], \_\_\_\_\_ [zip code], requests to be excluded from the class of plaintiffs in this  
action, as permitted by notice of the Court to class members dated \_\_\_\_\_, 2007. This  
requested dated the \_\_\_\_\_ day of \_\_\_\_\_, 2007.

**By completing and timely returning this form, I elect to be excluded from the class  
and will not be bound by any further orders or judgments of the Court in this matter.**

**This Form may be copied and the copies used and signed by each member of your  
household who elects to be Excluded from the Class.**

\_\_\_\_\_  
**Signature of Requesting Party**