

Notice of Proposed Class Action Settlement

Webb, et al. v. CSX Transportation, Inc., Case No. 6:23-cv-00211-REW

(United States District Court for the Eastern District of Kentucky)

If you were residing or owned residential real property on November 22, 2023 within a three-mile radius centered on the CSXT train derailment site in Rockcastle County, Kentucky, you may be entitled to a cash payment from a proposed class action settlement.

A federal court authorized this Notice. This is not a solicitation from a lawyer. Your legal rights are affected whether you act or do not act. Please read this Notice carefully.

- A \$1,500,000 settlement has been reached in a class action lawsuit filed against CSX Transportation, Inc. (“CSXT”). The lawsuit asserts claims on behalf of a proposed class against CSXT to recover for alleged personal harm and property damage as a result of the November 22, 2023 derailment of a train operated by CSXT traveling near the town of Livingston in Rockcastle County, Kentucky (the “Derailment”). CSXT denies these allegations, denies any wrongdoing in connection with the Derailment, and is settling this lawsuit to avoid further litigation. The Court has not decided who is right.
- If you were residing or owned residential real property on November 22, 2023 within a three-mile radius centered on the CSXT train derailment site in Rockcastle County, Kentucky, you may be eligible for a cash payment. Cash payments will be shares of the Net Settlement Fund of up to \$4,000 for each residential Household and property owner, subject to an offset for monies previously received from CSXT following the Derailment.
- Definitions for terms used in this Notice can be found in this Notice and in the Settlement Agreement available at **www.LivingstonDerailmentSettlement.com**.
- Your legal rights are affected whether or not you act. ***Please read this Notice carefully.***

YOUR RIGHTS AND CHOICES		DEADLINE
Prove Eligibility	To participate, claimants are required to demonstrate residency and/or real property ownership in the Class Area by producing a copy of a utility bill, driver’s license, lease, real property tax assessment invoice, voter registration, or similar official documentation that contains the name and address of the claimant. To do so, visit www.LivingstonDerailmentSettlement.com or call 1-833-421-7340.	Provide Your Eligibility by: October 19, 2026
Provide Your Preferred Form of Payment or Update	Submit a request that your cash payment be sent to a different address or by Venmo or pre-paid Mastercard at www.LivingstonDerailmentSettlement.com .	Provide Your Preferred Form of Payment or Update Your Address by: February 23, 2027 (forty-five (45) days after the Effective Date)

Questions? Call 1-833-421-7340, or Visit www.LivingstonDerailmentSettlement.com

Your Address		
Exclude Yourself (Opt Out)	Get no cash payment but keep any right you may have to file your own lawsuit against CSXT about the legal claims in this lawsuit.	Request Exclusion by: October 5, 2026 (ninety-five (95) days after entry of the Preliminary Approval)
Object to the Settlement	Tell the Court why you do not like the proposed Settlement. If the Settlement is approved, you will still be bound by the Settlement, and you may still receive a cash payment if you file a claim.	File an Objection by: October 5, 2026 (ninety-five (95) days after entry of the Preliminary Approval)
Attend the Final Approval Hearing	You may ask the Court for permission for you or your attorney to speak about your objection at the Final Approval Hearing.	The Final Approval Hearing is December 9, 2026 .

- These rights and options—**and the deadlines to exercise them**—are explained in this Notice.
- The Court in charge of this lawsuit still has to decide whether to approve the Settlement. The Settlement is referred to in this Notice as both “the Settlement” and “the “proposed Settlement” for this reason.
- Cash payments will be sent to Settlement Class Members if the Court approves the Settlement and after any appeals are resolved. Please be patient.

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BASIC INFORMATION

1. Why should I read this Notice?

A Court has preliminarily established, or “certified,” this lawsuit as a class action for purposes of settlement.

This Notice explains the class action lawsuit, the proposed Settlement, your legal rights, what benefits are available, who is eligible for the benefits, and how to get the benefits. If you are a Settlement Class Member, you have legal rights and options before the Court decides whether to give final approval to the proposed Settlement. This Notice explains all of these things. For the precise terms and conditions of the proposed Settlement, please review the Settlement Agreement, available at www.LivingstonDerailmentSettlement.com.

The Court in charge of this lawsuit is the United States District Court for the Eastern District of Kentucky. The lawsuit is known as *Webb, et al. v. CSX Transportation, Inc.*, Case No. 6:23-cv 00211-REW.

2. What is this lawsuit about?

The lawsuit asserts claims on behalf of a proposed class against CSXT to recover for alleged personal harm and property damage as a result of the November 22, 2023 derailment of a train operated by CSXT traveling near the town of Livingston in Rockcastle County, Kentucky (the “Derailment”). CSXT denies these allegations, denies any wrongdoing in connection with the Derailment, and is settling this lawsuit to avoid further litigation. The Court has not decided who is right.

3. What is a class action?

In a class action lawsuit, one or more persons or entities sue on behalf of other persons who have similar claims. The people together are a “Settlement Class” or “Settlement Class Members.” In this lawsuit, the people who sued are called the “Class Representatives.” The entity the Class Representatives are suing, CSX Transportation Inc. or CSXT, is called the “Defendant.” One court resolves the issues for everyone in the Settlement Class, except for those people who choose to exclude themselves (opt out) from the Settlement Class.

4. Why is there a Settlement?

The Court has not decided in favor of the Class Representatives or CSXT. Instead, both sides agreed to a Settlement. By agreeing to settle, both sides avoid the cost and risk of a trial, and all Settlement Class Members as defined in this Notice and in the Settlement Agreement who file valid and timely claims on behalf of their Household will receive a cash payment. The Class Representatives and Class Counsel believe the Settlement is best for the Settlement Class and represents a fair, reasonable, and adequate resolution of the lawsuit.

CSXT denies the claims in the lawsuit; denies all allegations of wrongdoing, fault, liability, or damage to the Class Representatives and the Settlement Class; and denies that it acted improperly or wrongfully in any way. CSXT nevertheless recognizes the expense and time that would be required to defend the lawsuit through trial and has taken this into account in agreeing to this Settlement.

WHO IS IN THE SETTLEMENT?

To see if you are eligible for benefits, you first have to determine if you are a Settlement Class Member.

5. Am I part of the Settlement?

You are a Settlement Class Member if you resided or owned residential real property on November 22, 2023 within a three-mile radius centered on the CSXT train derailment site in Rockcastle County, Kentucky. A Settlement Class Member who asks to be excluded from the Settlement, as described in Number 13 below, is no longer a Settlement Class Member.

Excluded from the Settlement Class are (i) CSXT; (ii) Class Counsel; (iii) the Judge presiding over the Action; (iv) current employees of CSXT; and (v) all persons who properly execute and file a timely opt-out request to be excluded from the Settlement Class.

If you are unsure whether you are included, you can call or email the Claims Administrator at 1-833-421-7340 or info@LivingstonDerailmentSettlement.com.

THE SETTLEMENT BENEFITS – WHAT YOU GET

6. What does the Settlement provide?

The \$1,500,000.00 Settlement Amount will provide cash payments to all Settlement Class Members. Notice and administration costs, attorneys' fees and expenses, and an award to the Class Representatives will also be paid out of the Settlement Amount, if approved by the Court.

7. What can I get from the Settlement?

Cash Payment: If you are a Settlement Class Member, you are eligible to receive a cash payment. Each residential Household and property owner shall be eligible for a payment of up to \$4,000, subject to an offset for monies previously received from CSXT following the Derailment.

If residual monies remain in the Settlement Fund after all valid claims have been paid, each valid claim may be increased on a pro rata basis to a maximum of \$6,000 per Household claim provided, however, that no Household shall under this Settlement Agreement receive more than a maximum of \$6,000 per Household claim, other than as provided for the Settlement Class Representatives. If residual monies remain in the Settlement Fund after the pro rata increase, the Parties will agree upon an appropriate *cy pres* recipient to present to the Court for approval.

HOW TO GET BENEFITS FROM THE SETTLEMENT

8. How can I get my cash payment?

In order to receive payment, each Settlement Class Member must submit appropriate proof of residency and/or real property ownership in the Class Area by producing a copy of a utility bill, driver's license, lease, real property tax assessment invoice, voter registration, or similar official documentation that contains the name and address of the claimant. To do so, visit www.LivingstonDerailmentSettlement.com or call 1-833-421-7340.

Questions? Call 1-833-421-7340, or Visit www.LivingstonDerailmentSettlement.com

If you wish to receive your cash payment at different address or in a format (either by Venmo or a pre-paid Mastercard) other than paper check, you must submit your updated address and/or preferred form of payment at www.LivingstonDerailmentSettlement.com by **February 23, 2027**.

9. When will I receive my cash payment?

The Court will hold a hearing on **December 9, 2026, at 10:00 a.m.** (which is subject to change), to decide whether to finally approve the proposed Settlement. Even if the Court finally approves the proposed Settlement, there may be appeals. The appeal process can take time, perhaps more than a year. You will not receive a cash payment until any appeals are resolved. Please be patient.

10. What am I giving up to receive these Settlement benefits?

Unless you exclude yourself (opt out) from the Settlement Class by timely submitting a request for exclusion from the Settlement Class, you will remain in the Settlement Class, and that means you cannot sue, continue to sue or be part of any other lawsuit against CSXT about all claims that were brought or could have been brought in the Action, including without limitation all claims for medical monitoring whether as a cause of action or as a form or relief, all claims for bodily or personal injury, all claims for property damage or diminution in property value, all claims for emotional distress or inconvenience, and all claims for wrongful death or survivorship. This is known as a release. The Release is defined and detailed in the Settlement Agreement, which is available at www.LivingstonDerailmentSettlement.com. It also means that all of the Court's orders in this lawsuit regarding the Settlement will apply to you and legally bind you.

THE LAWYERS REPRESENTING YOU

11. Do I have lawyers in this lawsuit?

The Court has appointed attorneys from the law firm Morgan & Morgan to represent you and the other Settlement Class Members. The lawyers are called Class Counsel. They are experienced in handling similar class action lawsuits. You will not be charged for these lawyers' services. If you want to be represented by your own lawyer, you may hire one at your own expense.

You may contact Class Counsel if you have any questions about this Notice or the Settlement. ***Please do not contact the Court.***

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12. How will the lawyers be paid?

Questions? Call 1-833-421-7340, or Visit www.LivingstonDerailmentSettlement.com

Class Counsel will ask the Court for an award of attorneys' fees from the \$1,500,000 Settlement Fund, and in addition to fees, will seek reimbursement of litigation expenses incurred through the Effective Date. Any award of attorneys' fees and costs will be paid from the Settlement Amount. Class Counsel will also ask the Court for an award of no more than \$15,000 each for the three Class Representatives. The purpose of the Class Representative Award is to compensate the Class Representatives for their time, efforts, and risks taken on behalf of the Settlement Class. Any Class Representative Award payment to the Class Representatives will be paid from the Settlement Amount. The Court may award less than these amounts. Class Counsel's Motion for attorneys' fees and expenses will be available at www.LivingstonDerailmentSettlement.com once it has been filed.

YOUR RIGHTS – EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do *not* want a cash payment and want to keep the right to sue or continue to sue CSXT on your own about the legal issues in this lawsuit, then you must take steps to exclude yourself from the Settlement (get out of the Settlement). This is called “excluding yourself”—or is sometimes referred to as “opting out” of the settlement class.

13. How do I exclude myself from the Settlement?

To exclude yourself from the Settlement, you must send a written “request for exclusion” that includes the following:

- A statement requesting exclusion from the Settlement Class;
- A personal signature from you, the Settlement Class Member; and
- Your name, address, telephone number, email address, and the caption of the lawsuit.

Your request for exclusion must be mailed via U.S. Mail, **postmarked by October 5, 2026**, to:

CSXT Livingston Derailment Settlement
c/o Claims Administrator
P.O. Box 25226
Santa Ana, CA, 92799

Only individual requests for exclusion are allowed. You may not submit a request to exclude other Settlement Class Members from the Settlement Class; however, if one member of the Household opts out of the Class Settlement, that opt-out is effective as to all family members residing at that property but shall not affect the claims of non-familial individuals residing at the property.

If you do not follow these procedures and deadlines, you will remain a Settlement Class Member and lose any opportunity to exclude yourself from the Settlement. This means that your rights will be determined in this lawsuit by the Settlement Agreement if it receives final approval from the Court.

14. If I exclude myself, can I get anything from this Settlement?

No. If you exclude yourself, you cannot receive a cash payment. However, you may sue, continue to sue, or be part of a different lawsuit against CSXT related to the Derailment.

YOUR RIGHTS – OBJECTING TO THE SETTLEMENT

You can tell the Court that you do not agree with the Settlement or some part of it.

15. How do I tell the Court that I do not like the Settlement?

If you are a Settlement Class Member, you can object to the Settlement if you do not like any part of it. You can give reasons why you think the Court should not approve it. The Court will consider your views. You cannot ask the Court for a different settlement; the Court can only approve or reject the Settlement. If the Court does not approve the Settlement, no cash payments will be sent out, and the lawsuit will continue.

To object, you must file a written objection with the Court, which includes the following information:

- A statement confirming that you are a Settlement Class Member;
- Your name, address, email address, and telephone number;
- A personal signature from you, the Settlement Class Member;
- A statement that identifies the substance of all objections, provides whether each objection applies only to the objector, to a subset of the Settlement Class, or to the entire Settlement Class, and provides the specific reasons for all objections, including any legal arguments and evidentiary support (including copies of any documents relied upon); and
- A statement whether the objector intends to appear and seek to be heard at the Final Approval Hearing, with or without counsel.

You must file your objection with the Clerk of Court such that it is postmarked by **October 5, 2026** (or through the Court's electronic case filing system by **October 5, 2026** if you are represented by a lawyer). Your objection (including all documents you rely upon) also must be sent concurrently by mail, hand or overnight delivery service to the Claims Administrator at the address below:

Claims Administrator
CSXT Livingston Derailment Settlement P.O. Box 25226 Santa Ana, CA, 92799

If you file a timely objection, it will be considered by the Court at the Final Approval Hearing. You do not need to attend the Final Approval Hearing for the Court to consider your objection.

16. What is the difference between objecting and asking to be excluded?

Objecting is telling the Court that you do not like something about the Settlement and do not want the Court to approve the Settlement. You can object only if you stay in the Settlement Class. Excluding yourself is telling the Court that you do not want to be part of the Settlement Class. If you exclude yourself, you have no basis to object because you are no longer part of the lawsuit.

YOUR RIGHTS – APPEARING AT THE FINAL APPROVAL HEARING

The Court will hold a Final Approval Hearing to decide whether to approve the Settlement. You may attend and you may ask to speak, but you do not have to.

17. When and where will the Court decide whether to approve the Settlement?

The Court will hold a Final Approval Hearing at **10:00 a.m. on December 9, 2026**, at the United States District Court for the Eastern District of Kentucky, 310 S Main Street, London, Kentucky 40741 in Courtroom A.

At the hearing, the Court will hear any comments, objections, and arguments concerning the fairness of the proposed Settlement, including the amount requested by Class Counsel for attorneys' fees and expenses. If there are objections, the Court will consider them. You do not need to attend this hearing. You also do not need to attend to have an objection considered by the Court. After the hearing, the Court will decide whether to approve the Settlement and award the amount requested by Class Counsel for attorneys' fees and expenses and for the Class Representative Award. We do not know how long these decisions will take.

Note: The date and time of the Final Approval Hearing are subject to change by Court order. Any change will be posted at www.LivingstonDerailmentSettlement.com. You should check the website to confirm that the date and/or time have not changed.

18. Do I have to attend the Final Approval Hearing?

No. Class Counsel will answer all questions the Judge may have. However, you are welcome to attend the hearing at your own expense. If you submit an objection, you do not have to attend the hearing to talk about your objection. As long as you postmarked your written objection by the deadline (or filed it through the Court's electronic case filing system by the deadline), the Judge will consider it. You may also pay your own lawyer to attend, but it is not necessary.

19. May I speak at the Final Approval Hearing?

If you wish to appear at the Final Approval Hearing and orally present your objection to the Court, your written objection must include your statement of intent to appear at the Final Approval Hearing. The Court will decide whether you will be heard orally.

YOUR RIGHTS

20. What happens if I do nothing at all?

If you do nothing, you will not receive any benefits from this Settlement and you will be bound by the terms of the Settlement Agreement and Release if it is approved and becomes final. This means you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against CSXT or the Released Parties about the issues related to the Derailment resolved by this Settlement and released by the Settlement Agreement, INCLUDING ANY CLAIMS FOR BODILY OR PERSONAL INJURY.

Questions? Call 1-833-421-7340, or Visit www.LivingstonDerailmentSettlement.com

GETTING MORE INFORMATION

21. Are there more details about the Settlement?

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement at www.LivingstonDerailmentSettlement.com, or by contacting Class Counsel (see contact information in Question 11).

22. How do I get more information?

You can call toll-free 1-833-421-7340, write to info@LivingstonDerailmentSettlement.com; or go to www.LivingstonDerailmentSettlement.com, where you will find answers to common questions about the Settlement, motions for approval of the Settlement and Class Counsel's request for attorneys' fees and expenses (once it is filed), and other important documents in the lawsuit.

You may also contact Class Counsel.

**PLEASE DO NOT TELEPHONE THE COURT OR THE COURT'S CLERK OFFICE TO
INQUIRE ABOUT THIS SETTLEMENT**