

**STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
WINNEBAGO COUNTY**

****ELECTRONICALLY FILED****
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CASE NO: 2021-L-0000162
DATE: 6/27/2025 1:00 PM
BY: L G, DEPUTY

**CHARLES K. GRASLEY, PAIGE
HOOPS, DIANE CONNELLY, AND ERIC
OSBERG**, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

**CHEMTOOL INCORPORATED and
HOLIAN INSULATION COMPANY,
INC.,**

Defendants.

CASE NO. 2021-L-0000162

**ORDER GRANTING JOINT MOTION FOR PRELIMINARY APPROVAL
OF PROPOSED CLASS ACTION SETTLEMENT, CERTIFICATION OF
SETTLEMENT CLASS, APPOINTMENT OF CLASS REPRESENTATIVES,
APPOINTMENT OF CLASS COUNSEL, APPROVAL OF SETTLEMENT
ADMINISTRATOR, ESCROW AGENT, ESCROW AGREEMENT, AND
ESTABLISHMENT OF ESCROW ACCOUNT AS A
QUALIFIED SETTLEMENT FUND, DIRECTING CLASS NOTICE,
AND SCHEDULING FINAL APPROVAL HEARING**

This matter comes before the Court on the Joint Motion of Plaintiffs Charles Grasley, Diane Connelly, Paige Hoops, and Eric Osberg (“Plaintiffs”) and Defendant Holian Insulation Company, Inc. (“Holian”) (collectively “Settling Parties”) for an Order Granting Preliminary Approval of Proposed Class Action Settlement, Certification of Settlement Class, Appointment of Class Representatives, Appointment of Class Counsel, Approval of Settlement Administrator, Escrow Agent, Escrow Agreement, and Establishment of Escrow Account as a Qualified Settlement Fund, Directing Class Notice, and Scheduling Final Approval Hearing (hereafter “Preliminary Approval Motion” or “Motion”). On June 27, 2025, the Court heard argument on the Motion.

Having reviewed the Motion, considered the argument of the Parties at the June 27, 2025 hearing, and considered the record in this case, it is hereby ORDERED that:

1. The Motion is Granted.
2. The Settlement Agreement attached as Exhibit 1 to the Motion is preliminarily approved.
3. The Court certifies the following Class for purposes of settlement:

All current Illinois citizens who were, on June 14, 2021, owners or tenants of property located in Illinois within a three-mile radius of the Chemtool Chemical Plant located at 1165 Prairie Hill Road, Rockton, Illinois, 61072
4. Holian, any entities in which Holian has a controlling interest, any of Holian's officers, directors, or employees as of June 23, 2021, any of Holian's legal representatives, heirs, successors, and assigns, and anyone employed with Plaintiffs' counsel's firms, and any Judge to whom this case is assigned and his or her immediate family are excluded from the Class.
5. The Court appoints Named Plaintiffs Charles Grasley, Diane Connelly, Paige Hoops, and Eric Osberg as representatives of the Class.
6. The Court appoints the following attorneys as counsel for the Class ("Class Counsel"):
 - a. Robert M. Foote of Foote, Mielke, Chavez & O'Neill, LLC, Robert S. Libman of Miner, Barnhill & Galland, P.C., and Daniel R. Flynn of DiCello Levitt Gutzler LLC are hereby appointed as Co-Lead Counsel for the Class ("Co-Lead Class Counsel");
 - b. Marc C. Gravino of Williams McCarathy LLP is hereby appointed as Liaison Counsel for the Class ("Class Liaison Counsel");
 - c. Kathleen Chavez of Foote, Mielke, Chavez & O'Neill LLC, Deanna N. Pihos of Miner, Barnhill & Galland, PC., Edward J. Manzke of the Collins Law Firm, P.C., and Steven Hart of Hart McLaughlin & Eldridge, LLC are

hereby appointed to the Plaintiffs' Steering Committee for the Class ("PSC") as an aid to Co-Lead Class Counsel;

- d. Co-Lead Class Counsel, Class Liaison Counsel, and counsel appointed to the PSC shall have the same authority, duties, and responsibilities as Co-Lead Class Counsel, Class Liaison Counsel, and counsel appointed to the PSC for the class this Court certified as to Defendant Chemtool, as reflected in this Court's Orders of July 20, 2021 and November 4, 2022, and this Court's oral rulings at the October 27, 2022 hearing regarding certification of that class.
7. The Court approves Analytics Consulting LLC as the Settlement Administrator to carry out the responsibilities, duties, and functions described in the Settlement Agreement.
8. The Court approves The Huntington Bank to serve as the Escrow Agent to carry out the responsibilities, duties, and functions described in the Settlement Agreement.
9. The Court approves the Escrow Agreement attached as Exhibit B to the Motion and approves the establishment of the Escrow Account described in the Escrow Agreement as a qualified settlement fund within the meaning of Tres. Reg. § 1.468B-1.
10. The Court approves the form and contents of the Claim Form, Notice of Settlement, and Publication Notice, attached as Exhibits 1, 2, and 3 to the Settlement Agreement.
11. The Court approves the dissemination of notice to the Class in the manner and timing described in Section V of the Settlement Agreement. Accordingly, the Notice Date as defined in Section 3.23 of the Settlement Agreement is thirty (30) calendar days after entry of this Order, *i.e.*, July 28, 2025.

12. The Court finds that the proposed Notice of Settlement: (a) constitutes the best practicable notice under the circumstances, (b) constitutes notice that is reasonably calculated, under the circumstances, to apprise the Class of their rights to opt out of the Class, or to object to the Settlement Agreement and to appear at the Final Approval Hearing, (c) is reasonable and constitutes due, adequate and sufficient notice to all Persons entitled to receive notice, and (e) fulfills the requirements of 735 ILCS 5/2-801, *et seq.*, due process, and the rules of the Court.
13. The Court finds that Class Members shall be afforded the opportunity to opt out of the Class pursuant to the following procedure:
- a. The Class Member must send a first-class mail letter setting forth the Class Member's name, present mailing address, telephone number, and email address, and a statement that the Class Member wishes to opt of the Class, postmarked no later than forty-five (45) calendar days after the Notice Date described *supra* at Paragraph 11 of this Order, *i.e.*, on or before September 11, 2025 ("Opt Out Deadline") to Class Counsel at the following address:

Analytics Consulting LLC
Holian Class Action Settlement Administrator
P.O. Box 2009
Chanhassen, MN 55317-2009
 - b. Any Class Member who fails to comply with the procedures and requirements of this Paragraph shall be deemed to have waived his or her right to opt out of the Class and will therefor remain, and be included, in the Class.
14. The Court approves the Plan of Distribution for Settlement Payments to Class Members who filed Approved Claims as described in Section 9.7 of the Settlement Agreement.
15. Any Class Member who wishes to seek a Settlement Payment must submit a Claim Form no later than seventy-five (75) calendar days after the Notice Date described *supra* at Paragraph 11 of this Order, *i.e.*, October 13, 2025.

16. The Court finds that Class Members shall be afforded the opportunity to object to the final approval of the Settlement Agreement pursuant to the following procedure:

- a. The objection must be in writing and must set forth the reasons therefore, and a statement whether the Class Member intends to appear at the Final Approval Hearing.
- b. The objection must identify any witnesses intended to be called, the subject area of the witnesses' testimony, and all documents to be used or offered into evidence at the Final Approval Hearing.
- c. Any Class Members filing an objection shall respond to discovery requests related to the objection within seven (7) calendar days of service of such requests and shall appear for deposition related to the objection within seven (7) calendar days of service of notice of deposition.
- d. The objection must be signed by the objecting Class Member and by his/her/its counsel, if any; an objection signed by counsel alone shall not be sufficient.
- e. The objection must contain the *Grasley* caption and include the name, mailing address, e-mail address (if any), and telephone number of the objecting Class Member.
- f. The objection must be sent via first-class mail to the following addresses and must be postmarked forty-five (45) calendar days after the Notice Date described *supra* at Paragraph 11 of this Order, *i.e.*, on or before September 11, 2025 ("Objection Deadline"):

Analytics Consulting LLC
Holian Class Action Settlement Administrator
P.O. Box 2009
Chanhassen, MN 55317-2009

Andrew C. Seiber
Amundsen Davis, LLC
150 North Michigan Avenue, Suite 3300
Chicago, IL 60601

- g. Failure to timely and fully comply with these procedures shall result in the invalidity and dismissal of any objection. No Class Member or his/her/its counsel shall be entitled to be heard at the Final Approval Hearing (whether individually or through the objector's counsel), or to object to the Settlement, and no written objections or briefs submitted by any Class Member shall be received or considered by the Court at the Final Approval

Hearing, unless written notice of the Class Member's objection and supporting materials have been submitted according to the procedures above.

- h. Class Counsel must file all objections which conform to these requirements with the Court no later than twenty-one (21) calendar days prior to the Final Approval Hearing described *infra* at Paragraph 19 of this Order.

Any Class Member who fails to file and serve timely written objections in accordance with this Paragraph shall be deemed to have waived any objections and shall be foreclosed from making any objection (whether by appeal or otherwise) to the Settlement or its approval.

- 17. Class Counsel shall file an application for Fee Award no later than twenty-one (21) calendar days before the date of the Final Approval Hearing described *infra* at Paragraph 19 of this Order, *i.e.*, on or before October 2, 2025. Any response to the application shall be filed no later than fourteen (14) calendar days before the date of the Final Approval Hearing described *infra* at Paragraph 19 of this Order, *i.e.*, on or before October 9, 2025.
- 18. The Settling Parties shall file a joint motion for final approval of the Settlement Agreement no later than twenty-one (21) calendar days before the date of the Final Approval Hearing described *infra* at Paragraph 19 of this Order, *i.e.*, on or before October 2, 2025. Any response to the motion shall be filed no later than fourteen (14) calendar days before the date of the Final Approval Hearing described *infra* at Paragraph 19 of this Order, *i.e.*, on or before October 9, 2025.
- 19. The Court shall hold a Final Approval Hearing on October 23, 2025 at 1:30 p.m. in Courtroom 3 of the Boone County Courthouse at 601 N. Main Street, Belvidere, IL 61008, to consider the following:
 - a. Objections to the Settlement Agreement;
 - b. The fairness, reasonableness, and adequacy of the Settlement Agreement;

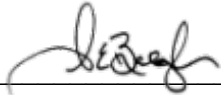
- c. Class Counsel's application for a Fee Award;
- d. The Settling Parties' joint motion for final approval of the Settlement Agreement; and
- e. Whether to enter a Final Approval Order approving this Settlement Agreement and dismissing this case with prejudice.

20. Any Class Member may, but need not, appear at the Final Approval Hearing, either individually or through his/her/its counsel. Any Class Member who intends to appear at the Final Approval Hearing (individually or through his/her/its counsel) must file a written notice of intent to do so with the Court and the Settlement Administrator no later than fourteen (14) calendar days before the date of the Final Approval Hearing described *supra* at Paragraph 19 of this Order, *i.e.*, on or before October 9, 2025.

IT IS SO ORDERED.

DATED: June 27, 2025

BY:



Honorable Stephen E. Balogh