

NOTICE OF CLASS ACTION AND QUESTIONNAIRE

COMMONWEALTH OF MASSACHUSETTS Plymouth Superior Court

KIM DELEO, FRANCIS HAGGERTY, and EARL CORNISH, on behalf of themselves and all others similarly situated, Plaintiffs,

v.

BOUCHARD TRANSPORTATION COMPANY, INC., TUG EVENING TIDE CORPORATION, and B. NO. 120 CORPORATION, Defendants

Civil Action No. PLCV2004-01166-B

A court authorized this notice and the enclosed questionnaire. This is not a solicitation from a lawyer. You are not being sued.

This is a notice of a class action lawsuit concerning a 2003 oil spill in Buzzards Bay. You are receiving this notice because you may be a member of the class. This notice is not a guarantee that you are a member of the class. This notice is to inform you of the case and your right to appear in these proceedings pursuant to Mass.R.Civ.P. 23(d), **and to request your return of the enclosed brief questionnaire within thirty days.**

In a class action, one or more people, called "class representatives" (in this case, Mrs. Kimberly DeLeo, Mr. Frank Haggerty and Mr. Earl Cornish), sue on behalf of people who have similar claims. All of these people together are a "class" or "class members." The resolution of the case, whether it is by settlement or court judgment, resolves the issues for all class members.

The Massachusetts Superior Court for Plymouth County has certified this case as a class action, and the class is defined as including:

All persons who, as of April 27, 2003, had an interest in residential real property located in the Town of Mattapoisett, Massachusetts, which property allegedly was damaged as the result of the negligent operations of the Tug Evening Tide and oil being released or discharged from the barge B-120 into Buzzards Bay, which release or discharge commenced on April 27, 2003, and/or from the subsequent effort to clean-up said release or discharge. Excluded from this class are the defendants, any subsidiary thereof, their officers and directors as well as any judge presiding over this matter at any time and any of the judge's family members.

You are being sent this notice because it appears from documents at the Plymouth County Registry of Deeds that you may fall within the class definition.

Plaintiffs in this case claim that the class members' residential real property was damaged as a result of the oil spill caused when Defendants' barge ran aground in Buzzards Bay, and/or as a result of the subsequent cleanup efforts. Plaintiffs seek money damages and other relief from Defendants for themselves and other members of the class, for alleged damage to their residential real properties and/or their lost use of it. This case does not include any claim for personal injury.

The lawyers representing the class in this case ("Class Counsel") are Martin E. Levin, Esq. and Nora J. Chorover, Esq., Stern, Shapiro, Weissberg & Garin, LLP, 90 Canal Street, Suite 500, Boston, MA 02114, telephone: 617-742-5800 (www.sswg.com/buzzardsbay).

The case is presently awaiting trial. Although you have a right to appear in these proceedings, you are not required to do so at this time. **However, to assist the parties in resolving this case, you are asked to fill out the attached questionnaire and return it within thirty days to Class Counsel in the enclosed self-addressed stamped envelope.** Should you have any questions, please contact Class Counsel at the above address or through the above website. Please do not contact the Court.

3. If you own (or owned) shorefront property or have beach rights as described in Question No. 2, did you own this property on April 27, 2003?

Yes No

4. Have you owned this property since April 27, 2003?

Yes No

5. On or about April 27, 2003, did you observe any oil on your shorefront property or beach? If your answer is "yes," please describe your observations.

6. Do you know of any other individual who, on or about April 27, 2003, observed oil on your shorefront property or beach? If your answer is "yes," please provide the name, address and telephone number of the individual(s).

7. To the extent you or others observed oil on your shorefront property or beach, when did you first observe the oil and when did you last observe the oil? Did you observe the presence of oil continuously throughout this time period? Please describe.

8. Did the oil interfere with your use of your shorefront property or beach? If your answer is "yes," please describe any such interference.

Please sign and date where indicated:

I affirm that I have answered the questions above to the best of my memory.

(Please sign your name on this line)

(Date)

Please return completed questionnaire in the enclosed envelope to:

Stern Shapiro Weissberg & Garin LLP
90 Canal Street, Suite 500
Boston, MA 02114-2022