

## SIGNAL FIVE

(OFFICIAL BULLETIN OF THE OHIO STATE TROOPERS ASSOCIATION)

July 13, , 2005

For Immediate Release

### **TWENTY NINE MILLION DOLLAR SETTLEMENT ANNOUNCED IN CLASS ACTION SUIT AGAINST TOYOBO**

ADVISORY FROM OSTA GENERAL COUNSEL HERSCHEL M. SIGALL

Late yesterday afternoon the District Court of Mayes County, Oklahoma, following a hearing issued an Order Approving Settlement against Toyobo Co., Ltd. and Toyobo America, Inc. valued in excess of \$29,000,000.00 on behalf of over one hundred fifty thousand purchasers of Second Chance Body Armor's high Zylon content ballistic vests. You will recall that approximately two weeks ago we alerted members who had purchased the Second Chance Ultima/Ultimax or Triflex vests to hold on to documentation of any Ultima/Ultimax or Triflex vest purchased from Second Chance since 1998. We have been working closely with the Class Counsel in the class action case against Toyobo filed in Oklahoma and have been briefed on a continuing basis of the progress of the case. Last Wednesday, July 6, 2005, W. Pitts Carr and David Cohen of the Atlanta law firm of Carr, Tabb & Pope flew into Columbus to confer with and personally OSTA on the terms of the Settlement. National Troopers Coalition Chairman Trooper Casey Perry of Wisconsin also flew in to Columbus for the briefing held at the OTC Headquarters.

Following the briefing in Columbus, lead counsel traveled to Sarasota Florida where IUPA AFL-CIO International President Sam Cabral was be briefed on the terms of the settlement. I briefed IUPA General Counsel, Aaron Nisenson earlier on the terms of the preliminary settlement.

Yesterday's Settlement is valued at \$29,000,000.00 and relates to Toyobo and not to Second Chance, although it will be available to Second Chance Ultima/Ultimax and TriFlex purchasers. The courts have stayed the pending actions against Second Chance itself since Second Chance filed for bankruptcy. That includes the case filed by Assistant General Counsel, Elaine Silveira and myself here in Ohio on behalf of many OHP officers.

The Settlement, in part provides that:

**Purchasers and owners of Second Chance vests purchased since 1998 containing Zylon, including the Ultima, Ultimax and TriFlex model will be entitled to:**

- **A cash option to receive a pro rata share of the \$29,000,000.00 Settlement Fund. The amount each officer or agency receives is dependent on the total number of Class Members that participate in the Settlement and submit bona-fide claims. Each Class Member selecting this option is free to use the money received from the Settlement Fund in any manner they choose.**
- **Note that the beginning date of the covered class is 1998. This means that you may not be currently wearing a Second Chance vest but purchased one prior to your current vest. OSTRATreasurer, Wayne McGlone, is today mailing notice to our retired Troopers who retired between 1998 and 2005, of the settlement as it may permit them to claim a proportionate share of the \$29,000.00 settlement.**
- **Earlier class action settlements (ABA and Point Blank) have resulted in approximately 45% of those theoretically eligible to participate in the settlement, actually filing for participation. If 50% of the nationwide estimated 150,000 eligible for participation, those electing to participate will each receive approximately \$400.00.**
- **This settlement is with Toyobo and does not affect our MOU with the OHP that provides an early stipend of \$800.00 for each of our Second Chance vest owners. Any distribution from the Toyobo Settlement will be in addition to the stipend.**

**We will keep you advised of the steps you must take to participate in the settlement distribution after the Preliminary Order of the Court becomes final.**