

# Rourk, Hawes Win King Classic With 46-Pounder

BY DOUG RUTTER  
David Rourk and Ricky Hawes were nervous as cats in a roomful of rocking chairs.

After catching a 46.10-pound king mackerel on the first day of the South Brunswick Islands King Classic fishing tournament, Rourk and Hawes played the waiting game.

They waited all day Saturday and watched Saturday afternoon as boat after boat pulled up to the Holden Beach Marina docks and anglers unloaded fish after fish for weigh-in.

When the dust settled, though, none of the other 138 boats entered in the tournament could match the magnificent king Rourk and Hawes had landed in the early hours of the tournament.

The winning fish was caught Friday morning around 9:30 about 18 miles off Shallotte Inlet at a spot known locally as the "Shark Hole."

Rourk, of Shallotte, and Hawes, of Ash, were fishing on Rourk's boat, *Hot Water*. Including their share of the tournament-within-a-tournament prize money, they won \$20,895.

"You just can't imagine the feeling unless you've been there. Ticked to death," Hawes said after collecting the cash.

The winning king struck the bait as the fishing line was being fed into water, and it took about 20 minutes to get the fish on board.

Hawes said the fishermen didn't know what they had at first. "We did after about 10 or 15 minutes. We caught a glimpse of it and it was big. Once we put it on the boat the dancin' started."

Rourk and Hawes did not fish on Saturday, mainly because Friday's beautiful weather had turned for the worse and the ocean was choppy.

"We didn't even fish. We went out to the sea buoy and came back in," Hawes said. "We were nervous all day."

Did Rourk think his fish would stand up?

"It wasn't as pretty today. We were hoping it would," he said.

The next biggest fish was nearly 5 pounds lighter.

Earl Clewis of Southport, fishing aboard the *Live Wire*, placed second with a king weighing 41.40 pounds. He won \$9,537.

Don Wilsey and the Privateer Fishing Team picked up \$5,358 and finished third with a 40.65-pounder.

Wyndol Vereen, captain of the *Tough Enough*, placed fourth with a fish weighing 39.50 pounds. His reward was \$1,500.

Anglers who finished in the fifth through 18th places received \$750 each. They were Everett Cameron, *Ever-Ready*, 37.90; Terry Godwin, *Raw-Hide*, 37.35; Larry Rogers, *Fishin' Musician*, 35.75; Dickie Warrick, *Man O War*, 34.95; Greg Allen, *Light Tackle*, 34.55; Randy Way, *Blondie II*, 31.90; Dillon Taylor, *Baby Doll*, 31.60; Don Owen, *Absolut*, 30.20; Bonner Herring, *Cap'n Boo II*, 29.90; Robert DeVaney, *Team Laguna*, 29.90; Blue Marlin Yacht & Fishing, *Heather Renee*, 29.90; Sam Session, *Shooting Star II*, 29.80; Clinton Hines, *Reel Thrill*, 29.25; and John Sullivan, *Sandfiddler Fishing Team*, 28.90.

Receiving \$500 for 19th through 30th place were Kendall Suh, *Mackerel Missile*, 27.95; Stuart Ballard, *Tailwalker*, 27.80; Joseph Fine-ran, *Amanda Brook*, 27.15; Donnie Griffin, *Rosie II*, 27.10; Reeling-Dealing Enterprises, *Reeling-N-Dealing*, 27.00; Fred Piper, *Sand-piper II*, 26.05; Jerry Vereen, *Melt Down*, 25.40; DeCarol Williamson,

"We caught a glimpse of it and it was big. Once we put it on the boat the dancin' started."—Ricky Hawes

Mr. *Fintastic*, 25.30; Charles Shore, *Team Reaction*, 25.15; Bryan Gil-likan, *Smooth Vengeance*, 25.00; Sam Flint, *Incomplete*, 25.00; and Terry Vereen, *Blue Lightnin*, 24.85.

The tournament, which has been held Labor Day weekend in previous years, was moved back two weeks this year.

Joe Stanley, president of the South Brunswick Islands Chamber of Commerce, said Holden Beach Marina would have been too busy Labor Day weekend to host the tournament.

Also, there wouldn't have been enough motel rooms to accommo-

date the fishermen.

"This gives a little extension to the season," Stanley said, adding that the tournament will be held the same weekend next year.

Holden Beach Marina hosted the tournament for the first time this year. Stanley said the chamber's board of directors will decide whether to keep the tournament there or find a different location.

"I think it's an ideal place to have it," Stanley said. "Everybody could come in the inlet and didn't have to worry about the Sunset Beach bridge. We can't say enough about this marina. It worked well."



DAVID ROURK (right) and Ricky Hawes (center) celebrate their top finish in the South Brunswick Islands King Classic. Also pictured during Saturday's awards ceremony is chamber president Joe Stanley.

## IMPORTANT NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION AND FAIRNESS HEARING

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

Russell Price, et al vs. Ciba-Geigy Corporation

NO. 94-0647-CB-S

## U.S. WORKERS WITH ON-THE-JOB EXPOSURE TO GALECRON®

and Their Spouses, Children, Other Relatives and Legal Representatives:

GALECRON® WAS A COMMERCIAL AGRICULTURAL PESTICIDE WHICH WAS MARKETED IN THE U.S. BY CIBA-GEIGY CORPORATION. IT WAS NOT MARKETED FOR RESIDENTIAL OR HOME GARDENING USE.

U.S. WORKERS WITH ON-THE-JOB EXPOSURE TO GALECRON® MAY BE ELIGIBLE FOR FREE MEDICAL MONITORING AND/OR CASH PAYMENTS UNDER A PROPOSED LEGAL SETTLEMENT.

You may belong to a class of people covered by a proposed settlement of a legal action ("Settlement"), and you may be entitled to receive the benefits of the Settlement. This Notice tells who is covered by the Settlement, and describes the litigation, the benefits of the proposed Settlement, and your legal rights. All Settlement Class members who do not timely exclude themselves from the lawsuit will be bound by the Settlement if it is approved.

PLEASE READ THIS NOTICE CAREFULLY - IT MAY AFFECT YOUR LEGAL RIGHTS - FOR MORE INFORMATION CALL 1-800-565-3126

By Order of the United States District Court for the Southern District of Alabama, a class action has been conditionally certified for settlement purposes on behalf of Settlement Class Members (as defined below) who may now or later have claims against Ciba-Geigy Corporation arising out of work-related exposure to Galecron®. On January 30, 1995, a fairness hearing will be held at the Courthouse, United States District Court, Southern District of Alabama, 113 St. Joseph Street, Mobile, Alabama, 36602, at 9:00 a.m. Central Time, so the Court can determine if the class action should be finally certified and if the Settlement summarized in the Notice should be approved as fair, reasonable and adequate. This hearing may be continued without further notice.

### I. DEFINITION OF CLASS

Under the Settlement, Galecron® is defined as chlordimethorm or any chlordimethorm-containing product, either manufactured, formulated, packaged, distributed or sold by or on behalf of Ciba-Geigy Corporation or related parties, regardless of the trade name of the product, or any metabolite of Galecron®, including the substance known as 4-COT or 5-CAT.

The Settlement Class is defined as:

(1) All persons who fall into one of the following categories, and who reside in the United States as of the date of filing of the Class Action Complaint, who have been exposed in the United States to Galecron® ("Exposed Persons")

a. **Plant Workers:** An individual (whether or not employed by Ciba-Geigy Corporation) who in the course of his or her employment at Ciba-Geigy Corporation's St. Gabriel, Louisiana or McIntosh, Alabama sites, was exposed to Galecron®, including, without limitation, individuals who worked in manufacturing, formulating or packaging Galecron® or in the waste disposal of Galecron®, or worked in the construction, demolition or maintenance of any facilities used for the foregoing activities at such St. Gabriel, Louisiana or McIntosh, Alabama sites; or

b. **Formulators:** An individual (whether or not employed by Ciba-Geigy Corporation) who in the course of his or her employment was exposed to Galecron® while at a plant or site which was involved in mixing, blending, packaging, handling or otherwise formulating pesticides which contained, in whole or in part, Galecron®; or

c. **Applicators:** An individual (whether or not employed by Ciba-Geigy Corporation) who in the course of his or her employment, was exposed to Galecron® while involved in the application of pesticides which contained, in whole or in part, Galecron®, including, without limitation, aerial and hand applicators, flagmen, mixers, blenders, loaders and other individuals who handled such pesticide prior to or during the application process; and

d. **Other Covered Workers:** An individual (whether or not employed by Ciba-Geigy Corporation) who in the course of his or her employment was exposed to Galecron® at the Clean Land, Air, Water Corporation or Environmental Purification Advancement, Inc. disposal sites located near Bayou Sorrel, Louisiana; at Empak, Inc. in Deer Park, Texas; or in a testing or research laboratory, whether or not owned by Ciba-Geigy Corporation; or

(2) The spouses, parents, children or other relatives of the Exposed Persons described above.

(Collectively "Settlement Class Members"). Note: If you are an Exposed Person, you are a Settlement Class Member whether or not you have been diagnosed with an illness. Spouses, parents, children or other relatives are Settlement Class Members but the claims they are settling are limited to those arising from an Exposed Person's exposure.

### Relevant Dates

Galecron® was registered for use from 1968-1989. Some Exposed Persons may have been exposed before or after those dates.

### II. IMPORTANT MEDICAL NOTICE

To Plant Workers, Formulators, Applicators and Other Covered Workers (as defined above):

You may have an increased risk of developing bladder cancer if you had on-the-job exposure to Galecron®. Workers exposed to Galecron® should participate in a medical monitoring program, because early detection of bladder cancer can result in more effective treatment. As part of the Settlement, Ciba-Geigy has agreed to establish a medical monitoring program for the detection of bladder cancer for those individuals who do not exclude themselves from the lawsuit. Within six months, this program should be available free of charge to all Exposed Persons who do not exclude themselves from the lawsuit.

If you had on-the-job exposure to Galecron®, it is recommended that you or your doctor call 1-800-565-3126 to learn how you can obtain further medical information or enroll in the medical monitoring program.

### III. BRIEF SUMMARY OF LITIGATION

On February 8, 1994, a class action lawsuit was filed against defendant, Ciba-Geigy Corporation ("Ciba-Geigy"), in Alabama State Court, which lawsuit was later removed to the United States District Court for the Southern District of Alabama. The Complaint, as amended, alleges that the Settlement Class as defined above is entitled to damages for medical monitoring and other compensation as a result of Exposed Persons' exposure to Galecron®.

Ciba-Geigy has filed an Answer denying all essential allegations of the Complaint, and asserting affirmative legal defenses. The Court has decided that the case can proceed as a class action for purposes of settlement only. This does not mean that the Class Representatives would have been successful had the case gone to trial. The Court has made no such determination, and the proposed Settlement is not to be construed as an expression of any opinion by the Court as to the merits of any of the claims asserted against Ciba-Geigy.

### IV. PROPOSED SETTLEMENT

A Settlement has been entered into between the Class Representatives, Class Counsel and Ciba-Geigy, which will resolve all past, present and future claims against Ciba-Geigy arising out of Exposed Persons' exposure to Galecron®. The Settlement provides for the establishment by Ciba-Geigy of two funds to provide medical benefits and compensation to Exposed Persons or their legal representatives.

(1) **The Medical Monitoring and Treatment Fund ("The MMT Fund").** If the Settlement is approved, Ciba-Geigy will make an initial deposit of \$5,000,000 into the MMT Fund, and will thereafter make additional deposits on an as-needed basis. There is no limit to the amount of money Ciba-Geigy can be required to contribute over the life of this Fund.

The MMT Fund will pay for a medical monitoring program designed to detect at an early stage the form of bladder cancer alleged to be associated with Galecron®: specifically, primary urothelial carcinoma of the urinary collecting system, i.e., renal pelvis, ureter, bladder and urethra. The MMT Fund will also pay for all medically necessary treatment not paid for by Medicare or Medicaid if the Exposed Person has been or in the future is diagnosed with such bladder cancer.

The MMT Fund will pay for medical monitoring to Exposed Persons for a period of 20 years, and will pay for medical treatment until one full year passes with no claims for treatment being filed but in no event less than 20 years. Ciba-Geigy will have no obligation to continue the medical monitoring and treatment program if the Settlement is not approved. Only Exposed Persons, i.e., eligible Plant Workers, Formulators, Applicators and Other Covered Workers, as defined in this Notice, will be entitled to medical monitoring and treatment.

(2) **The Disease Compensation and Administration Fund ("The DCA Fund").** If the Settlement is approved, Ciba-Geigy will also make an initial deposit of \$30,000,000 into the DCA Fund. In addition to medical treatment paid for by the MMT Fund, the DCA Fund will make cash payments of up to \$410,000, as set forth in more detail below, on behalf of an Exposed Person who, after exposure to Galecron®, has developed or in the future develops the form of bladder cancer alleged to be associated with Galecron®: specifically, primary urothelial carcinoma of the urinary collecting system, i.e., renal pelvis, ureter, bladder and urethra. Cash payments will vary depending upon the Exposed Person's age, smoking status and participation in the health screening program. For Exposed Persons who are non-smokers and participants in the health screening program, the cash payments will be as follows: (a) \$10,000 in the event of treatment involving an invasive procedure (this is a one-time payment regardless of the number of procedures); (b) up to \$150,000 in the event of a radical cystectomy (bladder removal) with diversion of the urinary tract, which amount will decrease with a person's age to a minimum of \$10,000 if the Exposed Person is 85 years or older; and (c) up to \$250,000 in the event an Exposed Person's death is found to be caused by bladder can-

cer, which amount will decrease with age to a minimum of \$17,500 if the Exposed Person is 85 years or older. An Exposed Person may collect separately for (a), (b) and (c) above, so that the maximum payment to an Exposed Person is \$410,000. The cash payments described above will be reduced by 12.5% if the Exposed Person had smoked in the five years prior to diagnosis. A separate 12.5% reduction will be made if he or she had failed to participate in the health screening program in each of the three years prior to diagnosis (or in each year that the program was available, if less than three years). The DCA Fund also will pay \$1,000 to any Exposed Person who was diagnosed with hemorrhagic cystitis within three months following exposure (this is a one-time payment regardless of the number of manifestations). In addition, the DCA Fund will pay for administrative costs, and class counsel's attorneys' fees, costs and expenses as determined by the Court. All cash payments from the DCA Fund are paid only on account of a compensable claim of an Exposed Person, i.e., an eligible Plant Worker, Formulator, Applicator or Other Covered Worker, as defined in this Notice. Cash payments to a spouse, parent, child or other relative will only be made if they are the legal representative of an Exposed Person.

The benefits of the DCA Fund will continue as long as the MMT Fund continues, or until the DCA Fund is exhausted as set forth below. Ciba-Geigy has agreed to pay up to a maximum of \$45,000,000 for the benefits afforded by this Fund. If the DCA Fund is exhausted, Ciba-Geigy may continue paying for compensable claims. If Ciba-Geigy does not continue to pay, Settlement Class Members will be able to opt-out of the DCA Fund and will regain their right to pursue any legal claims they may have, except for claims for medical monitoring, medical treatment, fear of illness or cancer, or increased risk of illness or cancer, because medical monitoring and treatment will continue to be available.

(3) **Other Conditions.** The Stipulation of Settlement presently provides for medical monitoring, treatment and compensation payments for certain medical conditions set forth in this Notice. In the event, however, that a Court approved Epidemiology Panel determines to a reasonable medical certainty that any other medical condition is caused by Galecron® exposure, that condition will be deemed a compensable claim, and will be eligible for medical monitoring (if feasible), medical treatment, and cash payments. The cash payments will not exceed the maximum amounts payable for the covered medical conditions set forth above.

(4) **Administrator.** A nationally recognized entity or entities with substantial investment and medical claims administration experience will be appointed by the Court to administer the Settlement. The Administrator will determine whether a Settlement Class Member is eligible for benefits under the settlement. Any disputes concerning a Settlement Class Member's entitlement to benefits will be resolved by a Medical Advisory Panel or by a single arbitrator, depending upon the issue in dispute. The decision of the Medical Advisory Panel or arbitrator each have the effect of an arbitration decision and shall be binding upon all parties, including the Settlement Class Member.

(5) **Release.** Settlement Class Members who do not exclude themselves from the Class release all past, present and future claims: (i) relating to the covered medical conditions listed above; and (ii) relating to an Exposed Person's exposure to Galecron®, including all claims alleging that any other cancers, personal injuries or risks are caused by exposure to Galecron®. This means that claims that Galecron® exposure caused any condition other than those medical conditions listed above will be released, but will receive no compensation or treatment, unless the Court approved Epidemiology Panel finds that such other condition is caused by Galecron® exposure. The release is effective as against Ciba-Geigy and certain additional releases as defined in the Stipulation of Settlement, including Ciba-Geigy, Ltd., the parent of Ciba-Geigy.

If you believe you are a member of the Settlement Class, and have any questions regarding any of the benefits set forth above, you are urged to call 1-800-565-3126 for further information.

### V. CLASS REPRESENTATIVES AND CLASS COUNSEL

The Class is designated the following Settlement Class Members, Russell W. Price, Leslie E. Hoven, Grady W. Brown, Jennie Ropp Brown, Jack Harley Woodward, Alta Woodward, Joe H. Bowman and Martha Annie Bowman, as class representatives to represent all Settlement Class Members. The Court has also designated as Class Counsel the following individuals: Timothy E. Eble; J. Cecil Gardner; Joseph J. McKernan; S.C. Middlebrooks III; Charles W. Patrick, Jr.; and Patrick W. Pendley.

The Class Representatives and Class Counsel believe that the proposed Settlement is fair, reasonable and adequate. Class Representatives and Class Counsel have entered into the proposed Settlement after weighing the substantial benefits against the probabilities of success or failure, and the long delays that would be likely if the case proceeded to trial.

There has been no agreement between the parties regarding attorneys' fees. At the fairness hearing, Class Counsel will request the Court to award attorneys' fees and reimbursement of costs and expenses, to be paid from the DCA Fund. Class counsel will request a percentage fee award not to exceed 20% of the benefit conferred on the class, half of which will be requested to be paid over a 4-year period while legal work continues.

### VI. RIGHTS AND OPTIONS OF SETTLEMENT CLASS MEMBERS

If you are a Settlement Class Member, you have the following options:

(1) **You may do nothing and remain a Settlement Class Member.** If you choose to take no action, your interests as a member of the Settlement Class will be represented by the Class Representatives and Class Counsel, at no cost to you individually. You will be bound by any judgment or final disposition of the litigation, and may participate in the benefits available as a member of the Settlement Class. It is important, however, to fill out the REQUEST FOR INFORMATION FORM in order to learn how to receive benefits.

(2) **You may remain a Settlement Class Member and either represent yourself or hire your own attorney to represent you at your own cost.** You or your attorney must file an Entry of Appearance with the Clerk of Court and send a copy to Class Counsel and Ciba-Geigy, at the addresses set forth below. Such Entry of Appearance must be filed by December 16, 1994.

(3) **You may remain a Settlement Class Member and object to the Settlement.** Any Settlement Class Member who does not elect exclusion from the Settlement Class and who objects to the proposed Settlement must mail such objections and any supporting papers to the Clerk of Court, at the address set forth below, on or before December 16, 1994. If the person filing the objection intends to appear personally at the January 30,

1995 Fairness Hearing described above, he or she must file with the Clerk, on or before December 16, 1994, a Notice of Intent to Appear. Any Settlement Class Member who does not file objections in the time and manner described above is forever foreclosed from raising any objection to such matters. Any Settlement Class Member whose objection is overruled will still be bound by any judgment or final disposition of the litigation. Copies of all objections and Notices of Intent to Appear that are mailed to the Clerk of Court must also be mailed to Class Counsel and to counsel for Ciba-Geigy at the following addresses:

Class Counsel Galecron Class Action P. O. Box 974 Charleston, SC 29402	Counsel for Ciba-Geigy Henry B. Alsbrook, Jr. Adams and Reese 4500 One Shell Square New Orleans, LA 70139
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(4) **If you choose to remain a Settlement Class Member (under Options 1, 2 or 3 above), you may receive the benefits afforded by this Settlement within six months of the Court's Order directing this Notice.** Ciba-Geigy has agreed to make all benefits afforded by this Settlement available to Settlement Class Members on an interim basis prior to final Court approval of the Settlement. The appropriate Proof of Claim forms will be required (see Section VII below), and an appropriate release will be required for any cash payments made. During this interim claims procedure, class counsel's fees and expenses will be paid upon approval of the Court and ultimately deducted from the DCA Fund initial deposit.

(5) **You may request exclusion from the Settlement Class.** If you elect to be excluded from the Settlement Class, you will not be bound by any judgment, disposition, or settlement of the class action, but you also will not be able to participate in the Settlement. You will retain and be free to pursue any claims you may have. If you wish to exclude yourself from the Settlement Class, you must mail a request for exclusion to the following:

Clerk of Court  
United States District Court  
For the Southern District of Alabama  
113 St. Joseph Street  
Mobile, Alabama 36602

Your exclusion request must set forth your full name and current address. Your written request for exclusion must be post-marked no later than December 16, 1994.

### VII. PROOF OF CLAIM PROCEDURE

In order for an Exposed Person to receive medical monitoring, he or she will be required to submit proof of certain employment-related exposure to Galecron®. In order to receive medical treatment or the disease compensation outlined above, a Settlement Class Member will also be required to have been diagnosed, subsequent to exposure, with one of the covered medical conditions listed above. A Proof of Claim to participate in medical monitoring may be submitted at any time during the duration of the program. A Proof of Claim for a covered medical condition must be submitted within one year of diagnosis (or, if the condition has already been diagnosed, within one year after approval of the Settlement).

The Proof of Claim is designed so that you may complete it yourself. Class Counsel is available to answer questions you may have about claims procedures, without charge to you. If you desire legal assistance, you are free to retain an attorney of your choice.

To obtain a Proof of Claim Form for medical monitoring, medical treatment or disease compensation, please call 1-800-565-3126 or fill out the REQUEST FOR INFORMATION FORM below and mail it to Class Counsel at P.O. Box 974, Charleston, SC 29402. No benefits will be available to any member of the Settlement Class unless he or she submits the necessary Proof of Claim Form.

### VIII. FOR FURTHER INFORMATION

THIS NOTICE IS ONLY A SUMMARY. The complete terms of the Settlement, and all other pleadings and relevant documents in this litigation, are on file and may be examined or copied during regular business hours at the offices of the Clerk of the Court, United States District Court, 113 St. Joseph Street, Mobile, Alabama 36602. DO NOT CALL THE CLERK OF COURT if you have any questions about this Notice or the Settlement. Address any questions regarding this Notice or Settlement in writing to the Class Counsel at P.O. Box 974, Charleston, SC 29402, or by calling 1-800-565-3126.

Any requests for additional information, like the Proof of Claims Forms or a complete copy of the Settlement, should be made by calling 1-800-565-3126, or by filing out the REQUEST FOR INFORMATION FORM below and mailing it to Class Counsel. It is recommended that all Settlement Class Members who do not wish to exclude themselves mail the REQUEST FOR INFORMATION FORM, as it will facilitate further communication if the Court approves the Settlement. If you do not mail the attached form, the Court may not be able to communicate with you directly and you may not learn how to receive your benefits.

Mobile, Alabama  
Date: September 1, 1994  
By Order of the Court  
Judge Charles R. Butler, Jr.

(TEAR ALONG DOTTED LINE - PLEASE PRINT OR TYPE)

**REQUEST FOR INFORMATION FORM**  
(This is not an Opt-Out Request)

I would like to have more detailed information of the Settlement mailed to:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

TELEPHONE NUMBER: \_\_\_\_\_

Mail this Request to:

Galecron Class Action  
P.O. Box 974  
Charleston, SC 29402

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