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7 Attorneys for Plaintiffs

RECEIVED  
MAR 3 2006  
RICHARD W. WHITING  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 DONNA M. AVILA, et al.,  
12 Plaintiffs,

13 vs.

14 WILLITS ENVIRONMENTAL  
REMEDATION TRUST, et al.,  
15 Defendants.  
16

CASE NO. C-99-3941 SI  
(Related to CASE NO. C-01-0266 SI)

DECLARATION OF WILLIAM SIMPICH IN  
SUPPORT OF PLAINTIFFS' PLEADINGS  
FILED UNDER SEAL BY ATTORNEYS  
SIMPICH AND TSADIK

Date: March 6, 2006  
Time: 3:00 p.m.  
Courtroom: 10

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18 I, WILLIAM M. SIMPICH, declare:

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- 20 1. I am one of the attorneys for the Plaintiffs in the above-entitled action.
  - 21 2. In the past week I have spoken with the lead plaintiffs in this litigation and its  
22 companion case, Donna Avila and Pam Arlich, on several occasions.
  - 23 3. Both Ms. Avila and Ms. Arlich have told me this week that they and many other clients  
24 want Tesfaye Tsadik and myself to remain on this case as their attorneys. This is part of a long  
25 pattern. Ms. Avila and Ms. Arlich reminded me that they said the same thing to the Southern  
26 California attorneys when they originally joined the case in 2001.
  - 27 4. They tell me they are both very concerned and upset about the actions been taken by  
28 the three Southern California law firms in this litigation. Other clients that I have spoken to are

1 equally concerned and upset as well. They do not understand the settlement, the terms of the  
2 settlement, or how the settlement was arrived at. They do not believe that the Southern  
3 California firms have adequately explained the situation at all.

4 5. Among other things, Ms. Avila and other clients that lived close to the Remco plant  
5 are confused as to the range of money that they might expect as a settlement share.

6 6. Ms. Arlich and other clients had their cases dismissed based on the statute of  
7 limitations, and do not understand why they shouldn't file an appeal. Ms. Avila, Ms. Arlich and  
8 other clients have expressed to me that they feel that the attorneys from Southern California  
9 have not provided them with sufficient information to make intelligent decisions.

10 7. I sent declarations to Donna Avila and Pam Arlich on today's date, and will have  
11 them back to this court as soon as I can obtain signatures. Ms. Avila lives in the Eureka area,  
12 and has neither fax nor e-mail. These declarations will support what I have stated above.

13 8. I am concerned about the ethical duties that we and all plaintiffs' counsel in this case  
14 owe to the plaintiffs prior to any settlement of this case or disbursement of funds. See the  
15 Declaration of Richard Zitrin, which details the ethical duties that must be addressed prior to any  
16 settlement or disbursement of funds and which our co-counsel refuse to address. I do not  
17 believe that any plaintiff should be required or even asked to settle until he or she has all  
18 important information on which to base that decision. To act otherwise not only does not meet  
19 our professional duties, but likely will ultimately jeopardize if not invalidate the settlement.

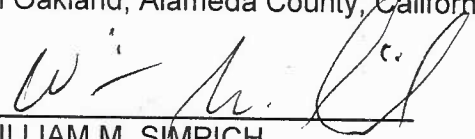
20 9. After consulting with Mr. Zitrin and with his assistance in drafting the document, I sent  
21 a letter, attached hereto as EXHIBIT A, to the named plaintiffs for circulation among all plaintiffs  
22 in the two consolidated matters. Mr. Zitrin's declaration further describes the need for an  
23 purpose of this letter.

24 10. I received from Mark Millard a letter dated Feb. 27, 2006, stating that the enclosed  
25 document was sent to "all Plaintiffs". The letter is attached as EXHIBIT B, and the enclosed  
26 document (release form "C-1" is attached as EXHIBIT C. There is no mention in the Millard  
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letter that the Settlement Agreement (which contains far more terms) was sent to the Plaintiffs. I asked Ms. Arlich if she received the Settlement Agreement from Mr. Millard this week, and she told me that she only received release "C-1". I also asked Ms. Avila, who hasn't received anything yet.

I declare under penalty of perjury that the foregoing is true and correct and of my own personal knowledge. Executed on March 2, 2006, in Oakland, Alameda County, California.

  
WILLIAM M. SIMPICH