



**NIX
PATTERSON
& ROACH, LLP**

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Dear Friends,

I am a member of the team representing residents of Blackwell in the class action lawsuit filed against Freeport-McMoRan Copper & Gold, Inc., Phelps Dodge Corporation, Burlington Northern Santa Fe Railway, and other defendants.

This lawsuit seeks a full and fair cleanup of all homes and properties contaminated by smelter toxins, reimbursement of property values lost as a result of the contamination, and a medical-monitoring program designed to track and treat contamination-related health problems among all Blackwell residents.

I am writing today to warn every Blackwell resident about offers many of you may be receiving.

1. OFFER OF PAYMENT FROM FREEPORT IN EXCHANGE FOR DROPPING YOUR GROUNDWATER CLAIMS

Freeport-McMoRan has sent letters to several residents offering them a small payment if they agree to drop all legal claims related to the mining company's groundwater contamination. **I strongly advise all Blackwell residents to decline this offer.** Accepting Freeport-McMoRan's payment may limit your participation in the class-action lawsuit and any award you might receive as a result of it.

2. OFFER BY UNLICENSED INDIVIDUALS TO TEST YOUR HOME, PROPERTY, AND/OR BLOOD

You may be offered private, unlicensed contamination tests for your home, property, and even blood. **I strongly advise all Blackwell residents to ignore these offers.** Having your home, property, and/or blood tested by unlicensed individuals rather than qualified, trained scientists, as we employ, could lead to faulty results and may limit your participation in the class-action lawsuit and any award you might receive as a result of it.

I would also like to thank everyone who was able to attend our recent public meeting at the Kay Room. As you may have read in the *Blackwell Journal-Tribune*, nearly 300 area residents came to see our presentation and get answers to their questions about the contamination, the legal proceedings, and the City of Blackwell's \$54 million settlement with Freeport-McMoRan.

For those of you who were not able to attend our meeting, I have attached a fact sheet covering the most important issues. If you have any questions, please do not hesitate to contact my office at 1-800-853-5310 or through www.cleanupblackwell.com.

Sincerely,

Keith L. Langston

MAIN POINTS:

Community Meeting, February 13, 2010

The mining company Freeport-McMoRan has been fighting to delay the class action trial since the case was first filed by Blackwell residents in April 2008. After a federal district court judge in Oklahoma City ruled against Freeport and it lost an appeal of that ruling in the 10th Circuit Court of Appeals, Freeport's first attempt to delay this case ended. It likely will not be the last delay tactic employed by Freeport.

- Discovery of the facts to support the claims against Freeport, through written documents and depositions, has now begun.
- We are hopeful that a trial will be scheduled for fall of 2011.
- More than 85% of the local residential properties tested by scientists working with Nix, Patterson & Roach were found to be contaminated with dangerous levels of lead left behind by the Blackwell Zinc Smelter.
- Freeport-McMoRan has argued that the source of Blackwell's lead contamination is lead-based paint. For lead-based paint to create the amount of contamination discovered by the scientists, each contaminated home would need to have been painted with 11,000 gallons of lead-based paint—enough to apply three coats to the Empire State Building in New York City.
- Data on file with the Oklahoma State Department of Health (OSDH) shows that Blackwell children have elevated levels of lead in their blood at a rate almost four times higher than the national average.
- The City of Blackwell recently settled its own lawsuit with Freeport-McMoRan. The city government will be paid \$54 million, but none of this money will be used to clean local homes, local businesses, or any private properties.
- Private property makes up 97% of the land in Blackwell. Unlike in its dealings with the City, Freeport has not paid or offered to pay any private property owners for the damage done to their homes and land.
- The contamination left behind by the Blackwell Zinc Smelter does not end at the imaginary line between the City's streets and your lawn, or at your doorstep.
- Freeport-McMoRan is the world's largest copper mining company, with a net worth of \$32.6 billion.
- Freeport's stock price has risen by approximately 300% during the recent recession.
- According to recent SEC filings, Jim Bob Moffett, Freeport's former CEO and the current chairman of its board of directors, made more than \$97 million in salary and stock options in 2007 and more than \$284 million in salary, stock options and a retirement plan in 2008.