

NOTICE OF SETTLEMENT APPROVAL HEARING

Notice published under the *Class Proceedings Act, 1992*

If your company purchased DuPont engineering resins in Canada for use in an automotive application, it may benefit from a settlement of a class action

A court authorized this notice. This is not a solicitation from a lawyer.

This notice is authorized by the Ontario Superior Court of Justice to inform you of the proposed settlement of a Canadian class action lawsuit that may affect your company.

This class proceeding was brought by Axiom Plastics Inc. based in Aurora Ontario against E. I. DuPont Canada Company (“DuPont Canada”) in relation to the way in which prices of DuPont engineering resins for use in automotive parts were established in Canada from 2000 to 2007.

The proposed settlement primarily benefits Tier 2 or Tier 3 parts manufacturers which bought DuPont engineering resins for use in automotive parts which were then sold to Tier 1 or Tier 2 manufacturers.

The proposed settlement represents a resolution of disputed claims, and DuPont Canada does not admit any wrongdoing or liability in connection with the class proceeding or the proposed settlement.

On May 7, 2013, the Court will review the terms of the proposed settlement and determine whether they are fair and reasonable.

Who Will Benefit from the Proposed Settlement?

The settlement is exclusively for the benefit of class members in *Axiom Plastics Inc. v. E.I. DuPont Canada Company* (Court File Number 05-CV-302358 CP).

Class members consist of all purchasers in Canada between January 2000 and August 27, 2007 of engineering resins for an automotive application from DuPont Canada (including its predecessor DuPont Canada Inc.) or from its authorized Canadian distributors, who were required by a customer to use a DuPont engineering resin in the automotive application.

Any class member which opted out of the class

action after receiving notification of the action is excluded from the class action. Certain named entities are also excluded from the class action.

If you are not sure if your company is a class member please contact class counsel at the contact information below.

What Class Members May Receive from the Proposed Settlement

Under the proposed settlement, and subject to the terms and conditions set out in the settlement agreement, DuPont Canada will pay:

- An amount equal to **3%** of the price paid by the class member for each Qualifying Purchase of DuPont engineering resins made directly from DuPont Canada.
- An amount equal to **6%** of the price paid by the class member for each Qualifying Purchase of DuPont engineering resins from one of its three authorized distributors: Canada Colors and Chemicals Limited, Ashland Canada Inc, which operates as General Polymers, and PolyOne Distribution Canada Ltd.

For example:

- A class member which submits a valid claim regarding resin purchased directly from DuPont Canada of CAD \$100,000 will receive a settlement payment of CAD \$3,000 (less certain deductions).
- A class member which submits a valid claim regarding resin purchased from an authorized distributor of CAD \$100,000 will receive a settlement payment of CAD \$6,000 (less certain deductions).
- A class member which submits a valid claim regarding resin purchased from an authorized distributor of CAD \$50,000 and a resin purchase from DuPont Canada directly of CAD \$50,000 will receive a settlement payment of CAD \$4,500 (less certain deductions).

Full details regarding the requirements to submit a claim and the terms and conditions of the settlement agreement are posted at <http://www.sotosllp.com/class-actions/du-pont/>

What is Required for a Valid Claim?

In order to submit a valid claim, a class member will be required to show:

- It bought DuPont engineering resins under the names Zytel®, Zytel HTN®, Minlon®, Delrin®, Hytrel®, Rynite®, Crastin® or Bexloy® during the period between January 1, 2000 and August 27, 2007 from DuPont Canada or one of its authorized distributors.
- The resins were required by the class member's customer to be used in an automotive application (e.g. cars, vans or light trucks) and the class members' direct customer was a Tier 1 manufacturer (or lower tier manufacturer) but was not an original equipment manufacturer (e.g. General Motors or Toyota).
- It used the resins in parts which it then sold to its customer.

A claims form and detailed instructions will be distributed to all class members if the Court approves the proposed settlement at the hearing on May 7, 2013.

As part of the settlement, a class member will also be required to sign a Release which releases all claims against DuPont Canada, its affiliates or anyone else for any and all liability in relation to the acts alleged in this action or similar acts. A class member must also agree not to disclose the amount to be received under the settlement or take any steps that could disparage DuPont Canada.

Court Approval Hearing

The court will hold a hearing on May 7, 2013 at 10:00 A.M. to determine if the proposed settlement and class counsel fees are fair and reasonable. The hearing will take place at Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

If you wish to object to the proposed settlement or counsel fees, you may submit a letter to class counsel at the email address below. Class counsel will bring the letter to the attention of DuPont Canada's counsel and the judge who hears the motion. If you wish to address the Court at the hearing of the motion, you are asked to send a brief written outline of your objection to class counsel at least three days before the hearing of the motion.

Other matters: The law firms of Sotos LLP and McCarthy Tétrault LLP will ask the court to approve

fees in the amount of \$2.7 million plus taxes. This amount will be paid by DuPont Canada in addition to the settlement payments described above and will not be deducted from claims paid to class members under the proposed settlement. In addition, they will ask the court to approve fees of up to 10% of all claims paid to class members under the proposed settlement.

The Class Proceedings Fund which has provided funding for this lawsuit will be entitled to a levy of 10% of all valid claims by class members under the proposed settlement.

Questions? For further information about this case or the proposed settlement you may contact class counsel:

- Sotos LLP, www.sotosllp.com, attention: David Sterns, telephone (416) 977-0007, fax (416) 977-0717, toll-free 1-888-977-9806 email: dsterns@sotosllp.com.
- McCarthy Tétrault LLP, www.mccarthy.ca attention: Sarah Corman, tel. (416) 601-7860, fax (416) 868-0673, toll-free 1-877-244-7711 email: scorman@mccarthy.ca.
- Or go to <http://www.sotosllp.com/class-actions/du-pont/> for further information and to download court papers in this action.

PLEASE DO NOT CALL the court. They will not be able to answer your questions about the lawsuit or the proposed settlement.

April 22, 2013