

## CLASS ACTION SETTLEMENT - CLAIMS FORM INSTRUCTIONS

This settlement provides compensation to Class Members who submit claims that satisfy the Qualifying Criteria, as set out below.

To participate in this settlement, you must do the following:

- (1) Complete this Claims Form;
- (2) Submit this Claims Form, along with all documentary proof required to establish the Qualifying Criteria, by September 6, 2013. Your Claims Form and supporting documents should be sent by mail to:

Mr. David Sterns  
Sotos LLP  
180 Dundas Street West, Suite 1250  
Toronto, ON M5G 1Z8

- (3) Execute the Release attached to this Claims Form, and return the same to Sotos LLP along with your completed Claims Form by September 6, 2013.

### **CLAIMS RECEIVED AFTER SEPTEMBER 6, 2013 SHALL NOT BE ACCEPTED AND NO SETTLEMENT PAYMENTS SHALL BE MADE ON ACCOUNT OF SUCH CLAIMS**

In completing this claims form, you acknowledge that DuPont Canada expressly denies any of the allegations of unlawful or wrongful conduct that have been made in this proceeding, and expressly denies that that it is liable in respect of any of the claims alleged in this proceeding and in respect of any of the common issues certified in this proceeding, and has entered into this settlement to avoid further expense, inconvenience and the distraction of burdensome and protracted litigation, and to put this matter to rest.

#### Key Terms of this Settlement

To be eligible for a settlement payment, you must submit a claim that satisfies the Qualifying Criteria, set out below. If you satisfy the Qualifying Criteria you will be considered a “Qualified Purchaser”. A purchase by a Qualified Purchaser that satisfies the Qualifying Criteria is a “Qualifying Purchase.”

Under the terms of this settlement, DuPont Canada shall make settlement payments in respect of Qualifying Purchases made by Qualified Purchasers.

Settlement payments shall be made in accordance with the following formula:

- (a) In respect of each Qualifying Purchase made directly from DuPont Canada: 3% of the Price paid by the Qualified Purchaser to DuPont Canada,

(b) In respect of each Qualifying Purchase made from one of DuPont Canada's Authorized Canadian Distributors: 6% of the Price paid by the Qualified Purchaser to the Authorized Canadian Distributor.

"Price" means the price paid by the Qualified Purchaser net of adjustments, discounts and rebates received by the Qualified Purchaser and excluding taxes paid by the Qualified Purchaser.

### Qualifying Criteria

The following criteria must be satisfied for you to be considered a "Qualified Purchaser" and for your purchases to be considered "Qualifying Purchases" that are eligible for a settlement payment:

- (1) You are a resident of Canada. This means that the office that made the purchase for which you are claiming a settlement payment must be located in Canada.
- (2) Your purchase(s) were made between January 1, 2000 to August 27, 2007 (the "Class Period"). Purchases made outside of the Class Period are not eligible for any payment under the terms of this settlement.
- (3) You purchased resins sold under the following product families: Zytel®, Zytel HTN®, Minlon®, Delrin®, Hytrel®, Rynite®, Crastin®, Bexloy® ("DuPont Engineering Resins").
- (4) You purchased DuPont Engineering Resins directly from DuPont Canada or from one or more of DuPont Canada's authorized Canadian distributors: Ashland Canada Inc. (which also operated as General Polymers), Canada Colours and Chemicals Ltd., and PolyOne Distribution Canada Inc. (the "Authorized Canadian Distributors")
- (5) The DuPont Engineering Resins that you purchased were for use in an automotive application. An automotive application means a part made for a passenger vehicle. A passenger vehicle means a car, van or light truck, and does not include an industrial vehicle (e.g. tractors, trucks or buses) or a recreational vehicle (e.g. snowmobiles).
- (6) You were required by your customer to solely use the DuPont Engineering Resins in an automotive application ("Requirement to Use").
- (7) You have provided documentary proof of the following:

- (a) Proof of Purchase

For each purchase for which you claim a settlement payment, you must submit proof that the purchases were made from DuPont Canada or one of the Authorized Canadian Distributors during the Class Period ("Proof of Purchase"). Documentary proof for the Proof of Purchase criteria must establish:

- (i) volume of DuPont Engineering Resins purchased;
    - (ii) grade of DuPont Engineering Resins purchased;

(iii) Price paid;

(iv) whether the purchase was made from DuPont Canada or one of the Authorized Canadian Distributors;

(v) date of purchase.

Documentary proof for Proof of Purchase means in the case of purchases made from an Authorized Canadian Distributor, invoices or other contemporaneous business records from an Authorized Canadian Distributor containing the information in (i)-(v) above, and in the case of purchases made from DuPont Canada directly, invoices or other contemporaneous business records provided those records contain the information in (i)-(v) above.

(b) Requirement to Use

Documentary proof of the Requirement to Use, which shall consist of an engineering drawing for a part from your customer and at least one of the following:

(i) a specification on the engineering drawing, specifying only a DuPont Engineering Resin; or

(ii) letters or other written direction from your customer specifying that a given part must be made with solely a DuPont Engineering Resin.

For greater certainty, the following do NOT establish proof of the Requirement to Use: (i) drawings or written specifications that state “DuPont or equivalent” or similar language; (ii) drawings or written specifications that are silent on the grade of resin to be used, (iii) drawings or written specifications that list or refer to an engineering resin produced by another manufacturer in addition to a DuPont Engineering Resin; (iv) a list of performance criteria which a DuPont Engineering Resin may satisfy and which other engineering resins produced by other manufacturers may also satisfy; (v) drawings or written specifications in which you made or significantly influenced the decision to sole specify a DuPont Engineering Resin; or (vi) drawings or written specifications that contain only a specification by an OEM without any additional specification on the drawing of only a DuPont engineering resin.

(c) Proof of Sale

Documentary proof that you sold parts for which you have satisfied the Proof of Purchase and Requirement to Use criteria to your customer(s), other than an OEM (“Proof of Sale”).

Documentary proof must specify the part(s) sold, the quantity sold, and the date of sale (on, at a minimum, an annual basis).

The part must be the same part for which you have satisfied the Requirement to Use criteria.

Documentary proof for Proof of Sale means, in the case of claims for a settlement payment greater than or equal to USD \$15,000, invoices, and in the case of claims for a settlement payment less than USD \$15,000, invoices or other contemporaneous business records from you or your customer.