

## NOTICE OF SETTLEMENT APPROVAL

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 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 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 settlement represents a resolution of disputed claims. DuPont Canada does not agree with the claims and expressly denies any wrongdoing or liability in connection with the class proceeding or the settlement.

The Court approved the terms of the settlement at a hearing which took place on May 7, 2013. The Court determined that the settlement was in the best interests of the class, but the Court has not ruled on the merits of any of the allegations in the underlying class proceeding. Following the completion of DuPont Canada's defined obligations under the settlement, the class proceeding will be dismissed against DuPont Canada and terminated.

### **Who Will Benefit from the Settlement?**

The settlement is exclusively for the benefit of class members in *Axiom Plastics Inc. v. E.I. DuPont Canada Company* (Court File No. 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 Settlement**

Under the 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/>

### How to Submit a Claim for Payment

A claims form, including detailed instructions, is attached to this notice.

In summary, in order to submit a valid claim, a class member is required to provide certain specified proof that:

- 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.

As part of the settlement, a class member is also 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. The Release is attached to the claims form. By signing the Release, your company will also agree not to disclose the amount to be received under the settlement or to take any steps that could disparage DuPont Canada in relation to the issues involved in this proceeding and settlement.

### Deadline for Submitting Claim

All claims forms must be submitted with the required documentary proof and signed Release by no later than **September 8, 2013**.

**Other Matters:** The Court has approved class counsel fees in the amount of CAD \$2.7 million. 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 settlement. In addition, the Court has approved fees of up to 10% of all claims paid to class members under the 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 settlement.

**Further Information** This Notice is only a summary of a number of the key terms of the settlement agreement. Full details of the settlement agreement are posted at <http://www.sotosllp.com/class-actions/du-pont/> For further information about this settlement you may contact class counsel:

- Sotos LLP, [www.sotosllp.com](http://www.sotosllp.com), attention: David Sterns, telephone (416) 977-0007, fax (416) 977-0717, toll-free 1-888-977-9806 email: [dsterns@sotosllp.com](mailto:dsterns@sotosllp.com).
- McCarthy Tétrault LLP, [www.mccarthy.ca](http://www.mccarthy.ca) attention: Sarah Corman, tel. (416) 601-7860, fax (416) 868-0673, toll-free 1-877-244-7711 email: [scorman@mccarthy.ca](mailto: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 settlement.

May 10, 2013