

# NOTICE OF CERTIFICATION AND SETTLEMENT AGREEMENT APPROVAL IN THE MATTER OF MCAA CLASS ACTION LITIGATION

## PLEASE READ THIS NOTICE CAREFULLY. IT MAY AFFECT YOUR LEGAL RIGHTS.

### TO:

All persons or entities who purchased in or from Canada, Monochloroacetic Acid (MCAA) or products containing MCAA in any form and for any use, including products containing or derived from MCAA, between September 1, 1995 and August 31, 1999.

### 1. PURPOSE OF THIS NOTICE

Class Proceeding lawsuits have been initiated in Ontario and Quebec in which it is alleged that the Defendants conspired to fix prices and allocate markets for MCAA in Canada.

A Settlement Agreement has been reached between the Plaintiffs (the parties who brought the lawsuit) and the defendants, Akzo Nobel Chemicals BV, Akzo Nobel Functional Chemicals, LLC, Atofina Chemicals, Inc., Elf Atochem S.A., Atofina S.A., Atofina Canada Inc., Clariant Corporation, Clariant AG, Clariant International AG, Clariant (Canada) Inc., Hoechst AG, Hoechst Celanese Corp., and CNA Holdings, Inc. (the "Settling Defendants"). The proceeding was certified and the Settlement Agreement approved by the Courts in Ontario on December 22, 2003 and in Quebec on February 27, 2004.

This Notice is to advise you of the Settlement Agreement and to inform you of your rights as a Class Member under the Agreement.

### 2. CLASS MEMBER CATEGORIES

If you purchased MCAA in any form or products containing or derived from MCAA in, from or while physically present in Canada between September 1, 1995 and August 31, 1999 you are a Class Member. Class Members fall into the following categories:

1. Direct Purchasers - Class Members who purchased MCAA in any form from the Settling Defendants or a Canadian distributor between September 1, 1995 and August 31, 1999.
2. Intermediaries and Consumers - Class Members who are not Direct Purchasers and who purchased products containing or derived from MCAA in, from or while physically present in Canada between September 1, 1995 and August 31, 1999.

### 3. CLAIM PROGRAM - DIRECT PURCHASERS

Direct Purchasers will be eligible to receive direct compensation under the Settlement Agreement. Eligible Direct Purchasers will receive \$0.15 per dollar spent on MCAA.

Direct Purchasers must complete a Claim Form, and submit certain required supporting documentation outlined in the Claim Form. To be eligible for compensation, the Claim Form together with the required supporting documentation must be submitted to the Claims Administrator by June 26, 2004. Claim Forms are available by telephoning the Claims Administrator at 1-866-432-5534 or at [www.classaction.ca](http://www.classaction.ca).

### 4. COMPENSATION PLAN - CONSUMERS AND INTERMEDIARIES

Recognizing that a portion of any MCAA overcharge may have been borne by Consumers and Intermediaries, and recognizing the difficulty of accurately identifying the amount of any

overcharge actually borne by any given Consumer or Intermediary, and recognizing the related difficulties in directly compensating Consumers and Intermediaries, compensation for Consumers and Intermediaries will be paid out from the residue of the Settlement Fund that remains following the payment of Settlement Funds to Direct Purchasers, and following the expiration of all appeals periods. Advanced Foods and Materials Network (AFMNet) has been identified as an appropriate recipient of the residue of the Settlement Funds.

### 5. RELEASE OF CLAIMS AND THE EFFECT ON OTHER PROCEEDINGS

You will be bound by the terms of the Settlement Agreement, unless you "opt out", a process that is described in the next section.

This means that you will not be able to bring or maintain any other claim or legal proceeding against any of the Settling Defendants in connection with MCAA or products containing or derived from MCAA unless you "opt out".

### 6. OPTING OUT OF THE SETTLEMENT AGREEMENT

If you would like to exclude yourself from the Settlement Agreement, you can opt out by obtaining an "Opt Out Form" (available from the Claims Administrator), and filing it with the Claims Administrator no later than May 12, 2004.

If you opt out you will not be eligible for any of the benefits of the Settlement Agreement.

### 7. CLASS COUNSEL

The law firm of *Siskind, Cromarty, Ivey & Dowler LLP* represents the Class in Ontario, along with all class members in provinces other than Quebec, and Quebec corporations. Ontario Class Counsel can be reached toll-free at 1-800-461-6166 ext. 455.

The law firm of *Desmeules, Eizenga, Strickland, Wright S.E.N.C* represents the Quebec Class. Quebec Class Counsel can be reached at 418-694-2009.

### 8. LEGAL FEES

Class Counsel in all jurisdictions will seek legal fees from their respective courts in an amount not to exceed 25% of the settlement attributable to their jurisdiction, plus disbursements and taxes.

### 9. QUESTIONS ABOUT THE SETTLEMENT AGREEMENT

If you would like a copy of the Settlement Agreement or have questions, you can call the Claims Administrator's Information Line at 1-866-432-5534. A copy of the Settlement Agreement can be sent to you at a cost of \$20.00 per copy, which amount represents the cost of photocopying and mailing the Settlement Agreement. A copy of the Settlement Agreement will be posted on Class Counsel's website, [www.classaction.ca](http://www.classaction.ca).

### 10. INTERPRETATION

If there is a conflict between the provisions of this Notice and the Settlement Agreement and any of its appendices, the terms of the Settlement Agreement shall prevail.

**DISTRIBUTION OF THIS NOTICE HAS BEEN AUTHORIZED BY THE ONTARIO SUPERIOR COURT OF JUSTICE  
AND THE QUEBEC (COUR SUPERIEURE) SUPERIOR COURT.**