

NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL IN THE MATTERS OF ETHYLENE PROPYLENE DIENE MONOMER ("EPDM") AND POLYCHLOROPRENE ("PCP") CLASS ACTION LITIGATION

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

TO: All persons in Canada who purchased EPDM or EPDM Products in Canada between January 1, 1997 and December 31, 2001. You are a member of a settlement class in the EPDM proceedings described below.

EPDM is a synthetic rubber used in a variety of applications such as automotive weather-stripping and seals, radiator, garden and appliance hose, electrical insulation, roofing membrane and rubber mechanical goods. Some of the common trade names for EPDM include Buna, Royalene, Royaltherm, Keltan, Nordel, and Vistalon. EPDM Products are products that directly or indirectly contain or are derived from EPDM.

AND TO: All persons in Canada who purchased PCP or PCP Products in Canada between January 1, 1999 to December 31, 2003. You are a member of a settlement class in the PCP proceedings described below.

PCP is a synthetic rubber used in a variety of applications such as hoses, automobile parts, shoes, adhesives as well as other commercial applications. Some of the common trade names for PCP include Neoprene, Baypren, Butaclor, Denka, and Skyprene. PCP Products are products that directly or indirectly contain or are derived from PCP.

A more detailed description of EPDM, EPDM Products, PCP, and PCP Products can be found at www.classaction.ca.

I. SETTLEMENTS HAVE BEEN APPROVED BY THE COURTS

This notice is to advise you of settlement agreement(s) and to inform you of your rights as a class member under the agreement(s). You will be bound by the terms of settlement agreement(s) unless you exclude yourself by opting out of the agreement(s). Opting out is explained below.

A. EPDM Proceedings and Settlement Agreements

Class proceedings lawsuits have been initiated in Ontario, British Columbia and Quebec against DuPont Dow Elastomers L.L.C., E.I. du Pont de Nemours and Company, E.I. du Pont Canada Company, The Dow Chemical Company, Dow Chemical Canada Inc., Bayer Inc., Bayer A.G., Bayer Material Science A.G., Bayer Material Science LLC, Bayer Corporation, Crompton Corporation, Crompton Co/Cie., Crompton Canada Corporation, Uniroyal Chemical Company Inc., Koninklijke DSM N.V., DSM Elastomers Europe B.V., DSM Elastomers Holding Company, Inc., DSM Elastomers America, and ExxonMobil Chemical Company (the "Defendants"), in which it is alleged that the Defendants conspired to fix prices for EPDM in Canada (collectively referred to as the "EPDM Proceedings").

Separate Settlement Agreements (the "EPDM Agreements") have been reached with DuPont Dow Elastomers L.L.C. ("DDE"), E.I. du Pont de Nemours and Company, E.I. du Pont Canada Company, The Dow Chemical Company, and Dow Chemical Canada Inc. (the "DDE Defendants") and Chemtura Corporation (f/k/a Crompton Corporation), Crompton Co/Cie., Crompton Canada Corporation, and Uniroyal Chemical Company Inc. (the "Crompton Defendants"). Collectively, the DDE and Crompton Defendants are referred to as the "Settling Defendants".

The EPDM Agreements have been approved by the Courts in Ontario, Quebec and British Columbia. For purposes of the EPDM Agreements only, the EPDM Proceedings were certified as a class proceeding.

Under the terms of the EPDM Agreements the Settling Defendants have agreed, in exchange for a full release of claims against them relating to the EPDM Proceedings, to pay \$4,687,095.00 (\$187,095.00 from DDE and \$4,500,000.00 from the Crompton Defendants). In addition, as part of the EPDM Agreements, the Settling Defendants have agreed to provide cooperation to the Plaintiff consisting of information in their control with respect to the alleged conspiracy. This information will aid in the prosecution of the action with respect to the Non-Settling Defendants. The Settling Defendants do not admit any wrongdoing or liability on their part. The Agreements represent a compromise of disputed claims.

B. PCP Proceedings and Settlement Agreement

Class proceedings lawsuits have been initiated in Ontario and Quebec against DuPont Dow Elastomers L.L.C., E.I. du Pont de Nemours and Company, E.I. du Pont Canada Company, The Dow Chemical Company, Dow Chemical Canada Inc. (the "DDE Defendants"), Bayer Inc., Bayer A.G., Bayer Material Science A.G., Bayer Material Science LLC (formerly Bayer Polymers LLC), Bayer Corporation, Polimeri Europa S.R.L., Polimeri Europa Americas, Inc., Polimeri Americas, Inc., Enichem S.p.A., and Enichem Americas, Inc. and Syndial SPA (the "Defendants"), in which it is alleged that the Defendants conspired to fix prices for PCP in Canada (collectively referred to as the "PCP Proceedings").

A Settlement Agreement (the "PCP Agreement") has been reached with the DDE Defendants.

The PCP Agreement has been approved by the Courts in Ontario and Quebec. For purposes of the PCP Agreement only, the PCP Proceedings were certified as a class proceeding.

Under the terms of the PCP Agreement DDE has agreed, in exchange for a full release of claims against the DDE Defendants relating to the PCP Proceedings, to pay \$566,274.00. In addition, as part of the Agreement, DDE has agreed to provide cooperation to the Plaintiff consisting of information in its control with respect to the alleged conspiracy. This information will aid in the prosecution of the action with respect to the Non-Settling Defendants. The DDE Defendants do not admit any wrongdoing or liability on their part. The Agreement represents a compromise of disputed claims.

II. DISTRIBUTION OF THE SETTLEMENT FUNDS

The courts have not yet determined how the settlement funds should be paid out. Once a Distribution Protocol has been approved by the courts, further notice will be given. In Class Counsel's experience with actions similar to these, the majority of the monies are typically put in a fund used to provide direct compensation to class members who made purchases directly from the defendants. In recognition of the difficulties involved in directly compensating intermediate purchasers and consumers, compensation for these types of class members are typically paid out by the claims administrator through a distribution to organizations which operate for the general benefit of intermediate purchasers and consumers.

III. CLASS COUNSEL FEES

In all of these proceedings, Class Counsel cumulatively will not request legal fees which are in excess of 25% of any settlement or judgment plus disbursements and taxes.

IV. OPTING OUT OF THE PROCEEDINGS

If you would like to exclude yourself from either the EPDM or PCP Agreements, you can opt out by submitting a written request to be excluded to Ontario Class Counsel by mail. You must opt out of the EPDM Agreements and the PCP Agreement separately, although you can include more than one opt-out in the same envelope. Your request must include the following information:

- Name, address, and telephone number;
- province or provinces of residence during the Class Period (which is January 1, 1997 to December 31, 2001 for EPDM, and January 1, 1999 to December 31, 2003 for PCP);
- province in which EPDM or PCP Product(s) was purchased;
- the dollar amount and the date of such EPDM or PCP purchases; and
- the request to be excluded from the Proceedings.

If a Class Member does not timely and properly opt out of the settlement(s), he or she will be forever barred from instituting or continuing any action against the DDE and Crompton Defendants and various other Released Parties, related to the Released Claims. Descriptions of the Released Parties and Released Claims are set out in the EPDM and PCP Settlement Agreements. Any Class Member who does timely and properly opt out is not bound by the Settlement Agreement(s) and cannot participate in any continuation or settlement of this action.

The request for exclusion must be sent by mail by **March 6, 2006**, to:
EPDM/PCP CLASS ACTION LITIGATION
c/o Siskinds
680 Waterloo Street
London, ON N6A 3V8

V. FURTHER INFORMATION

To register yourself to receive further notices in these proceedings, you may provide one of the Class Counsel with your regular or e-mail address.

Complete copies of the Settlement Agreements and instructions on how to obtain an opt out Form are available on Ontario Class Counsel's website at www.classaction.ca. To obtain a paper copy of the opt out Form please call Ontario Class Counsel at **1-800-461-6166 ext. 455**.

The law firm of **Siskinds** represents class members in provinces other than British Columbia and Quebec, and corporate entities in Quebec, for both the EPDM and PCP Proceedings. Ontario Class Counsel can be reached toll free at **1-800-461-6166 ext. 455** or by mail at 680 Waterloo Street, London, Ontario N6A 3V8.

The law firm of **Poyner Baxter^{LLP}** represents class members in British Columbia in the EPDM Proceedings. British Columbia Class Counsel can be reached at **604-988-6321** or by mail at Lonsdale Quay Plaza, #408-145 Chadwick Court, North Vancouver, BC V7M 3K1.

The law firm of **Siskind Desmeules S.E.N.C.R.L.** represents individuals who are class members in Quebec in the EPDM Proceedings. Quebec Class Counsel can be reached at **418-694-2009** or by mail at Les promenades du Vieux-Quebec, 3 rue Buade, bureau 320, Quebec City, QC G1R 4A2.

The law firm of **Belleau Lapointe S.A.** represents individuals who are class members in Quebec in the PCP Proceedings. Quebec Class Counsel can be reached at **514-987-6700** or by mail at 306, Place d'Youville, Suite B-10, Montreal, QC H2Y 2B6.

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