

CANADIAN BEHR WOOD SEALANT CLASS ACTIONS

Notice of Proposed National Settlement

THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ CAREFULLY

WHO SHOULD READ THIS NOTICE

You should read this notice if you purchased and applied or caused to be applied Behr Super Liquid Raw-Hide or Natural Seal Plus (the “Products”) to an exterior wood surface in Canada on or after January 1, 1991, or if you own property in Canada to which any of the Products was applied on or after January 1, 1991. You may be a class member, and, if settlement approval is given, you will be bound by the terms of the Settlement Agreement (defined below) unless you opt out.

PURPOSE OF THIS NOTICE

Lawsuits have been filed in British Columbia and Ontario against Behr Process Corporation and Behr Process Canada Ltd. (“Behr”) concerning the Products. These lawsuits are:

- Olsen v. Behr Process Corporation and another, Vancouver Registry No. S006106, Supreme Court of British Columbia; and
- Piercy and another v. Behr Process Corporation and another, No. 01-CV-204493-CP, Ontario Superior Court of Justice.

In these lawsuits, the plaintiffs allege that the Products caused damage to exterior wood surfaces by causing mildew growth, discolouration and degradation of the wood fibre. Behr denies any liability and further denies that any plaintiff or any class member is entitled to damages or any other relief. The Courts have not ruled on the merits of the plaintiffs’ claims or Behr’s defences. You can learn more about the lawsuits by inspecting the pleadings at www.branmac.com or by contacting the lawyers for the class (“Class Counsel”) at the address below.

Class Counsel and the Plaintiffs have entered into a settlement agreement (the “Settlement Agreement”) with Behr, which is subject to court approval. The Courts in British Columbia and Ontario will be asked to certify class proceedings against Behr solely for the purposes of settlement of the lawsuits and to approve the Settlement Agreement and the class of persons entitled to make a claim (the “Settlement Class”). A copy of the Settlement Agreement can be viewed at www.behrsettlement.ca or is available from the administrator for the settlement (the “Independent Claims Administrator”) at the address below.

If approved, the settlement will be binding on all members of the Settlement Class except for those who timely and properly opt out. A further notice will be issued, describing the procedures and deadlines for class members to make a claim or opt out of the settlement.

If the settlement is not approved, the lawsuits will continue to be prosecuted against Behr which will continue to vigorously defend them.

TERMS OF THE PROPOSED SETTLEMENT

This is a summary only. A complete description of the protocol for distribution of the settlement funds, including claim forms and dollar amounts per square foot, is set out in the Settlement Agreement.

Subject to the terms, conditions and limitations in the Settlement Agreement, Behr will provide funds of up to \$2.73 million (“Settlement Amount”), including notice and administration costs, to satisfy Settlement Class members’ claims, in full and final settlement of all claims against Behr connected with the Products. The Settlement Class does not include persons or entities who submit a timely request to opt out from the Settlement Class.

Two types of compensation are available to Settlement Class members: cash payments and merchandise rebates. Claimants must submit a claim form within a specified period of time. The type and amount of relief is dependent upon, among other factors, whether a cash payment or merchandise rebate is selected by the claimant, the square footage of the affected property, proof of purchase of the Products and the extent of alleged mildew-related damage to exterior wood surfaces. Settlement Class members who purchased and applied, or caused to be applied, Products before January 1, 1995 will be eligible to receive merchandise rebates only.

In addition, and subject to court approval, Behr will pay Class Counsel \$620,000 for legal fees and expenses (including taxes). This amount will not come out of or reduce in any way the Settlement Amount available to the Settlement Class.

In exchange for these settlement benefits, Settlement Class members, who do not timely and properly opt out of the settlement, will release and discharge all claims against Behr.

In offering this settlement Behr does not admit any wrongdoing or liability on its part. Rather, the proposed settlement is a compromise of hotly disputed claims.

SETTLEMENT APPROVAL HEARINGS

Class members need not take any action at this time. However, they will be bound by the ruling of the court that applies to the jurisdiction where they live if the courts approve the settlement. Each court will hold a hearing to decide whether the proposed settlement is fair, reasonable and in the best interests of the Settlement Class, and, if the settlement is approved, to set the requirements for notice to the Settlement Class and the procedure whereby Settlement Class members can opt out of the settlement. The dates for those hearings are as follows:

- for residents of Ontario and all other provinces except British Columbia on September 14, 2005, at 10:00 a.m. Eastern Time at the Ontario Superior Court of Justice, 393 University Avenue, Toronto, Ontario; and
- for residents of British Columbia on July 25, 2005 at 9:00 a.m. Pacific Time at the Courthouse at 800 Smithe Street, Vancouver, B.C.

OBJECTIONS TO THE PROPOSED SETTLEMENT

You may attend at these hearings if you wish, but you are not required to do so in order to participate in the settlement. However, at the settlement approval hearings, the courts will consider any objections to the proposed settlement by potential Settlement Class members or their legal counsel. All persons who object to the Settlement Agreement which is entered into by the parties must provide written notice to Class Counsel by July 11, 2015 at the addresses below explaining the reason for their objection, advising whether they intend to appear at one or both of approval hearings and providing a mailing address, telephone number or email address where they may be contacted.

REGISTERING FOR A CLAIMS PACKAGE

In advance of the settlement approval hearings and in anticipation of the settlement being approved, people who believe they may be a class member can register to receive further information about the settlement and a package of the claims application forms by contacting the Independent Claims Administrator as follows:

- Canadian Behr Wood Sealant Claims Administrator
P.O. Box 3 - 505
133 North Weber Street
Waterloo, Ontario N2J 3G9
Toll free telephone number: 1-800-305-2942
Toll free fax number: 1-888-842-1332
www.behrsettlement.ca

ADDITIONAL INFORMATION AND QUESTIONS FOR CLASS COUNSEL

DO NOT CONTACT THE COURTS ABOUT THIS NOTICE OR THE PROCEEDINGS.

Additional information concerning the lawsuits and the proposed settlement can be found at www.behrsettlement.ca and www.branmac.com. If you still have questions after viewing these websites, you can contact Class Counsel, as follows:

- Joseph M. Prodor – Franklin Place, 15260 Thrift Avenue, White Rock, B.C., V4B 2L2, toll free: 1-877-577-6367, telephone: 604-536-4676, fax: 604-535-8981, email: jprodor@axionet.com; and
- Donald B. Lebens, Branch MacMaster – 1210-777 Hornby Street, Vancouver, B.C., V6Z 1S4, telephone: 604-654-2999, fax: 604-684-3429, email: dlebens@branmac.com

Settlement Class members may seek the advice and guidance of their own lawyers, at their own expense, if they consider it desirable or necessary.

This notice has been approved by the British Columbia Supreme Court and the Superior Court of Justice for Ontario.