

THIS NOTICE HAS BEEN AUTHORIZED BY THE BRITISH COLUMBIA SUPREME COURT, THE SUPERIOR COURT OF JUSTICE FOR ONTARIO AND THE SUPERIOR COURT OF QUEBEC (the "COURTS")

**Purchasers of Polyurethane Foam Products\* purchased, sold or delivered in Canada between January 1, 1999 and January 10, 2012, are part of a class action**

**\*Polyurethane Foam Products means flexible polyurethane foam, products which contain flexible polyurethane foam and carpet underlay made from flexible polyurethane foam, except in the Domfoam/Valle Foam and Woodbridge settlements and settlements with certain individuals where it means all kinds of polyurethane foam and all products which contain any kind of polyurethane foam.**

**Polyurethane foam is used in furniture, bedding, automotive interiors, flooring including carpet underlay, and in many other contexts.**

### **The Actions**

There are class action lawsuits certified/authorized across Canada alleging that the makers of Polyurethane Foam Products fixed the price of those products in Canada. The defendants deny those allegations.

The Courts have already approved a settlement with defendants Domfoam/Valle Foam and certain individuals for \$1.226 million plus additional money which may be received from Domfoam/Valle Foam's insolvency and an assignment.

There are new settlements with Polyurethane foam manufacturers, the defendants Carpenter, Vitafoam, FFP/Flexible Foam, Future Foam, Hickory Springs, Leggett & Platt, Mohawk Industries, Woodbridge and certain individuals for \$29,282,497 in total. These new settlements must be approved by the Courts to be effective. The defendants' full names are available on the websites set out below.

The Courts have certified/authorized the class actions against Polyurethane foam manufacturers Carpenter, Vitafoam, FFP/Flexible Foam, Future Foam, Hickory Springs, Leggett & Platt, Mohawk Industries, Woodbridge and certain individuals for settlement purposes only. The deadline for opting out of the class actions has already passed.

The BC and Quebec Courts have also certified/authorized the BC and Quebec class actions against defendant FXI and certain individuals. There is no settlement with these defendants and so the actions will be continuing against them.

### **Who is affected?**

Individuals and entities in Canada and related parties who bought Polyurethane Foam Products purchased, sold or delivered in Canada between January 1, 1999 and January 10, 2012, except for defendants and their related parties, are class members and are affected by the settlements and the certification/authorization against FXI.

These new settlements provide benefits to class members in return for a release of the settling defendants and others from claims regarding Polyurethane Foam Products purchased, sold or delivered in Canada.

## **What happens next?**

The Courts will now be asked to approve these new settlements and the lawyers' fees. If these new settlements are not approved by the Courts, the class actions will continue against the settling defendants. If the Courts approve these new settlements, class members will be bound by them. The hearings will be:

in Vancouver, BC on September 21, 2015 at 10 a.m.,

in Montreal, Québec on October 26, 2015 at 9:30 a.m.; and

in London, Ontario on October 29, 2015 at 10 a.m.

The lawyers will ask the Courts for approval of a fee of 25% of all settlement funds achieved plus taxes and case expenses. The amount that is approved by the Courts as fair and reasonable will be deducted from the settlement funds.

## **How will the money be distributed to Settlement Class Members?**

Class Counsel are in the process of finalizing a proposed distribution protocol and will ask the Courts to approve that distribution protocol at a later stage.

**The money will be distributed to the purchasers of flexible polyurethane foam, products which contain flexible polyurethane foam and carpet underlay made from flexible polyurethane foam. No money will be paid for purchases of molded or technical flexible polyurethane foam and products which contain molded or technical flexible polyurethane foam.**

When available, details about the distribution protocol will be posted at [www.foamclassaction.ca](http://www.foamclassaction.ca) and [www.recourscollectif.info/fr/dossiers/mousse](http://www.recourscollectif.info/fr/dossiers/mousse). A new notice will also be published.

Settlement class members should retain all proof of purchase of flexible polyurethane foam, products which contain flexible polyurethane foam and carpet underlay made from flexible polyurethane foam between January 1, 1999 and January 10, 2012 and monitor the websites above for updated information on the settlement approvals and the future claims process. If you would like direct notice of steps relating to the distribution protocol, contact class counsel at the email addresses below.

## **Can I exclude myself from the Class Actions?**

No. The right to opt out of the class actions was provided when the actions were certified/authorized by the Courts in relation to the Domfoam/Valle Foam settlement approval. The deadline has already passed.

## **What if I don't like the new settlements or the lawyers' fee request?**

You can object. If you think the new settlements or the lawyers' request for fees and expenses are unfair, you can write to the Courts. If you wish to do so, you need to send your objection to the lawyers at the address below by September 5, 2015. **Objections and inquiries should not be sent directly to the Courts.** The lawyers will organize and provide all the material to the Courts for you.

You may also attend a hearing and ask to speak to the Court. Please contact the lawyers at the information below if you want to attend one of these hearings.

**GET MORE INFORMATION BY:**

Visiting [www.foamclassaction.ca](http://www.foamclassaction.ca) or <http://www.recourscollectif.info/fr/dossiers/mousse/> or contacting the lawyers below:

**BC residents:** Branch MacMaster LLP at [lbrasil@branmac.com](mailto:lbrasil@branmac.com), and Camp Fiorante Mathews Mogeran at [polyfoam@cfmlawyers.ca](mailto:polyfoam@cfmlawyers.ca)

**Quebec residents:** Belleau Lapointe at [membres@recourscollectif.info](mailto:membres@recourscollectif.info)

**All others:** Sutts Strosberg LLP at [polyclassaction@strosbergco.com](mailto:polyclassaction@strosbergco.com).

**Settlement Class Members should monitor the websites for updated information and future claims process.**