

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

***Polyurethane Foam Products means flexible polyurethane foam that is not molded foam or technical foam, and any and all products, including carpet underlay, that contain flexible polyurethane foam that is not molded foam or technical 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 and \$5,450,780.44 has been recovered. Additional money may still be received from Domfoam/Valle Foam's insolvency and an assignment. The Courts have also approved settlements with the defendants Carpenter, Vitafoam, FFP/Flexible Foam, Future Foam, Hickory Springs, Leggett & Platt, Mohawk Industries, Woodbridge and certain individuals for a further recovery of \$29,282,497.

The parties have now reached a new settlement with the remaining defendants, Foamex Innovations, Inc., Foamex Innovations Canada Inc., Les Industries Foamextra Inc. ("FXI") and certain individuals for \$2,450,000.

The Courts have certified/authorized the class actions against FXI and certain individuals for settlement purposes. The deadline for opting out of the class actions has already passed. The defendants' full names are available on the websites set out below.

Who is affected?

Individuals and entities in Canada and related parties who purchased Polyurethane Foam Products in Canada between January 1, 1999 and January 10, 2012, except for defendants and their related parties, are settlement class members and are affected by the settlement and the certifications/authorization against FXI and certain individuals.

This new settlement provides benefits to settlement class members in return for a release of the settling defendants and others from claims regarding Polyurethane Foam Products purchased in Canada.

What happens next?

The Courts will now be asked to approve this new settlement and the lawyers' fees. If the new settlement is not approved by the Courts, the class actions will continue against the FXI settling defendants. If the Courts approve this new settlement, class members will be bound by it. The hearings will be:

in Vancouver, BC on March 6, 2017 at 10 a.m.,
in Laval, Québec on March 21, 2017 at 9:00 a.m.; and
in London, Ontario on April 12, 2017 at 9:30 a.m.

The lawyers will ask the Courts for approval of a fee of 25% of these additional 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?

A proposed distribution protocol has been finalized by the lawyers in consultation with economic and industry experts and the Courts will be asked to approve that distribution protocol and a settlement administration protocol at the settlement approval hearings.

The money will be distributed to settlement class members who purchased certain Polyurethane Foam Products in Canada between January 1, 1999 and January 10, 2012. No money will be paid for purchases of molded or technical flexible polyurethane foam and products which contain molded or technical flexible polyurethane foam.

The distribution protocol will be posted at www.foamclassaction.ca and www.recourscollectif.info/fr/dossiers/mousse. A new notice will also be published when the claims process commences.

Settlement class members should retain all proof of purchase of Polyurethane Foam Products in Canada 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, the distribution protocol or the lawyers' fee request?

You can object. If you think the new settlement, the proposed distribution protocol, 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 **March 1, 2017**. **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 or <http://www.recourscollectif.info/fr/dossiers/mousse/> or contacting the lawyers below:

BC residents: Branch MacMaster LLP at chermanson@branmac.com, and Camp Fiorante Mathews Mogerman at polyfoam@cfmlawyers.ca

Quebec residents: Belleau Lapointe at membres@recourscollectif.info

All others: Sutts Strosberg LLP at polyclassaction@strosbergco.com

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