

# Did you purchase Hydrogen Peroxide directly from a Distributor or Manufacturer of Hydrogen Peroxide in Canada between November 1, 1998 and December 31, 2003?

If so, you could be affected by a proposed class action settlement.

*The Ontario Superior Court of Justice authorized this notice.*

## **WHAT IS A CLASS ACTION?**

A class action is a lawsuit filed by one person on behalf of a large group of people with the same concerns.

## **WHAT IS THIS CLASS ACTION ABOUT?**

Plaintiffs allege that between November 1, 1998 and December 31, 2003, the defendants, FMC Corporation and FMC of Canada, Ltd. (collectively, "FMC"), and co-conspirators conspired to raise, fix, maintain, or stabilize prices for Hydrogen Peroxide and allocate markets and customers for the sale of Hydrogen Peroxide. FMC denies these allegations.

## **AM I ELIGIBLE TO RECEIVE MONEY?**

You may be eligible to receive money if between November 1, 1998 and December 31, 2003 you purchased Hydrogen Peroxide directly from a distributor or eligible manufacturer of Hydrogen Peroxide in Canada.

## **WHAT PREVIOUS SETTLEMENTS WERE REACHED?**

Previous settlements totaling CDN\$20.6 million were reached with five other groups of defendants. Those settlement funds have been previously distributed (the "First Distribution").

## **WHAT NEW SETTLEMENT HAS BEEN REACHED?**

A settlement was reached with FMC for CDN\$3.25 million. The settlement is subject to the approval of the Ontario Court. [A hearing to approve the settlement will be held on January 18, 2019 at 10:00 a. m.](#) The settlement represents a resolution of disputed claims. FMC does not admit any wrongdoing or liability. If approved, the settlement will resolve this class action in its entirety.

Class Counsel will be seeking court approval of legal fees of the \$325,000 allocated for costs, plus 15% of the remaining FMC settlement funds, plus disbursements and applicable taxes, and an honorarium for the representative plaintiffs, all to be paid out of the FMC settlement funds. A levy will also be paid to the Class Proceedings Fund from the FMC settlement funds for the Fund's agreement to pay adverse costs awards.

## **HOW WILL THE SETTLEMENT FUNDS BE DISTRIBUTED**

At the settlement approval hearing, the court will be asked to approve a protocol for the distribution of all of the settlement funds (plus interest and less approved fees and expenses). If approved:

The settlement funds will be distributed to eligible claimants proportionately based on the value of the claimant's Notional Entitlement, as compared to the value of all qualifying claimants' Notional Entitlement.

A claimant's Notional Entitlement will be calculated based on the categorization of the claimant's purchases and the amount of eligible Hydrogen Peroxide purchases they made between November 1, 1998 and December 31, 2003. See the long-form notice and distribution protocol online at <http://www.hydrogenperoxideclassaction.ca/> for more information.

## **WHAT ARE MY OPTIONS?**

You can make submissions to the court regarding the proposed settlement, Class Counsel fees and costs, the honorarium, and distribution protocol. To do so, you must act by January 4, 2019. [You are not required to participate in the hearing to be an eligible claimant.](#)

## **HOW DO I APPLY TO RECEIVE SETTLEMENT BENEFITS?**

After the approval hearing, a further notice will be provided regarding the process and deadline for applying for settlement benefits.

If you did not receive this notice by direct mail or email, you should register at [www.siskinds.com/hydrogen-peroxide/](http://www.siskinds.com/hydrogen-peroxide/) to ensure that you receive future notices directly. You should also keep copies of all related purchase records.

*You are represented by Siskinds LLP, Camp Fiorante Matthews Mogergerman LLP and Strosberg Sasso Sutts LLP*

QUESTIONS? Visit us at <http://www.hydrogenperoxideclassaction.ca/> email [hydrogenperoxide@siskinds.com](mailto:hydrogenperoxide@siskinds.com) or call 1-800-461-6166 x 2455