

## **Frequently Asked Questions**

### **What is the lawsuit about?**

Plaintiffs allege that Defendants unlawfully agreed to fix, raise, maintain or stabilize the prices of and allocate the markets for Polyether Polyol Products sold in the United States and its territories during the period January 1, 1999 through December 31, 2004 in violation of the federal antitrust laws. Plaintiffs allege that, as a result of such violations of the antitrust laws, they and other members of the Class paid more for Polyether Polyol Products than they would have paid absent such wrongful conduct. Plaintiffs and the Class have reached a negotiated settlement of the claims against the Bayer Defendants, which has been approved by the Court and is now final. Plaintiffs and the Class are continuing to pursue their claims against the remaining Defendants, who have denied any liability.

### **Why is this a Class Action?**

In a Class Action, one or more people, Class Representatives, sue on behalf of people who have similar claims, Class Members. One court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

### **How do I know if I am part of the Settlement?**

The Class includes all direct purchasers (excluding governmental entities and Defendants and their respective employees, parents, subsidiaries and affiliates) of Polyether Polyol Products in the United States and its territories from any of the Defendants, or any present or former parent, subsidiary, or affiliate of one of the Defendants, at any time during the period from January 1, 1999 through December 31, 2004 (“the Class Period”). **POLYETHER POLYOL PRODUCTS are defined to mean:** polyether polyols, monomeric or polymeric diphenylmethane diisocyanate (“MDI”), and/or toluene diisocyanate (“TDI”), whether sold separately or in a combined form with or without other chemicals added thereto.

### **What does the Settlement provide?**

On August 30, 2006, the United States District Court for the District of Kansas approved a \$55.3 million class-action settlement with Bayer. Interest has been accruing since that time bringing the balance of the settlement fund as of May 2009 to approximately \$58.9 million. From this amount, court-approved attorneys' fees, expenses, and costs relating to class notice and settlement administration will be deducted. The balance of the Settlement Fund will be used to pay Class Members who send in a timely Proof of Claim Form that is approved by the Claims Administrator. Proof of Claims Forms were mailed on October 9, 2009.

### **How can I get a payment?**

When you receive a claim form in the mail, read the instructions carefully, fill it out, sign it, and mail it to Urethane Antitrust Litigation, Polyether Polyol Cases, c/o Complete Claim Solutions, P.O. Box 24628, West Palm Beach, FL 33416. Claim forms must be postmarked no later than November 23, 2009.

### **What am I giving up to get a payment?**

Unless you excluded yourself, you remain in the Class which means you cannot sue, continue to sue, or be part of any **other** lawsuit regarding the legal issues in **this** case. It also means that some of the Court's orders may apply to you. A further description of the consequences of Class membership is included in the Notice.

### **How do I get out of the Settlement?**

The opt-out period has passed. Therefore, you may no longer exclude yourself from the Settlement and are a member of the Class.

### **Do I have a lawyer in the case?**

The Court has appointed Cohen Milstein Sellers & Toll PLLC, in Washington, D.C. and Fine, Kaplan and Black, R.P.C., in Philadelphia, PA to represent you and other Class Members. These law firms have prosecuted the case for the Class Representatives. If you want to be represented by your own lawyer, you may hire one at your own expense.

### **How will the lawyers be paid?**

The Court has appointed Class Counsel to represent you and other Class Members. The fees for Class Counsel's services will be paid from the Settlement Fund and you will not be otherwise charged for the attorneys. On July 21, 2009, the Court awarded to Class Counsel attorneys' fees equal to one-third of the Bayer settlement fund and reimbursement of expenses incurred through December 31, 2008 in the amount of \$2,131,383.64.

**I bought Polyester Polyol Products. What is the status of the Polyester litigation?**

For information on the Urethane Antitrust Litigation Polyester Polyol cases, please call the Claims Administrator at 800-589-1254 or visit

[www.completeclaimsolutions.com/polyesterpolyol/](http://www.completeclaimsolutions.com/polyesterpolyol/).