

Frequently Asked Questions

Important Dates and Deadlines

- Approval Hearing:** July 20, 2009, 9:30 a.m. at the United States District Court for the District of Kansas. *The hearing may be changed to a different date without additional notice, so it is a good idea to check this website for updated information.*
- Objections:** Filed with the Clerk and copies served upon Plaintiff and Defense Counsel postmarked no later than June 12, 2009.
- Notice of Appearance:** If you file objections to the proposed Plan of Allocation or Petition for Attorneys' Fees and Costs (postmarked no later than June 12, 2009), you have the option of appearing at the Approval Hearing. If you choose to do so, you may appear either yourself or by retaining an attorney at your own expense to appear on your behalf.

Why did I get a Notice?

You received a Notice to advise you of the proposed Plan of Allocation and Petition for Attorneys' Fees and Costs for the Bayer Settlement relating to the Polyether Polyol cases. If you purchased polyether polyols, MDI, TDI, MDI-TDI blends, or polyether polyol systems between 1999 and 2004, you may be a Class Member.

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 current balance of the settlement fund 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 are not available at this time.

How can I get payment?

There are no claim forms available at this time. When claim forms become available, you will receive one by 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.

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. Class Counsel have petitioned the Court for payment of attorneys' fees not to exceed one-third of the Bayer settlement fund and for reimbursement of expenses incurred through December 31, 2008 in an amount not to exceed \$2.2 million.

How do I tell the Court if I don't like the proposed Plan of Allocation or Petition for Attorneys' Fees and Costs?

If you do not like the proposed Plan of Allocation or Petition for Attorneys' Fees and Costs, you may file an objection.

You must mail your objection to the Clerk of the Court and the **objection must be postmarked no later than June 12, 2009**. You do not have to appear personally in court.

Clerk of the Court
United States District Court for the District of Kansas
500 State Avenue
Kansas City, KS 66101

The objection must also be sent via first class mail, **postmarked no later than June 12, 2009**, to each of the following counsel:

Richard A. Koffman, Esq.
Cohen, Milstein, Sellers & Toll, P.L.L.C.
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Washington, DC 20001-1113
Attorney for Bayer

Is there a hearing and do I have to go to court?

The Court has scheduled a hearing to be held at 9:30 a.m. on July 20, 2009 at the United States Courthouse, 500 State Avenue, Kansas City, Kansas 66101, to consider whether to approve the proposed Plan of Allocation and the Petition for Attorneys' Fees and Costs. Although you may attend this hearing in person or through your own attorney, you are not required to do so.

May I speak at the Hearing?

You may be heard at the hearing only if you have timely objected.

What happens if I do nothing at all?

If you do nothing, you will remain a member of the Class and can submit a claim form at the appropriate time.

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.completeclaimssolutions.com/polyesterpolyol/.