

NOTICE OF SETTLEMENT APPROVAL HEARING IN THE CANADIAN DRYWALL CLASS ACTIONS

Please read this notice carefully. It may affect your legal rights.

A. WHO IS AFFECTED BY THIS NOTICE?

This notice affects anyone in Canada who purchased Drywall in Canada between September 1, 2011 and March 17, 2016 (“Settlement Class Members”).

Drywall, sometimes known as gypsum board, wallboard, green glass, sheetrock or plasterboard, means a panel that is often made of gypsum plaster, with or without added products, pressed between two thick sheets of paper.

B. WHAT IS A CLASS ACTION?

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

C. WHAT ARE THESE CLASS ACTIONS ABOUT?

Class action lawsuits were commenced in Ontario (*Bowen Real Estate Holdings Inc. v USG Corporation et al.* Court File No. CV-13-4003CP) and Quebec (*Sylvie Cloutier v USG Corporation et al.* Court File No. 200-06-000167-133), (collectively, the “Class Actions”) alleging that the Defendants conspired to fix prices in the market for Drywall.

The Defendants in the Class Actions are as follows:

- USG Corporation, United States Gypsum Company and CGC Inc. (collectively, “USG”);
- New NGC, Inc. (“New NGC”);
- Lafarge North America Inc. and Lafarge Canada Inc. (collectively, “Lafarge”);
- CertainTeed Corporation, CertainTeed Gypsum, Inc. and CertainTeed Gypsum Canada, Inc. (collectively, “CertainTeed”);
- TIN Inc. (“TIN”);
- Pabco Building Products, LLC (“Pabco”); and
- Georgia-Pacific LLC and GP Canada Operations Holding ULC (collectively, “Georgia-Pacific”).

A parallel action was also commenced in British Columbia (*Dann Hickmann v USG Corporation et al.* Court File No.: S-153468), but it was discontinued against all defendants except Lafarge. The British Columbia action will be dismissed against Lafarge as part of the proposed settlement.

D. WHAT SETTLEMENTS HAVE BEEN REACHED?

The following Defendants have agreed to settle the Class Actions in exchange for a full release of the claims against them relating to the alleged price-fixing of Drywall:

Defendant(s)	Settlement Benefits
Lafarge	CDN\$500,000 + Cooperation
New NGC	USD\$125,000 + Cooperation
Pabco	CDN\$75,000
USG	CDN\$300,000
Georgia-Pacific	Cooperation

The settlements are compromises of disputed claims. The Defendants do not admit any wrongdoing or liability.

Copies of the settlements are available at www.siskinds.com/drywall.

All of the settlements must be approved by the Ontario Court. All of the settlements, except for the Georgia-Pacific settlement, must also be approved by the Quebec Court. The Courts will decide whether the settlements are fair, reasonable, and in the best interests of settlement class members.

At previous hearings, the Class Actions were also certified/authorized against the above Defendants for settlement purposes only. See section A for a description of the settlement class.

A previous settlement was reached with TIN Inc. Under the terms of the settlement, TIN Inc. paid CDN\$100,000 in exchange for a release of claims against it and its related entities. TIN Inc. also provided cooperation to the Plaintiffs for the continued prosecution of the Class Actions. The TIN Inc. settlement was approved by the Ontario, British Columbia and Quebec Courts and the settlement funds were applied against disbursements incurred by class counsel.

E. HOW WILL SETTLEMENT FUNDS BE DISTRIBUTED?

The settlements achieved in this litigation total approximately CDN\$1,142,150. The aggregate settlement funds, plus any interest, and less court approved legal fees, disbursements, administration expenses, and applicable taxes, will be available for distribution (“Net Settlement Amount”).

The Courts will be asked to approve a protocol for distributing the Net Settlement Amount. A copy of the proposed distribution protocol is available at www.siskinds.com/drywall.

Pursuant to the proposed distribution protocol, \$50,000 of the Net Settlement Amount will be allocated as a *cy près* distribution to Habitat for Humanity Canada, a non-profit organization helping to build or rehabilitate safe, decent and affordable homes, including single-family and multi-unit houses.

The remainder of the Net Settlement Amount is available for direct compensation to eligible Settlement Class Members. Settlement Class Members who purchased at least \$5,000,000 of Drywall from the Defendants between January 1, 2012 and December 31, 2013 will be eligible to claim for settlement benefits. The value of Settlement Class Member’s relevant purchases will be

determined using transactional data provided by the Defendants. No other proof of purchase will be required.

Settlement funds will be distributed to eligible Settlement Class Members *pro rata* (proportionately) based on the value of the Settlement Class Member's Drywall purchases. Because settlement funds are being distributed *pro rata*, the amount payable to individual claimants will not be known until after the claims process is complete.

After the settlement approval hearing, a letter will be sent by direct mail to Settlement Class Members eligible to claim for settlement benefits. That letter will explain the process for applying to receive settlement benefits.

F. WHAT SHOULD I KNOW ABOUT UPCOMING COURT DATES?

Hearings to approve the settlement agreements, class counsel's fee request, and the proposed distribution protocol will be held in Ontario and Quebec. The Ontario approval hearing will take place in the Owen Sound Courthouse, at 611-9th Ave. East, Owen Sound on December 19, 2019, at 10:00 a.m. The Quebec approval hearing will take place in the Quebec Courthouse, at 300 Boulevard Jean Lesage, in the City of Quebec on January 15, 2020 at 9:30 a.m.

At the approval hearings, the Courts will also be asked to discontinue the actions against CertainTeed Corporation, CertainTeed Gypsum, Inc. and CertainTeed Gypsum Canada, Inc.

If approved, the proposed settlements and discontinuances will resolve the Class Actions in their entirety.

G. WHAT ARE MY OPTIONS?

You do not have to do anything to stay in the Class Actions. The time to opt-out (exclude yourself) from the class action has already expired. Settlement Class Members who have not opted-out will be bound by the settlement agreements and any Court orders in the Class Actions.

If you want to object to the proposed settlements, fee request or distribution protocol at the hearings listed above, you must send a letter to class counsel at the address listed below, postmarked no later than December 9, 2019.

You may (but do not need to) attend the settlement approval hearings. If you want to attend the hearings, please contact class counsel for additional details.

H. WHO ARE THE LAWYERS WORKING ON THESE CLASS ACTIONS AND HOW ARE THEY PAID?

The law firm of Siskinds LLP represents class members in Ontario, and in provinces other than Quebec:

Telephone: 1-800-461-6166 ext. 2286

Email: drywallclassaction@siskinds.com

Mail: 680 Waterloo Street, London, ON N6A 3V8 Attention: Charles Wright.

The law firm of Siskinds Desmeules s.e.n.c.r.l. represents class members in Quebec. Siskinds Desmeules s.e.n.c.r.l. can be reached at:

Telephone: 1-418-694-2009

Email: recours@siskindsdesmeules.com

Mail: Les promenades du Vieux-Quebec, 43 rue De Buade, bureau 320, Quebec City, QC G1R 4A2 Attention: Caroline Perrault.

You do not have to pay the lawyers working on these class actions any money. The lawyers will be paid from the money collected in the Class Actions. The Courts will be asked to decide how much the lawyers will be paid.

The lawyers will collectively be asking that the Courts approve legal fees of up to 25% of the settlement funds, plus disbursements of no more than \$180,000 and applicable taxes. Any approved legal fees and disbursements will be paid out of the settlement funds.

I. WHAT IF I HAVE MORE QUESTIONS?

For more information, and relevant documents (including copies of the settlement agreements), please visit www.siskinds.com/drywall.

For copies of the Ontario statements of claim, visit the Canadian Class Action Database at <http://www.cba.org/Publications-Resources/Class-Action-Database>.

For a copy of the Quebec motion for authorization or to receive more information about class actions in Quebec, visit the Quebec Registry of Class Actions at <https://www.registredesactionscollectives.quebec/>.

If you have questions that are not answered online, please contact Siskinds LLP or Siskinds Desmeules, s.e.n.c.r.l.