

INTERIOR MOLDED DOORS CLASS ACTIONS
NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL HEARING

This notice may affect your legal rights. Please read carefully.

THIS NOTICE IS DIRECTED TO:

All persons in Canada who purchased Interior Molded Doors in Canada from March 1, 2014 to July 30, 2024, except Excluded Person (the “Settlement Class”).

Interior Molded Door means an interior door made from a wood or fiberboard frame, a hollow or solid core, and two composite doorskins. Interior Molded Doors include single slabs, bifolds and pre-hung doors.

Excluded Persons means any person who opts out of the class action and entities related to the Masonite or JELD-WEN defendants.

A. Nature of the Class Action

The plaintiff commenced a proposed class proceeding in Federal Court alleging that the Masonite and JELD-WEN defendants and unnamed co-conspirators participated in an unlawful conspiracy to fix, raise, maintain, and/or control the price of Interior Molded Doors contrary to the *Competition Act*. The defendants deny that they engaged in any unlawful conduct and deny any liability whatsoever in respect of the plaintiff’s claims. The Federal Court has not decided who is right. The plaintiff and defendants have reached proposed settlements to avoid the uncertainties, risks, and costs of further litigation. The representative plaintiff and Class Counsel consider the settlements to be fair, reasonable and in the best interests of the Settlement Class.

The class action was certified on behalf of the Settlement Class by the Federal Court by consent order of the Honourable Justice Little on July 30, 2024. The certification is conditional on the settlements being approved by the Federal Court. David Regan has been appointed as representative plaintiff for the Settlement Class.

B. Proposed Settlements

Proposed settlements have been reached with all defendants in this action:

- Masonite International Corporation and Masonite Corporation for CDN\$1,151,920; and
- JELD-WEN, Inc., JELD-WEN Holding, Inc., and JELD-WEN of Canada, Ltd. for CDN\$1,060,000.

The settlements are compromises of disputed claims. If approved, the settlements will settle, extinguish, and bar all claims relating in any way to or arising out of the class action against the defendants and their related entities. The defendants do not admit any wrongdoing or liability and disagree with the allegations in the lawsuit.

The Federal Court still must decide whether to approve the settlements. (See Part C below)

The settlements achieved in this litigation total CDN\$2,211,920. The settlement funds, plus any accrued interest, less any deductions approved by the Federal Court will be distributed to eligible Settlement Class members either directly or indirectly through a *cy pres* (charitable) payment to Habitat for Humanity. Class Counsel will be seeking approval of the following deductions:

- CDN\$381,556.38 in outstanding disbursements, plus applicable taxes in the amount of CDN\$49,602.33. The largest disbursement relates to expert fees for the plaintiff's certification expert;
- Class Counsel fees of 25% of the settlement amounts, totaling CDN\$522,980, plus applicable taxes in the amount of CDN\$71,887.40; and
- any out-of-pocket expenses incurred by Class Counsel in administering the settlements, including the cost of notice and the cost of issuing payments, estimated at CDN\$3,825. There will be no fees associated with the distribution because Class Counsel proposes to self-administer the distribution to save costs.

C. Proposed Distribution of Settlement Funds

Direct Payments

As part of the settlement approval hearing, the Federal Court will be asked to approve a protocol for the distribution of the settlement funds, plus interest and less the deductions set out above. See the proposed distribution protocol online at www.siskinds.com/doors.

Subject to further directions of the Federal Court, to qualify for payments:

- the Settlement Class Member must be disclosed in the Defendants' sales data (provided in accordance with terms of the Settlement Agreements) as having purchased Interior Molded Doors directly from the Defendants between March 1, 2014 and December 31, 2018. Class Counsel consider this period to be the stronger liability case and therefore proposes only to compensate purchases during this period (as opposed to the full class period of March 1, 2014 to July 30, 2024). JELD-WEN and Masonite deny any liability, including during this period;
- the Settlement Class Member's relevant purchases between March 1, 2014 and December 31, 2018 must equal at least CDN\$400,000; and
- the Settlement Class Member must file a valid and timely Claim Form.

After the *cy pres* payment (see below), approximately CDN\$1,052,068.89 will be available for direct payments to qualifying Settlement Class Members. Direct payments will be made to qualifying Settlement Class Members *pro rata* (proportionally) based on the value of the eligible Settlement Class Member's relevant purchases as against the total value of all eligible Settlement Class Members' relevant purchases.

The compensation amount payable to individual Settlement Class members cannot be reliably estimated at this time because this will depend on the number of qualifying Settlement Class Members, the number of Settlement Class Members who file a claim and the value of their claims. This Notice of Hearing is being sent to 377 direct purchaser customers of the Defendants, but not all these customers will be eligible for payment or file a claim.

Cy Pres (Charitable) Payment

Recognizing that not all Settlement Class members are eligible to submit a claim, the proposed distribution protocol provides that a *cy prè*s distribution in the amount of CDN\$100,000 will be made to Habitat for Humanity.

D. Settlement Approval Hearing and Objecting to the Settlements

The settlements remain subject to approval by the Federal Court. The application for approval of the settlements will be heard by the Federal Court on October 30, 2024, at 9:30 a.m., by videoconference. At this hearing, the Federal Court will determine whether the settlements are fair, reasonable, and in the best interests of the Settlement Class. The Federal Court will also be asked to determine whether the proposed distribution protocol is fair, reasonable, and in the best interests of the Settlement Class.

Settlement Class members who do not oppose the settlements, the proposed distribution protocol, and/or Class Counsel fees are not required to appear at the settlement approval hearing or take any other action at this time. Settlement Class members who consider it desirable or necessary to seek the advice and guidance of their own lawyers may do so at their own expense.

Objections

At the settlement approval hearing, the Federal Court will consider any objections to the settlements, the proposed distribution protocol, and/or Class Counsel fees by individual Settlement Class members. Objections must be submitted by email to doors@siskinds.com or mail to the address listed in part F below postmarked no later than October 18, 2024.

A written objection should include the following information:

- a. the objector's name, current mailing address, telephone number, and email address;
- b. the reason why the objector believes that they are a Settlement Class member;
- c. a brief statement of the nature of and reasons for the objection; and
- d. whether the objector intends to appear at the hearing in person or by counsel. If the objector is appearing by counsel, the name, address, telephone number, and email address of counsel.

The written submissions can be provided in English or French (if necessary, an unofficial translation will be provided to the Courts).

Class Counsel will provide a copy of any written submissions to the Federal Court.

Attending the Settlement Approval Hearing Virtually

Settlement class members may (but do not need to) attend the settlement approval hearing.

You may attend the settlement approval hearing **virtually** on **October 30, 2024 at 9:30 a.m.**, as an observer or to make oral submissions to the Court. If you want to make oral submissions, you must indicate that in your written objection.

If you wish to attend and/or make oral submissions, please contact Class Counsel no later than October 18, 2024.

E. Excluding Yourself from the Settlement

If you do not want to participate in the class action, you must send a written request to opt out by email to doors@siskinds.com or mail to the address listed in part F below postmarked no later than October 21, 2024. The written request to opt out must contain the following information:

- a. the Person's full name, current address and telephone number;
- b. if the Person seeking to opt out is a corporation, the name of the corporation and the position of the Person submitting the request to opt out on behalf of the corporation;
- c. a statement to the effect that the Person wishes to be excluded from the Federal Action; and
- d. the reason(s) for opting out.

If you opt out by October 21, 2024, you may be able to bring your own lawsuit against the defendants, but you will not be entitled to participate in the settlement.

All Settlement Class members will be bound by the terms of the settlements, unless they opt out of this class action.

If you exclude yourself from the settlements, you may not object to the settlements. This is because settlements no longer affect you.

F. The Lawyers Representing You

The law firms of Siskinds LLP and Siskinds Desmeules s.e.n.c.r.l. represent the Settlement Class. They can be reached at:

<p>Linda Visser Siskinds LLP 275 Dundas Street, Unit 1, P.O. Box 2520, London ON N6B 3L1</p> <p>1-800-461-6166 doors@siskinds.com</p>	<p>Caroline Perrault Siskinds Desmeules s.e.n.c.r.l. 43 de Buade Street, unit 320 Quebec City, QC G1R 4A2</p> <p>1-877-735-3842 recours@siskinds.com</p>
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If you wish to remain a Settlement Class member, you do not need to hire your own lawyer because Class Counsel is working on your behalf. You do not have to pay Class Counsel out-of-pocket. Class Counsel will be asking that the Federal Court approve legal fees up to 25% of the settlement funds (CDN\$522,980), plus disbursements and taxes. Any approved legal fees and disbursements will be paid out of the settlement fund.

If you exclude yourself from the Settlement Class (including because you wish to pursue our own case separate from the class action), these lawyers will no longer represent you. You may desire or need to hire your own lawyer if you wish to pursue your own lawsuit against the defendants.

G. More Information

This notice is given to you on the basis that you may be a Settlement Class member whose rights could be affected by the class action. This notice should not be understood as an expression of any opinion of the Federal Court as to the merits of any claim or defences asserted in the class action. Its sole purpose is to inform you of the class action so that you may decide what steps to take in relation to it.

This notice contains a summary of the class action and the settlements. Further details regarding the class action and the settlements can be found on the following website: www.siskinds.com/doors.

If you have questions that are not answered online, please contact Class Counsel identified above.

This notice contains a summary of some of the terms of the Settlement Agreements. If there is a conflict between the provisions of this notice and the Settlement Agreements, including the schedules to the Settlement Agreements, the terms of the Settlement Agreements and/or the Federal Court orders shall prevail.

DO NOT CONTACT THE FEDERAL COURT FOR INFORMATION

**THIS NOTICE HAS BEEN APPROVED BY
THE FEDERAL COURT OF CANADA**