

**LEGAL NOTICE OF PROPOSED SETTLEMENT TO OWNERS OF CERTAIN  
PLASTIC PLUMBING AND HEATING SYSTEMS SOMETIMES REFERRED  
TO AS POLYBUTYLENE PLUMBING AND HEATING SYSTEMS  
THIS NOTICE MAY AFFECT YOUR LEGAL RIGHTS  
PLEASE READ THIS NOTICE CAREFULLY**

**Who should read this notice**

You should read this notice if you are a past or present owner of any real property or structures in Canada with a polybutylene plumbing and/or heating system with acetal plastic insert fittings. The polybutylene plumbing and heating systems covered by this notice generally contain gray plastic pipes made of polybutylene and gray plastic fittings made of acetal that may, but do not necessarily, carry the following markings: bow, Q, SG, W, A/L.

**Why this notice has been published**

There are legal proceedings in British Columbia, Ontario, and Quebec relating to polybutylene plumbing and heating systems in Canadian properties initiated by certain past or present property owners.

A Settlement Agreement has been entered into between one of the Defendants, E.I. DuPont de Nemours and Company ("DuPont USA"), and Class Counsel.

The Courts in British Columbia, Ontario and Quebec will be asked to certify class proceedings against DuPont USA for purposes of the settlement and approve the settlement including agreed upon definitions of settlement classes. If you are a past or present owner of a polybutylene system with acetal plastic insert fittings, you may be a class member and if approval is given, you will be bound by the terms of the Settlement Agreement and can make claims unless you opt out. A claims facility will be established to handle class members' claims.

**Proposed settlement with DuPont USA**

Subject to the Courts' approval, the class proceedings will be settled with DuPont USA on the terms in the Settlement Agreement, requiring DuPont USA to fund up to C\$30 million for payments to class members subject to terms, conditions and limitations. DuPont USA will pay 25% of the cost of a replumb of a polybutylene plumbing system and damage caused by a leak in a polybutylene plumbing system of a class member who meets the requirements. DuPont USA will also pay part of the cost of repair of a polybutylene heating system of a class member who meets the requirements.

DuPont USA does not admit any wrongdoing or liability on its part. The proposed settlement is a compromise of disputed claims against DuPont USA. The settlement is only a partial settlement of the class proceedings. The lawsuits will continue against the remaining defendants, who are not participants in the DuPont USA settlement.

The Courts will be asked at the settlement approval hearings to approve the proposed settlement as being fair, adequate, reasonable and in the best interests of the class members.

A copy of the complete Settlement Agreement and this notice are posted at <http://www.PBsettlement.ca> and can also be obtained by contacting Class Counsel at the addresses below or by calling toll-free at 1-866-599-4599. If you are uncertain whether you have a plumbing or heating system covered by this notice, you can obtain pictures of the pipe and fittings at the website, by calling the toll-free 866 number or by contacting Class Counsel at the addresses below. A copy of the Settlement Agreement is also available at the courthouse in Quebec City.

**Locations and times of settlement approval hearings**

The Courts will decide whether to approve the DuPont USA settlement, as recommended by the class representatives and Class Counsel, at hearings as follows:

- For residents of Ontario and all other provinces except Quebec and British Columbia: Ontario Superior Court of Justice, 361 University Avenue, Toronto, Ontario, on Friday, October 11, 2002 at 10:00 a.m.
- For British Columbia residents: Supreme Court of British Columbia, 800 Smithe Street, Vancouver, B.C., on Thursday, November 7, 2002 at 10:00 a.m.
- For Quebec residents: Quebec Superior Court of Justice 300, boulevard Jean-Lesage, Quebec City, Quebec, G1K 8K6 on Tuesday, November 19, 2002, at 9:30 a.m.

**Objections to the Proposed Settlement**

At the settlement approval hearings, the Courts will consider any objections to the proposed settlement but only if the objection is sent in written form on or before September 20, 2002, to Class Counsel (at the appropriate address below). In the Province of Quebec, the objections to the settlement must be sent on or before October 18, 2002.

The written objections of class members shall include:

- (a) name, address, telephone number, fax number and e-mail address;
- (b) a brief statement of the nature of and reasons for the objection; and
- (c) whether the class member intends to appear at a settlement approval hearing in person, or by counsel, and if by counsel, the name, address, telephone number, fax number and e-mail address of counsel.

Class members who do not oppose the proposed settlement need not appear at the settlement approval hearings or take any other action at this time.

**Additional Information and Questions for Class Counsel**

Do not contact the Courts about this notice or the proceedings. Please address requests for additional information and any questions to Class Counsel:

### **British Columbia**

James Poyner  
Poyner, Baxter, Poyner  
408 - 145 Chadwick Court  
North Vancouver, BC V7M 3K1  
Tel.: (604) 988-6321  
Fax: (604) 988-3632  
jim@poynerbaxter.com

### **Quebec**

Claude Desmeules  
Siskinds, Desmeules, Avocats  
43, rue Buade, bureau 320  
Quebec City, Quebec G1R 4A2  
Tel.: (418) 694-2009  
Fax: (418) 694-0281  
claudedesmeules@siskindsdesmeules.com

### **Ontario and all other Provinces and Territories**

(except British Columbia and Quebec)  
Dawn Sullivan  
Siskind, Cromarty, Ivey & Dowler  
680 Waterloo Street  
London, Ontario N6A 3V8  
Tel: (519) 672-2121  
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### **Courts Approving Notice**

This Notice has been approved by the following Courts:

- Ontario Superior Court of Justice:
- Supreme Court of British Columbia:
- Quebec Superior Court of Justice:

Garipey v. Shell Oil and others  
Court File No. 30781/99

Furlan v. Shell Oil and others  
Court File No. C967236

Couture v. Shell Oil and others  
Court File No. 200 06-000001-985