

## LEGAL NOTICE

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### **If you bought DRYWALL for end use and not for resale between January 1, 2012 and January 5, 2018, you may have overpaid for it and you could get money from a class action Settlement**

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#### **TO: Indirect Purchasers of Drywall for End Use and Not for Resale**

*This notice is being provided pursuant to an Order of the United States District Court for the Eastern District of Pennsylvania. This is not a solicitation from a lawyer. You are not being sued.*

- This notice describes a class action lawsuit (*In re Domestic Drywall Antitrust Litigation*, MDL No. 2437 and 13-MD-2437), pending in the United States District Court for the Eastern District of Pennsylvania, in which Plaintiffs allege that certain manufacturers conspired to fix Drywall prices in violation of federal antitrust law. “Drywall” refers to paper-backed gypsum Drywall, also known as wallboard or plasterboard.
- The lawsuit claims that certain manufacturers agreed to fix prices for Drywall, and as a result the prices paid by individuals and entities for Drywall were higher than they otherwise would have been. The lawsuit seeks treble damages (triple the amount of actual damages), attorneys’ fees and costs from Defendants. Defendants deny that any of their conduct was unlawful, but the Court has found that Plaintiffs have submitted sufficient evidence to allow their claims regarding the alleged conspiracy to go to trial against the Defendants that have not previously settled or been dismissed.
- You may have received prior notices regarding this lawsuit. The purpose of this Notice is to inform you of two new developments:
  - **New Settlement:** A New Settlement has been entered into with the remaining defendants in the case, American Gypsum Company LLC, New NGC Inc., and PABCO Building Products LLC for \$1 million plus a \$250,000 allotment to defray the cost of providing notice of this settlement. Information about the New Settlement is in Part 2 of this Notice.
  - **Proposed Distribution:** If the New Settlement is approved, it will conclude the litigation and funds from this settlement and prior settlements, with Defendants TIN, Inc., USG Corporation, United States Gypsum Company, and Lafarge North America Inc. will be distributed. The total settlement proceeds are \$16.95 million. This Notice provides information about the Proposed Distribution of those funds and the process for submitting a claim. Information about the Proposed Distribution and claims process is in Part 3 of this Notice.
- This Notice advises you of your rights – and the deadlines to exercise them – in connection with the above developments and Class Counsel’s petition for an award of attorneys’ fees and expenses and service awards to the Class Representatives. Your rights and options regarding the New Settlement and the Proposed Distribution are explained in this notice.

- Please visit [www.IndirectDrywallSettlement.com](http://www.IndirectDrywallSettlement.com) or call 1-855-229-7511 for more information about this lawsuit, including access to court documents about the lawsuit, the prior settlements, and this settlement.

**DO NOT CONTACT THE COURT OR DEFENDANTS IF YOU HAVE QUESTIONS REGARDING THIS NOTICE**

<b>YOUR LEGAL RIGHTS AND OBLIGATIONS WITH RESPECT TO THE NEW SETTLEMENT AND PROPOSED DISTRIBUTION ARE DESCRIBED BELOW</b>	
<b>SUBMIT A CLAIM BY JANUARY 9, 2019</b>	<b>This is the only way to receive a payment.</b> See Part 3. If you submit a claim, you will be bound by the judgment dismissing the lawsuit against NGC, American, and PABCO, and you will not be able to file or maintain your own lawsuit against NGC, American, or PABCO regarding the subject of this lawsuit.
<b>DO NOTHING</b>	If you do not submit a claim, you will receive no payment but will be bound by the judgment dismissing the lawsuit against NGC, American, and PABCO, and you will not be able to file or maintain your own lawsuit against NGC, American, or PABCO regarding the subject of this lawsuit.
<b>EXCLUDE YOURSELF FROM THE NEW SETTLEMENT CLASS BY SEPTEMBER 21, 2018</b>	You have the right to exclude yourself from the New Settlement. If you exclude yourself from the New Settlement, you will not be bound by it and will not be entitled to receive any money from it. If you exclude yourself from the New Settlement, you may have the right to bring your own lawsuit against American Gypsum, NGC, or PABCO at your own expense. Excluding yourself from the New Settlement Class will have no effect on your rights with respect to the prior settlements with Lafarge, TIN or USG.
<b>HIRE YOUR OWN LAWYER</b>	You may, but are not required to, hire your own lawyer at your own expense to advise you of your rights under the settlement. If you do not request exclusion from the New Settlement Class you may also, but are not required to, enter an appearance in the lawsuit through your attorney.
<b>OBJECT BY SEPTEMBER 21, 2018</b>	<p>If you are a member of the New Settlement Class (and do not exclude yourself), then you may write to the Court to object to the terms of the New Settlement. Any objection to the New Settlement will pertain only to that settlement, not to the USG, TIN, or Lafarge settlements previously approved by the Court.</p> <p>If you are a member of the New Settlement Class, or of the USG, TIN, or Lafarge Settlement Classes, you may object to the Proposed Distribution, the request for attorney’s fees and litigation expenses, and/or the Class Representative incentive awards.</p>

## **PART 1: GENERAL INFORMATION**

### **1.1. Why was this Notice published?**

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The Court authorized this Notice because indirect purchasers of Drywall for end use and not for resale have a right to know about the New Settlement and the Proposed Distribution described below and their options regarding these matters. This Notice explains the lawsuit, the New Settlement, and your legal rights and options with respect to the New Settlement and the Proposed Distribution.

The Court in charge of this case is the United States District Court for the Eastern District of Pennsylvania, Judge Michael M. Baylson. This case is known as *In re: Domestic Drywall Antitrust Litigation*, MDL No. 2437 and 13-MD-2437. The indirect purchasers of Drywall who are named in the lawsuit are the Plaintiffs and are also called the Class Representatives. The Defendants—the companies sued by the Plaintiffs—include the major Manufacturers of Drywall, except for CertainTeed Gypsum, Inc. and Georgia Pacific LLC who are not Defendants in this case.

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

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This lawsuit was filed by 220 Golden Gate Associates L.P., Afamefuna Agbodike, Nicholas L. DeMarco, East Island Commercial LLC, John Hauser, Amy Hauser, Geoffrey Jones, Brian Lisonbee, William Perry, Mark Petersen, Todd Ramsay, Alan Shultz, Daniel Stringer, and Kevin Tragesser (collectively, “Plaintiffs” or “Class Representatives”) individually and as representatives of all persons in the United States who purchased Drywall manufactured by Defendants indirectly for end use and not for resale. The lawsuit asserts that the Manufacturers conspired, in violation of state and federal antitrust laws, to raise, fix, maintain or stabilize the price of Drywall and, to help further this price-fixing conspiracy, to abolish the industry’s long-standing practice of limiting price increases for the duration of a construction project through the use of “job quotes.” The lawsuit alleges that as a result of the Manufacturers’ alleged conduct, the prices paid for Drywall were higher than they otherwise would have been. Plaintiffs seek to recover three times the actual damages that they allege the Manufacturers’ conduct caused, as well as attorneys’ fees, expenses and costs. Defendants deny Plaintiffs’ allegations, but the Court has found that Plaintiffs have submitted sufficient evidence to allow their claims regarding the alleged conspiracy to go to trial against certain Defendants.

### **1.3. What is a class action lawsuit?**

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In a class action, people or entities called class representatives sue on behalf of people or entities that have similar claims. All these entities make up the class and are called class members. The Court then resolves the issues for all class members in a single proceeding, except for those who exclude themselves from the class.

#### **1.4. What is the current status of the lawsuit?**

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Starting in December 2012, indirect and direct purchasers of Drywall filed lawsuits claiming that the Manufacturers conspired to fix prices, in violation of the federal antitrust laws, and the cases were consolidated before Judge Baylson in the Eastern District of Pennsylvania. On June 24, 2013, Plaintiffs filed a Consolidated Amended Class Action Complaint (the “Complaint”). Defendants answered the Complaint, denying that they violated the federal antitrust laws and asserting defenses to Plaintiffs’ claims.

In February 2015, Plaintiffs reached separate settlement agreements with USG and TIN for \$8.75 million and \$1.75 million, respectively, and the District Court granted final approval of those settlements on August 20, 2015. In June 2016, Plaintiffs reached a settlement agreement with Lafarge for \$5.2 million, and the District Court granted final approval of that settlement on February 28, 2017. As a result of these settlements, USG, TIN, and Lafarge have been dismissed from the case. Notice was previously provided about those settlements; copies of those notices are available at [www.IndirectDrywallSettlement.com](http://www.IndirectDrywallSettlement.com) or by calling 1-855-229-7511. More information regarding the proposed distribution of the funds from those settlements can be found in Part 3.

The Court has not resolved the merits of Plaintiffs’ claims or determined whether the Plaintiffs’ or Defendants’ contentions are true. In February 2016, the Court found that Plaintiffs offered sufficient evidence to allow their claims to go forward against Lafarge (which subsequently settled), NGC, American Gypsum, and PABCO. However, the Court found Plaintiffs’ evidence insufficient to allow their claims to go forward against CertainTeed.

On August 24, 2017, the Court denied Plaintiffs’ motion to certify a class for trial. As described in Part 2, subsequent to the Court’s decision, Plaintiffs reached a settlement with the remaining Defendants (NGC, American Gypsum, and PABCO). Case law precedents allow a court to approve a class-based settlement even though the court had denied a class during the litigation.

#### **1.5. What is the case caption?**

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The caption (or title) of the lawsuit is provided here. You need to include the caption with any objection you file to the New Settlement Agreement or the Plan of Distribution.

**IN THE UNITED STATES DISTRICT COURT FOR  
THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: DOMESTIC DRYWALL  
ANTITRUST LITIGATION**

**MDL No. 2437 13-  
MD-2437**

**THIS DOCUMENT RELATES TO:  
  
ALL INDIRECT PURCHASER ACTIONS**

## **PART 2: THE NEW SETTLEMENT**

### **2.1. The Proposed Settlement with American Gypsum, NGC and PABCO**

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Plaintiffs have agreed with American Gypsum, NGC and PABCO to settle the lawsuit on behalf of the New Settlement Class. The proposed settlement is only with American Gypsum, NGC and PABCO. Defendants Lafarge, TIN, and USG were previously dismissed as a result of their prior settlements.

The settlement with American Gypsum, Eagle Materials, NGC, and PABCO provides that the Settling Defendants will pay \$1.25 million, which includes \$250,000 allocated for the cost of notice.

Co-Lead Counsel believes that the New Settlement is fair and in the best interests of the New Settlement Class Members.

### **2.2. How do I know if I am a member of the New Settlement Class?**

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The New Settlement Class<sup>1</sup> includes:

All persons or entities currently residing in the United States that indirectly purchased Drywall in the United States manufactured by any of the Defendants, their subsidiaries, affiliates, or joint venturers for end use and not for resale during the Settlement Class Period [January 1, 2012-January 5, 2018].

Within the following states and during time: The New Settlement recovers money for the benefit of class members located in or making a purchase in or from an entity located in Arizona, Arkansas, California, the District of Columbia, Florida, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Puerto Rico, Rhode Island, South Dakota, Tennessee, Utah, Vermont, West Virginia, and Wisconsin (“Statewide Damages Class”). These states and the District

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<sup>1</sup> Settlements have been reached for this Settlement Class and separately for the settlement class comprised of persons or entities that purchased Drywall directly from a Defendant or a Defendant’s subsidiary (“Direct Purchaser Settlement Classes”). A separate notice was issued for the Direct Purchaser Settlement Class. You may be a member of the Indirect Purchaser Settlement Class only if you indirectly purchased Drywall manufactured by a Defendant from a reseller and not directly from a Defendant or a Defendant’s subsidiary or affiliate and may be entitled to share in the monetary recovery if you made those purchases in certain states. You may be a member of the Direct Purchaser Settlement Classes only if you directly purchased Drywall from a Defendant or a Defendant’s subsidiary. If you purchased Drywall both directly and indirectly, you may be a member of the Indirect Purchaser Settlement Classes and also the Direct Purchaser Settlement Classes. As to any specific transaction, a person or entity who purchased Drywall could be either a Direct or Indirect purchaser, but not both. In that event, the Direct Purchaser must file a separate claim as part of the Direct Purchaser settlement, for which the deadline may have already passed, and a separate claim in this litigation as an Indirect Purchaser. No ‘double-dipping’ is allowed for the same purchase. Any attempt to ‘double-dip’ by making a claim as both a Direct and an Indirect Purchaser for the same purchase of drywall will be reported to the court and could result in a criminal charge. This notice only concerns the Indirect Purchaser Settlement Classes. For more information about the Direct Purchaser Settlement Classes, visit <http://classaction.kccllc.net/content.aspx?c=6330&sh=1>.

of Columbia have antitrust and/or consumer protection laws permitting consumers to sue for damages for antitrust violations. If you made your relevant purchases of Drywall outside of these states, you cannot make a claim for damages. The Plan of Allocation, set forth in paragraph 3.3 of this Notice, explains how the settlement proceeds will be allocated.

However, even if you meet these requirements, you are not a member of the New Settlement Class if you are one or the following:

Excluded from the Settlement Class are Defendants, the officers, directors and employees of any Defendant, the parent companies, subsidiaries and affiliates of any Defendant, the legal representatives and heirs or assigns of any Defendant, any co-conspirators, any state or federal entities or instrumentalities of the federal government or of a state, any judicial officer presiding over the Action, any member of his or her immediate family and judicial staff, and any juror assigned to the Action.

You are also not a member of the New Settlement Class if you choose to exclude yourself from the New Settlement Class.

“Indirectly purchased” means purchased from a source other than directly from Defendants, and “end use and not for resale” means drywall not purchased to be sold to someone else. Thus, for example, contractors purchasing drywall to resell to their customers as part of construction projects would not be class members. However:

- A commercial or business entity who paid a builder or contractor to renovate or repair an existing office building, professional office, or other establishment that the entity used for business purposes would be a class member.
- A homeowner purchasing drywall through a contractor by hiring a contractor to perform a construction project including drywall purchase and installation would be a class member.
- An individual or business entity purchasing drywall as a stand-alone product at a retailer such as Home Depot or Lowe’s for use in a “Do-It-Yourself” project would be a class member.

An individual or entity indirectly purchasing drywall for end use does not stop being a class member if they later sold the property for which they purchased drywall. If you have questions about whether you are a class member, you can call 1-855-229-7501.

The New Settlement recovers money for the benefit of class members located in or making a purchase in or from an entity located in Arizona, Arkansas, California, the District of Columbia, Florida, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Puerto Rico, Rhode Island, South Dakota, Tennessee, Utah, Vermont, West Virginia, and Wisconsin (“Statewide Damages Class”). These states and the District of Columbia have antitrust and/or consumer protection laws permitting consumers to sue for damages for antitrust violations. If you made your relevant purchases of Drywall outside of these states, you cannot make a claim for damages. The Plan of Allocation, set forth in paragraph 3.3 of this Notice, explains how the settlement proceeds will be allocated.

### **2.3. What am I giving up if I stay in the New Settlement Class?**

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By staying in the New Settlement Class you will give up your right to individually sue American Gypsum, NGC and PABCO for claims related to their alleged violations of the federal antitrust laws, as set forth in the Complaint. That means you cannot sue, continue to sue, or be part of any other lawsuit against American Gypsum, NGC or PABCO for the claims asserted in this lawsuit against American Gypsum, NGC and PABCO. It also means that all of the Court's rulings will apply to you with respect to American Gypsum, NGC, or PABCO and legally bind you, whether favorable or unfavorable to the New Settlement Class.

### **2.4. Will I receive money from the New Settlement?**

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Co-Lead Counsel will ask the Court to distribute the funds from the New Settlement (and prior settlements) to Statewide Damages Class members submitting valid claims. Part 3 of this Notice explains how to submit claims. Except as provided elsewhere in this Notice, it is Co-Lead Counsel's intention to hold the funds received in an interest-bearing account until the Court orders the funds to be distributed. Co-Lead Counsel will also be asking for an award of attorneys' fees, reimbursement of litigation expenses and service awards for Plaintiffs for their service to the settlement classes.

### **2.5. The Settlement Hearing and objecting to the New Settlement.**

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The Court will hold a hearing on October 25, 2018 at 2:00 p.m. at the James A. Byrne United States Courthouse, 601 Market Street, Philadelphia, PA 19106, Courtroom 3A, to consider whether the New Settlement is fair and should be approved. The Court may also consider whether to approve Plaintiffs' proposed distribution of the settlement funds as described in Part 3 below. The hearing may be continued or rescheduled without further notice.

If you do not exclude yourself from the New Settlement Class, you may object to the terms of the New Settlement Agreement. Your objection must be in writing, include the caption of this litigation (provided on page 3 of this Notice), state the nature and grounds for your objection, be signed by you, and be filed no later than September 21, 2018 with the Clerk of Court, United States District Court for the Eastern District of Pennsylvania, James A. Byrne United States Courthouse, 601 Market Street, Philadelphia, PA 19106, with copies mailed to Co-Lead Counsel (addresses provided in Section 2.9 below). If you do not object to the New Settlement or Plaintiffs' proposed distribution of the settlement funds (see Section 3.3 below), you do not need to appear at the hearing or take any other action at this time.

### **2.6. How do I exclude myself from the New Settlement Class?**

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If you want to exclude yourself from the New Settlement Class, you must mail a written request to be excluded to the Domestic Drywall Class Administrator at the following address: Indirect Drywall Settlement, Settlement Administrator, c/o Heffler Claims Group, P.O. Box 58190, Philadelphia, PA

19102-8190. The written request must include your name and address and specifically state that you request exclusion from the New Settlement Class. The written request must be postmarked no later than September 21, 2018. If you elect to be excluded from the New Settlement Class, you will not be legally bound by any judgment dismissing American Gypsum, NGC and PABCO from the lawsuit and will remain free to pursue any legal rights you may have, including bringing a lawsuit, against American Gypsum, NGC or PABCO at your own expense. If you are excluded from the New Settlement Class, you will not receive any money or other benefits which are awarded to the New Settlement Class, and you will not be allowed to object to the New Settlement, as described in Section 2.5 above.

## **2.7. What is the difference between objecting to the New Settlement and requesting exclusion from the New Settlement Class?**

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Objecting is simply telling the Court that you do not like something about the New Settlement. You can object to the New Settlement only if you do not exclude yourself from the New Settlement Class. Excluding yourself is telling the Court that you do not want to participate in the New Settlement. If you exclude yourself from the New Settlement Class, you cannot object because the New Settlement no longer affects you.

## **2.8. Do I have a lawyer in this case?**

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The Court appointed the following law firms to represent the New Settlement Class:

BLOCK & LEVITON LLP  
155 Federal Street, Suite 400  
Boston, MA 02110  
Tel: (617) 398-5600

FINKELSTEIN THOMPSON LLP  
3201 New Mexico Ave, Suite 395  
Washington, DC 20007  
Tel: (202) 337-8000

GREEN & NOBLIN, PC  
700 Larkspur Landing Circle, Suite 275  
Larkspur, CA 94939  
Tel: (415) 477-6700

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

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Attorneys for the New Settlement Class are litigating this case on a completely contingent fee basis, meaning that you are not personally responsible for the attorneys' fees, costs, or expenses in the case. As described below in Part 3, Co-Lead Counsel intends to ask the Court for attorneys' fees and reimbursement of litigation expenses from the New Settlement and the earlier settlements. The Court



can approve or deny any such a request.

### **2.10. If I stay in the New Settlement Class, may I enter an appearance in the litigation through an attorney at my own expense?**

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If you stay in the New Settlement Class, you may, but do not have to, enter an appearance in the lawsuit through an attorney at your own expense.

### **2.11. What happens if I do nothing at all?**

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If you are a member of the New Settlement Class and you choose to take no action, your interests as a member of the New Settlement Class will be represented by the Plaintiffs and Co-Lead Counsel and you will be bound by any decision or judgment entered by the Court with regard to the New Settlement. You will not be able to start or continue with a lawsuit against American Gypsum, NGC, or PABCO regarding the claims described herein.

If you do not submit a claim in accordance with the procedures set forth in Part 3 of this Notice, you will not receive anything from the settlement fund. Paragraph 3.2 of this Notice describes who is entitled to submit a claim. As a member of the New Settlement Class, you will not be personally responsible for attorneys' fees, costs or litigation expenses; any attorneys' fees, costs and expenses will be awarded by the Court, and paid out of the total recovery, as described in Part 3.

## **PART 3: DISTRIBUTION OF THE SETTLEMENT FUNDS**

### **3.1. What settlement funds are to be distributed?**

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Plaintiffs in this case previously reached settlements with Lafarge, TIN, and USG totaling a combined \$16.95 million. Co-Lead Counsel has not previously asked the Court to distribute any of the funds from the prior settlements to settlement class members and the settlement funds are being held in an interest-bearing account. If the Court approves the New Settlement, Co-Lead Counsel will now ask the Court to distribute the funds from each of the settlements (including the New Settlement), after deduction of attorneys' fees, litigation expenses and any service awards to the Class Representatives.

The funds from all the settlements in the litigation (that is, the USG, TIN, Lafarge, and New Settlements), including any accrued interest, will be combined in a single Combined Settlement Fund. Any entity that is eligible to receive a payment under the Plan of Allocation that submits a valid claim will be entitled to receive a payment.

### **3.2. How do I Submit a Claim?**

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If you are eligible to receive a payment under the Plan of Allocation and want to make a claim from the Settlement Fund, you must complete and submit a Claim Form. We urge you to submit a claim online at [www.IndirectDrywallSettlement.com](http://www.IndirectDrywallSettlement.com). If you do not file online, you can also submit a

claim by mail.

The Claim Form can be found and completed or downloaded at [www.IndirectDrywallSettlement.com](http://www.IndirectDrywallSettlement.com) or you can obtain a copy by calling the Settlement Administrator toll free at 1-855-229-7511. If you choose to submit your claim online, you must do so on or before January 9, 2019. If you choose to submit a Claim Form by mail, it must be postmarked by January 9, 2019, and mailed to: Indirect Drywall Settlement, Settlement Administrator, c/o Heffler Claims Group, P.O. Box 58190, Philadelphia, PA 19102-8190.

### **3.3. How will the settlement funds be distributed?**

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The Net Combined Settlement Fund (the Combined Settlement Fund less any Court-awarded attorneys' fees, expenses, and service awards) will be distributed to Statewide Damages Class (defined in paragraph 2.2 of the Notice) members submitting claims showing individual purchases of Drywall between January 1, 2012 and December 31, 2013 ("Claims Period") indirectly for end use and not for resale. State and local entities purchasing Drywall for end use and not for resale may also submit claims but will have their claims discounted as set forth below. The Plan of Allocation does not provide for a monetary recovery for anyone that does not fit these criteria.

The Net Combined Settlement Fund will be allocated to two groups of Statewide Damages Class Members. These groups are:

- **17%** of the Net Combined Settlement Fund will be allocated to the Do-It-Yourself Homeowner Group. The Do-It-Yourself Homeowner Group includes all Statewide Damages Class members' purchases of stand-alone drywall for use in a project they performed in their own home. Thus, this group includes all individuals purchasing drywall at a retailer (such as Home Depot, Lowe's, or Menards) who used that drywall for a home repair or remodeling project they performed.
- **83%** of the Net Combined Settlement Fund will be allocated to all other Statewide Damages Class members. Claimants in this group therefore include all businesses or commercial Statewide Damages Class members, as well as any person or entity paying a contractor for a repair or remodeling project including Drywall.

Within each group, funds will be distributed *pro rata* in accordance with the claimant's Recognized Claim Amount, computed as described below. There will be a \$50 floor for recovery, meaning only claimants entitled to a payment of \$50 or more will receive a check. A claimant's Recognized Claim Amount will be computed as follows:

- Claimants submitting proof of purchase during the Claims Period that shows the price they paid for Drywall will have those purchases valued at 100% for purposes of computing a Recognized Claim Amount.
- Claimants unable to provide any proof of purchase during the Claims Period may sign a declaration in which they attest to (1) the number of sheets of drywall they purchased, or (2) the square footage of the drywall installed in their homes. The drywall will be

valued at \$11 a sheet to compute the class members' estimated purchase price. These class members will have those purchases valued at 75% (or \$0.75 on the dollar) for purposes of computing a Recognized Claim Amount and will be subject to a \$100 cap on any settlement payment they will receive.

- Any state entities submitting claims will additionally have their claims valued at 61% (or \$0.61 on the dollar), after the above calculations are applied, to compute their Recognized Purchase Amount. This reflects that TIN and USG did not exclude state entities from their settlements, and that TIN and USG collectively contributed approximately 61% to the Settlement Fund.

Any funds remaining after distribution will be donated to a *Cy Pres Charitable fund*.

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

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Since they filed this case, the attorneys representing the Settlement Classes have not received any payment for their services in prosecuting the lawsuit. Consistent with disclosures in the prior notices, the Court previously approved payments totaling approximately \$670,000 from the TIN, USG, and Lafarge settlement funds to cover ongoing pretrial litigation expenses, primarily for expenses incurred in connection with economic experts.

If the Court approves the proposed New Settlement, Co-Lead Counsel will ask the Court to award attorneys' fees of up to one-third of the Combined Settlement Fund, plus reimbursement of expenses that they incurred in the litigation and administering the settlement funds. Co-Lead Counsel will file their petition for attorneys' fees and reimbursement of expenses with the Court by July 20, 2018. A copy of the petition will be posted on [www.IndirectDrywallSettlement.com](http://www.IndirectDrywallSettlement.com) or can be obtained by calling 1-855-229-7511.

Any attorneys' fees and reimbursement of litigation expenses will be awarded only as approved by the Court in amounts determined to be fair and reasonable. If you wish to object to the petition for attorneys' fees and reimbursement of litigation expenses, you may do so, but only by following the instructions in Section 3.6 below.

### **3.5. Will the Plaintiffs receive anything for the time and effort they contributed to the lawsuit?**

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If the Court approves the proposed New Settlement, Co-Lead Counsel will ask the Court to award the Class Representatives up to \$6,000 each for the time and effort they contributed to the prosecution of this litigation. These service awards would be paid from the Combined Settlement Fund.

Any service awards will be awarded only as approved by the Court in amounts determined to be fair and reasonable. If you wish to object to the proposed service awards, you may do so, but only by following the instructions in Section 3.6 below.

### **3.6. How do I object to the proposed distribution, Co-Lead Counsel's request for attorneys' fees and reimbursement of litigation expenses, or service awards for the Class Representatives?**

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If you wish to object to the proposed distribution (including the plan of distribution, request for attorneys' fees, request for reimbursement of litigation expenses, and/or request for service awards), you must specify, in writing all of your objections to the proposal and the basis for those objections, as well as: (i) the caption of this litigation (provided on page 3 of this Notice); (ii) the name, address, and telephone number of the person or entity objecting and, if represented by a lawyer, of his or her lawyer; and (iii) a statement describing any purchases of drywall you made within any Class Period, including the date and location of those purchases and, if known, the cost of those purchases and the manufacturer of the drywall you purchased.

Your objection must be filed no later than September 21, 2018 with the Clerk of Court, United States District Court for the Eastern District of Pennsylvania, James A. Byrne United States Courthouse, 601 Market Street, Philadelphia, PA 19106, with copies mailed to Co-Lead Counsel (addresses provided in Section 2.8 above).

At the Settlement Hearing described in Section 2.5 above, the Court will also consider whether Co-Lead Counsel's proposed distribution (including the plan of distribution, request for attorneys' fees, request for reimbursement of litigation expenses, and/or request for service awards) is fair and should be approved.

## **PART 4: GETTING MORE INFORMATION**

### **4.1. How can I get more information?**

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This notice is only a summary of the Court's decision. You may obtain more information by visiting [www.IndirectDrywallSettlement.com](http://www.IndirectDrywallSettlement.com) or by calling 1-855-229-7511.

**PLEASE DO NOT CONTACT THE COURT, THE CLERK OF THE COURT OR DEFENDANTS. IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, PLEASE DIRECT THEM ONLY TO THE DOMESTIC DRYWALL CLASS ADMINISTRATOR**