

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Wilson, et al. v. Metals USA, Inc.
Case No. 2:12-CV-00568-KJM-DB

NOTICE OF CLASS SETTLEMENT

**IF YOU OWN A HOME OR OTHER STRUCTURE IN THE STATE OF CALIFORNIA
ON WHICH THE CONTINENTAL, SHADOWLINE, OR WOOD SHAKE PANELS
MANUFACTURED BY DURA-LOC ROOFING SYSTEMS LIMITED WERE
INSTALLED AT ANY TIME DURING JULY 1, 1996 TO MAY 12, 2006**

You Could Receive a Benefit from this Class Action Settlement.

A Federal Court authorized this notice. This is not a solicitation from a lawyer.

- A Settlement has been reached in a class action lawsuit involving the Continental, Shadowline, and Wood Shake stone-coated steel roof panels (the “Panels”) manufactured by Dura-Loc Roofing Systems Limited (“Dura-Loc”). The lawsuit claims that the Panels contain an inherent design defect wherein the surface coating of the Panels deteriorate well before the warranted 25-year period. The lawsuit further claims that Metals USA, Inc. (“MUSA”) is liable as Dura-Loc’s successor-in-interest. MUSA denies that it has any liability as Dura-Loc’s successor-in-interest, that Plaintiffs’ claims have merit, and that it has done anything wrong. All of the parties have agreed to settle.
- **If you wish to receive a benefit from this Settlement, you must file a Claim Form, which is enclosed with this notice, by June 14, 2019.**
- Your legal rights are affected, whether you act or don’t act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT

YOU MAY		DUE DATE
SUBMIT A CLAIM FORM	Submit a Claim Form and receive a benefit from this Settlement.	Postmarked or submitted online at www.roofpanelsettlement.com by: June 14, 2019.
EXCLUDE YOURSELF FROM THE SETTLEMENT	Get no benefit from the Settlement. This is the only option that allows you to ever be a part of any other lawsuit against MUSA about the claims in this case.	Postmarked by June 14, 2019.
OBJECT	Write to the Court about why you don’t like the Settlement.	Postmarked by June 14, 2019.
GO TO A HEARING	Ask to speak in Court about the fairness of the Settlement.	The Court has not set a specific date for the hearing on final approval; however, the final approval hearing will not be held until at least September 6, 2019. Please continue to monitor the website at www.roofpanelsettlement.com for information regarding the date and time of the final approval hearing.

- These rights and options — **and the deadlines to exercise them** — are explained in this notice.
- The Court in charge of this case still has to decide whether to approve the Settlement. Payments will be made if the Court approves the Settlement and after any appeals are resolved. Please be patient.

WHAT THIS NOTICE CONTAINS

BASIC INFORMATION Page 3

- 1. Why is there a notice?
- 2. Who is the Defendant?
- 3. What is the lawsuit about?
- 4. Why is this a class action?
- 5. Why is there Settlement?

WHO IS IN THE SETTLEMENT Page 3

- 6. How do I know if I am part of the Settlement?
- 7. What does the Settlement provide?
- 8. How do I file a claim?
- 9. What am I giving up to stay in the Class?

EXCLUDING YOURSELF FROM THE SETTLEMENT Page 4

- 10. How do I get out of the Settlement?
- 11. If I don't exclude myself, can I sue MUSA for the same thing later?
- 12. If I exclude myself, can I still benefit from this Settlement?

THE LAWYERS REPRESENTING YOU Page 5

- 13. Do I have a lawyer in the case?
- 14. How will the lawyers be paid?

OBJECTING TO THE SETTLEMENT Page 5

- 15. How do I tell the Court that I don't like the Settlement?
- 16. What's the difference between objecting and excluding?

THE COURT'S FAIRNESS HEARING Page 5

- 17. When and where will the Court decide whether to approve the Settlement?
- 18. Do I have to come to the hearing?
- 19. May I speak at the hearing?

IF YOU DO NOTHING Page 6

- 20. What happens if I do nothing at all?

GETTING MORE INFORMATION Page 6

- 21. Are there more details about the Settlement?
- 22. How do I get more information?

BASIC INFORMATION

1. Why is there a notice?

You have a right to know about a proposed Settlement of a class action lawsuit, and about your options, before the Court decides whether to approve the Settlement.

The Court in charge of the case is the United States District Court for the Eastern District of California, and the case is called *Wilson, et al. v. Metals USA, Inc.*, Case No. 2:12-CV-00568-KJM-DB. The persons who sued are called the Plaintiffs, and the company that has been sued is called the Defendant.

2. Who is the Defendant?

The “Defendant” is Metals USA, Inc. (“MUSA”). MUSA purchased the assets of Dura-Loc, did not manufacture the product at issue in this case, and has been sued as the alleged successor-in-interest to Dura-Loc.

3. What is the lawsuit about?

The lawsuit claims that the Panels contain an inherent design defect wherein the surface coating of the Panels deteriorates before the warranted 25-year period. The lawsuit further claims that MUSA is liable as Dura-Loc’s successor-in-interest. MUSA denies that it has any liability as Dura-Loc’s successor-in-interest or that it has done anything wrong. All of the parties have agreed to settle.

4. Why is this a class action?

In a class action, one or more people called the class representatives (in this case James Wilson and Jack White), sue on behalf of people who have similar claims. The people they represent are a class or class members. U.S. District Judge Kimberly J. Mueller in the Eastern District of California is in charge of this class action.

5. Why is there a Settlement?

The Court did not decide in favor of Plaintiffs or MUSA. The attorneys have investigated the facts and applicable law regarding the Plaintiffs’ claims and MUSA’s defenses. The parties have engaged in lengthy negotiations in reaching this Settlement. Plaintiffs and their attorneys believe the Settlement is best for all affected parties. Both sides agree that MUSA is not admitting fault, but both sides want to avoid the costs and risks associated with further litigation.

WHO IS IN THE SETTLEMENT

To see if you are entitled to benefits from the Settlement, you first have to determine if you are a Class Member.

6. How do I know if I am a part of the Settlement?

You are a member of the Settlement Class if you currently own a home or other structure on which Continental, Shadowline, or Wood Shake Panels manufactured by Dura-Loc were installed between July 1, 1996 and May 12, 2006.

If you believe your situation falls within the foregoing, you must submit a Claim Form to receive the benefit offered under the terms of the Settlement.

7. What does the Settlement provide?

The Settlement provides for a benefit for each individual member of the Class that submits a valid, complete, and timely Claim Form. The amount of your benefit will depend on the number of Panels currently manifesting the defect, i.e., the loss of the surface coating granules.

Under the Settlement, each individual member of the Class is entitled to make a claim for each Panel manifesting the defect and receive \$10.00 per Panel with a maximum of three hundred (300) Panels. In other words, each individual member of the Class is eligible to make a claim for up to three hundred (300) Panels, for a maximum benefit of up to \$3,000.00 (300 Panels x \$10.00 = \$3,000.00).

8. How do I file a claim?

To receive a benefit under the Settlement, you must fill out and submit a Claim Form. A Claim Form is available online at www.roofpanelsettlement.com and can be either printed out and mailed or submitted online. Read the instructions carefully. To the best of your ability, fill out the form and include all the information the form requests. Then submit it as instructed on the website or sign it and mail it to:

Wilson v Metals USA, Inc.
Settlement Administrator
P.O. Box 404000
Louisville, KY 40233-4000

You have until June 14, 2019 to submit a Claim Form. Payments will be made after final approval of the Settlement by the Court. Even then, there may be appeals. It is always uncertain how many appeals may be resolved and how long it will take. Please be patient.

Please note that by submitting a Claim Form, you have agreed to allow MUSA the right, in its sole discretion, to inspect your Claim Form and your property, and challenge the estimate of the affected Panels and dispute the amount of, and your eligibility to, the benefit made available pursuant to this Settlement.

9. What am I giving up to stay in the Class?

Unless you exclude yourself, you are a member of the Class, which means that you cannot sue, continue to sue, or be part of any other lawsuit against MUSA, and certain affiliates and people about the legal issues in this case if the Settlement is approved.

It also means that all of the decisions by the Court will bind you. The “Released Claims” are described more fully in the Settlement and describe exactly the legal claims that you give up if you do not exclude yourself from the Settlement. A full copy of the Settlement, as well as other documents relating to this case, can be reviewed at www.roofpanelsettlement.com.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you do not want to receive a benefit from this Settlement, and you want to keep the right to sue or continue to sue MUSA on your own about the legal issues in this case, then you must take the steps to get out. This is called excluding yourself – or is sometimes referred to as opting out.

10. How do I get out of the Settlement?

To exclude yourself from the Settlement, you must send a letter that includes the following:

- Your name, address, and telephone number;
- A statement saying that you want to be excluded from the *Wilson, et al. v Metals USA, Inc.* Settlement;
- Your signature.

You must mail your exclusion request, postmarked no later than June 14, 2019, to:

Wilson v Metals USA, Inc.
Settlement Administrator
P.O. Box 404000
Louisville, KY 40233-4000

11. If I don't exclude myself, can I sue MUSA for the same thing later?

No. Unless you exclude yourself, you give up the right to sue MUSA for the claims that this Settlement resolves. If you have a pending lawsuit, speak to your lawyer immediately. You must exclude yourself from this Class to continue your own lawsuit if it is based on the conduct alleged in this case. Remember, the exclusion deadline is June 14, 2019.

12. If I exclude myself from the Settlement, can I get the Benefit?

No, you will not get any benefits if you exclude yourself from the Settlement.

THE LAWYERS REPRESENTING YOU

13. Do I have a lawyer in this case?

The Court has designated Gene J. Stonebarger and Richard D. Lambert of Stonebarger Law, APC as Class Counsel for Plaintiffs in this case. Class Counsel will represent you and other Class Members. You will not be charged for these lawyers. If you want to be represented by your own lawyer, you may hire one at your own expense.

14. How will the lawyers be paid?

The Court will decide how much Class Counsel will be paid. Class Counsel has not submitted a request for attorneys' fees or litigation expenses at this time; however, when Class Counsel seeks fees and litigation expenses, they will not ask for more than \$1,111,000.00. Class Counsel will also request that \$25,000 be paid to Plaintiff James Wilson and \$14,000 to Plaintiff Jack White who sued on behalf of the whole Class.

OBJECTING TO THE SETTLEMENT

You can tell the Court that you don't agree with the Settlement or some part of it.

15. How do I tell the Court that I don't like the Settlement?

If you stay in the Class, you can object to the Settlement if you don't like any part of it. You can give reasons why you think the Court should not approve the Settlement. The Court will consider your views. To object, you must send a letter that includes the following:

- Your name, address, and telephone number;
- A statement saying that you object to the Settlement in *Wilson, et al. v. Metals USA, Inc.*, Case No. 2:12-CV-00568-KJM-DB;
- The reasons you object to the Settlement and;
- Your signature.

You must mail your objection, postmarked no later than June 14, 2019, to the following addresses:

To the Court:	To Class Counsel:	To Defense Counsel:
Clerk of Court United States District Court Eastern District of California 501 I Street Sacramento, CA 95814	Richard D. Lambert STONEBARGER LAW, APC 75 Iron Point Circle, Ste. 145 Folsom, CA 95630	Frank Busch KERR & WAGSTAFFE LLP 101 Mission Street 18 th Floor San Francisco, CA 94105

16. What's the difference between objecting and excluding?

Objecting is simply telling the Court that you don't like something about the Settlement. You can object only if you stay in the Class. Excluding yourself is telling the Court that you don't want to be part of the Class. If you exclude yourself, you cannot object because the case no longer affects you.

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the Settlement and the requests for attorneys' fees and expenses. You may attend and you may ask to speak, but you don't have to.

17. When and where will the Court decide whether to approve the Settlement?

The Court has not set a specific date for the hearing on final approval; however, the final approval hearing will not be held until at least September 6, 2019. Please continue to monitor the website at www.roofpanelsettlement.com for information regarding the date and time of the final approval hearing. The Court will hold the Fairness Hearing to consider whether the Settlement is fair, reasonable and adequate. The hearing may be moved to a different date or time without additional notice, so it is a good idea to check www.roofpanelsettlement.com. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay Class Counsel and the Plaintiffs. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long these decisions will take. The hearing may be continued without further notice.

18. Do I have to come to the hearing?

No. Class Counsel will answer questions the Court may have. But you are welcome to come at your own expense. If you send a written objection, you don't have to come to Court to talk about it. As long as you mailed your written objection on time, the Court will consider it. You may also pay your own lawyer to attend.

19. May I speak at the hearing?

You must request permission from the Court to speak at the Fairness Hearing. To do so, you must send a letter titled "Notice of Intention to Appear in *Wilson, et al. v. Metals USA, Inc.*, Case No. 2:12-CV-00568-KJM-DB." Your Notice of Intention to Appear must include the following:

- Your name, address, and telephone number;
- A statement that this is your "Notice of Intention to Appear" in the *Wilson, et al. v. Metals USA, Inc.*, Case No. 2:12-CV-00568-KJM-DB, litigation;"
- The specific reasons you wish to be heard and;
- Your signature.

Your Notice of Intention to Appear must be postmarked no later than June 14, 2019, and be sent to the Clerk of the Court, Class Counsel, and Defense Counsel at the addresses in Question 15. You cannot speak at the hearing if you excluded yourself.

IF YOU DO NOTHING

20. What happens if I do nothing at all?

If you are a Class Member and do nothing, you will not receive a benefit from the Settlement, and you will be bound by the "Released Claims" which means you can't sue MUSA, continue to sue, or be part of any other lawsuit against MUSA or its affiliates about the legal issues in this case. It also means that all of the decisions by the Court will bind you. The "Released Claims" are described more fully in the Settlement, which describes exactly the legal claims that you forego whether or not you seek the benefits provided by the Settlement. If you would like a copy of the Settlement, please contact Class Counsel whose contact information is provided in Section 15.

GETTING MORE INFORMATION

21. Are there more details about the Settlement?

This notice summarizes the proposed Settlement. More details are available in the Settlement itself and documents filed with the Court. You can get copies of the Settlement and other documents by contacting Class Counsel, whose contact information is provided in Section 15, or on the website at www.roofpanelsettlement.com.

22. How do I get more information?

You may contact the Settlement Administrator in writing or by telephone at: 1-888-628-3491 or visit the website at www.roofpanelsettlement.com, where you will find answers to common questions about the Settlement and other information. You may also contact Class Counsel listed in Section 15.