

# **If you own a home in California with Monier roofing tiles, you may be entitled to receive compensation**

This Court-Ordered Notice arises out of a class action lawsuit involving slurry-coated roofing tiles that were manufactured by Monier Inc. At trial, a jury determined that qualifying homeowners are entitled to damages in the amount of \$3,705. Qualifying commercial property owners are entitled to \$400 or more. The purpose of this Notice is to inform you of your right to submit a claim for compensation in a Claims Process overseen by the Superior Court of California.

For additional information, please visit [www.RoofingTilesClassAction.com](http://www.RoofingTilesClassAction.com).

## **Who is eligible for a payment?**

All owners of homes or commercial properties in the State of California, or previous owners of homes or commercial properties in the State of California, with Monier tiles sold between January 1, 1978 and August 14, 1997 (“Qualifying Tiles”), or previous owners of homes or commercial properties with Monier tiles sold during that same period, may be entitled to compensation. Homeowners may be entitled to receive **\$3,705** per home, and commercial property owners may be entitled to receive **\$400** for every 30 roofing squares.

## **How is the class defined?**

The Court created two classes that overlap and they are defined as follows:

**UCL CLASS:** (i) all individuals or entities in the State of California who own structures with slurry-coated roof tiles sold by Monier Company, Monier Roof Tile, Inc., or Monier Inc. between January 1, 1978, and August 14, 1997 (the “Tiles”); and (ii) all California individuals and entities who paid to replace or repair such Tiles. Membership in the Class is limited to those who, prior to purchasing or obtaining their Monier roof tile product, were exposed to a statement along the lines that the Tiles would have a 50 year life, permanent color, or would be maintenance free. The Class excludes the trial judge and his family, and defendants and their counsel.

**CLRA CLASS:** (i) all individuals in the State of California who own, for personal, family or household use, structures with slurry-coated roof tiles sold by Monier Company, Monier Roof Tile, Inc., or Monier Inc. between January 1, 1978, and August 14, 1997 (the “Tiles”); and (ii) all California individuals who owned such homes for personal, family or household use and who paid to replace or repair such Tiles. Membership in the Class is limited to those who, prior to purchasing or obtaining their Monier roof tile product, were exposed to a statement along the lines that the Tiles would have a 50 year life, permanent color, or would be maintenance free. The Class excludes the trial judge and his family, and defendants and their counsel.

## **How do I receive a payment?**

To qualify for payment, you must (1) own property with qualifying Monier tiles, and (2) complete and return a claim form further demonstrating that you are entitled to payment.

**QUESTIONS? CALL 1-877-797-6085 TOLL FREE, OR VISIT [WWW.ROOFINGTILESCONCLASSACTION.COM](http://WWW.ROOFINGTILESCONCLASSACTION.COM)**

The Claim Form must be returned by U.S. Mail as instructed on the forms, postmarked no later than **September 17, 2019**.

There is a claims administrator directly involved in the Claims Process that that can answer your questions and assist you in filing your claim. Contact information for the Claims Administrator is listed below.

## How can I get more information?

For additional information about your rights in the claim process, or to receive an additional copy of the claim form, please visit the website at [www.RoofingTilesClassAction.com](http://www.RoofingTilesClassAction.com), call toll-free at 1-877-797-6085, or write to Monier Tile Class Action, P.O. Box 4068, Portland, OR 97208-4068.

Class Counsel have been appointed by the Court to represent the Class. If the Court grants counsels' their request, those fees and expenses will be paid separately by Monier. You do not have to pay any fees or expenses.

## Basic Information

### 1. WHAT IS THE BACKGROUND OF THIS CASE?

This case, *McAdams v. Monier, Inc.*, Case No. SCV 16410, is a class action lawsuit about whether Monier made misleading statements concerning slurry-coated concrete roofing tiles that Monier Inc. manufactured from January 1, 1978 through August 14, 1997. Following a trial and appeal, the Superior Court of California, Placer County entered an interlocutory judgment in favor of the members of the Plaintiff classes (defined in Section 9) against Defendant Monier. If you are a California homeowner, you may submit a claim to determine whether you qualify and are eligible for damages of \$3,750. If you are a California commercial property owner, you may submit a claim to determine whether you qualify and are eligible for damages of \$400 or more. You must submit your claim before September 17, 2019 in order for your claim to be considered and to be eligible for any payment.

### 2. WHO IS THE JUDGE?

Judge Michael Jones of the Placer County Superior Court is currently overseeing this case and the claims process. **Please do not contact the court or its staff regarding this case.**

The Court has appointed Mr. Lester Levy of Judicial Arbitration and Mediation Services as a Referee to help manage the claims process and make recommendations to the Court. Additionally, the Court has appointed Epiq Systems to act as the Claims Administrator.

### 3. WHERE IS THE CASE PENDING?

Placer County Superior Court, Roseville, California.

### 4. WHAT IF I HAVE OTHER QUESTIONS?

If you have a question that is not answered by this document, you either can send that question by email to **Epiq Systems**, or you can call 877-797-6085 and talk to a claims assistant.

### 5. WHAT IS A CLASS ACTION?

In a class action, one or more people called class representatives (in this case, Tim McAdams) sue on behalf of people who have similar claims. All these people are part of the class. One court resolves the issues for all Class members.

## The Claims in the Lawsuit

### 6. WHAT IS THE LAWSUIT ABOUT?

This lawsuit involves slurry-coated (color-coated) roofing tiles manufactured and sold by Monier Inc. during the period January 1, 1978 through August 14, 1997. At trial, the jury found that Plaintiff had proved that class members were “exposed to a statement by Monier that the color coating on Monier slurry-coated roofing tiles would last 50 years, would have permanent color, or be maintenance free, and Monier failed to disclose in that statement that the color coat would deteriorate in less than 50 years.”

The Court has entered judgment in favor of the Plaintiff class. If you are a property owner and were exposed to such a Monier misrepresentation, you may be a class member entitled to recover damages.

### 7. THE TRIAL

Trial in this case began in October 2012, and concluded in January 2013. A Placer County jury returned a verdict in favor of Plaintiff Classes. The trial judge overturned the jury verdict and entered judgment in Monier Inc.’s favor. The Plaintiff Classes appealed this ruling, won the appeal, and the trial judge subsequently entered judgment against Monier and for the Plaintiff Classes. Subsequently, the parties agreed to provide relief for commercial property owners as discussed in this FAQ.

### 8. THE APPEAL (McADAMS III)

On October 14, 2015, the Third District Court of Appeal issued an opinion reversing Judge Piquet’s ruling and reinstating the jury verdict in favor of the Plaintiff Class. The opinion is *McAdams et al. v. Monier, Inc.*, 2015 WL 5968461. A copy of that opinion can be viewed in the **documents** section. (McAdams III) Copies of the earlier Court of Appeal opinions (*McAdams I and McAdams II*) can be also be viewed in the **documents** section of this website.

## Who is in the Class?

### 9. CLASS DEFINITIONS

As certified by the Court, the Class is defined as:

**UCL CLASS:** (i) all individuals or entities in the State of California who own structures with slurry-coated roof tiles sold by Monier Company, Monier Roof Tile, Inc., or Monier Inc. between January 1, 1978, and August 14, 1997 (the “Tiles”); and (ii) all California individuals and entities who paid to replace or repair such Tiles. Membership in the Class is limited to those who, prior to purchasing or obtaining their Monier roof tile product, were exposed to a statement along the lines that the Tiles would have a 50 year life, permanent color, or would be maintenance free. The Class excludes the trial judge and his family, and defendants and their counsel.

**CLRA CLASS:** (i) all individuals in the State of California who own, for personal, family or household use, structures with slurry-coated roof tiles sold by Monier Company, Monier Roof Tile, Inc., or Monier Inc. between January 1, 1978, and August 14, 1997 (the “Tiles”); and (ii) all California individuals who owned such homes for personal, family or household use and who paid to replace or repair such Tiles. Membership in the Class is limited to those who, prior to purchasing or obtaining their

Monier roof tile product, were exposed to a statement along the lines that the Tiles would have a 50 year life, permanent color, or would be maintenance free. The Class excludes the trial judge and his family, and defendants and their counsel.

#### **10. WHAT DO CLRA AND UCL MEAN?**

“CLRA” is an abbreviation for the California Consumer Legal Remedies Act, Cal. Civ. Code § 1750 *et seq.* The law prohibits certain "methods of competition and unfair or deceptive acts or practices undertaken by any person in a transaction intended to result or which results in the sale or lease of goods or services to any consumer." Cal. Civ. Code § 1770.

“UCL” is an abbreviation for California Unfair Competition Law, Bus& Prof § 17200 *et seq.* The law provides for injunctive and other relief for “unfair”, “unlawful”, and “fraudulent” business practices.

#### **11. HOW DO I KNOW IF I AM A CLASS MEMBER?**

To be a class member, you must meet the following requirements:

1. You must have Monier, Inc. slurry-coated (color-coated) concrete roofing tiles on your roof that were sold between January 1, 1978 and August 14, 1997 (Class Period).
2. Prior to purchasing your home or structure, or obtaining your Monier, Inc. roofing tile product, you must have been exposed to a misrepresentation by or on behalf of Monier along the lines that the tiles would have a 50 year life, permanent color, or would be maintenance free.

#### **12. MAY I SUBMIT A CLAIM IF I AM NOT THE ORIGINAL OWNER OF THE BUILDING OR HOME?**

Yes.

#### **13. IF I REPLACED OR RECOATED MY MONIER, INC. ROOFING TILE ROOF AM I STILL A POSSIBLE CLASS MEMBER AND ENTITLED TO RECOVER?**

Yes. You must still establish that you owned the Monier roofing tiles, that the tiles were sold within the Class Period, and provide the reasons you replaced or recoated the roof, along with evidence of the cost. Section 15 provides more details about what you need to provide to submit your claim.

#### **14. I AM AN OWNER OF A COMMERCIAL BUILDING, AM I A POTENTIAL CLASS MEMBER AND AM I ENTITLED TO THE SAME RECOVERY AS A RESIDENTIAL OWNER?**

As a commercial owner you are a potential class member in the Unfair Competition Law (UCL) class. However, you must establish that you own a structure with the Monier roofing tiles that were sold during the applicable period. In other words, it is not enough that you are a unit-owner in a multiple-unit building; you must own the structure on which the roof is installed. Qualified UCL class members will receive a restitution recovery based upon a different formula than residential homeowners. The recovery formula is that a commercial owner who qualifies as a class member will be entitled to receive \$400 (based upon a roof size of 30 roofing squares). If the roof is larger than 30 roofing squares, the qualified UCL class member must provide evidence to the claim administrator establishing the larger roof size.

## The Lawyers Representing You

### 15. DO CLASS MEMBERS HAVE A LAWYER IN THIS CASE?

Yes. The Court appointed Jeffrey Cereghino of ROCK Law, LLP, in San Francisco, CA and Michael Ram of Robins Kaplan LLP in Mountain View, CA to represent you as co-lead “Class Counsel.” These firms and other law firms working with them as Class Counsel are experienced in handling similar cases.

### 16. HOW WILL THE LAWYERS BE PAID?

Class Counsel will ask the Court to order Monier to pay their fees and expenses. You don’t have to pay any of these fees and expenses. The fees and expenses will be paid separately by Monier Inc., subject to the Court’s order.

## Making a Claim

### 17. HOW DO I MAKE A CLAIM?

You can download a claim form from this website. Or you can request a form by mail, by calling 877-797-6085 and speaking to a claims assistant.

### 18. HOW LONG DO I HAVE TO MAKE A CLAIM?

You must submit your claim before September 17, 2019 in order for your claim to be considered and to be eligible for any payment.

### 19. HOW DO I DETERMINE IF MY ROOF HAS THE MONIER TILES THAT THIS CASE IS ABOUT?

Monier, Inc. tiles are concrete roofing tiles. Other roofing manufacturers made similar tiles with similar appearances. To find out if you have a Monier tile, please look at the underside of one of your tiles for an embossed stamp that says “Monier” or “Monray.” Because Monier made another similar tile called “color-through,” look to see if the underside of your tile is bare concrete. If you do not see bare concrete on the underside of the tile, you do not have an eligible product. On this website, under section entitled “representative photographs” are examples of what Monier Tiles look like. Please note that, as indicated on the claims form, these photos are indicative of the type of photos that should accompany your claim form.

There are several ways to make the determination whether your roof has the Monier roofing product:

1. Look at the underside of a tile on your roof.
2. Find an extra tile that you believe is the same as the tiles on your roof and look at the underside.
3. If you have an invoice for purchase of the roofing tiles on your building, check and see if it describes the type of tiles.
4. Provide a statement under penalty of perjury from an inspector who can verify you have the tile. Further details on the verification process can be viewed on the website section entitled “qualified roofer verification”.

**20. I DON'T REMEMBER EXACTLY WHO TOLD ME INFORMATION ABOUT MY ROOF BEFORE I INSTALLED THE TILE OR BOUGHT THE HOME. DOES THAT DISQUALIFY ME AS A CLASS MEMBER?**

No, it does not. However, you must describe what you do remember. For example, even if you don't remember the person's name, you should describe that person's relationship to you. And you must describe as completely as you can exactly what was said, and whether it was in writing or oral. The **Claim Form** will guide you.

The Court will subsequently make a determination if your information is sufficient.

**21. WHAT HAPPENS AFTER I SUBMIT MY CLAIM FORM?**

Each month, the Claim Administrator will collect completed claims forms and provide them for review to Class Counsel and attorneys for Monier. The attorneys will meet and determine which claims are agreed upon and submit agreed claims to the Referee. Claims that are disputed will be addressed in a process set forth by the Referee. The Court will issue order(s) with regard to approved Claimants and payment schedules.

**22. ARE MORE DETAILS AVAILABLE?**

Visit the **Documents** page where you will find the Court of Appeals Opinions and other relevant documents. You may also call toll-free at 1-877-797-6085 for more information, or write to Monier Tile Class Action Administrator, P.O. Box 4068, Portland, OR 97208-4068.