

NOTICE OF CLASS ACTION SETTLEMENT

IF YOU SUBMITTED A CLAIM IN THIS CASE, YOUR RIGHTS MAY BE AFFECTED BY THIS PROPOSED CLASS ACTION SETTLEMENT. IF YOU DID NOT SUBMIT A CLAIM THIS SETTLEMENT DOES NOT AFFECT YOU

A Court authorized this Class Notice. This is not a solicitation by a lawyer. You are not being sued.

1. Why should I read this notice?

A proposed settlement (the “Settlement”) has been reached in the representative and class action lawsuit entitled *Tim McAdams, Plaintiff v. Monier Lifetile LLC, Monier Raymond Company, Monier Roof Tile Inc, Monier Company, and Monier, Inc., and DOES 1-50, (collectively “Monier”)*, Placer County Superior Court Case No. S- CV-16410 (the “Lawsuit” or “Action”).

You should have received a prior notice in connection with this Lawsuit. The purpose of this Notice of Class Action Settlement and Final Approval Hearing (“Class Notice”) is to inform you of your rights and options in connection with the proposed Settlement of the Action. The proposed Settlement will resolve all claims in the Action, and will result in, among other things, a final order and judgment.

AS A CLASS MEMBER, AND IF YOUR CLAIM IS APPROVED, YOU WILL BE ELIGIBLE TO RECEIVE AN INDIVIDUAL SETTLEMENT PAYMENT UNDER THE SETTLEMENT AND WILL BE BOUND BY THE RELEASE OF CLAIMS DESCRIBED IN THIS CLASS NOTICE AND THE STIPULATION FOR SETTLEMENT FILED WITH THE COURT.

2. The Lawsuit

Plaintiff filed this lawsuit in 2003. The lawsuit alleged that defendant Monier on its own and through intermediaries in the housing and construction industry misrepresented that Monier’s slurry coated roof Tiles (the “Tiles”) would last 50 years, have permanent color, and would be maintenance free. In response to those allegations, Monier denied any misrepresentation or any wrongdoing.

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.

3. The Claims Process

On or about September 18, 2018, class notice was disseminated to potential class members by direct mail and by publication. The class notice advised prospective class members about the lawsuit, the requirements for class eligibility, the interlocutory judgment entered by Judge Michael Jones of the Placer County Superior Court, and the process for filing a claim and the deadlines for submission of a claim.

During the following 18 months prospective class members filed over 9,000 claims. The Claims Administer, Epiq Global, processed the claims. Each side submitted their determination as to whether each claim should be approved, denied or required further information. The process required submission of claims review to the Referee, Lester Levy, who then made recommendations to the Court.

Questions? Call 1-877-797-6085 or visit www.RoofingTilesClassAction.com

On December 5, 2019, the Court issued an order regarding individual claim approval, but had only reviewed a few hundred claims. As a consequence of the Court's order, the parties agreed to expedite claims processing for the remaining claims as to those categories of claims approved or denied by the Court. But the parties continued to dispute the proper resolution of claims, and anticipate additional appeals associated with claims determinations if this Action were not to settle.

THE SETTLEMENT BENEFITS

4. What does the Settlement provide?

Defendant Monier shall pay the Settlement Amount of \$22,000,000 into a Settlement Fund ("Settlement Fund"). The Settlement Amount shall be used solely for settlement payments to class members whose claims are approved.

NONE of the Settlement Fund shall be used to pay for: (1) Continued claims administration, (2) cost of class notice, (3) Class Counsel fees, (4) costs incurred in prosecuting the litigation, or (5) class representative service award.

The interlocutory judgment, consistent with the Third District Court of Appeal's opinion in *McAdams v Monier Inc.* No. C073435, WL 5968461 (October 14, 2015), provides that each qualifying residential class member would receive \$3,705, and each commercial or multi-family claimant would receive \$400 per 30 roofing squares (one square is 100 sq. feet)

Class Counsel does not anticipate that approved class member payments shall be reduced from \$3,705. However, Class Counsel reserves the right to slightly reduce class payments on a *pro rata* basis to ensure that each approved class member receives compensation. It is also possible that class payments may be increased if there are fewer class members approved for payment than anticipated.

The primary benefits of the settlement are the elimination of future risk to the class, and the acceleration of class payments. Without this settlement, Monier would have the right to appeal to the Third District Court of Appeal each and every claim, individually or by category, or both. An average period for an appeal to be briefed, argued and decided is two years. All class member compensation would be stayed, and no class member would be paid during the appellate period, or at all, if that class member lost the appeal.

Class Counsel, who have prosecuted this case for 17 years, strongly believe that the risks of an appeal, and the delay in class member compensation, support the decision to resolve this case by settlement rather than continued litigation for the foreseeable future. The settlement was reached after a mediator's proposal by retired federal judge, Edward Infante.

5. When will I get my monetary payment?

The hearing to consider the fairness of the Settlement is scheduled for January 15, 2021 at 8:30 a.m. If the Court approves the Settlement, you will receive payment after the Settlement has been finally approved and/or after any appeals process is complete approving the Settlement. The payment will be made in the form of a check and will be mailed to the address you have on file with the Claims Administrator.

YOUR RIGHTS AND OPTIONS

6. What Are My Options?

You are receiving this notice because you have already submitted a claim to the claim administrator.

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You are a member of the putative class, and if your claim is approved you will be eligible for compensation.

You may object to the settlement and/or to Monier's payment for class counsel fees, future administrative and class notice costs, case expenses, and class representative service award.

The Settlement Agreement, which is posted on the class website, describes the terms of the settlement in more detail. If you have any questions, you can contact the lawyers listed below, or you can talk to another lawyer of your own choosing.

7. How do I object to the Settlement?

If you have received this notice, you may object to the Settlement if you do not think it is fair. The Court will consider your views. However, you cannot ask the Court to order a different settlement; the Court can only approve or reject the Settlement. If the Court denies approval, no settlement payments will be sent out and the lawsuit and anticipated appeals will continue.

Objections must be in writing. Your objection should be entitled "Objection to Class Settlement in *Tim McAdams v. Monier, Inc.*, Placer County Superior Court Case No. S-CV-16410" and identify all the reasons for your objection and any legal and factual support. Your written objection must also include (1) your name, address, telephone number, email address if available, and if represented by counsel, your counsel's name, address, telephone number and email address; (2) whether you or your counsel intend on appearing at the Final Approval Hearing; (3) whether the objection applies only to you, to a specific subset of the Class, or the entire Class; (4) the number of class action settlements objected to by you in the last three (3) years; (5) list of prior representations by your counsel and all sanctions or discipline ordered by any court, bar association or governmental agency against your counsel; and (6) if you received an individual notice with a Epiq ID, please also provide that information as it will enable the Claims Administrator to more readily confirm that you are a class member for purposes of making an objection.

Your written objection must be mailed to the Claims Administrator, clearly indicating the case name and number, and must be **postmarked by December 31, 2020**.

THE LAWYERS REPRESENTING YOU

8. Who are the lawyers in this case?

The Court has appointed Jeffrey Cereghino from the Cereghino Law Group and Michael Ram of the Morgan & Morgan law firm to represent Class Members as Lead Class Counsel, and Jess Bedore, Richard Dorman of Badham & Buck and Kim Stephens of the law firm Tousley, Brain and Stephens, PLLC are appointed as Class Counsel. (These lawyers are collectively referred to as Class Counsel).

Class Counsel believe that the Settlement is fair, reasonable, and in the best interests of the classes. You will not be charged for these lawyers. If you want to be represented by a different lawyer in this case, you may hire one at your own expense. If you have any questions about the Settlement, you can contact Class Counsel at (415) 254-4469 (Marie Appel) or (415) 433-4949 (Jeff Cereghino).

9. How will the lawyers be paid?

Class Counsel will apply to the Court by motion for the Court to approve payment by Monier to Class Counsel of \$22,710,000. This payment includes the costs for class notice, future claims administration, attorneys' fees, case costs and a service award to the Class Representative. Class compensation will not be diminished by this payment by Monier.

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THE COURT'S FINAL APPROVAL HEARING FOR THE SETTLEMENT

10. Where and when will the Court decide whether to approve the Settlement?

The Court will hold the Final Approval hearing at 8:30 a.m. on January 15, 2021, in Department 3 at the Superior Court Historic Courthouse, located at 101 Maple Street, Auburn, CA 95603. The purpose of the hearing will be for the Court to determine whether to approve the Settlement as fair, reasonable, adequate, and in the best interests of the Class; to consider Class Counsel's request for attorneys' fees and costs; and to consider the request for a service Award to the Plaintiff. At that hearing, the Court will be available to hear any Objections and arguments concerning the fairness of the Settlement. If you timely objected to the Settlement and advised the Court that you intend to appear and speak at the Final Approval Hearing, you will receive notice of any change in the time and date of such hearing.

11. Do I have to come to the Final Approval Hearing?

No. You do not need to attend the Final Approval Hearing in order to receive payment under the Settlement. Class Counsel will answer any questions the Court may have on behalf of the Class Members. But, you are welcome to attend the Final Approval Hearing at your own expense. If you submit an Objection, you do not have to come to Court to talk about it. If you submitted your Objection on time, the Court will consider it. You may also pay to have a lawyer attend on your behalf, but that is not required.

12. May I speak at the Final Approval Hearing?

Yes. You, or any lawyer you retain, may ask the Court for permission to speak at the Final Approval Hearing. To do so, you must include in your Objection to the Settlement a statement saying that it is your intent to appear at the Final Approval Hearing. Your Objection and notice of intent to appear must be submitted to the Court and **postmarked no later than December 31, 2020**.

GETTING MORE INFORMATION

13. How do I get additional information?

This Class Notice only summarizes the Action, the Settlement and related matters. For more detailed information, you may review relevant information on the class website, or inspect the Court files for this case at the Superior Court Historic Courthouse, 101 Maple Street, Auburn, CA 95603, during regular business hours Monday through Friday, or you may contact Class Counsel. If your address changes, or is different from the address on the envelope enclosing this Settlement Notice, please promptly notify the Claims Administrator.

PLEASE DO NOT CONTACT THE COURT ABOUT THIS CLASS NOTICE

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