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12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA  
14 WESTERN DIVISION

15 THOMAS & THOMAS RODMAKERS, )	Case No. CV-99-07796-FMC(RNBx)
16 INC., et al., On Their Own Behalf and )	(Consolidated)
17 On Behalf of All Others Similarly )	CLASS ACTION
18 Situated, )	
19 Plaintiffs, )	SUPPLEMENTAL AGREEMENT
20 vs. )	WITH THE TOHO DEFENDANTS
21 NEWPORT ADHESIVES AND )	[CONFIDENTIAL – NOT TO BE
22 COMPOSITES, INC., et al., )	FILED WITH THE COURT]
23 Defendants. )	

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1 This Supplemental Agreement (the “Supplemental Agreement”) is intended to  
2 be incorporated into the Stipulation of Settlement with the Toho Defendants dated as  
3 of October 8, 2004 (the “Stipulation”). The terms used herein shall have the same  
4 meanings as in the Stipulation.

5 IT IS HEREBY AGREED AS FOLLOWS:

6 1. Pursuant to and in accordance with the provisions of ¶8.5 of the  
7 Stipulation, the Toho Defendants shall have the option (which option may be  
8 exercised only unanimously by the Toho Defendants) to withdraw from the settlement  
9 set forth in the Stipulation and to render the Stipulation null and void if the aggregate  
10 Carbon Fiber purchases during the Class Period of current Class Members who  
11 request exclusion from the Class during the additional opt-out period exceeds 7.5% of  
12 total Carbon Fiber sales by Defendants to current Class Members during the Class  
13 Period.

14 2. To be valid for purposes of this Supplemental Agreement, a Request for  
15 Exclusion must contain the information requested in the Notice of Settlement of Class  
16 Action.

17 3. Plaintiffs’ Settlement Counsel shall provide counsel for the Toho  
18 Defendants with copies of any Requests for Exclusion, and any written revocations of  
19 Requests for Exclusion, within three (3) business days of receipt, but in no event later  
20 than five (5) business days before the Settlement Hearing.

21 4. The Toho Defendants shall be entitled to exercise the above option to  
22 withdraw from the Settlement only if the Toho Defendants provide Plaintiffs’  
23 Settlement Counsel with written notice of their withdrawal from the Settlement and  
24 file that notice with the Court within three (3) business days prior to the Settlement  
25 Hearing.

26 5. Plaintiffs’ Settlement Counsel may attempt to cause retraction of any  
27 election of exclusion by Members of the Class. If the Toho Defendants have  
28 exercised the option to withdraw from the settlement and if Plaintiffs’ Settlement



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