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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)	<u>CLASS ACTION</u>
18 Situated,)	
19 Plaintiffs,)	SUPPLEMENTAL AGREEMENT
20 vs.)	WITH THE TORAY 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 Toray Defendants dated as
3 of September 20, 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 Toray Defendants shall have the option (which option may be
8 exercised only unanimously by the Toray Defendants) to withdraw from the
9 settlement set forth in the Stipulation and to render the Stipulation null and void if the
10 aggregate number of current Class Members who request exclusion from the Class
11 during the additional opt-out period exceeds 7.5% of total Carbon Fiber sales by
12 Defendants to current Class Members during the Class Period.

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

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

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

25 5. Plaintiffs’ Settlement Counsel may attempt to cause retraction of any
26 election of exclusion by Members of the Class. If the Toray Defendants have
27 exercised the option to withdraw from the settlement and if Plaintiffs’ Settlement
28 Counsel succeed in causing the retraction of sufficient Requests for Exclusion such

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