

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE GATES v. ROHM AND HAAS, ET AL.

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No. 06-1743

**If you lived in McCullom Lake Village, McHenry County, Illinois
for a year between January 1, 1968 and December 31, 2002,
or owned property there on or after April 25, 2006,
you may be eligible to receive benefits from
a partial class action settlement.**

A federal court authorized this notice. This is not a solicitation from a lawyer.

- If approved, the settlement will provide a settlement fund of \$1,400,000 to pay medical monitoring claims made by those who lived in McCullom Lake Village for a period of 1 year at any time between January 1, 1968 and December 31, 2002.
- If approved, the settlement will also provide a settlement fund of \$100,000 to pay property damage claims made by those who held an ownership interest in property located in McCullom Lake Village on or after April 25, 2006.
- Your legal rights are affected whether you act or don't act. Read this notice carefully.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS SETTLEMENT	
SUBMIT A CLAIM FORM	The only way to get a payment.
EXCLUDE YOURSELF	Get no payment. This is the only option that allows you to ever be part of any other lawsuit against Modine Manufacturing Company about the legal claims in this case.
OBJECT	Write to the Court about why you don't like the settlement.
GO TO A HEARING	Ask to speak in Court about the fairness of the settlement.
DO NOTHING	Get no payment. Give up rights.

- 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.

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BASIC INFORMATION

1. Why did I get this notice package?

You may have owned a home or other property located in McCullom Lake Village, McHenry County, Illinois, on or after April 25, 2006, or you may have lived within McCullom Lake Village for one year or more in total (whether consecutively or not) during the time period from January 1, 1968 to December 31, 2002.

The Court sent you this notice because you have a right to know about a proposed partial settlement of an asserted class action lawsuit, and about your options, before the Court decides whether to approve the settlement. If the Court approves it, and after any objections and appeals are resolved, the payments that the settlement allows will be made. You will be informed of the progress of the settlement.

This package explains the asserted class action lawsuit, the partial settlement, your legal rights, what benefits may be available, who is eligible to receive them, and how to get them.

The Court in charge of the lawsuit is the United States District Court for the Eastern District of Pennsylvania, and the case is known as *Gates v. Rohm and Haas, et al.*, No. 06-1743 (hereinafter called the “Gates Litigation”). The people who sued are called Plaintiffs. Plaintiffs sued Modine Manufacturing Company (“Modine”), Rohm & Haas Company, Rohm & Haas Chemicals LLC, and Morton International, Inc. The settlement discussed in this notice only relates to Plaintiffs’ claims against Modine. Plaintiffs’ claims in the *Gates* lawsuit against the other companies will not be resolved by this settlement, and the lawsuit will continue as to those companies.

2. What is this lawsuit about?

The lawsuit claims that the defendant companies engaged in activities that caused certain chemicals to be released into the air and water around McCullom Lake Village, and that exposure to such chemicals increases the risk of developing brain tumors for those who lived in the Village during a certain period of time. The lawsuit also claims that the alleged contamination caused damage to properties in McCullom Lake Village for those who lived in the Village for a certain time period. Based on those claims, Plaintiffs are seeking to create a fund so that individuals who may have been exposed can receive medical testing for brain tumors, and so that people who owned property in McCullom Lake Village during a certain time period can recover a payment for property damage they may have suffered.

Plaintiffs in the lawsuit have acknowledged, however, that they have not identified any link between Modine and the alleged contamination of groundwater in McCullom Lake Village, and Modine has denied the allegations against it in the Lawsuit. The settlement is not an admission of wrong-doing or an indication that any law was violated by Modine.

3. Why is this a class action?

In a class action, one or more people, called Class Representatives (in this case, Glenn and Donna Gates), sue on behalf of people who have similar claims. If the requirements for a class action are met, the people who have claims similar to those of the Class Representatives are a Class, or Class Members.

Here, the Court has not yet determined whether this case can proceed as a class action for all purposes. However, the Court has determined that the case may proceed as a settlement class action with respect to the Class settlement agreement with one of the defendants, Modine. The Court’s approval of the settlement with Modine will resolve the issues for all Class Members for their claims against the “Modine Released Parties,” which are Modine and its present, former and future parents, partners, subsidiaries, divisions, affiliates, stockholders, and insurers, and each of their respective officers, directors, employees, agents, and any of their legal representatives (and the predecessors, successors, heirs, executors, administrators, and assigns of each of the foregoing, collectively or individually). The settlement will not resolve any claims against other defendants in the *Gates* lawsuit.

4. Why is there a settlement?

The Court did not decide in favor of Plaintiffs on any of their claims against Modine or any other defendant. Instead, Modine and the Plaintiffs agreed to a settlement. Modine has contested the Plaintiffs’ claims, but both sides wish to avoid the costs and risks of litigating the claims against Modine. The Class Representatives think the settlement of the claims against Modine is best for everyone, and if the settlement is approved, the people

affected will get compensation from Modine while still retaining the right to demand further payment and relief from persons and entities other than the Modine Released Parties.

WHO IS IN THE SETTLEMENT

To see if you are eligible for funds for medical testing and/or money for damage to your property from this settlement if it is approved, you first have to determine if you are a Class Member.

5. How do I know if I am part of the settlement?

The settlement offers payment for two groups of people. You might belong to one or both groups.

You must have three qualifications to be part of the Medical Monitoring Settlement Class. First, you must have lived within McCullom Lake Village for one year or more in total (whether consecutively or not) during the time period from January 1, 1968 to December 31, 2002. Second, you must not have been diagnosed with a brain tumor as of January 18, 2008. Third, you must not have filed a personal injury claim arising out of exposure to chlorinated solvents as of January 18, 2008.

You must have three qualifications to be part of the Property Damage Settlement Class. First, you must have held an ownership interest in a home or other property located in McCullom Lake Village, McHenry County, Illinois, on or after April 25, 2006. Second, you must not have been diagnosed with a brain tumor as of January 18, 2008. Third, you must not have filed a personal injury claim arising out of exposure to chlorinated solvents as of January 18, 2008.

6. If I have been diagnosed with a brain tumor, or if I already filed a personal injury lawsuit for exposure to chlorinated solvents in McCullom Lake Village, am I included?

No. If you have been diagnosed with a brain tumor as of January 18, 2008, or if you already filed a personal injury lawsuit complaining of exposure to chlorinated solvents in McCullom Lake Village, you are not part of either of the settlement classes.

7. What if I'm still not sure whether I'm included?

If you are still not sure whether you are included in the Medical Monitoring Settlement Class, the Property Damage Settlement Class, or both settlement classes, you can ask for free help. You can call 1-800-528-7199 to speak to the Claims Administrator. You can also visit the website, www.mccullomlakesettlement.com or www.hrsclaimsadministration.com or you can fill out and return the claim form described on page 5, to see if you qualify.

THE SETTLEMENT BENEFITS—WHAT YOU GET IF THE SETTLEMENT IS APPROVED

If the settlement is finally approved, Modine has agreed to create a compensation fund of \$1,400,000 for the Medical Monitoring Settlement Class, and a settlement fund of \$100,000 for the Property Damage Settlement Class.

8. What can I get from the settlement?

If you are a member of the Medical Monitoring Settlement Class and make a claim on time, and if the settlement is approved, you will receive a maximum of \$1,400 per person for an MRI or other appropriate screening or test.

If you are a member of the Property Damage Settlement Class and make a claim on time, and if the settlement is approved, you will receive your share of a maximum payment of \$1,000 as to each property in which you held an ownership interest.

If, after everyone sends in claim forms, the Medical Monitoring Settlement Class claims total more than \$1,400,000, the payments to each Medical Monitoring Settlement Class Member will be reduced. If the Property Damage Settlement Class claims total more than \$100,000, the payments will be reduced.

9. What if I get sick in the future?

If you are a member of the Medical Monitoring Settlement Class and/or the Property Damage Settlement Class, you must send in a claim form now, or you will not be able to receive the payments offered under this settlement.

If, in the future, it is determined that you have a brain tumor, and you believe that the cause of the condition was exposure to contaminants in McCullom Lake Village, you are not bound by the settlement for any such claims. This means that you could pursue a future claim of that type separately from this settlement.

HOW YOU GET A PAYMENT—SUBMITTING A CLAIM FORM

10. How can I get a payment?

To qualify for a Medical Monitoring settlement payment, you must send in a Medical Monitoring claim form. To qualify for a Property Damage settlement payment, you must send in a Property Damage claim form. A Medical Monitoring claim form and a Property Damage claim form are attached to this Notice. You can also get claim forms on the Internet at www.mccullomlakesettlement.com or www.hrsclaimsadministration.com.

For a Property Damage Claim, you must provide proof that you owned property in McCullom Lake Village on or after April 25, 2006. You may be asked for additional documentation.

For any claims that you make, read the instructions on the claim form carefully, fill out the form as directed, and include all the documents and information that the form asks for. You must fully complete the form for each claim you make and sign it, and mail it postmarked no later than July 24, 2008. Claims that are submitted after that date will not be paid.

11. When would I get my payment?

The Court will hold a hearing on June 24, 2008 at 10:00 a.m. to decide whether to approve the settlement. And even if the Court approves the settlement after that, there may be appeals. It is always uncertain whether these appeals can be resolved, and resolving them can take time, perhaps more than a year. Everyone who sends in a claim form will be informed of the progress of the settlement. Please be patient.

12. What am I giving up to get a payment or stay in the Class?

Unless you exclude yourself, you are staying in the Class, and that means that you can't sue, continue to sue, or be part of any other lawsuit against the Modine Released Parties about the legal issues in this case. It also means that all the Court's orders about the settlement will apply to you and legally bind you. If you sign the claim form, you will agree to a "release of Claims," a copy of which is attached to this Notice, which describes exactly the legal claims that you give up if you get settlement benefits.

However, you will *not* give up any claims that you have against the other defendants in the lawsuit who are alleged to have contaminated the air and ground water in McCullom Lake Village. You also will not give up claims you may have in the future for personal injury if you are diagnosed with a medical condition and believe that the condition was caused by contamination of the air or ground water at McCullom Lake.

EXCLUDING YOURSELF FROM THE SETTLEMENT

If you don't want a payment from this settlement, but you want to keep the right to sue or continue to sue Modine, on your own, about the legal issues in the case, then you must take steps to get out. This is called excluding yourself, and is sometimes referred to as opting out of the settlement Class.

13. How do I get out of the settlement?

To exclude yourself from the settlement, you must send a letter by mail saying that you want to be excluded from the settlement with Modine in the *Gates v. Rohm and Haas, et al.* lawsuit. Be sure to include your name, address, telephone number, and your signature. You must mail your exclusion request postmarked no later than May 19, 2008 to:

McCullom Lake Settlement
c/o Heffler Radetich & Saitta LLP
P.O. Box 58205
Philadelphia, PA 19102-8205

You cannot exclude yourself by telephone or by e-mail. If you ask to be excluded, you will not get any settlement payment, and you cannot object to the settlement. You will not be legally bound by the settlement. You may be able to sue Modine in the future.

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

No. Unless you exclude yourself, you give up the right to sue the Modine Released Parties for the claims that this settlement resolves. If you have a pending lawsuit, speak to your lawyer in that lawsuit immediately. If you meet the definition for the Medical Monitoring Settlement Class or the Property Damage Settlement Class, you *must* exclude yourself to continue your own lawsuit. Remember, the exclusion deadline is May 19, 2008. And,

remember that the settlement does not affect any claims that you may have against entities other than the Modine Released Parties, such as the defendants in the *Gates* litigation who are not part of the Settlement.

15. If I exclude myself, can I get money from this settlement?

No. If you exclude yourself, do not send in a claim form to ask for any money. But, you may sue, continue to sue, or be part of a different lawsuit against Modine, and you may still proceed with claims against the other defendants in the *Gates* litigation.

THE LAWYERS REPRESENTING YOU

16. Do I have a lawyer in this case?

Aaron Freiwald and the law firm, Layser & Freiwald, P.C. are counsel for Plaintiffs and have been preliminarily approved as counsel for members of the Medical Monitoring Settlement Class and the Property Damage Settlement Class. Those lawyers are called Class Counsel, and they represent you if you are a member of the Class. You will not be charged for these lawyers. If you want to be represented by a different lawyer of your own, you may hire one at your own expense.

17. How will the lawyers be paid?

Class Counsel will ask the Court for attorneys' fees and expenses and costs to administer the settlement, up to \$500,000. From the award of attorney fees, Class Counsel will also ask the Court to approve a payment of \$1,000 each to the Class Representatives, Glenn and Donna Gates. The Court may award less than these amounts. Modine will pay the fees and expenses that the Court awards, up to the limits set forth here. Those payments will not come from the settlement fund for the Medical Monitoring claims or the settlement fund for the Property Damage claims discussed at p. 4 of this notice.

OBJECTING TO THE SETTLEMENT

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

18. How do I tell the Court that I don't like the settlement?

If you are a member of the settlement class, and you don't like a part of the settlement that applies to you, you can object to the settlement. You can give reasons why you think the Court should not approve it. The Court will consider your views. To object, you must file a written objection with the Court and provide copies of your objection to counsel for the parties. Specific instructions for making an objection are included in part VII of the Settlement Agreement, which you can access on the website www.mccullomlakesettlement.com or www.hrsclaimsadministration.com.

Be sure to include your name, address, telephone number, your signature, and the reasons you object to the settlement. Mail the objection to these three different places, postmarked no later than May 19, 2008.

COURT	CLASS COUNSEL	MODINE COUNSEL
Clerk of the Court United States District Court Eastern District of Pennsylvania 601 Market Street Philadelphia, PA 19106	Aaron J. Freiwald Layser & Freiwald, P.C. 1500 Walnut Street, 18th Floor Philadelphia, PA 19102	Albert G. Bixler, Esquire Eckert Seamans Two Liberty Place 50 South 16th St., 22nd Floor Philadelphia, PA 19102

If your objection is late, it will not be considered.

19. 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 have no basis to object because the settlement does not affect you.

THE COURT'S FAIRNESS HEARING

The Court will hold a hearing to decide whether to approve the settlement. You may attend and you may ask to speak, but you don't have to.

20. When and where will the Court decide whether to approve the settlement?

The Court will hold a Fairness Hearing at 10:00 a.m. on June 24, 2008, at the United States District Court for the Eastern District of Pennsylvania, in Courtroom 5118. At this hearing, the Court will consider whether the settlement is fair, reasonable, and adequate. If there are objections, the Court will consider them. The Judge will listen to people who have asked to speak at the hearing. The Court may also decide how much to pay Class Counsel. After the hearing, the Court will decide whether to approve the settlement. We do not know how long these decisions will take.

21. 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 an 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 if you have decided to hire one, but it is not necessary.

22. May I speak at the hearing?

You may ask the Court for permission to speak at the Fairness Hearing. Any person who follows the instructions for making an objection to the Settlement, as discussed in Paragraph 18 of this Notice, may ask for permission to speak at the Hearing.

You cannot speak at the hearing if you excluded yourself.

IF YOU DO NOTHING

23. What happens if I do nothing at all?

If you do nothing, you will get no money from the settlement, and you will not be able to sue the Modine Released Parties for the claims resolved by the settlement. But, you will still be able to sue other parties or entities, including the defendants in the *Gates* lawsuit other than Modine.

GETTING MORE INFORMATION

24. Are there more details about the settlement?

This notice summarizes the proposed settlement. More details are in a Settlement Agreement. You can get a copy of the Settlement Agreement by writing to the Claims Administrator at McCullom Lake Settlement, c/o Heffler Radetich & Saitta LLP, P.O. Box 58205, Philadelphia, PA 19102-8205, or by visiting the website www.mccullomlakesettlement.com or www.hrsclaimsadministration.com. The Settlement Agreement is also on file with the Court in the *Gates* lawsuit and can be examined or copied during regular business hours at the office of the Clerk of the United States District Court for the Eastern District of Pennsylvania.

25. How do I get more information?

You can call 1-800-528-7199 toll free, write to McCullom Lake Settlement, c/o Heffler Radetich & Saitta LLP, P.O. Box 58205, Philadelphia, PA 19102-8205, or visit the website www.mccullomlakesettlement.com or www.hrsclaimsadministration.com, where you will find answers to common questions about the settlement, a claim form, the Settlement Agreement, and other information to help you determine whether you are a Class Member, whether you are eligible for payment, and how to submit a claim.

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Claims Administrator
McCullom Lake Settlement
c/o Heffler Radetich & Saitta LLP
P.O. Box 58205
Philadelphia, PA 19102-8205

FIRST CLASS MAIL

PLEASE FORWARD — IMPORTANT LEGAL NOTICE