

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: SULFURIC ACID
ANTITRUST LITIGATION**

) **MDL Docket No. 1536**
) **Case No. 03 C 4576**

This Document Relates To:

) **Honorable Judge David H. Coar**
) **Magistrate Judge Jeffrey Cole**

ALL RELATED ACTIONS

NOTICE OF PENDENCY OF CLASS ACTION

TO: ALL PERSONS (EXCLUDING FEDERAL, STATE, AND LOCAL GOVERNMENTAL ENTITIES AND POLITICAL SUBDIVISIONS, THE DEFENDANTS, AND THEIR RESPECTIVE PARENTS, SUBSIDIARIES AND AFFILIATES) WHO PURCHASED SULFURIC ACID IN THE UNITED STATES DIRECTLY FROM ONE OR MORE OF THE DEFENDANTS (DEFINED BELOW) OR THEIR PARENTS, SUBSIDIARIES, AFFILIATES, OR JOINT VENTURES DURING THE PERIOD JANUARY 1, 1988 THROUGH JANUARY 16, 2003.

FOR PURPOSES OF THIS LITIGATION, "SULFURIC ACID" REFERS TO NON-FUMING SULFURIC ACID (CHEMICAL FORMULA: H₂SO₄), WHICH IS FOR ILLUSTRATION PURPOSES (ALTHOUGH NOT EXCLUSIVELY) SOLD AT STRENGTHS 93% AND 98%. IT DOES NOT INCLUDE SPENT REGENERATED OR FLORIDA FERTILIZER SULFURIC ACID.

PLEASE READ THIS ENTIRE NOTICE CAREFULLY. YOUR LEGAL RIGHTS MAY BE AFFECTED BY LAWSUITS NOW PENDING IN THIS COURT.

I. PURPOSE OF NOTICE

The purpose of this Notice is to advise you, as a member of the Class, of the rights summarized below.

Your rights may be affected by a class action lawsuit referred to as *In re Sulfuric Acid Antitrust Litigation*, Case No. 03 C 4576, MDL No. 1536, now pending before the Honorable David H. Coar in the United States District Court for the Northern District of Illinois. On March 21, 2007, this case was certified as a class action on behalf of direct purchasers of Sulfuric Acid from defendants E. I. du Pont de Nemours and Company ("DuPont"), Norfalco LLC (formerly known as Noranda DuPont LLC), Noranda Inc., Falconbridge Ltd., Pressure Vessel Services, Inc., PVS Chemicals, Inc. (Ohio), PVS Chemical Solutions, Inc., PVS Nolwood Chemicals, Inc., GAC Chemical Corporation, Marsulex, Inc., ChemTrade Logistics (U.S.), Inc., Intertrade Holdings, Inc., Koch Sulfur Products Company, and Koch Sulfur Products Company, LLC (collectively, "Defendants").

If you purchased Sulfuric Acid in the United States directly from one or more of the above Defendants formerly or currently named in this litigation or their parents, subsidiaries, affiliates, or joint ventures during the period January 1, 1988 through January 16, 2003, you are a member of the Class.

In 2006, DuPont entered into a settlement with the Plaintiffs in the amount of \$5 million as to claims made against it relating to Sulfuric Acid. Notice of this settlement was previously sent to you. The settlement was subsequently approved by the Court and DuPont was dismissed from this class action lawsuit. You are still a class member even if you purchased sulfuric acid only from DuPont, and your rights are affected by this lawsuit, for reasons explained below.

II. DEFINITION OF THE LITIGATION CLASS

On March 21, 2007, the Court certified a litigation class of direct purchasers of Sulfuric Acid defined as follows:

All persons (excluding federal, state, and local governmental entities and political subdivisions, the Defendants, and their respective parents, subsidiaries and affiliates) who purchased sulfuric acid in the United States directly from one or more of the Defendants or their parents, subsidiaries, affiliates, or joint ventures during the period January 1, 1988 through January 16, 2003.

III. DESCRIPTION OF THE ACTION

A. Background

This litigation was commenced in 2003 with the filing of a number of antitrust class action lawsuits against various defendants by direct purchasers of Sulfuric Acid. In its Order of July 9, 2003, the Court, among other things, consolidated the various Sulfuric Acid cases and appointed Steven A. Asher of Weinstein Kitchenoff & Asher LLC; Mary Jane Edelstein Fait of Wolf Haldenstein Adler Freeman & Herz, LLC; Joseph C. Kohn of Kohn Swift & Graf, P.C.; and Steven O. Sidener of Gold Bennett Cera & Sidener LLP as Plaintiffs' Co-Lead Counsel.

On March 21, 2007, the Court issued a Memorandum Opinion and Order certifying the Class. Discovery has concluded and summary judgment and other motions are currently pending before the Court.

B. Plaintiffs' Claims and Defendants' Denial of Liability

Plaintiffs' Third Consolidated Amended Complaint ("Complaint") alleges that Defendants violated Section 1 of the Sherman Act, 15 U.S.C. §1, by engaging in a conspiracy to fix, raise, maintain and/or stabilize the price of Sulfuric Acid in the United States at artificially high prices, and/or to allocate markets and customers for the sale of Sulfuric Acid in the United States during the Class Period of January 1, 1988 through January 16, 2003. Plaintiffs further allege that, as a result of the conspiracy, they and other members of the proposed Class have been injured by paying more for Sulfuric Acid than they would have paid in the absence of the illegal conduct, and seek recovery of treble damages, together with reimbursement of costs and an award of attorneys' fees.

Defendants deny the allegations of the Complaint and state that they have not engaged in price fixing or market/customer allocation or any other violation of the antitrust laws, and that there was no "combination, conspiracy or agreement" to do so.

At this time, neither Plaintiffs nor Defendants have proven their assertions. The Court expresses no opinion as to whether Plaintiffs' allegations are correct or whether Defendants have engaged in any wrongdoing.

If Plaintiffs prevail at trial, all but two of the Defendants will be subject to what is known as both "treble damages" and "joint and several" liability for the conspiracy, meaning that those defendants will be responsible for all of the overcharge damages caused by all conspirators, multiplied by three. However, defendants Marsulex, Inc. and Chemtrade Logistics, Inc. entered into an amnesty program and received a court order limiting their liability to single (not trebled) damages, and absolving them of joint and several liability, provided they fulfill their obligations to reasonably cooperate with the Plaintiff Class.

C. Class Representatives and Class Counsel

Plaintiffs Ohio Chemical Services, Inc., Independent Chemical Corporation, National Alum Corporation, Producers Chemical Company, Old Bridge Chemicals, Inc. and AG RX have been appointed by the Court to serve as representatives for the Settlement Class.

The following attorneys have been appointed to serve as Class Counsel:

Mary Jane Edelstein Fait, Esq. Theodore Bell, Esq. WOLF HALDENSTEIN ADLER FREEMAN & HERZ, LLC 55 West Monroe, Suite 1111 Chicago, Illinois 60603 Telephone: 312-984-0000	Steven A. Asher, Esq. Mindee J. Reuben, Esq. WEINSTEIN KITCHENOFF & ASHER LLC 1845 Walnut Street, Suite 1100 Philadelphia, PA 19103 Telephone: 215-545-7200
Steven O. Sidener, Esq. Joseph M. Barton, Esq. GOLD BENNETT CERA & SIDENER LLP 595 Market Street, Suite 2300 San Francisco, CA 94105 Telephone: 415-777-2230	Joseph C. Kohn, Esq. Robert J. LaRocca, Esq. William E. Hoese, Esq. KOHNSWIFT & GRAF, P.C. One South Broad Street, Suite 2100 Philadelphia, PA 19107 Telephone: 215-238-1700

IV. CLASS MEMBERS' RIGHTS

You have a choice as to whether to remain in the Class or opt-out of the Class. Your choice will have consequences that you should consider before making your decision.

A. Remaining In The Class

If you want to remain a member of the Class identified above, you are not required to do anything at this time. By remaining a Class member, you will be bound by any judgment entered in this lawsuit, whether favorable or adverse, with respect to the Class.

As a Class member:

- Certain Plaintiffs (listed above) and Class Counsel (listed above) will represent the Class in connection with the claims against the Defendants. Plaintiffs' Counsel will advance all costs of litigation. If the Class does not obtain any recovery, you will not be required to pay any court costs or attorneys' fees. If any monies are recovered for the Class, then all fees and expenses of counsel for the Class will be paid only out of any recovery by the Class, as determined by the Court.
- Any Class member who does not request exclusion may, if the Class member desires, enter an appearance through its own counsel at its own expense.
- Your participation as a member of the Class in any recovery that may be obtained from the Defendants through trial or settlement will depend on the result of this lawsuit. If no recovery is obtained for the Class, you will be bound by that result as well.
- As a Class member you should preserve invoices and any other records reflecting your purchases of Sulfuric Acid.
- Please write to Class Counsel listed above to provide any correction or change in your name or address.

B. Requesting To Be Excluded From The Class

If you want to be excluded from the Class identified above, you must send a written request for exclusion to Class Counsel listed above by first-class mail, postmarked no later than August 10, 2007. To be effective, your written request for exclusion must:

- Indicate the name and address of the Class member requesting exclusion;
- To the extent you have the information, please set forth the dollar amount of Sulfuric Acid you purchased and from whom and when you purchased it; and
- Provide the name, telephone number, and email address of a person who may be contacted with any questions regarding the request for exclusion.
- Your request for exclusion must be signed by a person who has authority to bind your company (such as an officer or director).

By making a request for exclusion:

- You will not share in any recovery that might be obtained as a result of trial or future settlement of this lawsuit; and
- You will not be bound by any decision in this lawsuit.

V. EXAMINATION OF PAPERS AND INQUIRIES

This Notice contains only a summary of the litigation. For more detailed information regarding the matters involved in this litigation, please refer to the papers on file in this litigation, which may be inspected at the Office of the Clerk, United States District Court for the Northern District of Illinois, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Illinois 60604, during regular business hours of each business day. In addition, inquiries regarding this litigation may be addressed to any of the Class Counsel listed above.

Please do not contact the Clerk of the Court or the Judge regarding this Notice. Instead, please direct any inquiries to any of the Class Counsel listed above.

Dated: June 26, 2007

BY ORDER OF:
The Clerk of the United States
District Court for the Northern
District of Illinois

Sulfuric Acid Antitrust Litigation
P.O. Box 30091
Philadelphia, PA 19103

FIRST-CLASS MAIL

PLEASE FORWARD—IMPORTANT LEGAL NOTICE