

## NOTICE OF THE CERTIFICATION OF THE RETROFOAM CLASS ACTION

This Notice may affect your rights. Please read carefully.

### TO CLASS MEMBERS, WHO ARE:

all persons who owned or had an interest in real property when RetroFoam was injected or installed and who applied for a grant pursuant to the EcoEnergy Retrofit Initiative-Homes Program excluding the defendants, their subsidiaries, affiliates, shareholders, officers, directors, senior employees and their heirs, predecessors, successors and assigns.

### CERTIFICATION

A class action was commenced in the Ontario Superior Court of Justice against Retrofoam of Canada Incorporated, Retrofoam Holdings Inc., Retrofoam Windsor Inc., Retrofoam of Southern Ontario Inc., Retrofoam of Eastern Ontario Ltd., Polymaster, Inc., Enerliv Inc., Paul John Weigel, Northern Retrofoam, Inc., Enwise Power Solutions Inc., Enwise Building Science Inc., Gary Zavaros, 756882 Ontario Ltd. c.o.b. as Lambton Insulation Ltd., the Attorney General of Canada ("AG"), Attie Enterprises Ltd., and I-Gen Energy Inc..

The class action seeks damages on behalf of the Class who had RetroFoam installed in their homes. It is alleged that RetroFoam is prohibited in Canada because it is a urea-formaldehyde based insulation.

On April 1, 2011 and June 16, 2011, Justice Patterson certified the action as a class proceeding against the defendants. The certification order is posted at [www.retrofoamclassaction.com](http://www.retrofoamclassaction.com)

### DO NOTHING IF YOU WISH TO PARTICIPATE IN THE CLASS ACTION

Class members are automatically included in the class action and need not do anything at this time if they wish to participate. They will be bound by the judgment in the action whether favourable or not.

### OPTING OUT

If you are part of the Class described above but wish to be excluded from the Class and not bound by any order made in this class action, you must send the Opt-Out Form which is attached to this Notice, by prepaid mail, fax or email to:

Sarkis Isaac  
Howie & Partners, Chartered Accountants  
3063 Walker Road, Windsor ON N8W 3R4  
Attention: Retrofoam Class Action  
Fax: 519.250.1929  
Email: [sisaac@howieandpartners.com](mailto:sisaac@howieandpartners.com)

If your Opt Out-Form is not received by 5:00 p.m. eastern time on September 1, 2011, you will be a member of the Class.

A person who opts out will not be bound by the judgment in the class action and will not be eligible for any recovery in the class action but may be eligible to pursue an individual claim.

Do not opt out if you wish to participate in the class action.

### CLASS COUNSEL FEES AND DISBURSEMENTS

The plaintiffs and Class Counsel signed a fee agreement providing for the payment of fees, disbursements and applicable taxes, only in the event of success in the class action, to be paid out of any recovery in the class action as follows:

- (a) 25% of the recovery, plus disbursements and applicable taxes if the action is settled before examinations for discovery are commenced;
- (b) 30% of the recovery, plus disbursements and applicable taxes if the action is settled after examinations for discoveries are commenced; or
- (c) 33.3% of the recovery, plus disbursements and applicable taxes if the action is settled after the commencement of the trial of the common issues or as a result of a judgment at the trial.

Class Counsel will make a motion to the court to have the fee agreement approved. If Class members require individual representation after the class action is resolved, the Class member will be required to pay fees, disbursements and taxes for this additional service, in addition to the amounts set out above.

### INFORMATION

Any questions for Class Counsel regarding the class action and the certification order should be directed to:

Sharon Strosberg  
SUTTS, STROSBERG LLP  
600-251 Goyeau Street, Windsor ON N9A 6V4  
Tel: 519.561.6294  
Fax: 519.561.6203  
Email: [sharon@strosbergco.com](mailto:sharon@strosbergco.com)

Additional information about the class action can be found at [www.retrofoamclassaction.com](http://www.retrofoamclassaction.com)

### INTERPRETATION

This Notice is a summary of some of the terms of the certification order. If there is a conflict between the provisions of this Notice and the terms of the certification order, the certification order prevails.

**This Notice is approved by the Superior Court of Justice for Ontario.**

Any questions about this Notice should not be directed to the court as its administrative structure is not designed to address this type of inquiry

## RETROFOAM CLASS ACTION OPT-OUT FORM

Instructions. Fill out and submit this form by mail, fax or email only if you wish to be **EXCLUDED** from the RetroFoam class action.

### 1. RETROFOAM HOMEOWNER IDENTIFICATION

Provide the following information about the homeowner who installed RetroFoam into their home. If that person is deceased, provide the information about the person's date of death. **PLEASE PRINT**

Homeowner Last Name:	First Name:	Middle Initial:	Date of Birth: ____/____/____ YYYY MM DD
Address of Home where RetroFoam was installed	City:	Province:	Postal Code:
Home Phone:	Work or Mobile Phone:		
Mailing Address (only if different from address provided above)	City:	Province:	Postal Code:

### 2. LAWYER, LEGAL OR ESTATE REPRESENTATIVE IDENTIFICATION (IF APPLICABLE)

If you are not the homeowner please state the source of your authority to fill out this form on behalf of the homeowner and provide the following personal identification information and attach a copy of your court order or other authorization that allows you to represent that person. **PLEASE PRINT**

Representative Last Name:	First Name:	Relationship to Homeowner:	
Mailing Address:		Suite Number	
City:	Province:	Postal Code:	Firm Name (if applicable)
Daytime Phone: ( )	Fax Number: ( )	Email Address:	

I am the Estate Trustee with a will:   
(attach copy of deceased's will)

I am the Estate Trustee without a will:   
(attach copy of Certificate of Appointment)

I am the Power of Attorney:   
(attach copy of Power of Attorney)

### 3. I WISH TO OPT OUT

Check the box below to confirm your intention to opt out of the RetroFoam class action.

I wish to opt out of (be excluded from) the RetroFoam class action.  **I OPT OUT**

### 4. SIGNATURE

\_\_\_\_\_  
(Your Signature)

\_\_\_\_/\_\_\_\_/\_\_\_\_  
YYYY MM DD

Submit this Opt-Out Form and any attachments by 5pm E.S.T on Sept. 1, 2011 to: Sarkis Isaac, Howie & Partners, Chartered Accountants, 3063 Walker Road, Windsor ON N8W 3R4 Attention: RetroFoam class action Fax: 519.250.1929 Email: [sisaac@howieandpartners.com](mailto:sisaac@howieandpartners.com)  
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