
If you purchased hydrogen peroxide or hydrogen peroxide products in Canada between January 1994 and January 2005, your rights could be affected by a class action settlement.

Background

Class proceeding lawsuits have been initiated in Ontario, British Columbia and Quebec. The lawsuits allege that the Defendants conspired to fix prices for hydrogen peroxide in Canada. Hydrogen peroxide is a clear colourless inorganic liquid used primarily as a bleach or oxidizer. Hydrogen peroxide is sold in aqueous solutions, typically 35%, 50% or 70% by weight, in different grades or formulations specifically tailored for enhanced performance in a particular application of the product.

On January 14, 2010, the Ontario Court certified the action as a class proceeding as against the defendants Atofina Chemicals Inc., Arkema Inc., Arkema Canada Inc., Arkema S.A., FMC Corporation, and FMC of Canada, Ltd. The action was certified on behalf of a class of all persons in Canada (excluding the defendants and their subsidiaries, affiliates and predecessors) who purchased hydrogen peroxide, products containing hydrogen peroxide or products produced using hydrogen peroxide between January 1, 1994 and January 5, 2005. The Defendants sought leave to appeal the certification decision and leave to appeal was denied on June 8, 2010.

The deadline for class members to opt-out (or request exclusion) of the class has passed. Class members who have not already opted-out will be bound by any settlements achieved or orders issued in the litigation.

Class Action Settlement

A settlement has been reached with Atofina Chemicals Inc., Arkema Inc., Arkema Canada Inc., and Arkema S.A. (collectively “Arkema”). Under the terms of the Settlement Agreement, Arkema has agreed to pay \$100,000.00 in exchange for a full release of claims against it and certain related entities. The settlement represents the resolution of disputed claims. Arkema denies the allegations and any wrongdoing or liability whatsoever. A copy of the settlement is available online at www.hydrogenperoxideclassaction.ca.

A motion to approve the Arkema settlement will be heard by the Ontario Court in London on Friday September 16, 2011 at 2:30 p.m. At this motion, the Ontario Court will determine whether the Arkema settlement is fair, reasonable, and in the best interests of class members. The Plaintiffs will also ask for an order that the settlement funds be used to defray disbursements incurred in the prosecution of the litigation against the remaining two defendants: FMC Corporation and FMC of Canada, Ltd.

Class members are entitled to appear and make submissions at the hearing in London to approve the Arkema settlement. If you wish to comment on or make an objection to the Arkema settlement, a written submission must be sent, postmarked no later than September 6, 2011 to Siskinds LLP, Attn: Charles Wright, 680 Waterloo Street, London ON N6A 3V8 or charles.wright@siskinds.com. All written submissions will be forwarded to and considered by the Ontario Court. If you do not file a written submission by September 6, 2011, you may not be entitled to participate, through oral submissions or otherwise, in the settlement approval hearing.

Given the certification of a national class by the Ontario Court and the settlement with Arkema, the Quebec and British Columbia actions will not be proceeding against Arkema, as residents of those provinces are members of the Ontario class. Orders will be sought from the Quebec and British Columbia Courts recognizing and enforcing the Arkema settlement and ending litigation against Arkema in those provinces.

Previous Class Action Settlements

Previous settlements have been reached with four groups of defendants: Solvay Chemicals Inc. and Solvay S.A. (“Solvay”); Evonik Degussa Corporation formerly Degussa Corporation, Evonik Degussa formerly Degussa A.G. and Evonik Degussa Canada Inc. formerly Degussa Canada Inc. (“Degussa”); Eka Chemicals, Inc., Eka Chemicals Canada Inc. and AkzoNobel Chemicals International B.V. (“Akzo”); and Kemira OYJ and Kemira Chemicals Canada Inc. (“Kemira”). The litigation is continuing against FMC Corporation and FMC of Canada., Ltd.

Additional Information

Additional information is available online at www.hydrogenperoxideclassaction.ca. If you have questions that are not answered online, please contact the appropriate class counsel:

- class members outside British Columbia or Quebec, contact Siskinds LLP toll free at 1-800-461-6166 ext. 2455 or by email at charles.wright@siskinds.com or Sutts, Strosberg LLP toll free at 1-800-229-5323 ext. 8296 or by email at hpeter@strosbergco.com
- class members in British Columbia, contact Camp Fiorante Matthews at 604-689-7555 or jjcamp@cfmlawyers.ca
- class members in Quebec, contact Siskinds Desmeules s.e.n.c.r.l. at 418-694-2009 or simon.hebert@siskindsdesmeules.com

This notice contains a summary of some of the terms of the Settlement Agreement. If there is a conflict between this notice and the Settlement Agreement, the terms of the Settlement Agreement shall prevail.

This notice has been authorized by the Ontario Court.
