

ONTARIO SUPERIOR COURT OF JUSTICE

If You Are the Current or Former Owner of Property in which Entran II Hose was or is used For Radiant Heating Or Snowmelting, You Could Get A Payment From A Class Action Settlement.

The Ontario Superior Court of Justice in Canada and A federal court in the United States authorized this notice. It is not from a lawyer. You are not being sued.

- This Settlement resolves a lawsuit over whether the Goodyear Tire & Rubber Company and Goodyear Canada Inc. made defective Entran II hose used in radiant heating systems. The hose was sold as part of a radiant heating system.
- Subject to certain limitations, the Settlement will provide cash payments to the people in the U.S. and Canada who are the current or former owner of property where the hose was, or still is, installed.
- You must file a claim form to be eligible for a cash payment.
- ***Your legal rights are affected whether you act or don't act. Please read this Notice carefully.***

YOUR LEGAL RIGHTS AND CHOICES		DUE DATE
SEND IN A CLAIM FORM	This is the <u>only</u> way for you to get a cash payment.	October 26, 2009
EXCLUDE YOURSELF	You get no payment. This is the only choice that will allow you to sue Goodyear on your own about the claims talked about in this Notice.	May 7, 2004
OBJECT	You can write to the Court about why you don't like the settlement.	May 7, 2004
APPEAR AT A HEARING	You can ask to speak to the Court about the fairness of the settlement.	May 7, 2004
DO NOTHING	You get no payment. And you give up your right to sue Goodyear on these claims later.	

- These rights and options—**and the deadlines for each**—are explained in this Notice.
- The Courts in charge of this case still have to decide whether to approve the Settlement. Cash payments will be made after the Court approves the Settlement and after all appeals are ruled on.

Questions? Call 1-800-254-9222

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BASIC INFORMATION

1. Why did I get this Notice package?

You got this Notice package because you own, or may have owned, a home or other property where Entran II rubber hose made by Goodyear Tire & Rubber Company or Goodyear Canada Inc. was installed as part of a radiant heating system. Entran II hose was sold as part of a radiant heating system. Radiant heating is a way to heat all or part of a building by using hot fluid running through pipes or hoses installed in walls or floors. It can also be used to melt snow when it is installed underground, such as under a driveway.

The Court sent you this Notice because you have a right to know about a proposed Settlement of a class action lawsuit that affects people who have radiant heating systems using Entran II hoses. You have legal rights and choices to make before the Court decides whether to approve the Settlement.

This Notice package explains:

- What the lawsuit is about.
- What your legal rights are.
- What the Settlement involves.
- What the benefits are and who is eligible to get them.
- How to apply for the benefits.

2. What is this lawsuit about?

The lawsuits claim that Goodyear Tire & Rubber Company and Goodyear Canada Inc. (“Goodyear”) made defective Entran II hose for use in radiant heating and snow-melting systems. The people who sued Goodyear claim that the hose leaks, cracks, damages the boiler and other component parts under normal running conditions. They are asking the Court to award money to everyone who has property damage caused by Entran II hoses. Goodyear says that its product is not defective, and denies that it did anything wrong. Goodyear believes that if properly maintained, Entran II hoses do not cause a problem.

The Courts in charge of the lawsuits are the Ontario Superior Court of Justice and the United States District Court for the District of New Jersey. The names of the lawsuits are *Kelman et al. v. The Goodyear Tire & Rubber Company et al.*, Court File No 42665 CP, and *Galanti v. Goodyear Tire & Rubber Company*, Civil Action No. 03-209. The people who sued are called Plaintiffs, and the companies they sued, Goodyear Tire & Rubber Company and Goodyear Canada Inc., are called the Defendants.

3. Why is this a Class Action?

In a class action lawsuit, one or more people called “Representative Plaintiffs” sue on behalf of other people who have similar claims. All these people together are a “Class” or “Class Members.” One Court decides all the issues in the lawsuit for all Class Members, except for those who exclude themselves from the Class. The judges hearing this class action lawsuit are the Honourable Justice Warren Winkler and the Honorable Stanley R. Chesler.

4. Why is there a Settlement?

The Court has not decided in favor of the Class or Goodyear. Instead, both sides agreed to a Settlement. That way, they avoid the cost and risk of a trial, and the people affected will get money.

WHO IS IN THE SETTLEMENT

5. How do I know if I'm part of the Settlement?

To see if you can get money from this Settlement, you first have to know if you are a Class Member.

The Court has said you are a Class Member if:

- **You own or owned property in Canada or any state or US territory (except Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, or Vermont).**
- **and**
- **Entran II hose made by Goodyear was or is used for a radiant heating system on the property.**

6. Are there exceptions to being included in the Settlement?

You are ***not*** a Class Member if:

- The property you own or owned is in the following six states in the U.S.: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, or Vermont.
- You have Entran II hose that was made by the company Dayco, not Goodyear.
- You exclude yourself from the Settlement (see Question 13 below).
- You are part of a different lawsuit about Entran II hose, and there has been a judgment in that lawsuit against Goodyear and/or you.
- You are the Judge in this lawsuit, or a member of the Judge's immediate family.
- You are a company that owns or is owned by Goodyear, you are Goodyear or its successor, or you are an agent of Goodyear.

7. How do I know if I have Goodyear Entran II hose?

Entran II hose is commonly installed as part of a radiant heating system, which is a way to heat a building (or sidewalks or driveways) using hot fluid flowing through pipes or hoses. Sometimes it is part of a baseboard heating system, and sometimes it is in or under a floor or the ground. The floor heating system might have been buried or stapled in place. Or, the hose might have been buried in a driveway or sidewalk to melt snow.

There are several ways to find out if you have Entran II hose installed in your home or in any other building you own:

(1) Inspect your hose. The Goodyear Entran II hose will have the following features:

- The hose is made of rubber and is orange.
- Its inside diameter is about 1/4 to 3/4 of an inch. Its outside diameter is 3/4 to 1 inch.
- It is usually stamped with the name "Heatway" or "Heatway Systems" on the outside, *and* with another trade name such as Nytrace, Entran II Trace, Entran II Wire, Entran 2, Entran 2 Trace, Entran 2 Wire, or Twintran. (Note: some Twintran hose made by Goodyear in 1989 has a date code *without* a letter.)
- A date code will be printed on the hose, with the word "Entran". The date code will also include the letter "A", "B", "C", "D", or "Z".

Note: Entran II hose made by the company Dayco is **not** included in this Settlement. Hose made by Dayco has "ENTRAN" (all capital letters) stamped on it, and a shorter date code (typically just a month and year). The date code on Dayco hose **doesn't have a letter** along with the date.

- (2) Go to the website, www.entraniiSettlement.com. The Settlement website includes further information and pictures of Entran II hose to help you identify your hose.
- (3) Check your purchase or repair documents. You may have receipts, warranties, bills of sales, or brochures from when you purchased or repaired your radiant heating system. These documents may say that Entran II hose was used in the system. The contractor or company that installed or repaired your radiant heating system may also know whether Goodyear Entran II hose was installed.

THE SETTLEMENT BENEFITS - WHAT YOU GET

8. What does the Settlement provide?

Goodyear has agreed to pay between \$196 million and \$236 million (U.S.) into a Fund to pay to Class Members in Canada and the United States (except for properties in New Hampshire, Rhode Island, Maine, Vermont, Connecticut and Massachusetts) who submit claims. Goodyear will make payments into this Fund over a five-year period. A complete description of the payment schedule and the circumstances where Goodyear must pay more money is in the Settlement Agreement and Release. You can get a copy of the Settlement Agreement and Release by visiting www.entraniiSettlement.com, or by calling toll-free, 1-800-254-9222.

9. How much will I be paid?

Your share of the Settlement Fund will depend on the number of claims that are submitted. As an estimate, some Class Members may get as much as 40% of the cost of remediation of their Entran II hose. More details about the way the Settlement Fund will be paid out are in a document called the Plan of Allocation and Distribution. The Plan is included with this Notice package.

HOW TO GET A PAYMENT - SUBMITTING A CLAIM FORM

10. How can I get a payment?

To qualify for a payment, you **must** send in a completed Claim Form. A Claim Form is included in this Notice package. You can also get a Claim Form by:

- calling this toll-free number: 1-800-254-9222;
- visiting the website, www.entraniiSettlement.com; or
- writing the Claims Administrator at:

Entran II Claims Administrator
P.O. Box 1051
Fort Erie, Ontario L2A 6C7
Canada

You have 5 years from the date the Court approves the Settlement to send in your Claim Form. For example, if the Court approves the Settlement on October 26, 2004, which is the date of the Fairness Hearing (see Question 22 below), your Claim Form must be mailed and postmarked by October 26, 2009. You must include any documentation the Claim Form asks for along with the completed Claim Form.

Mail your completed Claim Form to:

Entran II Claims Administrator
P.O. Box 1051
Fort Erie, Ontario L2A 6C7
Canada

Remember, if you don't send a Claim Form, you can't get a payment. Also, **please note that Class Members who have already settled their claims with Goodyear or have gone to trial against Goodyear cannot get a payment.**

Questions? Call 1-800-254-9222

11. When will I get my payment?

On October 26, 2004, the Court will hold a hearing to decide whether to approve the Settlement. If the Court approves the Settlement, a Claims Administrator appointed by the Court will begin reviewing each Claim Form submitted. Please note that there is often delay after a Settlement like this is approved. For example, there may be appeals, and payments can't be made until appeals are finished. Because of this, there could be a delay of several months before the first claims are reviewed and paid. The claims will generally be reviewed and paid on a first-come, first-served basis.

12. Am I giving anything up for my payment?

As a Class Member, all decisions made by the Court in this lawsuit or about the Settlement will apply to you. If the Court approves the Settlement, you will have released Goodyear from any further claims against it about the issues in this lawsuit, and you can't ever sue Goodyear again about these issues. This is true even if you do not send in a Claim Form for a payment, provided you haven't excluded yourself from the Settlement.

YOUR RIGHTS - GETTING OUT OF THE SETTLEMENT

13. What if I don't want to be part of the Settlement or the Class?

You do not have to take part in the Settlement or be a Member of the Class. This is called "excluding" yourself. If you exclude yourself, you can not get a payment and you can not object to the Settlement. Any Court orders will not apply to you. By excluding yourself, you also keep the right to file your own lawsuit or join another lawsuit against Goodyear about any defects in the Entran II hose.

14. How do I exclude myself from the Settlement?

To exclude yourself, you must sign a Request for Exclusion letter that states that you want to be excluded from *Kelman et al. v. The Goodyear Tire & Rubber Company et al*, Court File No. 42665 CP. Your exclusion letter must be mailed and **postmarked before May 7, 2004**, to:

Entran II Claims Administrator
P.O. Box 1051
Fort Erie, Ontario L2A 6C7
Canada

If you do not follow these instructions properly, you will lose your right to exclude yourself.

15. If I exclude myself, can I get money from the Settlement or object to it?

No. If you exclude yourself, you can not get any money from the Settlement and you can not tell the Court you don't like the Settlement (which is called "objecting"). If you exclude yourself, you are no longer part of the Class or the Settlement. But you can sue or be part of a different lawsuit against Goodyear about the claims in this case.

YOUR RIGHTS - OBJECTING TO THE SETTLEMENT

16. How do I tell the Court if I don't like the Settlement?

If you are a Class Member and do not exclude yourself, you can tell the Court you do not like the Settlement or some part of it. This is called objecting to the Settlement. For example, you can say you do not think the Settlement is fair or adequate, or that you object to the amount of the Class lawyers' fees. The Court will consider your views.

Questions? Call 1-800-254-9222

To object, you must send a letter that contains all of the following:

- The name and title of the lawsuit, *Kelman et al. v. The Goodyear Tire & Rubber Company et al.*, Court File No. 42665 CP, or if your property is in the U.S., *Galanti v. Goodyear Tire & Rubber Company*, Civil Action No. 03-209.
- Proof that you are a member of the Class. This could include:
 - a Heatway warranty for the heating system installed on your property;
 - an Inspection Report;
 - a bill of sale that shows you bought Entran II hose made by Goodyear for your property;
 - a letter from a builder, contractor, or plumber that says your property has Entran II hose made by Goodyear installed in it;
- A statement of each objection you have and the facts that support the objections;
- A description of any law or case supporting the objections;
- A statement on whether or not you or your lawyer will ask to appear at the Fairness Hearing to talk about your objections, and, if so, how long you will need to present your objections;
- Copies of any documents you or your lawyer will present at the Fairness Hearing.

If your property is in Canada or in the United States, your objection letter **must be mailed and postmarked before May 7, 2004** to these five places:

Charles M. Wright
Siskind, Cromarty, Ivey & Dowler LLP
680 Waterloo Street
London, Ontario N6A 3V8

Clerk of the Court
United States District Court
402 East State Street
Trenton, NJ 08608

Randy Benett
Rueter, Scargall & Benett
200 King Street West
Suite 1701
P.O. Box 28
Toronto, Ontario M5H 13T

Jonathan W. Cuneo
Cuneo Waldman & Gilbert, LLP
317 Massachusetts Ave. NE, Suite 300
Washington, DC 20002

Entran II
Goodyear Tire & Rubber Company
P.O. Box 9367
Akron, OH 44305-0367

17. What's the difference between objecting and excluding myself?

Objecting is the way to tell the Court what you don't like about the Settlement. You can object only if you stay in the Class and the Settlement.

Excluding yourself is the way to tell the Court you don't want to be a part of the Class and the Settlement, and that you want to keep the right to file your own lawsuit. If you exclude yourself, you can't object because the Settlement doesn't affect you any more.

YOUR RIGHTS - APPEARING IN THE LAWSUIT

18. Can I appear or speak in this lawsuit and Settlement?

As long as you don't exclude yourself, you have the right to appear and speak for yourself in this lawsuit and Settlement. You can also have your own lawyer speak for you, but you will have to pay for the lawyer yourself.

If you want to appear in the lawsuit in Canada, you must give the Court a paper that is called a "Notice of Appearance". The Notice of Appearance should say you want to appear in *Kelman et al. v. The Goodyear Tire & Rubber Company et al.*, Court File No. 426665 CP. If you want to appear in the lawsuit **and** speak at the Fairness Hearing (see Question 22), your Notice of Appearance must also say that you (or your lawyer) intend to speak at the Fairness Hearing.

The Notice of Appearance must be filed with the Court. The address of the Court for filing a Notice of Appearance is: Judges Administration, Ontario Superior Court of Justice, 393 University Avenue, Toronto, Ontario M5G 1T3. You should also give a

copy of the Notice of Appearance to the lead lawyer for the Class: Jonathan W. Cuneo, Cuneo Waldman & Gilbert, LLP, 317 Massachusetts Avenue, NE, Suite 300, Washington D.C. 20002 and to Canadian Counsel, Charles M. Wright, Siskind Cromarty, Ivey & Dowler, LLP, 680 Waterloo Street, London, Ontario N6A 3V8.

If you want to appear in the lawsuit, in the United States you must give the Court a paper that is called a “Notice of Appearance”. The Notice of Appearance should say you want to appear in *Galanti v. Goodyear Tire & Rubber Company*, Civil Action No. 03-209. If you want to appear in the lawsuit **and** speak at the Fairness Hearing (see Question 22), your Notice of Appearance must also say that you (or your lawyer) intend to speak at the Fairness Hearing.

The Notice of Appearance must be filed with the Court. The address of the Court for filing a Notice of Appearance is: Clerk of the Court, United States District Court, 402 East State Street, Trenton, NJ 08608. You should also give a copy of the Notice of Appearance to the lead lawyer for the Class: Jonathan W. Cuneo, Cuneo Waldman & Gilbert, LLP, 317 Massachusetts Avenue, NE, Suite 300, Washington D.C. 20002.

Reminder: If you are going to ask to speak at the Fairness Hearing about any objections you have to the Settlement, your Notice of Appearance and your written objection must be **mailed and postmarked before May 7, 2004.**

If You Do Nothing

19. What happens if I do nothing at all?

If you do nothing, you will not get any money from the Settlement. You must send a Claim Form to get a payment.

If you are a Class Member and you do nothing, you will also be part of the Class and all of the Court’s orders will apply to you. You won’t be able to start a lawsuit or be part of any other lawsuit against Goodyear about the claims in this lawsuit, ever again.

The Lawyers Representing You

20. Do I have a lawyer in this lawsuit?

The Court has recognized 11 lawyers to represent you and all Class Members. Together, these lawyers are called Class Counsel. *You will not be charged for these lawyers.* The names and addresses of Class Counsel are as follows:

Charles M. Wright
Siskind, Cromarty, Ivey & Dowler LLP
680 Waterloo Street
London, Ontario N6A 3V8

Gary E. Mason
The Mason Law Firm, PC
1225 19th St., NW, Suite 500
Washington, DC 20036

Harris L. Pogust
Sherman, Silverstein, Kohl, Rose & Podolsky
4300 Haddonfield Road, Suite 311
Pennsauken, NJ 08109

Arnold Levin and Daniel Levin
Levin, Fishbein, Sedran & Berman, P.C.
510 Walnut Street, Suite 600
Philadelphia, PA 19103

Jonathan Cuneo and Charles LaDuca
Cuneo Waldman & Gilbert, LLP
317 Massachusetts Avenue, N.E., Suite 300
Washington, DC 20002

William M. Audet and Michael McShane
Alexander, Hawes & Audet LLP
300 Montgomery Street, Suite 400
San Francisco, CA 94104

Elmer Robert Keach, III
Elmer Robert Keach Law Office
Twenty Corporate Woods Boulevard
Albany, NY 12207

Michael Flannery and Alexander Barnett
The David Danis Law Firm, P.C.
8235 Forsyth Boulevard, Suite 1100
St. Louis, MO 63105

21. How will the lawyers be paid?

Class Counsel will ask the Court for attorneys' fees of up to 30% of the Settlement Fund, which would be \$58,800,000.00 (U.S.). These lawyers will also ask the Court to approve the payment of the cost of this Notice, administration fees for the five year claim period, and out of pocket expenses in this lawsuit out of the Settlement Fund, which they estimate will be \$12,200,000.00 (U.S.). In addition, Class Counsel will ask that the persons who have acted as the Class Representatives in this lawsuit be paid an extra amount because they started and pursued the original lawsuit. The Court must approve all of these requests for fees and costs.

THE COURT'S FAIRNESS HEARINGS

22. When and where will the Court decide whether to approve the Settlement?

The Ontario Superior Court of Justice will hold a Fairness Hearing at 10:00 a.m. on October 26, 2004. At this hearing, the Court will consider whether the Settlement is fair and adequate. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether to approve the settlement.

The Canadian Hearing will be held at:

Ontario Superior Court of Justice
361 University Avenue
Toronto, Ontario M5G 1T3

The New Jersey Court will hold a Fairness Hearing at 10:00 a.m. on October 19, 2004. At this hearing, the Court will consider whether the Settlement is fair and adequate. If there are objections, the Court will consider them. The Court will listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether to approve the Settlement.

There will also be a second Hearing at 10:00 a.m. on November 3, 2004. At the second hearing, the Court will consider the amount of Class Counsel's fees and expenses. The Court will listen to people who have asked to speak at this hearing, and consider any objections to the attorneys' fees and expenses. After this second hearing, the Court will decide how much Class Counsel can be paid out of the Settlement Fund.

Both Hearings will be held at:

United States District Court
District of New Jersey
Room 2020
402 East State Street
Trenton, NJ 08608

23. Do I have to come to the hearings?

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, but it's not necessary.

24. May I speak at the hearings?

You can ask the Court to allow you to speak at either Fairness Hearing or both of them. To do so, you must send the Court a Notice of Appearance that includes a statement that you want to appear and speak at the Fairness Hearing. Question number 18 in this Notice explains how to submit a Notice of Appearance.

GETTING MORE INFORMATION

25. Are more details available?

This Notice summarizes the Settlement. More details are in the Settlement Agreement and release. You can get a copy of the Settlement Agreement and release from the Settlement Claims Administrator by calling toll-free, 1-800-254-9222, or writing to: Entran II Claims Administrator, P.O. Box 1051, Fort Erie, Ontario L2A 6C7, Canada.

You can also look at and copy the legal documents filed in this lawsuit at any time during regular office hours at the Office of the Clerk of the Court, United States District Court for the District of New Jersey, 402 East State Street, Trenton, New Jersey 08608 or at the Ontario Superior Court of Justice, 361 University Avenue, Toronto, Ontario M5G 1T3.

26. How do I get more information?

If you have any questions about this Notice or the Settlement, you can visit the website at www.entraniiisettlement.com, or write the Claims Administrator at: Entran II Claims Administrator, P.O. Box 1051, Fort Erie, Ontario L2A 6C7, Canada.