

LEGAL NOTICE

If you purchased polyester polyols in any form (including systems),* you may be entitled to a payment from a class action settlement.

What's This About?

The proposed settlement arises from a class action lawsuit that plaintiffs Skypark Manufacturing LLC, Maine Industrial Tires Limited, Urethane Product Industries, Inc., and Kryptane Systems, LLC, filed against defendants Bayer AG, Bayer Corporation, Bayer MaterialScience AG, Bayer MaterialScience LLC (collectively, "Bayer"), Crompton Corporation (n/k/a Chemtura Corporation), Rhein Chemie Corporation, Rhein Chemie Rheinau GmbH, and Uniroyal Chemical Company, Inc. Plaintiffs allege that the defendants unlawfully agreed to fix, raise, maintain or stabilize the prices of and/or allocate the markets for polyester polyol products in violation of federal antitrust laws. Plaintiffs have reached a negotiated settlement of the claims against Bayer. Bayer has denied engaging in any wrongful conduct. Plaintiffs will continue to pursue their claims against the remaining defendants. The settlement agreement is subject to final approval by the court following a fairness hearing.

Who's Included?

The court certified a settlement class that, with certain exceptions, generally includes all persons and entities in the United States who directly purchased polyester polyols in whatever form they were sold (including polyurethane systems containing polyester polyols but not polyether polyols) from any defendant at any time from January 1, 1998, through December 31, 2004.

What Does The Settlement Provide?

Bayer has agreed to settlement of this class action litigation for a payment of \$18 million to a settlement fund and to cooperate with plaintiffs in the ongoing litigation against the remaining defendants. The settlement is subject to final approval by the court.

YOU ARE HEREBY NOTIFIED, pursuant to an order of the United States District Court for the District of Kansas, that a fairness hearing will be held on October 16, 2006, at 10:30 a.m., before the Honorable John W. Lungstrum, United States District Judge, in Courtroom No. 427, United States Courthouse, 500 State Avenue, Kansas City, Kansas 66101, for the purpose of determining whether the partial settlement should be finally approved by the court as fair, reasonable, and adequate. If the court approves the settlement, class counsel will petition for payment of attorneys' fees not to exceed 30% of the settlement proceeds, plus reimbursement of out-of-pocket expenses not to exceed \$1,500,000, to be paid from the settlement fund.

What Are Your Options?

1. Do Nothing. You need not do anything to remain in the settlement class. By remaining in the settlement class, you will be legally bound by the settlement, and thus will not be able to sue or continue to sue Bayer over the legal claims in this case. Members of the settlement class will be entitled to receive money from the settlement fund when it is ultimately distributed.

2. Opt Out of the Class. If you want to exclude yourself from the settlement class, you must do so not later than August 15, 2006. The court will exclude from the settlement class any member that files a valid request for exclusion no later than that date. Any member who timely and validly excludes itself will not receive any money from the settlement fund, will not be bound by the settlement, will not be able to object to the settlement, and will be free to pursue whatever legal rights it may have against Bayer.

3. Object to the Settlement. If you do not timely exclude yourself from the settlement class but want to object to the settlement, you must do so by August 29, 2006. If you object to the settlement by that date, you have the option of appearing at the fairness hearing. If you choose to do so, you can either appear yourself or you can retain an attorney at your own expense to appear on your behalf. All members who timely and validly object to the settlement are still members of the settlement class and will be legally bound by the settlement.

Whether or not you request exclusion or object to the settlement, you may hire your own counsel at your own expense and enter an individual appearance in this litigation.

Additional information regarding the settlement is available at: www.completeclaimssolutions.com/polyesterpolyol. To obtain a copy of the April 25, 2006, settlement agreement with Bayer and a more detailed notice describing the terms of the settlement and rights of the members of the settlement class, contact class counsel or the settlement administrator, listed below. Please do not contact the court, the clerk's office or Bayer regarding this notice.

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* You previously may have seen a similar notice with respect to a different settlement involving Bayer. That settlement pertains to related proceedings involving similar allegations, but the two sets of proceedings involve different products (this set of cases involves polyester polyol products whereas the other set of cases involves polyether polyols, MDI, and/or TDI) and different groups of defendants. The two settlements themselves are separate and distinct.