

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

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**IN RE: URETHANE ANTITRUST  
LITIGATION**

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**No. 04-MD-1616-JWL**

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**This Document Relates To:  
The Polyether Polyol Cases**

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**ORDER APPROVING THE REQUEST OF  
THE MASONITE ENTITIES  
TO WITHDRAW THEIR REQUEST FOR EXCLUSION  
FROM THE BAYER SETTLEMENT CLASS**

The Plaintiffs have filed a motion to approve the request of the Masonite Entities to withdraw their request for exclusion from the Bayer Settlement Class. Upon consideration of the Motion, the Court hereby **ORDERS** that:

1. On April 6, 2006, the Court preliminarily approved the Bayer Settlement and set June 9, 2006 as a date for class members to opt out of the class by sending a request for exclusion.

2. On June 9, 2006, Masonite Corporation sent a request for exclusion from the Bayer Settlement on behalf of itself and various related Masonite entities (hereinafter the “Masonite entities”). The Masonite entities’ request for exclusion is attached to Plaintiffs’ Motion as Exhibit “A”.

3. On August 30, 2006, the Court finally approved the Bayer Settlement and stated that those entities that had opted out “are not included in or bound by this Order and may individually pursue claims (if any) against the Bayer defendants. Those persons are not entitled to any recovery from the settlement proceeds obtained through this settlement.” August 30, 2006 Order at ¶ 5.

4. Counsel on behalf of the Masonite entities have subsequently contacted class counsel and requested to withdraw their request for exclusion from the Bayer Settlement class. Correspondence from the Masonite entities confirming that they would like to withdraw their request for exclusion and participate in the Bayer Settlement is attached to the Plaintiffs' Motion as Exhibit "B".

5. The Bayer entities do not object to the Masonite entities' request to withdraw their request for exclusion and participate in the Bayer Settlement.

6. The Masonite entities are permitted to withdraw their request for exclusion and they will be included in the Court's August 30, 2006 Order. Consequently, the Masonite entities may not individually pursue claims (if any) against the Bayer Defendants that are prohibited by the Bayer Settlement Agreement. The Masonite entities will be entitled to file a proof of claim form for the Bayer Settlement.

**IT IS SO ORDERED** this 15<sup>th</sup> day of April, 2008.

s/ John W. Lungstrum  
Hon. John W. Lungstrum  
United States District Judge