

**IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF NEW JERSEY**

IN RE DUCTILE IRON PIPE FITTINGS (“DIPF”)  
INDIRECT PURCHASER ANTITRUST LITIGATION

Civ. No. 12-169 (AET) (LHG)

**If You *Indirectly* Purchased Ductile Iron Pipe Fittings Between January 11, 2008  
and December 31, 2013, You Could Be Affected by a Proposed Class Action Settlement**

*A federal court authorized this Notice. This is not a solicitation from a lawyer or a claims filing service.*

There is a proposed settlement with Defendant McWane, Inc. and its divisions, Clow Water Systems Co., Tyler Pipe Company, and Tyler Union (together, “McWane”) totaling \$1,425,000, in a class action lawsuit called *In re Ductile Iron Pipe Fittings (“DIPF”) Indirect Purchaser Antitrust Litigation*, which is pending in the United States District Court for the District of New Jersey.

- Under the proposed McWane Settlement, McWane has agreed to pay \$1,425,000 in cash into a Settlement Fund. McWane has asserted a number of defenses to Plaintiffs’ claims and denies all wrongdoing. Both Plaintiffs and McWane settled to avoid the cost and risk of a trial. The McWane Settlement is subject to possible rescission under paragraphs 43-46 of the Settlement Agreement.
- The McWane Settlement pertains to a class action lawsuit brought on behalf of indirect purchasers. An *indirect purchase* is a purchase of DIPF from someone other than the Defendants, such as a distributor or other middleman. There are two other lawsuits brought by other plaintiffs that are also pending in the same Court, one brought on behalf of direct purchasers, and the other brought by the State of Indiana. The direct purchaser plaintiffs and the State of Indiana have each reached separate settlement agreements with McWane. This Notice explains only the settlement of claims against McWane by indirect purchasers of DIPF, as well as a Plan of Allocation of the Settlement Fund and Class Counsel’s Request for Attorneys’ Fees, Reimbursement of Expenses, and Service Awards for the Class Representatives.
- “Ductile Iron Pipe Fittings” or “DIPF,” as those terms are used in these settlements, refers to fittings used to join, among other products, iron and plastic pipes, valves, and hydrants within water systems as well as to change, divide, or direct the flow of water. DIPF includes both Domestic DIPF and DIPF produced abroad. “Domestic DIPF,” as that term is used in these settlements, means DIPF that is produced by McWane in the United States and is used in pressurized water and wastewater projects in the United States with domestic-only preferences or specifications.
- Plaintiffs claim that from at least as early as January 11, 2008, through at least as late as June 30, 2011, Defendants engaged in a conspiracy to fix prices for DIPF in the United States in violation of state antitrust and consumer protection laws. Plaintiffs also claim that from at least as early as September 17, 2009, through December 31, 2013, Defendant McWane illegally monopolized, and Defendants SIGMA and McWane conspired to restrain trade in and monopolize the market for Domestic DIPF in the United States in violation of antitrust and consumer protection laws. Plaintiffs allege they and the members of the settlement class paid more for DIPF and Domestic DIPF than they otherwise would have paid absent Defendants’ anticompetitive conduct. McWane and the other Defendants deny all of Plaintiffs’ claims and have asserted various defenses. The Court has not made any decision as to the merits of the Plaintiffs’ allegations.
- There have been two previous settlements totaling \$2,646,250 with Defendants SIGMA and Star that have been approved by the Court. Approval of the proposed McWane Settlement by the Court will end this lawsuit.
- **Your legal rights will be affected whether or not you act.** Please read the entire Notice carefully.

Questions? Call Toll Free 1(855) 907-3111 Or Visit [www.DIPFIndirectSettlement.com](http://www.DIPFIndirectSettlement.com)

## Your Legal Rights and Options

You May:		Due Date
<b>Do Nothing</b>	You do not have to take any action to remain part of the Settlement Class. (See Question 23). You will give up your right to sue McWane for the claims alleged in this lawsuit (See Question 12) but will receive a payment <b>only</b> if you file a claim (See Question 9).	
<b>Submit A Claim Form</b>	If you wish to make a claim against the Settlement Fund, and you did not previously file a Claim Form in connection with the SIGMA Settlement or Star Settlement, you will need to file a Claim Form in order to receive money from the Settlement Fund. (See Question 9).	Postmarked by June 27, 2018
<b>Go To The Hearing:</b>	Ask the Court for permission to speak about the fairness of the McWane Settlement, the Plan of Allocation, or the Request for Attorneys' Fees, Reimbursement of Expenses, and Service Awards for the Class Representatives. (See Question 22).	June 13, 2018 at 9:30 a.m.
<b>Object:</b>	Write to the Court about why you don't like the McWane Settlement, Plan of Allocation, or the Request for Attorneys' Fees, Reimbursement of Expenses, and Service Awards for the Class Representatives. (See Question 18).	To be <b>Received</b> by May 23, 2018
<b>Exclude Yourself:</b>	Get no payment from the McWane Settlement (See Question 13) and retain the right to sue McWane on your own.	Postmarked by May 29, 2018

- These rights and options – **and the deadlines to exercise them** – are explained in this Notice.

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## **BASIC INFORMATION**

### **1. Why Did I Get This Notice?**

If you or your company or non-federal governmental entity purchased DIPF originally made or sold by one of the Defendants during the period from and including January 11, 2008, up to and including December 31, 2013, from someone other than one of the Defendants, you are what is known as an indirect purchaser. The proposed McWane Settlement explained in this Notice will, if approved by the Court, resolve the below-described claims of indirect purchasers against McWane, and end this lawsuit.

The Court has directed that this Notice be sent to you because, as a possible member of the settlement class, you have the right to know about the McWane Settlement in this class action lawsuit and about all your options before the Court decides whether to approve the McWane Settlement. The Court supervising the case is the United States District Court for the District of New Jersey. The case is called *In re Ductile Iron Pipe Fittings (“DIPF”) Indirect Purchaser Antitrust Litigation*, Civ. No. 12-169. The people who sued are the plaintiffs, and the companies they sued are called defendants.

This Notice explains the lawsuit, the McWane Settlement, Plan of Allocation of the Settlement Fund, and Class Counsel’s Request for an Award of Attorneys’ Fees, Reimbursement of Expenses, and Service Awards for the Class Representatives, and your legal rights concerning each.

### **2. What Is This Lawsuit About?**

The lawsuit alleges that (i) Defendants entered into price-fixing agreements in the market for DIPF in the United States in violation of antitrust and consumer protection laws, (ii) McWane monopolized the market for Domestic DIPF in the United States in violation of antitrust and consumer protection laws, and (iii) SIGMA and McWane conspired to restrain trade and to monopolize the alleged market for Domestic DIPF in the United States in violation of antitrust and consumer protection laws. The lawsuit claims that, as a result, Plaintiffs paid more for DIPF and Domestic DIPF sold by the Defendants than they otherwise would have paid. Defendants have denied all these claims, deny any wrongdoing, and have asserted various defenses to the claims. The Court has not made any decision as to the merits of the Plaintiffs’ allegations.

### **3. Who Are The Defendants?**

The Defendants are: McWane, Inc. (and its divisions Clow Water Systems Co., Tyler Pipe Company, and Tyler Union), SIGMA Corporation, SIGMA Piping Products Corporation and Star Pipe Products, Ltd. The SIGMA and Star Defendants have already settled with Plaintiffs. The Court approved the SIGMA and Star Settlements on June 8, 2016. McWane is the only Defendant left in the case.

### **4. Why Is This A Class Action?**

In a class action, one or more individuals or entities, called class representatives, sue on behalf of others who have similar claims. The class representatives in this case are TC Construction Co. Inc.; Waterline Industries Corporation; Waterline Services, LLC; Yates Construction Co., Inc.; City of Hallandale Beach, Florida; Wayne County, Michigan; South Huntington, New York Water District; Water District No. 1 of Johnson County, Kansas; and Village of Woodridge, New York. The class representatives and the individuals or entities with similar claims are referred to as class members. Together they comprise a class. One court resolves the issues for all class members, except for those who exclude themselves from the class. U.S. District Judge Anne E. Thompson is in charge of this class action.

Questions? Call Toll Free 1(855) 907-3111 Or Visit [www.DIPFIndirectSettlement.com](http://www.DIPFIndirectSettlement.com)

## 5. Why Is There A Proposed Settlement With McWane?

McWane has denied all liability and wrongdoing in this case and has asserted various defenses to the Plaintiffs' claims. The Court did not decide in favor of the Plaintiffs or McWane. Instead both sides agreed to the McWane Settlement to avoid the cost and risk of a trial, and to ensure that affected class members get compensation. The Class Representatives and Class Counsel think the McWane Settlement is the best result for all class members.

Plaintiffs have already settled with SIGMA and Star for a combined \$2,646,250, and these settlements have been approved by the Court. If the McWane Settlement is also approved, the total amount of the Settlements will be \$4,071,250, and the DIPF indirect purchaser litigation will be over.

### **WHO IS AFFECTED BY THE MCWANE SETTLEMENT**

To see if you are affected by the McWane Settlement, you first have to determine if you are a class member.

## 6. How Do I Know If I Am Part Of The McWane Settlement?

For purposes of the McWane Settlement, the Settlement Class means:

All persons or entities that reside or have a place of business in the States of Arizona, Arkansas, California, District of Columbia, Florida, Hawaii, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Utah, Vermont, West Virginia, and Wisconsin (the "Settlement Class States") who or that purchased DIPF indirectly from any Defendant at any time from January 11, 2008, through June 30, 2011 or who or that purchased Domestic DIPF indirectly from McWane or SIGMA at any time from September 17, 2009, through December 31, 2013. Excluded from the Settlement Class are Defendants and their parents, subsidiaries and affiliates, whether or not named as a Defendant in this Action, federal governmental entities, and instrumentalities of the federal government.

As used in these class definitions:

"Indirectly" means that you must have purchased the DIPF products from someone other than the Defendants; for example, from a distributor. Purchases made directly from a Defendant are not included in this lawsuit.

"DIPF" refers to ductile iron pipe fittings. Ductile iron pipe fittings are used to join, among other products, iron and plastic pipes, valves, and hydrants within water systems as well as to change, divide, or direct the flow of water. DIPF includes both Domestic DIPF and DIPF produced abroad.

"Domestic DIPF" refers to DIPF that is produced by McWane in the United States and is used in pressurized water and wastewater projects in the United States with domestic-only preferences or specifications.

Included in the McWane Settlement Class are indirect purchasers in the Settlement Class States, which encompasses non-federal governmental entities, including but not limited to municipalities and water districts and authorities, in the Settlement Class States set forth in the class definition above.

Excluded from the McWane Settlement Class are Defendants and their parents, subsidiaries and affiliates, whether or not named as a Defendant in this action, federal governmental entities, and instrumentalities of the federal government.

## **7. I'm Still Not Sure If I Am Included**

If you are still not sure if you are a class member, you can ask for free help. See Question 25 below.

### **THE BENEFITS OF THE MCWANE SETTLEMENT**

## **8. What Does The McWane Settlement Provide?**

McWane has agreed to pay \$1,425,000 in cash (“the Settlement Fund”) into an escrow account to resolve the claims of the Settlement Class. Up to \$150,000 of the Settlement Fund may be used to pay for notice and administration costs. The McWane Settlement is subject to possible rescission under paragraphs 43-46 of the Settlement Agreement. More details are set forth in the Settlement Agreement, which has been filed with the Court and may be viewed at [www.DIPFIndirectSettlement.com](http://www.DIPFIndirectSettlement.com).

## **9. How Do I Get A Payment?**

If you are a McWane Settlement class member and do not exclude yourself from the McWane Settlement, you may be eligible to receive a payment. To qualify for a payment, you must send in a Claim Form. If you previously submitted a Claim Form in response to the notice of the SIGMA and Star Settlements, unless you want to supplement your claim with additional purchases, you do not need to send in another Claim Form in order to participate in the McWane Settlement. If you did not send in a Claim Form already and wish to do so, a Claim Form is enclosed with this Notice.

Please read the instructions carefully. You must fill out the form and include all the information the form requests. Be sure to sign it, and mail it so that it is postmarked no later than June 27, 2018 to the address below.

DIPF Indirect Purchaser Antitrust Litigation c/o GCG  
P.O. Box 10251  
Dublin, OH 43017-5751

If the Court approves the Settlement (see “The Court’s Fairness Hearing” below), and after the claim forms are processed by the Claims Administrator and the Court has authorized distribution, payments from the McWane Settlement Fund will be distributed to class members who submit valid claims. In the interim you should maintain all of your records of purchases of DIPF during the period January 11, 2008 through December 31, 2013.

You may be contacted by companies that offer to fill out and file your claim in return for a percentage of the value of your claim. The Court has not authorized any of these companies to contact you. The claims process is not complicated and was designed to be completed by you without assistance. Before you sign a contract with one of these companies, you should examine the claim-filing process provided here and decide whether having someone file your claim for you is worth the cost. You can always seek help free of charge from the Claims Administrator or Class Counsel.

## **10. How Much Will My Payment Be?**

Class Counsel has proposed a Plan of Allocation describing the division of the McWane Settlement Fund and the funds from the SIGMA and Star settlements. Under the Plan of Allocation, and with the Court’s specific approval, Class Counsel will deduct attorneys’ fees, expenses, and service awards to the class representatives

from the combined amount of the McWane Settlement Fund and the funds from the SIGMA and Star settlements. The remaining amounts (the “Net Settlement Fund”) will be distributed to class members that submit valid and timely claims.

The Net Settlement Fund will be distributed on a pro rata basis among all members of the class who submit valid and timely claim forms for purchases of DIPF from January 11, 2008 through June 30, 2011 that was originally sold by SIGMA, McWane, or Star, and for purchases of Domestic DIPF from September 17, 2009 through December 31, 2013 that was originally sold by SIGMA or McWane. In other words, each class member shall be paid a percentage of the Net Settlement Fund that each class member’s recognized claim bears to the total of all recognized claims submitted by all class members who file valid claims.

As further described below, if a class member excludes itself from the McWane Settlement Class, it will not be able to share in the distribution from the McWane Settlement Fund. If a class member has excluded itself from either the SIGMA or Star settlement class, it will not share in a distribution of funds from the class from which it excluded itself.

### **11. When Will I Receive A Payment?**

The Net Settlement Fund will be distributed to class members after the McWane settlement becomes final, the claim forms are processed by the Claims Administrator, and the Court has authorized distribution.

### **12. What Am I Giving Up To Get A Payment Or Stay In The Settlement?**

Unless you exclude yourself from the McWane Settlement, you are staying in the Settlement, and that means that you cannot sue, continue to sue, or be part of any other lawsuit against McWane about the legal issues in this case. It also means that all of the Court’s orders will apply to you and legally bind you.

In exchange for the payment of \$1,425,000 in cash, the Settlement Agreement provides that there will be a release of claims against McWane and the Releasees (as defined in ¶15 of the McWane Settlement Agreement). The McWane Settlement Agreement, however, does not release any Claims relating to purchases of DIPF made directly from McWane, any claims based upon purchases of DIPF brought by the State of Indiana, or claims relating to DIPF arising in the ordinary course of business for any product defect, product performance, or breach of warranty or for breach of contract based on product defect, product performance, or warranty, relating to DIPF. The Settlement Agreement with McWane provides the specific and full terms of the releases as to McWane and the Releasees, but broadly the Agreement completely releases, acquits, and forever discharges McWane and the Releasees from any and all claims arising at any time prior to the effective date of the Settlement Agreement under antitrust, unfair competition, or similar laws relating to conduct alleged in the lawsuit against McWane with respect to DIPF.

The McWane Settlement Agreement, which is available at [www.DIPFIndirectSettlement.com](http://www.DIPFIndirectSettlement.com), more fully describes the legal claims that you give up if you stay in the class.

## **EXCLUDING YOURSELF FROM THE MCWANE SETTLEMENT**

### **13. How Do I Get Out Of The McWane Settlement?**

If you want to keep the right to sue or continue to sue McWane on your own about the legal issues being resolved in this case, then you must take steps to get out of the McWane Settlement. This is called excluding yourself—or sometimes referred to as “opting out.” If you opt out of the McWane Settlement, you will not

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receive any payment from the McWane Settlement Fund and you will not be able to object to the McWane Settlement.

To exclude yourself from the McWane Settlement, you must send a letter saying that you want to be excluded from the settlement. The letter must include the following information:

- A statement indicating that you want to be excluded from the McWane Settlement.
- The case name: *In re Ductile Iron Pipe Fittings (“DIPF”) Indirect Purchaser Antitrust Litigation*, Civ. No. 12-169 (D.N.J.).
- Your name, address, telephone number, and signature.
- All trade names or business names and all addresses you or your business have used, as well as any subsidiaries or affiliates who are requesting to be excluded from the class, or the name of the governmental entity requesting exclusion.

Your letter must be postmarked by May 29, 2018 and sent to:

DIPF Indirect Purchaser Antitrust Litigation c/o GCG  
P.O. Box 10251  
Dublin, OH 43017-5751

If you ask to be excluded from the McWane Settlement, you will not get any payment from the McWane Settlement Fund and you cannot object to the McWane Settlement, or the Plan of Allocation. However, even if you opt-out of the McWane settlement, if you are in either the SIGMA or Star Settlement Class you can object to the Request for Attorneys’ Fees, Reimbursement of Expenses, and Service Awards for the Class Representatives.

If the McWane Settlement is approved by the Court, you give up any right to sue McWane for the claims that the McWane Settlement resolves. If you have a pending lawsuit against McWane involving the same legal issues in this case, speak to your lawyer in that case immediately. (You must exclude yourself from the class in order to continue your own lawsuit against McWane.)

#### **14. Can I Remain Part Of The Settlement Class If I Excluded Myself From The Prior Settlements?**

Yes. The McWane Settlement is separate from the SIGMA and Star Settlements that were previously approved. Even if you excluded yourself from the SIGMA Settlement or the Star Settlement, or both, you will need to decide separately whether to exclude yourself from the McWane Settlement or remain in it.

#### **15. If I Exclude Myself, Can I Receive Money From The McWane Settlement?**

No. If you decide to exclude yourself from the McWane Settlement, you will not be able to receive money from the McWane Settlement.

#### **16. Do I Have A Lawyer In This Case?**

Yes. The Court has appointed Joseph C. Kohn of Kohn Swift & Graf, P.C.; Robert S. Kitchenoff of Weinstein Kitchenoff & Asher LLC; and David Kovel of Kirby McInerney, LLP (“Class Counsel”) to represent the class

on an interim basis, and for purposes of the McWane Settlement. If you want to be represented by your own lawyer and have that lawyer appear in court for you concerning the McWane Settlement, you may hire one at your own expense.

### **17. How Will The Lawyers Be Paid?**

You are not personally responsible for payment of attorneys' fees or expenses for Class Counsel. Class Counsel for the indirect purchasers will ask the Court for an award of attorneys' fees of up to 1/3 (33.33%) of the total McWane, SIGMA, and Star Settlement Funds of \$4,071,250 and for reimbursement of litigation expenses. In addition, Class Counsel will ask the Court to approve service awards of \$15,000 to each of the eight Class Representatives for their services representing the classes. All awards of attorneys' fees, reimbursement of expenses, and service awards will be paid from the total Settlement Fund after the Court approves them.

### **18. How Do I Tell The Court I Don't Like The McWane Settlement, Or The Plan Of Allocation Or The Request for Attorneys' Fees, Expenses, And Service Awards?**

You can object to the McWane Settlement if you are a class member and have not opted out of the McWane Settlement. You can object if you do not like any part the McWane Settlement, or if you disagree with the Plan of Allocation or any part of Class Counsel's Request for an Award of Attorneys' Fees, Reimbursement of Expenses, and Service Awards for the Class Representatives. You should give reasons for your objections. The Court will consider your views, but the McWane Settlement may still be approved if the Court finds it to be fair, reasonable, and adequate.

If you are in either the SIGMA or Star class, you can object to the Request for an Award of Attorneys' Fees, Reimbursement of Expenses, and Service Awards for the Class Representatives.

To object, you must send a letter to the Court that includes the following:

- A statement indicating that you object to the McWane Settlement, or the Plan of Allocation or any part of Class Counsel's Request for an Award of Attorneys' Fees, Reimbursement of Expenses, and Service Awards for the Class Representatives, in *In re Ductile Iron Pipe Fittings ("DIPF") Indirect Purchaser Antitrust Litigation*, Civ. No. 12-169 (D.N.J.).
- Your name, address, telephone number, and your signature.
- A statement of your objection and the reason(s) why you object.
- Proof of your membership in the class, such as invoices showing that you satisfy the definition in Question 6.

You must mail the objection to the Court at the following address so that it is **received** by May 23, 2018:

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

You must also mail copies of the objections to the following attorneys so that it is **received** by May 23, 2018:

Counsel for the Indirect Purchaser Plaintiffs and the Settlement Class

Joseph C. Kohn  
KOHNSWIFT & GRAF, P.C.  
One South Broad Street  
Suite 2100  
Philadelphia, PA 19107

Robert S. Kitchenoff  
WEINSTEIN KITCHENOFF  
& ASHER LLC  
100 S. Broad Street, Suite 705  
Philadelphia, PA 19110

David Kovel  
KIRBY MCINERNEY LLP  
825 Third Avenue  
16th Floor  
New York, NY 10022

Counsel for McWane, Inc.  
Joseph A. Ostoyich  
BAKER BOTTS LLP  
1299 Pennsylvania Ave. NW  
Washington, DC 20004

## **19. What Is The Difference Between Objecting And Excluding Myself?**

Objecting is simply telling the Court that you do not like something about the McWane Settlement, or about the Plan of Allocation, or about Class Counsel's Request for an Award of Attorneys' Fees, Reimbursement of Expenses, and Service Awards for the Class Representatives. You can object to the McWane Settlement only if you stay in the Settlement. Excluding yourself, or opting out, means that you are removing yourself from the settlement and will have no right to receive proceeds from the McWane Settlement Fund. If you exclude yourself from the McWane Settlement, you also have no right to object as to the McWane Settlement because that Settlement no longer affects you.

### **THE COURT'S FAIRNESS HEARING**

The Court will hold a Fairness Hearing to decide whether to approve the McWane Settlement, the Plan of Allocation, or Class Counsel's Request for an Award of Attorneys' Fees, Reimbursement of Expenses, and Service Awards for the Class Representatives. You may, but need not, attend the hearing. If you do attend you may ask the Court's permission to speak (see Question 22 for instructions), but you do not have to speak at the hearing even if you do attend.

## **20. When And Where Will The Court Decide Whether To Approve The McWane Settlement?**

The Court will hold a Fairness Hearing at 9:30 a.m. on June 13, 2018, at the United States District Court for the District of New Jersey, 402 East State Street, Trenton, NJ 08608. The hearing may be moved to a different date or time without additional notice, so you should check the settlement website [www.DIPFIndirectSettlement.com](http://www.DIPFIndirectSettlement.com) before making travel plans. At the Fairness Hearing, the Court will consider whether the McWane Settlement is fair, reasonable, and adequate and whether to approve the Plan of Allocation and Class Counsel's Request for an Award of Attorneys' Fees, Reimbursement of Expenses, and Service Awards for the Class Representatives. Judge Thompson will listen to class members who have asked to speak at the hearing. If there are objections or comments, the Court will consider them at this time.

After the hearing, the Court will decide whether to approve the McWane Settlement, the Plan of Allocation, and Class Counsel's Request for an Award of Attorneys' Fees, Reimbursement of Expenses, and Service Awards for the Class Representatives. There is no set time frame within which the Court must make its decision.

## 21. Do I Have To Come To The Hearing?

No. Class Counsel will be prepared to answer any questions the Court may have at the hearing. However, you are welcome to attend the hearing at your own expense. If you send an objection, you do not have to come to court to explain. As long as you mailed your written objection on time as set out in this Notice, the Court will consider it. You may also pay your own lawyer to attend, but it is not required.

## 22. May I Speak At The Hearing?

You may ask the Court for permission to speak at the Fairness Hearing. If you wish to do so, you should send a letter stating the following:

- “Notice of Intention to Appear in *In re Ductile Iron Pipe Fittings (“DIPF”) Indirect Purchaser Antitrust Litigation*, Civ. No. 12-169 (D.N.J).”
- The position you will take and your reasons.
- Your name, address, telephone number, and signature.
- Proof of your membership in the class, such as invoices showing that you satisfy the definition in Question 6.

Your Notice of Intention to Appear must be mailed to the Court at the following address so that it is **received** by May 23, 2018:

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

You must also mail copies of the Notice of Intention to Appear to the attorneys listed in Question 18 above so that it is **received** by May 23, 2018.

### **IF YOU DO NOTHING**

## 23. What Happens If I Do Nothing At All?

If you do nothing, you will remain in the class for the McWane Settlement. If you remain in the class and you have not already sent in a claim form, to qualify for a payment you must send in a Claim Form, which is enclosed with this Notice. See the discussion under Question 9 above for further information. If you do not timely complete and return a Claim Form you will not receive any payment in the Settlement.

### **GETTING MORE INFORMATION**

Questions? Call Toll Free 1(855) 907-3111 Or Visit [www.DIPFIndirectSettlement.com](http://www.DIPFIndirectSettlement.com)

**24. Are There More Details About The McWane Settlement, The Plan Of Allocation, Or The Request for Attorneys' Fees, Expenses, And Service Awards?**

This Notice summarizes the McWane Settlement. More details are in the McWane Settlement Agreement. You can get copies of the Settlement Agreement at [www.DIPFIndirectSettlement.com](http://www.DIPFIndirectSettlement.com).

Class counsel will file a motion for final approval of the McWane Settlement, the Plan of Allocation and the Request for Attorneys' Fees, Expenses, and Service Awards, which will contain additional information. These papers are currently due to be filed by May 9, 2018 and will be available at [www.DIPFIndirectSettlement.com](http://www.DIPFIndirectSettlement.com).

**25. How Do I Get More Information?**

If you have questions or want more information, you may visit the official settlement website at [www.DIPFIndirectSettlement.com](http://www.DIPFIndirectSettlement.com), contact the Claims Administrator toll-free at 1 (855) 907-3111, or write to any of the following counsel for Plaintiffs:

Joseph C. Kohn  
KOHN SWIFT & GRAF, P.C.  
One South Broad Street  
Suite 2100  
Philadelphia, PA 19107

Robert S. Kitchenoff  
WEINSTEIN KITCHENOFF  
& ASHER LLC  
100 S. Broad Street Suite 705  
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DATED: FEBRUARY 27, 2018

BY ORDER OF THE COURT

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY