

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

**NOTICE OF EXPANDED AND MODIFIED SETTLEMENT**

**For Current or Former Owners 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.**

*A federal court authorized this Notice. It is not from a lawyer. You are not being sued.*

- This Amended Settlement resolves a lawsuit over whether The Goodyear Tire & Rubber Company and Goodyear Canada Inc. (“Goodyear”) made defective Entran II hose used in radiant heating and snow-melting systems. The hose was sold and distributed by Heatway Systems.
- The Amended Settlement will provide cash payments to the people in the U.S. and Canada who are the current or former owners 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. You may appear with counsel at your own expense.***

<b>YOUR LEGAL RIGHTS AND CHOICES</b>		<b>DUE DATE</b>
<b>SEND IN A CLAIM FORM</b>	This is the <u>only</u> way for you to get a cash payment.	<b>October 19, 2009</b>
<b>WITHDRAW YOUR PRIOR REQUEST FOR EXCLUSION AND SUBMIT A REQUEST TO RE-JOIN</b>	If you filed a Request for Exclusion from the October 8, 2003 Settlement you can withdraw that Request for Exclusion and submit a Request to Re-Join this Amended Settlement.	<b>September 10, 2004</b>
<b>EXCLUDE YOURSELF</b>	You get <b>no</b> payment. This is the only choice that will allow you to sue Goodyear on your own about the claims talked about in this Notice.	<b>September 10, 2004</b>
<b>OBJECT</b>	You can write to the Court about why you don’t like the Amended Settlement.	<b>September 10, 2004</b>
<b>APPEAR AT A HEARING</b>	If you do not exclude yourself, you can ask to speak to the Court about the fairness of the Amended Settlement.	<b>September 10, 2004</b>
<b>DO NOTHING</b>	You get <b>no</b> 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 Court in charge of this case still has to decide whether to approve the Amended Settlement. Cash payments will be made after the Court approves the Amended Settlement and after all appeals are ruled on.

Questions? Call 1-800-254-9222

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Questions? Call 1-800-254-9222

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# BASIC INFORMATION

## 1. Why did I get this Notice package?

In October 2003 a class action settlement was reached between certain Entran II property owners and Goodyear. This proposed class action settlement included 44 of the United States and Canada. You may have received a notice of this Original Proposed Settlement.

After further negotiations, in June 2004 representatives of Entran II property owners in six additional states agreed to join in the proposed class action settlement. As a result, the Settlement Class now includes present or former Entran II property owners in all 50 United States and its territories and possessions, and in Canada. Changes have also been made to the Original Settlement Agreement to make more Entran II property owners eligible for a payment.

You received this Notice package because you own, or may have owned, a home or other property where Entran II rubber hose made by Goodyear 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 directed this Notice to you because you have a right to know about a proposed Amended Settlement of a class action lawsuit that affects people who have or had radiant heating systems using Entran II hoses. You have legal rights and choices to make before the Court decides whether to approve the Amended Settlement.

This Notice package explains:

- What the lawsuit is about.
- What your legal rights are.
- What the Amended 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 lawsuit claims 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, and 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 hose does not cause a problem.

The Court in charge of the lawsuit is the United States District Court for the District of New Jersey. The name of the lawsuit is *Galanti v. Goodyear Tire & Rubber Company*, Civil Action No. 03-209. The people who sued are called Plaintiffs, and the companies they sued, are called 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 judge hearing this class action lawsuit is the Honorable Stanley R. Chesler.

## 4. Why is there an Amended Settlement?

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

Questions? Call 1-800-254-9222

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# Who Is In the Amended Settlement

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

**To see if you can get money from this Amended 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 any state or U.S. territory**  
**and**
- **Entran II hose made by Goodyear was or is used for a radiant heating system on the property.**

If you own or owned property in Canada in which Entran II hose was or is used for radiant heating, please contact the Claims Administrator and ask for a Canadian Notice.

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

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

- You have Entran II hose, but it was made by the company Dayco, not Goodyear.
- You exclude yourself from this Amended Settlement.
- You excluded yourself from the October 8, 2003 Settlement Agreement and you do not submit a Request to Re-Join (**see Question 17 below**).
- 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 a name "Heatway" or "Heatway Systems" on the outside, *and* with another trade name such as Entran II, Nytrace, Entran II Trace, Entran II Wire, Entran 2, Entran 2 Trace, Entran 2 Wire, or Twintran.
- 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: some Twintran hose made by Goodyear in 1989 has a date code *without* a letter.)

**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](http://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.

Questions? Call 1-800-254-9222

# THE AMENDED SETTLEMENT BENEFITS - WHAT YOU NOW GET

## 8. How is the Amended Settlement different from the Original Settlement?

Both the Original and Amended Settlement Agreements are available for you to review on the Entran website. We encourage you to read them. Some of the important differences include the following:

- Goodyear's obligation to make payments is no longer conditional on any future financial performance.
- It provides awards to property owners who may not have received an award under the prior settlement. Now all property owners who have or had Goodyear Entran II may receive an award.
- It includes property owners in the states of Massachusetts, New Hampshire, Vermont, Maine, Connecticut and Rhode Island who were not included in the prior settlement.

## 9. What does the Amended Settlement provide?

The Amended Settlement calls for payments totaling \$300 million into a fund to pay to Class Members in the United States and Canada who submit claims. Payments into this fund will be made over a four-year period. A complete description of the payment schedule is in the Amended Settlement Agreement. You can get a copy of the Amended Settlement Agreement by visiting [www.entraniiisettlement.com](http://www.entraniiisettlement.com), or by calling toll-free, 1-800-254-9222.

## 10. 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 50% or more of the cost of remediation after payment of Attorneys' fees, costs and expenses. More details about the way the Settlement Fund will be paid out are in a document called the Amended Plan of Distribution and Allocation. The Plan is included with this Notice package.

## 11. What happens if the Amended Settlement is not approved by the Court?

If the Amended Settlement is not approved at the Fairness Hearing, then the Amended Settlement will terminate and all Class Members and Parties will be restored to the position they were in before the Amended Settlement Agreement was signed.

## 12. Can Goodyear withdraw from the Amended Settlement before Final Approval?

Goodyear has the sole right to decide whether an excessive number of Class Members have opted out of the Amended Settlement. If Goodyear concludes that this has happened, then Goodyear has the right to withdraw from the Amended Settlement so long as it does so within 10 business days after the end of the opt out period or any other opt out period set by the Court.

## 13. Can the Settlement Fund be reduced for reasons other than payment of attorneys' fees, costs, and other expenses of the Amended Settlement?

For each Class Member who opts out of the Amended Settlement, Goodyear has the right to receive from the Settlement Fund a sum equal to the payment that Class Member would have been entitled to receive under the terms of the Amended Settlement if the Class Member had not opted out.

In addition, Class Counsel and Counsel for Intervenors will ask that the persons who have acted as Representative Plaintiffs in this and other Entran II lawsuits be paid an extra amount because they started and pursued the original lawsuits.

If there are funds remaining in the Settlement Fund after all claims are paid, those funds will be paid back to Goodyear.

Questions? Call 1-800-254-9222

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# How To Get A Payment - Submitting A Claim Form

## 14. 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.entranisettlement.com](http://www.entranisettlement.com); or
- writing the Claims Administrator at:

Entran II Claims Administrator  
P.O. Box 24  
Minneapolis, Minnesota 55440-0024

**You have 5 years from the date the Court approves the Amended Settlement to send in your Claim Form.** For example, if the Court approves the Amended Settlement on October 19, 2004, which is the date of the Fairness Hearing (see Question 22 below), your Claim Form must be mailed and postmarked by October 19, 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 24  
Minneapolis, Minnesota 55440-0024

Remember, if you don't send a Claim Form, you can't get a payment. **If you already sent in a Claim Form from the Original Settlement you do not need to send in a new one.**

## 15. When will I get my payment?

On October 19, 2004, the Court will hold a hearing to decide whether to approve the Amended Settlement. If the Court approves the Amended Settlement, a Claims Administrator appointed by the Court will begin reviewing each Claim Form submitted. Please note that there is often a 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 before the first claims are reviewed and paid. The claims will generally be reviewed and paid on a first-come, first-served basis.

## 16. 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 Amended 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 Amended Settlement.

# Your Rights - If You Previously Excluded Yourself From The Original Settlement

17. If I previously excluded myself from the Original Settlement can I get back in?

Yes, but you must submit a Request to Re-Join the Amended Settlement to the Claims Administrator by September 10, 2004. A Request to Re-Join Form can be obtained through the Settlement Administrator at 1-800-254-9222 or at the website [www.entranii settlement.com](http://www.entranii settlement.com).

## Your Rights - Getting Out Of The Amended Settlement

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

You do not have to take part in the Amended Settlement or be a Member of the Class. This is called "excluding" yourself. If you exclude yourself, you cannot get a payment and you cannot object to the Settlement. Any Court orders will not apply to you. By excluding yourself, you also keep any right to file or maintain your own lawsuit you may have.

19. How do I exclude myself from the Amended Settlement?

To exclude yourself, you must sign a Request for Exclusion letter that states that you want to be excluded from *Galanti v. Goodyear Tire & Rubber Company*, Civil Action No. 03-209. Your exclusion letter must identify the property and be mailed and **postmarked before September 10, 2004**, to:

Entran II Claims Administrator  
P.O. Box 24  
Minneapolis, Minnesota 55440-0024

If you do not follow these instructions properly, you will lose your right to exclude yourself. PLEASE NOTE ONLY CLASS MEMBERS CAN FILE A REQUEST FOR EXCLUSION, BY DEFINITION CLASS MEMBERS ARE ONLY THOSE INDIVIDUALS WHO OWN OR HAVE OWNED PROPERTY WITH GOODYEAR ENTRAN II. If you have already excluded yourself from the Original Settlement and you still do not want to participate in this Amended Settlement you need not file a new request to exclude yourself. If you want to re-join the Amended Settlement by filing a Request to Re-Join see question 17.

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

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

21. What if I am already a member of a state class action?

This Settlement resolves all claims against Goodyear arising out of property damage alleged to have resulted from Entran II. Unless you exclude yourself from this Class, you will be prohibited from pursuing any claims against Goodyear as a result of Entran II property damage. You must file a Request for Exclusion from this national Settlement Class even if you are a member of an existing state class or you have opted out of an existing state class. In other words, your prior elections in a state class action will not protect you now; to proceed in any other case against Goodyear you must file a Request for Exclusion from this national settlement.

Questions? Call 1-800-254-9222

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# Your Rights - Objecting To The Amended Settlement

## 22. How do I tell the Court if I don't like the Amended Settlement?

If you're a Class Member and don't exclude yourself, you can tell the Court you don't like the Amended Settlement or some part of it. This is called objecting to the Amended Settlement. For example, you can say you don't think the Amended Settlement is fair or adequate, or that you object to the amount of the attorneys' fees, costs or expenses. The Court will consider your views but may approve the Amended Settlement anyway.

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

- The name and title of the lawsuit, *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 or had Entran II hose made by Goodyear installed in it; or
  - an Affidavit attesting to ownership.
- A statement of each objection you have and a summary of the basis for the objections;
- A description of any law or case supporting the objections;
- A statement of 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 the United States, your objection letter ***must be mailed and postmarked before September 10, 2004*** to all three of these places:

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

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

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

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

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

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

# Your Rights - Appearing In The Lawsuit

## 24. Can I submit comments or appear or speak in this lawsuit and Amended Settlement?

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

If you (or your lawyer) wants 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, 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 September 10, 2004.***

## If You Do Nothing

### 25. What happens if I do nothing at all?

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

If you are a Class Member and 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.

If you previously filed a Request for Exclusion from the Original Settlement and you do not withdraw it by submitting a Request to Re-Join by September 10, 2004, you will not receive any money from the Amended Settlement.

# THE LAWYERS REPRESENTING YOU

## 26. Do I have a lawyer in this lawsuit?

The Court has designated the following 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:

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

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

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

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

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

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

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

### **ADDITIONAL COUNSEL TO BE ADDED UPON MOTION AND COURT APPROVAL**

## 27. How will the lawyers be paid?

The lawyers who represent the class and other lawyers who have helped will ask the Court for attorneys' fees of 30% of the Settlement Fund or \$90 million. These lawyers will also ask the Court to approve the reasonable out of pocket expenses out of the Settlement Fund, which they estimate will be approximately \$7 million. The Motion for attorneys' fees, expenses and costs shall be submitted to the Court no later than August 5, 2004. The Court must approve any requests for fees, expenses and costs.

# The Court's Fairness Hearings

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

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 Amended 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 Amended Settlement.

There will also be a second Hearing at 10:00 a.m. on November 8, 2004. At the second Hearing, the Court will consider the amount of attorneys' 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 the attorneys can be paid and reimbursed out of the Settlement Fund.

Both Fairness Hearings will be held at:

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

29. 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.

30. 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 24 in this Notice explains how to submit a Notice of Appearance.

## GETTING MORE INFORMATION

31. Are more details available?

This Notice summarizes the Amended Settlement. More details are in the Amended Settlement Agreement. You can get a copy of the Amended Settlement Agreement from the Claims Administrator by calling toll-free, 1-800-254-9222, or writing to: Entran II Claims Administrator, P.O. Box 24, Minneapolis, MN, 55440-0024.

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.

If you have any questions about this Notice or the Amended Settlement, you can visit the website at [www.entraniiSettlement.com](http://www.entraniiSettlement.com), or write the Claims Administrator at:

Entran II Claims Administrator  
P.O. Box 24  
Minneapolis, Minnesota 55440-0024

Questions? Call 1-800-254-9222