

Notice of Preliminary Approval of Settlement Notice of Final Fairness Hearing

Hearing Date & Time: November 1, 2017 at 10:00 A.M.

To: All owners of homes located in Nevada whose homes contain or contained Aspen Series BB evaporator coil units in the air conditioning systems. Your legal rights are affected whether you act or don't act. Please read this entire Notice.

A district court authorized this notice. You are not being sued.

Purpose of this Notice: This Notice is being mailed to all owners of homes located in Nevada that are believed to have air conditioning systems that contain or contained Aspen Series BB evaporator coil units designed, manufactured, and/or sold by Aspen Manufacturing Holdings, Inc. formerly known as Aspen Manufacturing, Inc. ("Aspen") (the "Class Members") to notify the Class Members that a Settlement has been reached with Aspen that will create a settlement fund for the benefit of the Class Members (the "Settlement").

FINAL FAIRNESS SETTLEMENT HEARING: The Court has issued an Order of Preliminary Approval of the Class Settlement and set a Final Fairness Settlement Hearing ("Fairness Hearing") to consider the fairness, adequacy, and reasonableness of the Settlement. **The Fairness Hearing will be held on November 1, 2017, at 10:00 a.m., in the Eighth Judicial District Court, Dept. 16, Courtroom 12D of the Regional Justice Center, located at 200 Lewis Avenue, Las Vegas, Nevada.**

YOUR LEGAL RIGHTS AND CHOICES		DEADLINE
ACCEPT SETTLEMENT AND SEND IN CLAIM FORM	If you wish to receive the Settlement benefits, you must return the claim form that will be mailed to you after this Settlement receives the Court's final approval.	TO BE DETERMINED
OPT OUT OF SETTLEMENT	Certain Class Members, as described in Section 10, may ask to be excluded from receiving the Settlement benefits. By so doing, you would not be bound by the Settlement and would retain whatever rights you have about the same legal claims in this lawsuit.	October 23, 2017
OBJECT TO SETTLEMENT	You may write to the Court to raise concerns you have about this Settlement. Class Counsel will provide all objections to all parties and the Court.	October 23, 2017
APPEAR AT FAIRNESS HEARING	You can ask to speak to the Court about the fairness of this Settlement at the Fairness Hearing by submitting written Notice of Appearance by the Due Date.	October 23, 2017
DO NOTHING	If you do nothing, you will be bound by this Settlement and will be eligible to receive the benefits of the Settlement if you are a member of the Class.	October 23, 2017

Your rights and options under this Settlement **and the Due Dates for each** are explained in this Notice.

- The Court must still decide whether to approve this proposed Settlement. The benefits contemplated by this Settlement will be provided after the Court approves the Settlement and after all appeals, if any, are ruled upon.
- This Notice is not an opinion of the Court about the merits of the claims or defenses of the parties in the lawsuit. Instead, this Notice is sent to you to inform you about legal rights you may have with respect to this Settlement.

DISTRICT COURT CLARK COUNTY, NEVADA
IN RE: ASPEN SERIES BB EVAPORATOR COIL LITIGATION
CASE NO. A-14-710463-D; DEPT. NO. XVI

1. Why did I get this Notice?

This Notice is given to you pursuant to an Order by the Honorable Timothy C. Williams of the Eighth Judicial District Court, Clark County, Nevada, preliminarily approving this Settlement on behalf of the Class Members under Rule 23 of the Nevada Rules of Civil Procedure. You received this Notice because our records indicate that you may be a member of the Class. **If you are a tenant or occupant of a home at this address, please ensure that this Notice is provided to the landlord or owner of the home.** You have legal rights and choices to make before the Court decides whether to finally approve this Settlement. This notice package explains: (a) what this lawsuit is about; (b) your legal rights; and (c) the benefits and consequences of this Settlement for the Class Members.

2. What is this lawsuit about?

Class Plaintiffs allege that the Aspen-brand Series BB evaporator units, including the coils, pans, and all component parts, were defectively designed and manufactured and, as a result, prematurely rusted causing rust to discharge through condensate drains and leave rust stains on property and/or blow rust particles into the homes. Aspen disputes these allegations that its product was defectively designed, manufactured, assembled, supplied, sold, distributed and/or warranted. This Class Action seeks money damages together with attorney's fees and costs of suit from Aspen on behalf of all Class Members. **This lawsuit is not about personal injuries, wrongful death, or emotional distress.**

3. Why is this lawsuit a class action?

In a class action lawsuit, one or more people called "class representatives" sue on behalf of other people who have similar claims. All people with similar claims are known as the class or class members. One Court decides all the issues in the lawsuit for all class members, except for those that exclude themselves from the class. The judge hearing this class action lawsuit is the Honorable Timothy C. Williams. The court-appointed class representatives in this case are Lisa Lee and Terence Moniz.

4. What will the Settlement provide the Class Members if approved by the Court?

If approved by the Court, this Settlement will create a settlement fund in the amount of \$45,000,000 to be used for the benefit of the Class Members. This Settlement resolves class claims against Aspen related to approximately 120,000 Aspen Series BB coils that were distributed to the State of Nevada from 1998 to 2006. After the payment of attorney's fees, reimbursement of litigation expenses, and payment of the requested service award of \$10,000.00 to the Class Representatives (a total of \$10,000.00), as awarded by the Court, and payment of anticipated class notice and claims administration expenses, the settlement fund will be distributed to the claiming Class Members on a pro rata basis according to the number of Aspen Series BB units that were installed in each class home. In general, the one-story homes contain or contained one Aspen Series BB unit and the two-story homes contain or contained two Aspen Series BB units. Some class homes may contain more than two Aspen Series BB units. If all Class Members make claims, the Class Members will receive approximately \$220 per Aspen Series BB unit. This estimated recovery may be reduced for any Class Member who previously made or subsequently makes a claim with his or her insurer related to property damage resulting from the Aspen Series BB unit. The claiming Class Members may receive an additional distribution if all Class Members do not make claims.

5. How will this Settlement be funded?

The funding for this Settlement is as follows: \$45,000,000 from Aspen and/or its insurers.

6. Why have the Class Plaintiffs and Aspen decided to settle?

The Court has not decided in favor of the Class Members or Aspen. Aspen vigorously denies any wrongdoing, violation of law, or breach of duty asserted by the Class Plaintiffs in the class action. Aspen contends that its product was properly designed, manufactured, assembled, supplied, sold, distributed and/or warranted in accordance with appropriate care, relevant standards, and “good practice,” that Class claims have no basis in law or fact, that Aspen has meritorious defenses to all claims, and that the class action should be dismissed. All sides, however, have agreed to the Settlement in order to avoid the risks and costs associated with trial.

7. How do I know if I am part of the Settlement?

You are part of this Settlement if: a) You own a home that contains, or at any time contained, the Aspen Series BB evaporator coil units and whose home is located within Nevada; and b) You did not previously opt out of this class action. If you do not own a home within the Class, you are not a part of this Settlement.

8. What happens if the Court approves the Settlement?

If the Court approves this Settlement, then you will be notified of the Court’s final approval and provided with a Claim Form to request the Settlement benefits. The notice of the Court’s final approval will explain how to obtain the benefits provided by the Settlement.

9. What happens if the Court does not approve the Settlement?

If the Court does not approve this Settlement at the Fairness Hearing, the Settlement will terminate and all the Class Members and parties will be restored to the position they were in before the Settlement was reached.

10. What if I do not want to be part of this Settlement?

If you do not wish to receive the benefits provided in this Settlement, then you may exclude yourself from the Settlement by not claiming the Settlement benefits after the Court grants its final approval of this Settlement. **If you exclude yourself, then you will not receive any of the Settlement benefits and you will give up your right to sue Aspen on these claims later.**

Class Members who removed Aspen Series BB units from their homes before May 21, 2015, may ask to be excluded from the Settlement and submit a valid opt-out request. By so doing, you would not be bound by the Settlement, receive none of the Settlement benefits, and would retain whatever legal rights you may have. All other Class Members previously received an opportunity to request exclusion and opt-out from this lawsuit and may not ask to be excluded at this time.

11. If I exclude myself by not claiming the Settlement benefits, may I pursue a claim against Aspen independently?

If you exclude yourself from this Settlement by not claiming the Settlement benefits, you will not be entitled to pursue an independent claim against Aspen concerning the Aspen Series BB evaporator coil units installed in the Class Homes. This does not apply to those Class Members who removed Aspen Series BB units from their homes before May 21, 2015, and have asked to be excluded from the Settlement and have submitted a valid opt-out request.

12. How do I tell the Court if I do not like the Settlement?

If you are a Class Member, then you can tell the Court that you do not like the Settlement or some part of it. This is called objecting to the Settlement. To object, you or your lawyer may send a letter to the Court or appear at the Fairness Hearing. **The Court, however, may approve the Settlement despite objections, and all Class Members will be bound by the Settlement.**

To send a letter to the Court or appear at the Fairness Hearing, you or your lawyer must provide all of the following:

- Entitle the letter: Notice of Objection or Appearance
- The name and title of this lawsuit: *Lee v. Aspen Manufacturing Holdings, Inc. fka Aspen Manufacturing, Inc.* (also known as *In re: Aspen Series BB Evaporator Coil Litigation*), A-14-710463-D.
- State that the letter is in regard to the Settlement.
- Your address and other information necessary to confirm that you are a Class Member.
- A statement of each objection you have and a summary of the basis for these objections.
- A description of any law or case supporting your objections.
- A statement of whether you or your attorney would like to appear at the Fairness Hearing to speak on your objections, and if so, how much time you would like to present your objections.
- Copies of any documents that you or your attorney wish to present at the Fairness Hearing.
- **Your objection letter must be mailed and postmarked before October 23, 2017, with copies sent to the following address:**

Kemp, Jones & Coulthard, LLP
Wells Fargo Tower, 17th Floor
3800 Howard Hughes Parkway
Las Vegas, NV 89169
Attention: Settlement Objections

13. What happens if I do nothing?

If you do nothing, **you will be bound by this Settlement** and will be eligible to receive the benefits of the Settlement if you are a Class Member. If this Settlement is finally approved by the Court, you will receive further instructions for requesting and receiving the Settlement benefits. If you do not submit a claim form, you will **not** receive any Settlement benefits and you will **have given up your right to sue** Aspen on these claims later. If the Court approves this Settlement and you choose not to accept it, or you do not timely take the steps required to claim the Settlement benefits, **you will have no further rights** against Aspen.

14. Do I have any legal obligations due to this class action?

Class Plaintiffs brought this class action pursuant to NRS 40.600, et seq. If you are a Class Member and attempt to sell your home, Nevada law (i.e., NRS 40.688) obligates you to disclose certain information, including but not limited to the class action, the alleged defect, the Settlement (if approved), and any repairs made to the Aspen Series BB evaporator coil units.

15. Do I have a lawyer in this lawsuit?

The Court appointed the following attorneys to represent all Class Members together, these attorneys are called Class Counsel. You will not be individually charged for these lawyers' services. Class Counsel's names and addresses are as follows:

DISTRICT COURT CLARK COUNTY, NEVADA
IN RE: ASPEN SERIES BB EVAPORATOR COIL LITIGATION
CASE NO. A-14-710463-D; DEPT. NO. XVI

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Bryan T. Abele
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Wells Fargo Tower, 17th Floor
3800 Howard Hughes Parkway
Las Vegas, NV 89169

16. How will these attorneys be paid?

Class Counsel negotiated with Aspen to be paid 35% of this Settlement as their attorney's fee as part of this Settlement and up to \$875,000.00 in reimbursed costs. These attorney's fees and costs are contingent upon District Court final approval during the Fairness Hearing.

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

The Court will hold a Fairness Hearing on **November 1, 2017, at 10:00 a.m.** At this hearing, the Court will consider whether the Settlement is fair and adequate. If there are objections, the Court will consider them at that time. The Court will also listen to people who have asked to speak at the hearing. After the hearing, the Court will decide whether to approve the Settlement. During this hearing, the Court will also consider any objection to the amount of attorney's fees and expenses.

The Fairness Hearing will be held at:

Regional Justice Center
Courtroom 12D (12th Floor/Department 16)
200 Lewis Avenue
Las Vegas, Nevada 89101

18. Do I have to attend the Fairness Hearing?

No, you are not required to come to the Fairness Hearing if you have no objection to the Settlement. But you are welcome to come if you wish to. If you send an objection, you are not required to attend the hearing to talk about it. As long as you mailed your written objection to the Court on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not required.

19. May I participate in the Fairness Hearing?

You will be allowed to speak at the hearing by sending a Notice of Appearance (described above within Question 12) to the Court that states you wish to appear and speak at the Fairness Hearing.

20. Where can I receive more information about the Settlement?

This Notice summarizes the Settlement. More details are in the Settlement Agreement itself or motion for approval, which you may obtain by visiting www.SeriesBBClass.com or contacting Class Counsel at the addresses listed above. You can also review and copy legal documents in this class action during regular office hours at the office of the District Court Clerk's Office, Clark County Regional Justice Center, 3rd Floor, 200 Lewis Avenue, Las Vegas, NV, 89101.