

**NOTICE OF PRELIMINARY APPROVAL OF SETTLEMENT**

**DO NOT BE ALARMED. YOU HAVE NOT BEEN SUED.**

**This Notice is merely to tell you that a settlement has been reached in the above lawsuit and that you have been identified as a potential Class Member. Please read this Notice to learn how to exercise your rights.**

**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 (“Class Members”) to notify the Class Members that a Settlement has been reached with Aspen that will create a settlement fund for the Class Members’ benefit (the “Settlement”). You may obtain a copy of the long-form Settlement notice at [www.SeriesBBClass.com](http://www.SeriesBBClass.com) or by contacting Class Counsel (Kemp, Jones & Coulthard, LLP and Canepa Riedy Abele).

**Purpose of this Lawsuit:** Class Plaintiffs allege the Aspen Series BB evaporator units, including the coils, pans, and all components 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 shipped approximately 120,000 of its Series BB units to Nevada from 1998 to 2006. Aspen disputes these allegations. **This lawsuit is not about personal injuries, wrongful death, or emotional distress.**

**Settlement Benefits and Terms:** 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. The settlement fund will be used to pay any court-approved attorney’s fees (up to 35% of the fund), reimbursement of litigation expenses (up to \$875,000), and class representative service awards (up to \$10,000), as well as to pay all expenses related to the class notice and claims administration. After payment of any court-approved amounts, 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 in each class home. If all Class Members make claims, the Class Members may claim approximately \$220 per Aspen Series BB unit subject to certain limitations described in the Settlement Agreement. The claiming Class Members may receive an additional distribution if all Class Members do not make claims.

**Final Fairness Settlement Hearing:** The Court has issued an Order of Preliminary Approval of the Settlement and set a Final Fairness 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. 11, Courtroom 12D of the Regional Justice Center, located at 200 Lewis Avenue, Las Vegas, Nevada.**

**Class Members’ Options:** 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 Class Counsel with an objection or a request for appearance by no later than **October 23, 2017. If you are a Class Member who removed the Aspen Series BB units from your home before May 21, 2015, you may ask to be excluded from the Settlement by no later than October 23, 2017.** By so doing, you would not be bound by the Settlement, receive none of the Settlement benefits, and would retain whatever rights you have.

If you do nothing, **you will be bound by this Settlement** and eligible to receive the Settlement benefits if you are a Class Member. If this Settlement is finally approved by the Court, you will receive a notice with further instructions for requesting and receiving the monetary benefits available to Class Members. If the Court approves this Settlement and you do not timely take the steps required to claim the monetary benefits, **you will have no further rights** against Aspen.