

IPEX Kitec Class Action Lawsuit



DEAN MARTIN

BARKER MARTIN, P.S.

DEANMARTIN@BARKERMARTIN.COM

206.381.9806 EXT. 101

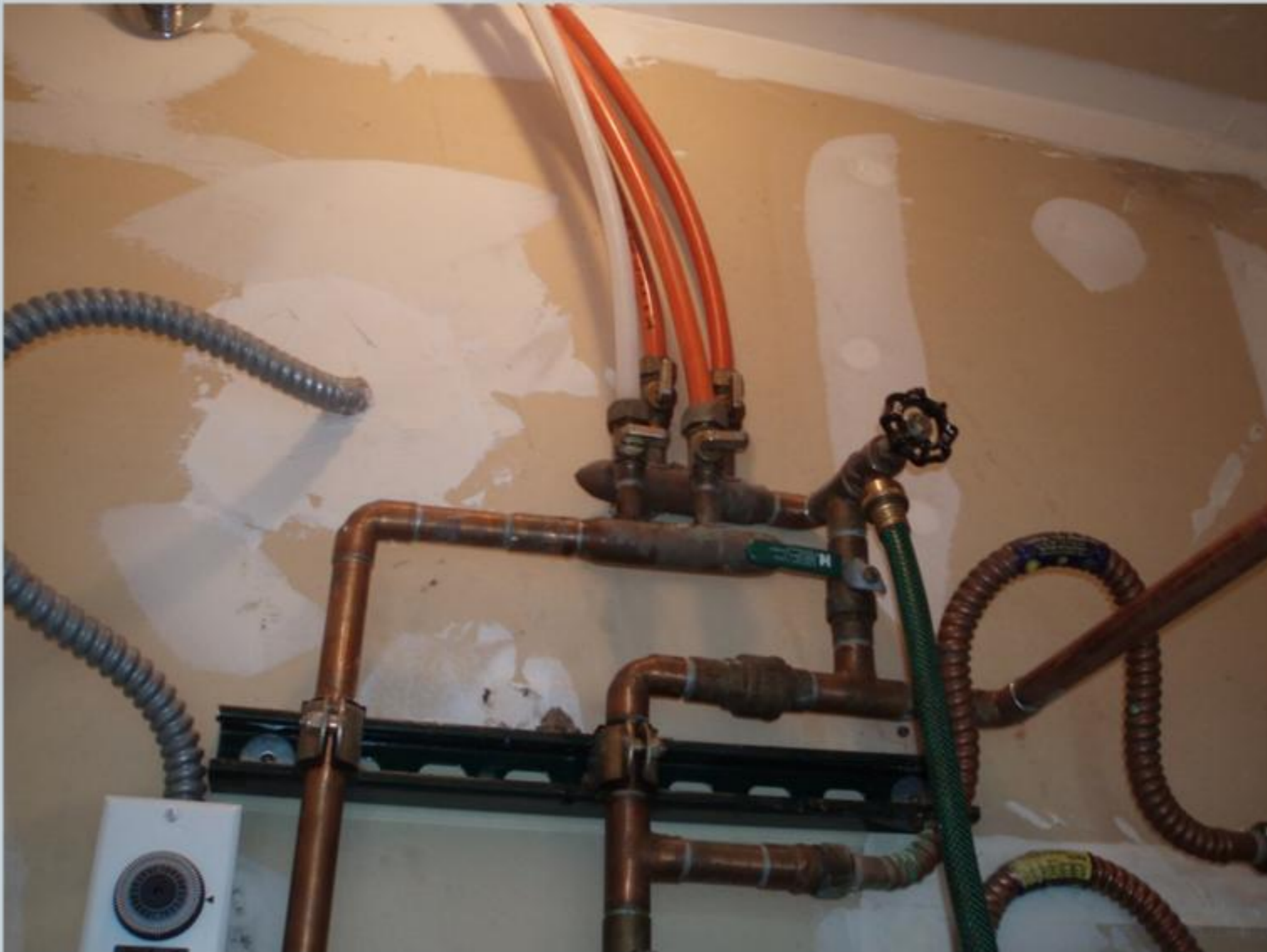
What is IPEX Kitec?



- Kitec pipes are a flexible pipe used for plumbing and hydronic heating systems.



What is IPEX Kitec?



What is IPEX Kitec?



- Red pipes are for hot water and blue are for cold. Kitec was IT was sold in gray and black colors.



IPEX Kitec Fittings



- Kitec includes brass crimp-style fittings (left photo) and compression fittings (right photo).



IPEX Kitec



- Kitec parts and systems were sold under various names:
 - Kitec;
 - PlumbBetter;
 - IPEX AQUA;
 - WarmRite;
 - Kitec XPA;
 - AmbioComfort;
 - XPA;
 - Keer Controls;
 - Plomberie Ameliorée, and others.

What are the problems with IPEX Kitec?



- Pipe Failures and corroding fittings.



CASE STATUS



- **The Case Has Settled Pending Court Approval.**
 - *The United States Court has issued an Order of Preliminary Approval of the Settlement in the United States, approving the notice and other related matters, and have set a Fairness and Good Faith Settlement Hearing ("Formal Fairness Hearing") to consider the fairness, adequacy, and reasonableness of the Settlement. The Formal Fairness hearing will be held on November 17, 2011, at 10:00 a.m., at the United States District Court for the Northern District of Texas (the "U.S. Court"), 1100 Commerce Street, Room 1452, Dallas, TX 75242.*
 - <http://www.kitecsettlement.com/casestatus.cfm>

Case Deadlines



- **YOUR LEGAL RIGHTS**
- **September 30, 2011** REQUEST FOR EXCLUSION FROM THE CLASS ("OPT-OUT") You do not have to take part in the Settlement or be a Member of the Class. You can exclude yourself or opt out. If you exclude yourself, you cannot get a payment from the Settlement Fund and you cannot object to the Settlement. Any Court orders will not apply to you. By excluding yourself, you keep any right to file or proceed with a lawsuit as an individual concerning the Kitec System that you may have.
- **September 30, 2011** OBJECT TO SETTLEMENT You can submit a written objection, raising any concerns you have about this Settlement.
- **September 30, 2011** SUBMIT A WRITTEN NOTICE TO APPEAR AT FAIRNESS HEARING You can ask to speak to the appropriate Court (that is being asked to certify the class that you are a member of) about the fairness of the Settlement at the Formal Fairness Hearing by submitting a written Notice of Appearance.
- **Now through January 1, 2020** SEND IN A CLAIM FORM If your Kitec System appears to be faulty prior to the expiration of the warranty period and prior to the claim filing deadline, send in a Claim Form. **You will not receive a payment if you do not submit a Claim Form.** The claim filing deadline of January 1, 2020 is an estimate.
- **If you do nothing, you will be bound by the Settlement.**
- <http://www.kitecsettlement.com/casestatus.cfm>

Frequently Asked Questions



- Does my complex have IPEX Kitec Pipes?
- What if I do nothing?
 - You are bound by the settlement.
- How do I bring a claim?
 - Claim forms are available online.
<http://www.kitecsettlement.com/casedocuments.cfm>
 - Obtain legal advise before filing a claim.
- What will I be paid if I submit a claim?
- What happens if I opt out?
- If I opt out can I change my mind later?

Links Regarding Kitec Class Action



- Home page.
 - <http://www.kitecsettlement.com/index.cfm>
- Frequently Asked Questions
 - Website: <http://www.kitecsettlement.com/faq.cfm>
- Case Status
 - <http://www.kitecsettlement.com/casestatus.cfm>