

# If you own or owned a high efficiency furnace in Washington State, a class action lawsuit may affect your rights.

*A federal court authorized this notice. This is not a solicitation from a lawyer.*

- Washingtonians have sued Carrier Corporation ("Carrier") alleging that Carrier did not disclose defects in the secondary heat exchangers of its high efficiency furnaces. This is not about personal injuries or emotional distress.
- You may be part of this class action if you own or owned a high efficiency condensing furnace made by Carrier after January 1, 1989 and sold under the following brands:

▶ **Carrier**

▶ **Bryant**

▶ **Payne**

▶ **Day & Night**

- The Court has not decided whether Carrier did anything wrong, and the case is currently scheduled to go to trial. There is no money available now and no guarantee there will be. However, your rights are affected, and you have a choice to make now.

<b>YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:</b>	
<b>DO NOTHING</b>	<b>Stay in this lawsuit. Await the outcome. Share in possible benefits. Give up certain rights.</b> By doing nothing, you keep the possibility of getting money or other benefits that may come from a trial or a settlement. But, you give up any rights to sue Carrier on your own about the same legal claims in this lawsuit.
<b>ASK TO BE EXCLUDED</b>	<b>Get out of this lawsuit. Get no benefits from it. Keep rights.</b> If you ask to be excluded and money or benefits are later awarded, you won't share in those. But, you keep any rights to sue Carrier on your own about the same legal claims in this lawsuit.

- Lawyers must prove the claims against Carrier at a trial set to begin on February 11, 2008. If money or benefits are obtained from Carrier, you will be notified about how to ask for a share.
- Your options are explained in this notice. To ask to be excluded, you must act by **December 10, 2007**.

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# BASIC INFORMATION

## 1. Why was this notice issued?

A Court has approved, or “certified,” this case as a class action lawsuit that may affect you if you own or owned a high efficiency furnace made by Carrier after January 1, 1989. If this describes you, you may have legal rights and options before the Court decides whether the claims being made against Carrier on your behalf are correct. This notice explains all of these things.

Judge Ronald B. Leighton, of the United States District for the Western District of Washington, is currently overseeing this case. The case is known as *Grays Harbor Adventist Christian School v. Carrier Corporation*, No. CV05-5437. The people who sued are called the “Plaintiffs.” The company they are suing, Carrier Corporation, is called the “Defendant” or “Carrier.”

## 2. What is this lawsuit about?

**This is not about personal injuries or emotional distress.** The lawsuit is about whether high efficiency furnaces made by Carrier were defective and failed too soon. Carrier has denied all of these claims and maintains that it did not act wrongfully or unlawfully. The suit asks for money to be paid to the Class, in an amount to be decided by a jury. The Court has not decided whether the Class or Carrier is right. The lawyers for the Class will have to prove their claims at a trial.

## 3. What furnace models are included?

The lawsuit includes Carrier, Bryant, Payne, and Day & Night high efficiency furnaces. The following furnace model numbers are included in the lawsuit:

MODELS		
320A	398A	58MTB
321A	398B	58MVP
340A	399A	58MXA
340M	490A	58MXB
345M	58DX	58SX
350A	58DXA	58SXA
350M	58DXC	58SXB
352A	58MCA	58SXC
352M	58MCB	58VCA
355A	58MSA	58VUA
355M	58MTA	PG9M

## 4. What is a high efficiency furnace?

High-efficiency condensing (or 90%) furnaces maximize efficiency by using a second heat exchanger to extract more heat from the hot gases through condensation.

## 5. What is a class action?

In a class action, one or more people called Class Representatives, in this case, Grays Harbor Adventist Christian School, Greg G. Bogdanovich, Mary LaForest, and Bruce Kelly sue on behalf of people who

have similar claims. Together, these people are called a Class or Class members. One court resolves the issues for all Class members, except for those who exclude themselves from the Class.

## 6. Why is this lawsuit a class action?

The Court decided that this lawsuit could move towards a trial as a class action because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal court. For instance, the Court found that:

- The people affected share common characteristics, so they will be able to identify themselves as Class members;
- It would not be practical to bring each individual member of the Class before the Court (thousands of owners and former owners);
- There are questions of law or fact common to all Class members that are at the heart of the case;
- The legal claims of the Class Representatives are typical of the claims of the Class members because they own or owned a high efficiency furnace made by Carrier after January 1, 1989;
- The Class Representatives and their lawyers will fairly and adequately represent all of the Class members; and
- A class action would be a fair, efficient, and superior way to resolve this lawsuit.

More information about why the Court is allowing this lawsuit to be a class action is in the [Class Certification Ruling](#), which you may view at [www.WAfurnacesuit.com](http://www.WAfurnacesuit.com).

## THE CLAIMS IN THE LAWSUIT

### 7. What does the lawsuit complain about?

The lawsuit alleges that Carrier made high-efficiency furnaces out of inferior material that corrodes and fails too soon, without disclosing that fact to consumers. The lawsuit claims that the inferior material is a polypropylene-laminated ("PPL") mild steel, instead of the industry standard of stainless steel. The lawsuit charges that the PPL degrades and disintegrates due to the high temperatures in the furnace and leads to premature corrosion. You can read the Plaintiffs' [Class Action Complaint](#) at [www.WAfurnacesuit.com](http://www.WAfurnacesuit.com).

### 8. How does Carrier answer?

Carrier stands behind the design of its furnaces and denies the allegations in the lawsuit. Carrier asserts that its patented PPL heat exchangers, which are the result of years of investigation and testing, exceed industry standards for corrosion. The company also says that it honors its warranty on its furnaces, which are among the most energy efficient in use today. Carrier's [Answer to the Complaint](#) can be viewed at [www.WAfurnacesuit.com](http://www.WAfurnacesuit.com).

### 9. Has the Court decided who is right?

No. The Court has not decided whether the Plaintiffs or Carrier is right. By establishing the Class and ordering that this Notice be provided, the Court is not suggesting the Plaintiffs will win or lose this case. The lawyers for the Plaintiffs must prove their case at a trial set to begin on February 11, 2008.

## 10. What are the Plaintiffs asking for?

Plaintiffs are asking for damages, which may be in the form of money or other benefits. They are also asking for attorneys' fees and costs, plus interest.

## 11. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether Carrier did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified about how to ask for a share.

# WHO IS IN THE CLASS

## 12. How do I know if I am part of this?

The lawsuit includes Washington residents and entities, including current and former owners of Carrier 90% high efficiency condensing furnaces with a polypropylene-laminated secondary heat exchanger that was made after January 1, 1989. Former owners are only included if they experienced a secondary heat exchange failure. These furnaces were sold under the brand names "Carrier," "Bryant," "Payne," and "Day & Night." See the list of models that are included in the lawsuit in Question 3 above.

## 13. I'm still not sure if I am included.

If you are still not sure whether you are included, you can visit the website [www.WAfurnacesuit.com](http://www.WAfurnacesuit.com), call toll free 1-888-815-6514, or write to Carrier Class Action, PO Box 4540, Portland, OR 94208-4540, for more information.

# YOUR RIGHTS AND OPTIONS

You have to decide whether to stay in the Class or whether to exclude yourself before a possible trial, and you have to decide this no later than **December 10, 2007**.

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

By doing nothing, you are staying in the Class. If the Plaintiffs obtain money or benefits from Carrier—either as a result of a trial or a settlement—you will be able to apply for a share. However, if you stay in, you will be legally bound by all of the decisions that the Court makes. No matter whether the Plaintiffs win or lose the case, you will not be able to sue, or continue to sue, Carrier about the legal claims in this case, ever again.

## 15. What happens if I exclude myself?

If you exclude yourself from the Class and the Class gets any money or benefits (as a result of the trial or any settlement that may or may not be reached between Carrier and the Plaintiffs) you will not be able to get any of that money or those benefits. However, if you exclude yourself, you will not be legally bound by the Court's judgments. You will be able to sue, or continue to sue, Carrier on your own about the same legal claims that are involved in this case, now or in the future.

If you do pursue your own lawsuit after you exclude yourself, you'll have to hire and pay your own lawyer for that case, and you'll have to prove your claims, without the benefit of the work performed by the lawyers in this class action.

#### 16. How do I ask to be excluded?

To exclude yourself, send a letter that says you want to be excluded from *Grays Harbor v. Carrier Corporation*. Include your name, address, telephone number, and signature. You can use the Exclusion Request form on page 7 or get a form at [www.WAfurnacesuit.com](http://www.WAfurnacesuit.com). You must mail your Exclusion Request postmarked by **December 10, 2007**, to: Carrier Exclusions, PO Box 4540, Portland, OR 94208-4540.

## THE LAWYERS REPRESENTING YOU

#### 17. Do I have a lawyer in this case?

Yes. The Court appointed the law firms of Tousley Brain Stephens PLLC of Seattle, Washington and Lieff, Cabraser, Heimann & Bernstein, LLP of New York, New York to represent you as "Class Counsel." More information about these law firms, their practices, and their lawyers' experience is available at [www.tousley.com/tbs](http://www.tousley.com/tbs) and [www.lieffcabraser.com](http://www.lieffcabraser.com). These lawyers are experienced in handling similar cases. Complete contact information for these law firms can be found at [www.WAfurnacesuit.com](http://www.WAfurnacesuit.com).

#### 18. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel is working on your behalf. But, if you want your own lawyer, you will have to pay that lawyer. You can ask him or her to appear in Court for you in this case if you want someone other than Class Counsel to speak for you.

#### 19. How will the lawyers be paid?

If Class Counsel obtains money or benefits for the Class, they will ask the Court for fees and expenses. You will not have to pay any of these fees and expenses. If the Court grants their request, the fees and expenses will be either deducted from any money obtained for the Class, or paid separately by Carrier.

## A TRIAL

#### 20. How and when will the Court decide who is right?

If the case is not dismissed or settled, the Plaintiffs will have to prove their claims at a trial set to begin on February 11, 2008, which will take place at the United States District Court for the Western District of Washington, Union Station Courthouse, 1717 Pacific Avenue, Tacoma, Washington. The trial may be moved to a different date or time without additional notice, so it is a good idea to check [www.WAfurnacesuit.com](http://www.WAfurnacesuit.com). During the trial, a jury will hear all of the evidence, so that a decision can be reached about whether the Plaintiffs or Carrier are right about the claims in the lawsuit. There is no guarantee that the Plaintiffs will win any money or benefits for the Class.

**21. Do I have to come to the trial?**

You will not need to attend unless you choose to do so, or you are asked to attend by the Court. Class Counsel will present the case for the Plaintiffs, and the lawyers for Carrier will present their defenses. You and/or your own lawyer are welcome to appear in this case, at your own expense. Check the website or call 1-888-815-6514 to be kept informed of the trial schedule.

**22. Will I get money after the trial?**

If the Plaintiffs obtain money or benefits as a result of the trial or a settlement, you will be notified about how to ask for a share or what your other options are at that time. These things are not known right now. Important information about the case may be posted on the website, [www.WAfurnacesuit.com](http://www.WAfurnacesuit.com), as soon as it becomes available. You can access the website, whether you stay in the lawsuit or exclude yourself, to obtain current information about this case.

**GETTING MORE INFORMATION**

**23. Are more details available?**

Visit the website at [www.WAfurnacesuit.com](http://www.WAfurnacesuit.com), where you will find the [Class Certification Ruling](#), the [Complaint](#) that the Plaintiffs lodged, and Carrier's [Answer to the Complaint](#). You may also call toll-free at 1-888-815-6514 for more information, or write to Carrier Class Action, PO Box 4540, Portland, OR 94208-4540.

**EXCLUSION REQUEST**

I want to be excluded from *Grays Harbor v. Carrier Corporation*, I understand that if I exclude myself, I will not be able to get any money or benefits if any become available from this case, however, I will not be bound by any Court orders, and I will keep any rights I have to sue Carrier about the claims in this case, as part of any other lawsuit.

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*City*

\_\_\_\_\_  
*State*

\_\_\_\_\_  
*Zip*

\_\_\_\_\_  
*Telephone*

\_\_\_\_\_  
*Signed*

\_\_\_\_\_  
*Date*

If you want to be excluded, mail this form postmarked by **December 10, 2007**, to:

Carrier Exclusions, PO Box 4540, Portland, OR 94208-4540.

**DON'T MAIL THIS FORM IF YOU WANT TO STAY IN THE CLASS.**