

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENWOOD DIVISION

**In re:** ) MDL No.: 8:11-mn-02000-JMC  
**Building Materials Corporation of America** )  
**Asphalt Roofing Shingle Products Liability** )  
**Litigation** )

**This Agreement relates to:** )  
)  
**CARROLL THOMPSON, on behalf of** )  
**himself and all others similarly situated,** ) **Civil Action No. 8:11-cv-00983-JMC**  
)  
**Plaintiff,** )  
**v.** )  
**GAF MATERIALS CORPORATION,** )  
)  
**Defendant.** )

**FIRST BAPTIST CHURCH OF** )  
**BLAIRSVILLE, on behalf of itself and all others** )  
**similarly situated,** )  
)  
**Plaintiff,** ) **Civil Action No. 8:12-00087-JMC**  
**v.** )  
**GAF MATERIALS CORPORATION,** )  
)  
**Defendant.** )

**JOHN GREEN, on behalf of himself and all** )  
**others similarly situated,** )  
)  
**Plaintiff,** )  
**v.** ) **Civil Action No. 8:12-00088-JMC**  
**GAF MATERIALS CORPORATION,** )  
)  
**Defendant.** )

**CONSENT ORDER TO AMEND THE SETTLEMENT AGREEMENT,  
FORM OF NOTICE AND PRELIMINARY APPROVAL ORDER**

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This matter is before the Court pursuant to a Joint Motion for Consent Order to Amend the Settlement Agreement, Form of Notice and Preliminary Approval Order (the “Joint Motion”) by First Baptist Church of Blairsville, John Green and Carroll Thompson, named plaintiffs in the three above-captioned actions (hereinafter “Plaintiffs”), in their individual and representative capacities on behalf of themselves and the Mobile Settlement Class, and defendant Building Materials Corporation of America d/b/a GAF Materials Corporation (hereinafter “GAF”) (collectively, the “Parties”).<sup>1</sup>

After careful consideration of the Joint Motion and the exhibits attached thereto, it is hereby **ORDERED** that the Court’s Order Granting Motion to Certify Class for Settlement Purposes and for Preliminary Approval of Class Action Settlement and Form and Dissemination Notice to the Class (the “Preliminary Approval Order”) (ECF No. 290 (C/A No. 8:11-cv-00983-JMC); ECF No. 50 (C/A No. 8:12-cv-00087-JMC); ECF No. 50 (C/A No. 8:12-cv-00088-JMC)) is amended as follows:

1. On September 23, 2014, the Parties, by and through their duly authorized counsel, entered into a settlement agreement (“Settlement Agreement”) (ECF No. 108-2 (C/A No. 11-mn-02000-JMC)) to resolve the claims of the Mobile Settlement Class.

2. On September 23, 2014, Plaintiffs filed a Motion to Certify Class for Settlement Purposes and for Preliminary Approval of Class Action Settlement and Form and

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<sup>1</sup> The Court’s use of capitalized terms in this Consent Order reflects the use of such terms in the Parties’ Amended Settlement Agreement (attached as Exhibit 2 to the Joint Motion) and the capitalized terms used in this Consent Order shall have the same meaning as provided in the Amended Settlement Agreement.

Dissemination of Notice to the Class (“Motion for Preliminary Approval”) (ECF No. 108 (C/A No. 11-mn-02000-JMC).)<sup>2</sup>

3. After a hearing on October 15, 2014 on the Motion for Preliminary Approval, this Court, on October 20, 2014, issued the Preliminary Approval Order (1) granting Plaintiffs’ Motion for Preliminary Approval; (2) preliminarily and conditionally certifying the Mobile Settlement Class; (3) approving the form and content of the notice of settlement; (4) issuing an injunction and stay of all claims and actions against GAF; and (5) setting a final fairness hearing. (ECF No. 290 (C/A No. 8:11-cv-00983-JMC); ECF No. 50 (C/A No. 8:12-cv-00087-JMC); ECF No. 50 (C/A No. 8:12-cv-00088-JMC).)

4. The Mobile Settlement Class approved by the Court in its Preliminary Approval Order is defined as:

All persons and entities who are Qualifying Owners who own any property located in the United States with Mobile Timberline® Shingles manufactured during the period from January 1, 1999 through December 31, 2007.

(Preliminary Approval Order at ¶ 10.) The Mobile Settlement Class includes a Subclass, which is defined as all persons and entities who are South Carolina Qualifying Owners and who are also members of the Mobile Settlement Class.

5. The Claims Program procedures set forth in section 7 of the Settlement Agreement, which were agreed upon by the Parties and approved by the Court in its Preliminary Approval Order, provided that the entire claims process would be administered by GAF. The

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<sup>2</sup> Plaintiffs subsequently filed the Motion for Preliminary Approval in each of the three captioned cases. (ECF No. 289 (C/A No. 8:11-cv-00983-JMC); ECF No. 49 (C/A No. 8:12-cv-00087-JMC); ECF No. 45 (C/A No. 8:12-cv-00088-JMC).)

Parties have amended the Settlement Agreement so that a third party claims administrator may assist GAF with some aspects of the claims administration process. The Court finds that the claims procedure set forth in the Amended Settlement Agreement is fair and sufficient.

6. In particular, under the Amended Settlement Agreement, a third party claims administrator will assist GAF with the initial intake of claims, including (1) answering telephone calls, (2) monitoring and responding to email and website requests, (3) mailing Claims Kits, (4) receiving claim forms and supporting documentation, (5) assigning claim numbers, (6) reviewing claims for completeness (i.e., verifying that a claim includes the documentation and material required under the Settlement Agreement) and (7) sending Deficiency Notices.

7. The claims procedure set forth in the Amended Settlement Agreement is in all material aspects unchanged from that set forth in the Settlement Agreement. The changes reflected in the Amended Settlement Agreement are non-substantive, administrative changes that the Court finds would not affect any evaluation of the settlement by class members.

8. The Amended Settlement Agreement is preliminarily approved, subject to a final approval hearing by this Court to determine whether the settlement is fair, adequate and reasonable. In view of the non-substantive nature of the changes to the settlement, and the fact that notice of the settlement has not been published or mailed to class members and the deadline for class members to object to or opt out of the settlement is not until March 16, 2015, the Court finds that the dates for the submission of objections and requests for exclusion and the final fairness hearing will remain as set forth in the Preliminary Approval Order.

9. The Amended Settlement Agreement supersedes the Settlement Agreement.

10. The form of notice, in particular the Detailed Notice (which is attached as Exhibit E to the Notice Plan (ECF No. 287-1 (C/A No. 8:11-cv-00983-JMC); ECF No. 47-1 (C/A No. 8:12-cv-00087-JMC); ECF No. 47-1 (C/A No. 8:12-cv-00088-JMC)) and referred to in the Preliminary Approval Order in paragraph 45 and elsewhere), is approved as revised to reflect the changes set forth in the Amended Settlement Agreement. A copy of the approved Detailed Notice is attached as Exhibit 4 to the Joint Motion.

**SO ORDERED:**



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The Honorable J. Michelle Childs  
United States District Judge

December 3, 2014  
Columbia, South Carolina

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