

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE OSB ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:
DIRECT PURCHASER ACTION

Master File No. 06-CV-00826 (PD)

**ORDER GRANTING PRELIMINARY APPROVAL OF
PROPOSED SETTLEMENT WITH AINSWORTH LUMBER CO. LTD**

It is hereby ORDERED AND DECREED as follows:

1. The motion of Plaintiff class representatives Sawbell Lumber Co., Columbare, Inc., Norwood Sash & Door Manufacturing Co., Frontier Lumber Co., Grubb Lumber Co., Inc. and New Deal Lumber & Millwork Co., Inc. (collectively, "Plaintiffs") for preliminary approval of the proposed settlement with Defendant Ainsworth Lumber Co. Ltd. ("Ainsworth") is hereby GRANTED.

2. The Court finds that the proposed settlement with Ainsworth, as set forth in the Settlement Agreement, subject to final determination following a hearing after notice to the settlement class, is sufficiently fair, reasonable and adequate to authorize dissemination of notice to the following Settlement Class (the "Ainsworth Settlement Class"), for settlement purposes only:

All individuals and entities in the United States who purchased OSB structural panel products directly from any of the Defendants, or their subsidiaries or affiliates, during the period from June 1, 2002 to December 3, 2007. Excluded from the Settlement Class are Defendants and subsidiaries and affiliates of Defendants and all federal, state, or local governmental entities.

3. The Court approves the form and content of the: (a) Notice of Pendency of Class Action, Proposed Settlement of Class Action, Settlement Hearing and Right to

Appear (“Notice”) in Class Action, Doc. No. 683 Ex. A; and (b) Summary Notice of Pendency of Class Action, Proposed Settlement of Class Action, Settlement Hearing and Right to Appear (“Summary Notice”), Doc. No. 683 Ex. B.

4. The Court finds that the mailing and publication of the Notices in the manner set forth herein constitute the best notice practicable under the circumstances, is due and sufficient notice to all persons entitled thereto and complies fully with the requirements of Federal Rule of Civil Procedure 23 and the due process requirements of the Constitution of the United States.

5. Within ten (10) days after the date of this Order, to the extent not previously provided to the Plaintiffs, Ainsworth shall provide to the Plaintiffs, in electronic format, the names and addresses of the members of the Ainsworth Settlement Class who purchased OSB structural panel products from them.

6. The Notice shall be mailed by first class mail, postage prepaid, on or about **April 9, 2008** to all members of the Ainsworth Settlement Class identified by Ainsworth pursuant to the Settlement Agreement, and those persons whose names and addresses can be derived from the electronic transactional information produced by Defendants. The Notice also shall be provided to all persons who request it in response to the published Summary Notice provided for in Paragraph 7 herein.

7. Class Plaintiffs’ counsel are hereby directed to cause a Summary Notice to be published on one occasion in the **April** edition of *LBM Journal*.

8. All requests for exclusion from the Ainsworth Settlement Class must be postmarked so that they are **received** no later than **May 9, 2008** and must otherwise comply with the requirements set forth in the Notice.

9. Any member of the Ainsworth Settlement Class who objects to the settlement must do so in writing. The objection must include the caption of this case, be signed, and be **received** by the Court and Class Counsel no later than **May 9, 2008** and shall otherwise comply with the requirements set forth in the Notices.

10. Class Plaintiffs' counsel shall file with the Court and serve on the parties their motion for final approval of the Settlement Agreement and request for ongoing litigation expenses on or before **May 16, 2008**.

11. Class Plaintiffs' counsel shall cause to be filed with the Clerk of this Court, and served upon counsel for Defendants, affidavits or declarations of the person under whose general direction the mailing of the Notice and the publication of Summary Notice were made, showing that mailing and publication were made in accordance with this Order on or before **May 16, 2008**.

12. The Court will hold a hearing (the "Hearing") on **May 29, 2008 at 2:00 p.m.**, to determine the fairness, reasonableness, and adequacy of the proposed settlement with Ainsworth and whether to approve Class Counsel's request for ongoing litigation expenses. Any Ainsworth Settlement Class member who follows the procedure set forth in the Notices may appear and be heard at this hearing. The Hearing may be continued without further notice to the Settlement Class.

13. The Court approves the establishment of an escrow account, as set forth in the Settlement Agreement, as a "Qualified Settlement Fund" pursuant to Treas. Reg. §1.468B-1. The Court retains continuing jurisdiction over any issues regarding the formation or administration of the escrow account. Class Counsel and their designees are authorized to expend funds from the escrow account to pay Taxes, Tax Expenses and

Notice and Administration Costs, as set forth in the Settlement Agreement.

14. Complete Claims Solutions, LLC is approved to serve as Claims Administrator.

15. The litigation against Ainsworth in this Class Action is hereby stayed.

This 10th day of March, 2008

/s/ Paul S. Diamond

HONORABLE PAUL S. DIAMOND
DISTRICT COURT, EASTERN DISTRICT
OF PENNSYLVANIA