

# If You Purchased POAST® Herbicide Between January 1, 1992 and December 31, 1996 for Use on Your Crops You May Be Entitled to Money From a Class Action Judgment if You File a Claim

A final judgment has been reached in a national class action, *Peterson v. BASF Corp.*, File No. C2-97-295. The case is in the Norman County District Court, Ada, Minnesota. The judgment provides a money award to farmers across the United States who purchased POAST® herbicide between January 1, 1992 and December 31, 1996. Because of another lawsuit, this class action excludes North Dakota residents who purchased POAST® in North Dakota.

**This judgment affects a "Class" or group of people that may include you. This is a summary of your rights. To get complete information and see if you qualify to receive a cash payment, you should visit [www.POASTclassaction.com](http://www.POASTclassaction.com) or call 1-800-678-9587.**

## What is the Class Action About?

The lawsuit was filed in 1997 by 11 farmers who claimed that BASF Corporation ("BASF") fraudulently marketed the same herbicide as different products – POAST® and POAST Plus® – at different prices. The lawsuit claimed that this marketing was intended to obtain inflated prices for POAST® herbicide from minor crop farmers. Minor crop farmers are growers of sugarbeets, sunflowers, potatoes, field beans, fruits and vegetables, and flowers.

The case was certified as a class action under the New Jersey Consumer Fraud Act. Notice was published nationwide and no Class Members opted-out. After a five-week trial, a jury verdict was entered for the farmers. All appeals are final.

## What is the Amount of the Judgment?

On November 17, 2006 BASF paid \$62.5 million into the Farmers' Common Fund ("Fund"), an interest-bearing bank account that will hold the money until it is paid to the Class and Counsel. It is estimated the amount in the Fund will increase to about \$65 million by the time the money is distributed.

## How Will the Money be Distributed?

Class Members will be able to file a claim to receive a share of the Fund. About \$32 million should be available for the Class. Your share of the Fund will depend on the number of gallons of POAST® you purchased, and the total number of valid claims filed. The specific formula that will be used is described in more detail on the Web site, [www.POASTclassaction.com](http://www.POASTclassaction.com).

Class Counsel are asking the Court to award attorneys' fees of \$29 million and to be reimbursed \$561,602.92 for expenses. Class Counsel worked on this case for 9 years and paid all expenses during that time. The Court has preliminarily approved this amount, but may award more or less at the final approval hearing.

The Court has also preliminarily approved a \$100,000 incentive award to each of the 11 Class Representatives for their time and effort representing the Class. The Court can change these amounts at the final approval hearing if it wishes.

## What Are My Legal Rights?

- To obtain money from the judgment, you must file a claim as discussed below.
- As a member of the Class, you may object to the proposed Distribution Plan and request for attorneys' fees. You must file your objection in writing by May 9, 2007. If you wish to speak about your objection you must file a Notice of Appearance by May 9, 2007.

***POAST® is a herbicide marketed to farmers of minor crops such as sugarbeets, sunflowers, potatoes, field beans, fruits and vegetables, and flowers.***

## Can I Make A Claim?

If you purchased POAST® herbicide between January 1, 1992 and December 31, 1996, you are a Class Member and can file a claim. Because of another lawsuit, this class action excludes North Dakota residents who purchased POAST® in North Dakota.

Proof of purchase is required.

## How Can I File a Claim?

If you are a member of the Class, you must file a claim by May 16, 2007 with the POAST® Claims Administrator. Claim forms and additional information can be requested by visiting [www.POASTclassaction.com](http://www.POASTclassaction.com), calling the toll-free number below, or writing the POAST® Claims Administrator at the address listed below.

## When Will the Plan Be Approved?

The Court will hold a final approval hearing on the proposed Distribution Plan and request for attorneys' fees on June 5, 2007 at 9:30 a.m. in the Courtroom of the Honorable Michael J. Kraker, at the Norman County Courthouse, 16 East Third Avenue, Ada, MN 56510. Class Counsel will represent your rights at the hearing but you can hire your own lawyer, at your own expense, if you wish.

**To Get a Claim Form Package that Contains Information on Your Legal Rights  
and the Distribution Plan:**

**Visit: [www.POASTclassaction.com](http://www.POASTclassaction.com), Call: 1-800-678-9587**

**Or write: POAST® Claims Administrator, P.O. Box 1274, Minneapolis, MN 55440-1274**

DO NOT CONTACT THE COURT REGARDING THIS NOTICE