

DID YOU PURCHASE AND APPLY BEHR DECKOVER IN CANADA BETWEEN MARCH 1, 2013 AND MAY 25, 2026?

**IF SO, YOUR RIGHTS ARE AFFECTED BY A CLASS ACTION
THE DEADLINE TO OPT OUT OF THE CLASS ACTION IS OCTOBER 14, 2026.**

1. WHAT IS A CLASS ACTION?

A class action is a lawsuit filed by a person, called the “Representative Plaintiff”, on behalf of a large group of people with the same or similar legal claims, called “Class Members” or the “Class”. The Representative Plaintiff is authorized by the court to represent all Class Members.

A class action allows the court to resolve the common issues for everyone affected, except for those who choose to exclude themselves (opt out) from the Class. To see if this class action affects you, you must first determine whether you are in the Class.

2. WHAT IS THIS CLASS ACTION ABOUT?

A national class action lawsuit (the “Class Action”) was commenced in Ontario about Behr “Deckover” Products, including Behr Premium DeckOver, Behr Premium DeckOver Textured, Behr Premium DeckOver Extra Textured, Behr Premium DeckOver Advanced Smooth, and Behr Premium DeckOver Advanced Textured or Extra Textured alleged to be sold, produced, or marketed by Behr Process Corporation, Behr Process Canada Ltd., Behr Paint Corp., Masco Corporation, The Home Depot, Inc., and Home Depot of Canada Inc. (the “Defendants”).

The lawsuit alleges that the Defendants’ claims that DeckOver could be applied to wooden, composite, and concrete surfaces as a durable and long-lasting alternative to paints and stains, and was capable of extending the life of those surfaces were false. The Defendants deny these claims and do not agree that they are liable.

The Class Action has been certified by the Ontario Superior Court of Justice for the purposes of this settlement only.

3. AM I A CLASS MEMBER?

You may be a member of the class if you are person, corporation or other entity in Canada that:

- purchased in Canada and applied DeckOver, or paid for DeckOver to be applied, on a wooden, composite, or concrete surface within Canada between March 1, 2013 and May 25, 2026 (the “Class Period”); or
- owns a wooden, composite, or concrete surface within Canada to which DeckOver was applied during the Class Period.

4. WHY WAS THIS NOTICE ISSUED?

The purpose of this notice is to advise Class Members of the right to opt out, and of a court hearing to approve:

- a settlement agreement with the Defendants (the “Settlement Agreement”);
- a plan for administering and distributing money paid pursuant to the Settlement Agreement; and
- the lawyers’ fees and expenses.

5. WHAT HAPPENS IF I DO NOTHING

If you do nothing, you become a Class Member and you cannot sue the Defendants for these claims separately. You will be bound by the result in the Class Action.

You do not need to do anything now unless you want to opt out. If the Settlement Agreement is approved, you will need to take steps to make a claim.

6. WHAT IF I DO NOT WANT TO BE IN THE CLASS ACTION?

You can opt out of this Class Action.

If you want to sue any of the Defendants on your own, or if you do not want to participate in this Class Action, you must take steps to exclude yourself. This is called “opting out”.

If you opt out:

- you will not be able to claim from any money or compensation that results from the Class Action;
- you will not be bound by the results of the Class Action; and
- your claim will not be part of the Class Action and you will keep your existing rights to sue the Defendants on your own if you wish to do so.

If you do NOT opt out:

- you will be able to make a claim for money or compensation that results from the Class Action;
- you will be bound by the results of the Class Action; and
- you give up all your rights to sue any of the Defendants about the same issues.

Email **vyang@hshlawyers.com** if you have any questions about the legal terminology or about your options.

7. HOW DO I OPT OUT?

On or before **October 14, 2026**, you must send a completed opt out form, which can be found at www.behrdeckoversettlement.ca, to the Claims Administrator to notify them that you want to opt out. You can send the opt out form by email, fax, mail or courier to the Claims Administrator at:

Epiq Class Action Services Canada, Inc.
Attention: DeckOver Settlement
P.O Box 507 STN B
Ottawa, Ontario K1P 5P6
Fax: 1-866-262-0816
Email: Exclusion@behrdeckoversettlement.ca

8. WHAT SETTLEMENT HAS BEEN ACHIEVED IN THE CLASS ACTION?

The parties have reached a settlement of the Class Action. Although the Defendants deny liability, they have agreed to pay \$1.4 million to settle the claim against them in exchange for a full release. The Representative Plaintiff, the lawyers for the Class, and the Defendants believe that this is a fair settlement, taking into account all the strengths, weaknesses, and risks of the case.

This notice contains a summary of the Settlement Agreement. The full terms of the Settlement Agreement can be found at www.behrdeckoversettlement.ca.

The Settlement Agreement must be approved by the Ontario court. The court will review the Settlement Agreement to ensure that it is fair, reasonable, and in the best interests of the Class.

9. HOW WILL THE SETTLEMENT FUNDS BE DISTRIBUTED?

If the Settlement Agreement is approved, the money received, minus court-approved lawyers' fees, disbursements and taxes, will be available for compensation to Class Members who did not opt out.

If you opt out of the Class Action, you will not be entitled to make a claim or receive any money from the settlement.

Class Members are eligible to receive compensation for the cost of DeckOver as well as the cost of repairing damage.

DeckOver Reimbursement

If you purchased DeckOver and had it applied to a wooden, composite, or concrete surface that was damaged as a result, you are a "Refund Claimant" and will be entitled to:

- \$40 for each small container of DeckOver you purchased (3.4L to 3.8L, able to cover up to 7 m² in 2 coats); and
- \$200 for each large container of DeckOver you purchased (17L to 19L, able to cover up to 35 m² in 2 coats)

If you are not able to show proof that you purchased DeckOver, but declare that you did, you will be entitled to \$40.

Damaged Surface Reimbursement

If you had DeckOver applied to a wooden, composite, or concrete surface that you own and that surface was damaged, you are a “Damages Claimant”. Damages Claimants are entitled to a proportionate share of the remaining settlement money based on the size of their damaged surface. The amount you receive will also be based on whether you are able to show proof of damage, or if you can only declare that your surface was damaged. The weighting of damage will be:

Evidence of Damage	Weighted Percentage
Documented Proof of Damage	60%
Attestation Only	40%

For example, a Damages Claimant who is able to show proof of damage will be calculated as follows:

$$\text{total surface area} \times 0.60 = \text{weighted surface area eligible for compensation}$$

You may be both a Refund Claimant and a Damages Claimant.

10. WHAT ARE THE LAWYERS’ FEES AND EXPENSES?

The lawyers working on the Class Action are seeking court approval of legal fees and expenses out of the Settlement Amount. The lawyers are requesting 25% of the Settlement Amount, plus expenses and applicable taxes.

11. WHAT HAPPENS NEXT

A hearing to approve the Settlement Agreement, the plan for distributing money to Class Members, and the lawyers’ fees and expenses will take place at 330 University, Toronto, Ontario, on **November 19, 2026 at 10 a.m.**

If you do not oppose the Settlement Agreement, you do not need to do anything at this time.

If you wish to comment on or object to the Settlement Agreement, the plan for distributing money to the Class Members or the lawyers’ fees, you must do so in writing in advance of the hearing by sending a letter or email to the lawyers working on the Class Action below. The letter or email must be received by the lawyers by 12:00 P.M. (noon) on **October 14, 2026**. Any objections will be given to the court.

12. HOW CAN I SUBMIT AN OBJECTION OR GET MORE INFORMATION?

You can get copies of the Settlement Agreement, the plan for distributing the settlement money and other information about the Class Action at www.behrdeckoversettlement.ca.

The Class Members are being represented by McKenzie Lake LLP, Camp Fiorante Matthews Mogerman LLP, and Howie, Sacks & Henry LLP. You can contact the lawyers at:

Mail: Howie, Sacks & Henry LLP
DeckOver Class Action
3500 – 20 Queen Street W

Questions? Visit www.behrdeckoversettlement.ca; or email vyang@hshlawyers.com

Toronto, ON M5H 3S8
Attn: Victoria Yang

Email: vyang@hshlawyers.com

Phone: 416-361-7562

The official court reference for this lawsuit is:

Mengual v Behr Process Corporation et al, Court File No. CV-18-596787-00CP.

Please do not contact the Court. Class Counsel will answer your questions.