

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

In re Kitec Plumbing System Products / Case No. 09-md-2098-F
 /
Liability Litigation /

**SUPPLEMENTAL APPENDIX TO MOTION OF THE PLAINTIFF CLASS FOR
FINAL APPROVAL OF CLASS ACTION SETTLEMENT**

Plaintiffs hereby submit Exhibit 9 to supplement the original Appendix To Motion Of
The Plaintiff Class For Final Approval Of Class Action Settlement, filed with this Court on
November 10, 2011, document no. 145.

Dated: November 11, 2011

Respectfully submitted,

By: /s/ Michael McShane

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CERTIFICATE OF SERVICE

On November 11, 2011, I electronically submitted the foregoing document with the Clerk of Court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Michael McShane

Michael McShane

Exhibit 9

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**

DALLAS DIVISION

In re Kitec Plumbing System Products
Liability Litigation

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MDL NO. 2098
Case No.: 09-md-2098-F

**ONTARIO SUPERIOR COURT OF JUSTICE
ONTARIO, CANADA**

Risati et al.
v. Ipex Inc. et al.

Case No. CV-09-13459

**SUPERIOR COURT OF QUEBEC
QUEBEC, CANADA**

Cooke et al.
v. Ipex Inc., et al.

Case No. 200-06-000121-098

Class Counsel and the Law Offices of Robert A. Stutman, P.C. have reached an accord and in doing so have agreed to supplement the Plan of Distribution and Allocation as found herein at paragraph one (1). In exchange for the three items below, Stutman's clients will withdraw their Opt Out Requests in this lawsuit within three (3) business days of the changes found herein at paragraph one (1) being approved at the Fairness Hearing and included into the final Plan of Distribution and Allocation. IPEX Defendants do not oppose this accord.

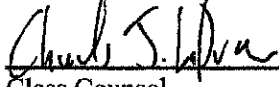
- 1) The Plan of Distribution and Allocation will be supplemented to state that within ninety (90) days of the end of each calendar year, beginning in calendar year 2012, for claims submitted during that year, each claimant will be paid the full value of their claim. However, prior to such payments being made, Class Counsel may submit to the Court their recommendation regarding the issuance of full payment to said claimants. The parties agree that notice will be given to the Law Offices of Robert A. Stutman, P.C. so it may submit its recommendation to the Court regarding this issue. If in the opinion of Class Counsel full payment of said claims cannot be made at that time and the Court agrees, then no payment or partial payments will be made to each claimant, and payments will be made in the amounts specified in the existing Plan of Distribution and Allocation. Claimants will not have to re-apply; the same process described above for claimants to be paid the full value of their claims will happen at the end of every calendar year, if not sooner.

The parties agree and understand that in no circumstance will any class member (or group of class members) receive disproportionately more money than any other class members for the same damages, or be paid sooner than any other class member who has submitted claims during a given calendar year. In addition, any subrogee or assignee of a class member's claim will be entitled to receive the full amount of the claim that would have been paid to that class member, had that class member not been reimbursed by the subrogee or assignee.

- 2) Within three (3) business days of the changes found herein at paragraph one (1) being approved at the Fairness Hearing and included into the final Plan of Distribution and Allocation, the Law Offices of Robert A. Stutman, P.C., will withdraw any Notice of Appeal filed.
- 3) Law Offices of Robert A. Stutman, P.C. will file a motion with the Court prior to the Fairness Hearing requesting that the Judge withdraw his Order/Opinion dated October 27, 2011, contingent upon the above changes being approved at the Fairness Hearing and included into the final Plan of Distribution and Allocation, and contingent upon the Law Offices of Robert A. Stutman, P.C. withdrawing any Notice of Appeal filed. Ipex and Class Counsel will not oppose this filing.

Dated: November 10, 2011

AGREED TO BY:



Class Counsel

AGREED TO BY:



Law Offices of Robert A. Stutman, P.C.