

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:12-cv-00685-RBJ-MEH

DAVID HELMER,  
FELICIA MUFTIC,  
MICHAEL MUFTIC, on behalf of themselves  
and all others similarly situated,

Plaintiffs,

v.

THE GOODYEAR TIRE & RUBBER CO., an Ohio Corporation,

Defendant.

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**NOTICE OF CLASS ACTION**

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

**NOTICE OF CLASS ACTION**

**If you own or owned a home, building or other structure in the State of Colorado with a radiant heating system containing Entran 3 heating hose, a class action lawsuit may affect your rights.**

*A federal court authorized this Notice. This is not a solicitation from a lawyer.*

- Three Colorado homeowners have sued The Goodyear Tire & Rubber Co., alleging that its design of Entran 3 hose used in radiant heating systems is defective and will fail. Entran 3 was manufactured by Goodyear between 1992 and 1996.
- You may be part of this class action if you own or owned a home, building or other structure in the state of Colorado that contains Entran 3 radiant heating hose. “You” includes persons, trusts, corporations, partnerships, associations, and/or entities, including governmental entities. The Entran 3 hose could be installed in your property as an in-slab, baseboard, and/or exterior sidewalk/driveway snowmelt system.
- The case scheduled for trial on January 5, 2015. There is no money available now and no guarantee that there will be. However, your rights are affected and you have a choice to make now.

YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT	
<b>DO NOTHING</b>	<b>Stay in this lawsuit. Await the outcome. Share in possible money or benefits. Give up certain rights.</b>  By doing nothing, you are choosing to stay in the lawsuit. If Entran 3 is determined to be defective, you will be notified about your right to seek damages in subsequent proceedings. But, you are giving up the right to sue Goodyear on your own for claims based on the defects in the design of Entran 3 alleged by the Plaintiffs in this matter.
<b>ASK TO BE EXCLUDED</b>	<b>Get out of this lawsuit. Get no money or benefits from this lawsuit. Keep rights.</b>  If you ask to be excluded and money or benefits are later awarded or obtained, you will not be able to share in those. But, you will keep the right to sue Goodyear on your own about the same legal claim in this lawsuit.

- Lawyers must prove at a trial regarding Goodyear’s liability that Entran 3 is defective. If that is established, then there will be additional proceedings, after which you may be eligible for money or other benefits from Goodyear.

- Your rights and options are explained in this notice. To ask to be excluded, you must act by **December 5, 2014**.

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## BASIC INFORMATION

### 1. WHY WAS THIS NOTICE ISSUED?

This notice was issued because a federal Court has “certified” this case to proceed to trial on the issue of Goodyear’s liability for product defect on a class-wide basis. If you own or owned a home, building or other structure in the state of Colorado with a radiant heating system containing an Entran 3 hose, you may have legal rights and options in this case. This notice explains all of these things.

Judge R. Brooke Jackson of the United States District Court for the District of Colorado is overseeing this class action. The case is known as *Helmer et al v. Goodyear Tire & Rubber Co.*, 1:12-cv-00685. The people who sue are called the Plaintiffs. The company they are suing, Goodyear Tire & Rubber Co., is called the Defendant or Goodyear.

### 2. WHAT IS THIS LAWSUIT ABOUT?

The lawsuit claims that Goodyear designed and manufactured Entran 3 radiant heating hose with alleged defects that will cause the hose to degrade and fail sooner than expected or in some instances have already caused the hose to fail. The lawsuit asks for money to be paid to people and entities that own or owned homes, buildings and structures in Colorado that contain Entran 3 radiant heating hose. Goodyear denies the claim and all of the allegations in the lawsuit.

### 3. WHAT IS A CLASS ACTION?

In a class action, one or more people, called Class Representatives (in this case David Helmer and Felicia and Michael Muftic) sue on behalf of all people who have similar claims. Together, these people are called a Class or Class members. One court and one jury resolve the common issues for all Class members, except for those who exclude themselves from the class action. In this case, if a jury finds that Entran 3 is defectively designed and that Goodyear is legally responsible for that defective design, Class members will have the opportunity in a separate phase to show the court how they have been, or will be, damaged and to seek compensation.

### 4. WHY IS THIS LAWSUIT A CLASS ACTION?

The Court decided that this lawsuit could move toward trial as a class action on a claim of “strict liability for design defect.” More information about why this is a class action can be found in the Court’s Memorandum Opinion and Order, which is available at [www.Entran3COclass.com](http://www.Entran3COclass.com).

## THE CLAIM IN THE LAWSUIT

### 5. WHAT DOES THE LAWSUIT SAY IS WRONG?

The lawsuit claims that Goodyear designed and manufactured Entran 3 radiant heating hose with alleged defects that will cause the hose to degrade and fail sooner than expected or in some instances have already caused the hose to fail. The lawsuit asks for money to be paid to people

and entities that own or owned homes, buildings and structures in Colorado that contain Entran 3 radiant heating hose. Goodyear denies the claim and all of the allegations in the lawsuit.

More information about the allegations of this lawsuit can be found in the Plaintiffs' Amended Class Action Complaint, which is available at [www.Entran3COclass.com](http://www.Entran3COclass.com).

#### **6. HOW DOES GOODYEAR ANSWER?**

Goodyear denies the claim and all of the allegations in the lawsuit and asserts that it acted responsibly in the design, development, and manufacture of the Entran 3 heating hose and that the hose is not defective. More information on Goodyear's Answer to the claim can be found in Goodyear's Answer to the Amended Complaint, which is available at [www.Entran3COclass.com](http://www.Entran3COclass.com).

#### **7. HAS THE COURT DECIDED WHO IS RIGHT?**

No decision about whether the Plaintiffs or Goodyear is right has been made. The case has been scheduled for trial for January 5, 2015.

#### **8. WHAT ARE THE PLAINTIFFS ASKING FOR ON BEHALF OF THE CLASS?**

Plaintiffs are asking that money be paid to Class members for damages to their homes, buildings and structures as a result of the Entran 3 radiant heating hose. They are also asking for attorneys' fees and costs.

#### **9. IS THERE ANY MONEY AVAILABLE NOW?**

No, there is no money available now because the jury has not decided whether Entran 3 is defective. The judge determined that this case will proceed in phases. In the first phase, a jury will decide if Entran 3 hose is defective as the lawsuit claims. In the second phase, which will only occur if a jury finds that all Entran 3 hoses are defective, there will be further proceedings on individual claims. There is no guarantee that money will ever be awarded or obtained; however, if Entran 3 is determined to be defective, you will be notified about your right to seek damages in subsequent proceedings.

### **MEMBERS OF THE CLASS**

#### **10. HOW DO I KNOW IF I AM PART OF THE CLASS?**

You are part of the class if you own or owned a home, property or structure in the state of Colorado that contains Entran 3 radiant heating hose. "You" includes all persons, trusts, corporations, partnerships, associations, and/or entities, including governmental entities, who own or owned real property in Colorado containing Entran 3.

#### 11. HOW DO I KNOW IF I HAVE ENTRAN 3 RADIANT HEATING HOSE?

If you have a radiant heating system in your home or your driveway or walkways, you will want to determine whether it is Entran 3 hose. Entran 3 is a rubber hose, typically with an orange cover and the name “entran 3” or “entran 3Δ” stamped on it. A good place to look is where the hose connects to a manifold, connects to a boiler or enters the walls, ceiling or floor. If you cannot find any stamp, then you may wish to call your plumber or heating contractor to have them inspect for you. And of course, you can always consult your paperwork from when the house was built.

The picture below illustrates what Entran 3 hose and the stamp look like.



#### 12. I'M STILL NOT SURE IF I'M INCLUDED.

If you are still not sure whether you are included, you can visit the website [www.Entran3COclass.com](http://www.Entran3COclass.com), call toll-free 1-800-000-0000, or write to Entran 3 Co Class, c/o Angeion Group, PO Box 0000, Novato, CA 94949-0000 for more information.

### YOUR RIGHTS AND OPTIONS

#### 13. WHAT HAPPENS IF I DO NOTHING AT ALL?

If you elect to remain in the class, you will be legally bound by all orders and judgments of the Court, and you will not be able to sue or continue to sue Goodyear in a different case alleging claims that are presently included in this class action. However, if Goodyear is found to be liable based on the defective design and manufacture of Entran 3, you will be notified about your right to seek damages in subsequent proceedings.

#### 14. WHAT HAPPENS IF I EXCLUDE MYSELF?

If you exclude yourself from the Class, you will not be legally bound by the Court's judgments and you will keep any rights you may have to sue Goodyear in a different lawsuit, now or in the future. However, you will not be able to get any money or benefits from this lawsuit if any are awarded or obtained as a result of the trial or any settlement.

#### 15. HOW DO I ASK TO BE EXCLUDED?

To exclude yourself, send a letter that says you want to be excluded from the lawsuit bearing the caption *Helmer et al v. Goodyear Tire & Rubber Co.*, 1:12-cv-00685. Include your name, address, telephone number, and signature. You must mail your exclusion request letter so that it is postmarked by **December 5, 2014**, to: Entran 3 Co Class, c/o Angeion Group, PO Box 0000, Novato, CA 94949-0000.

### THE LAWYERS REPRESENTING YOU

#### 16. DO I HAVE A LAWYER IN THIS CASE?

Yes. The Court appointed Rick D. Bailey, David K. TeSelle and Seth A. Katz of Burg Simpson LLP; Charles J. LaDuca, Michael J. Flannery and William H. Anderson of Cuneo Gilbert & LaDuca LLP; Gary E. Mason and Jason S. Rathod of Whitfield Bryson & Mason LLP; Robert K. Shelquist of Lockridge Grindal & Nauen P.L.L.P., Michael McShane of Audet & Partners, LLP and Daniel C. Levin of Levin, Fishbein, Sedran & Berman to represent you and other Class members as Class Counsel. These lawyers have experience handling similar cases. More information about these law Firms and lawyers working for them is available at [www.burgsimpson.com](http://www.burgsimpson.com), [www.cuneolaw.com](http://www.cuneolaw.com), [www.wbmlp.com](http://www.wbmlp.com), [www.locklaw.com](http://www.locklaw.com), [www.audetlaw.com](http://www.audetlaw.com) and [www.lfsblaw.com](http://www.lfsblaw.com). Complete contact information for these law firms can be found at [www.Entran3COclass.com](http://www.Entran3COclass.com).

#### 17. SHOULD I GET MY OWN LAWYER?

You do not need to hire your own lawyer because Class Counsel is representing you and all the other members of the Class. You can hire your own lawyer, who may ask to appear in Court for you in this case, if you want someone other than Class Counsel to speak for you, but you will have to pay that lawyer.

#### 18. HOW WILL THE LAWYERS BE PAID?

If Class Counsel obtains money or benefits for the Class, they will ask the Court for fees and expenses. If the Court grants their request, the fees and expenses will either be deducted from any money obtained for Class members or paid separately by Goodyear. You will not personally have to pay any of these fees and expenses.



## THE TRIAL

### 19. HOW AND WHEN WILL THE COURT DECIDE THE CASE?

The issue of Goodyear's liability including whether Entran 3 is defective will be decided at a trial that has been scheduled to begin on January 5, 2015. The trial will take place at the United States District Court for the District of Colorado, Alfred A. Arraj United States Courthouse, 901 19<sup>th</sup> Street, Denver, Co 80294-3589.

### 20. DO I HAVE TO COME TO COURT?

You do not have to come to Court unless you choose to do so. Class Counsel will present the case for the Plaintiffs, and the lawyers for Goodyear will present their defenses. You and/or your own lawyer may appear in Court for this case at your own expense.

### 21. WILL I GET MONEY AFTER THE TRIAL?

If Class Counsel obtains a judgment that Goodyear is legally responsible for designing a defective product, you will be notified about the next phase of the lawsuit in which you will have an opportunity to seek damages. You will also be advised of any other options you may have at that time. Updated information about the case may be posted on the website, [www.Entran3COclass.com](http://www.Entran3COclass.com), as it becomes available.

## GETTING MORE INFORMATION

### 22. IS THERE MORE INFORMATION ABOUT THE LAWSUIT AVAILABLE?

More information about the lawsuit is available by visiting [www.Entran3COclass.com](http://www.Entran3COclass.com), calling toll-free 1-800-000-0000, or writing to Entran 3 Co Class, c/o Angeion Group, PO Box 0000, Novato, CA 94949-0000. You can view a copy of the Court's Memorandum Opinion and Order, the Plaintiffs' Amended Class Action Complaint in the Class Action, and the Defendant's Answer to the Amended Class Action Complaint at the website.

DATE: September 8, 2014