

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Court does hereby preliminarily approve the Stipulation and Settlement Agreement¹ and the proposed Settlement set forth therein, subject to further consideration at the Fairness Hearing described below.

2. A hearing (the "Fairness Hearing") shall be held before this Court on Feb 1, 2006, at 1:00 p.m. to determine whether the proposed Settlement of the Action on the terms and conditions provided for in the Stipulation and Settlement Agreement is fair, just, reasonable, and adequate to the Class and should be approved by the Court, and to consider Class Counsel's Application for Attorneys' Fees and Expenses.

3. The Court approves, as to form and content, the Notice Program prepared by Kinsella/Novak Communications, Ltd. which is provided in Exhibit E to the Stipulation and Settlement Agreement. Further, the Court finds that the Class Notice as outlined in the Notice Program meets the requirements of Arkansas Rule of Civil Procedure 23(c) and due process, is the best notice practicable under the circumstances, and constitutes due and sufficient notice to all Persons entitled thereto.

4. The Parties shall initiate the Notice Program on or before October 24, 2006.

5. For purposes of determining whether the terms of the proposed Settlement as set forth in the Stipulation and Settlement Agreement should be finally approved as fair, reasonable, and adequate, the following Settlement Class is conditionally certified for settlement purposes only:

¹ The Court, for purposes of this Order, adopts the definitions of capitalized terms set forth in the Stipulation and Settlement Agreement.

Any and all Persons who own Structures in the United States in which CSST manufactured by the Settling Defendants was installed as of this date.

The following are excluded from the above-defined Settlement Class:

- (a) Persons who timely opt out of the Settlement Class in accordance with the procedures set forth in the Stipulation and Settlement Agreement;
- (b) Any and all federal, state, and/or local governments, including, but not limited to, their departments, agencies, divisions, bureaus, boards, sections, groups, counsels and/or subdivisions;
- (c) Any currently sitting Arkansas state court judges and/or justices and/or any persons within the third degree of consanguinity to such judges and/or justices;
- (d) Settling Defendants;
- (e) Plaintiffs' counsel and their immediate families; and
- (f) Any person who, as of this date, has an individual personal injury, product liability or subrogation lawsuit pending against any of the Settling Defendants in which injury or damage is alleged to have occurred as a result of a failure of CSST resulting from an actual direct or near lightning strike.

6. Should the proposed Settlement not become final, the Settling Defendants may still oppose class certification, and the fact that the Court ordered class certification as part of the proposed Settlement, or that Settling Defendants were willing to stipulate to class certification as part of the proposed Settlement, shall have no bearing on, and shall not be admissible in connection with, the issue of whether a class should be certified in this Action or in any other proceeding.

7. Persons who wish to exclude themselves from the Settlement Class must submit a written statement requesting exclusion from the Settlement Class on or before

January 8, 2007 (the "Exclusion Request"). Such written request for exclusion must contain the name, address, Property address containing CSST (if different) and telephone number of the Person seeking to be excluded from the Settlement Class. The Exclusion Request must be returned to the Administrator at: Poorman-Douglas, PO Box 4349, Portland, Oregon 97208-4349, and must be postmarked on or before January 8, 2007. The date of the postmark on the return mailing envelope shall be the exclusive means used to determine whether a Exclusion Request was timely submitted. In the event that the postmark is illegible, the Exclusion Request shall be deemed untimely unless it is received by the Administrator on or before January 13, 2007. Persons seeking to exclude themselves from the Settlement Class should use the form attached to the Stipulation and Settlement Agreement as Exhibit H. However, if a Person timely provides in writing the same information seeking exclusion from the Settlement Class to the Administrator, the Person shall be excluded from the Settlement Class. Any Persons who properly exclude themselves from the Settlement Class using this procedure will not be entitled to any Settlement Class Member Benefits and will not be bound by the proposed Settlement or have any right to object, appeal or comment thereon. Class Members who fail to submit a valid and timely Exclusion Request on or before January 8, 2007 shall be Settlement Class Members and shall be bound by all terms of the proposed Settlement and any Final Judgment entered in this Action if the proposed Settlement is finally approved by the Court. Any Class Members who properly exclude themselves from the Settlement Class will be free to pursue an independent legal remedy against Settling Defendants.

8. Any Settlement Class Member may appear at the Fairness Hearing and object to the Settlement and/or Class Counsel's Application for Attorneys' Fees.

However, Class Members who properly exclude themselves from the Settlement Class have no right to object to the proposed Settlement or Class Counsel's Application for Attorneys' Fees. Settlement Class Members who wish to appear at the Fairness Hearing and/or object to the proposed Settlement must file with the Court and serve on counsel for the Parties a written statement objecting to the proposed Settlement which contains all bases for their objections. Such written statement must be filed with the Clerk for the Clark County Circuit Court, 401 Clay Street, Arkadelphia, Arkansas 71923 and copies of all such documents served on Class Counsel and Defendants' Counsel on or before January 8, 2007. In order to object to the proposed Settlement, Settlement Class Members or their attorneys must submit a timely written objection as described above, and shall provide all of the factual and legal bases for the objections, together with sufficient written proof that CSST exists in their Property and that identifies the CSST's manufacturer. Sufficient proof may include: (a) a receipt or invoice that identifies the Property and CSST manufacturer; and (b) a photograph of the manufacturer's identifying mark on the CSST, together with a signed statement that the photograph was taken from the objecting Class Member's Structure. Unless ordered by this Court, no Settlement Class Member shall be entitled to be heard at the Fairness Hearing (whether individually or through separate counsel) or to object to the proposed Settlement, and no written objections or briefs submitted by any Settlement Class Member shall be received or considered by the Court at the Fairness Hearing, unless written notice of the Settlement Class Member's intention to appear at the Fairness Hearing, and copies of any written objections or briefs, were filed with the Court and served on Class Counsel and Defendants' Counsel on or before January 8, 2007 in accordance with the procedures set

forth in the Stipulation and Settlement Agreement. Settlement Class Members who fail to file and serve timely written objections in the manner specified above shall be deemed to have waived any objections and shall be foreclosed from making any objections (whether by appeal or otherwise) to the proposed Settlement. By objecting to the proposed Settlement or Class Counsel's Application for Attorneys' Fees, Settlement Class Members voluntarily waive their right to pursue an independent legal remedy against Settling Defendants. Any attorney who appears or files an objection on behalf of a Settlement Class Member must comply with all applicable Arkansas rules, procedures and laws.

9. Neither the Stipulation and Settlement Agreement, nor any of its terms or provisions, nor any of the negotiations or proceedings connected with it, shall be construed as an admission or concession by any of the Parties of any fact or allegation, or of any liability, fault, or wrongdoing of any kind.

10. Plaintiffs are preliminarily appointed as representatives of the Settlement Class ("Class Representatives"), and the following attorneys for Plaintiffs are preliminarily appointed as counsel for the Settlement Class ("Class Counsel"):

W.H. "DUB" ARNOLD
ARNOLD, BATSON, TURNER & TURNER
501 Crittenden
Arkadelphia, Arkansas 71923

CARY PATTERSON
MICHAEL ANGELOVICH
NIX, PATTERSON & ROACH
2900 St. Michael Drive, 5th Floor
Texarkana, Texas 75503

JOHN GOODSON
MATT KEIL
KEIL & GOODSON P.A.
611 Pecan Street
Texarkana, Arkansas 71854

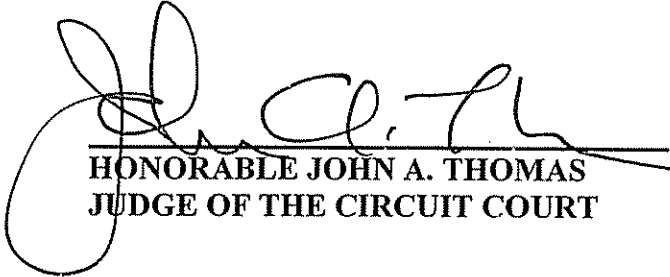
JOEL M. FINEBERG
R. DEAN GRESHAM
LAW OFFICES OF JOEL M. FINEBERG, P.C.
3811 Turtle Creek Boulevard, Suite 1900
Dallas, Texas 75219

11. The Court reserves the right to adjourn or continue the date of the Fairness Hearing without further notice to the members of the Class, and retains jurisdiction to consider all further applications arising out of or connected with the proposed Settlement. The Court may approve the proposed Settlement, with such modifications as may be agreed to by the Parties, if appropriate without further notice to the Class.

IT IS SO ORDERED.

Dated:

9/5/06



**HONORABLE JOHN A. THOMAS
JUDGE OF THE CIRCUIT COURT**

File for Record 5 day of Sept 2006 at 1:15 o'Clock
Penny R. Ross, Circuit Clerk
By Penny R. Ross Deputy Clerk