

**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON**

**MORELOCK ENTERPRISES, INC.,**

Plaintiff,

v.

Civil No. 3:04-cv-00583-PA

**WEYERHAEUSER CO.,**

Defendant.

**NOTICE OF FEE AND COST APPLICATIONS IN CLASS ACTION RELATING TO  
THE PURCHASE OF FINISHED ALDER LUMBER FROM THE WEYERHAEUSER  
COMPANY**

**DATE: July 28, 2008**

**TO: All members of the Class.**

**PLEASE READ THIS NOTICE CAREFULLY**

**BACKGROUND**

The United States District Court for the District of Oregon previously certified this case to proceed as a class action on behalf of a class consisting of all companies and others in the United States directly purchasing finished alder lumber from the Weyerhaeuser Company between April 28, 2000 and December 31, 2006, not including persons affiliated with Weyerhaeuser or persons who filed a timely request for exclusion from the Class. Morelock Enterprises, Inc., of Bend, Oregon, was approved as the Class Representative representing the Class in the prosecution of this action.

Beginning on April 15, 2008, the Court held a jury trial of the Class's claims that Weyerhaeuser had monopolized an alleged relevant market for finished alder lumber, in violation of Section 2 of the Sherman Antitrust Act, 15 U.S.C. § 2. On April 28, 2008, the jury returned a verdict in favor of the Class, which was automatically trebled (that is, tripled) under Section 4 of the Clayton Act, 15 U.S.C. § 15(a). The amounts awarded are as follows:

	<u>Before Trebling</u>	<u>After Trebling</u>
For purchases made in 2000:	\$19,132.00	\$57,396.00
For purchases made in 2001:	\$593,501.00	\$1,780,503.00

For purchases made in 2002:	\$2,234,839.00	\$6,704,517.00
For purchases made in 2003:	\$2,011,272.00	\$6,033,816.00
For purchases made in 2004:	\$4,978,069.00	\$14,934,207.00
For purchases made in 2005:	\$11,338,584.00	\$34,015,752.00
For purchases made in 2006:	<u>\$6,806,623.00</u>	<u>\$20,419,869.00</u>
<b>Totals (as calculated by the Court):</b>	<b>\$27,982,020.00</b>	<b>\$83,946,060.00</b>

The Court entered judgment on this verdict in the total amount of \$83,946,060.00 on May 1, 2008. In addition, Class Counsel has filed a motion for an award to the Class of attorneys' fees in the amount of \$5,077,552.00 and costs in the amount of \$434,318.89, which Class Counsel contends Weyerhaeuser should be required to pay to the Class pursuant to Section 4 of the Clayton Act, 15 U.S.C. § 15(a). Also, Class Counsel has filed a motion for the Court to require payment to the Class of a statutory Bill of Costs, pursuant to 28 U.S.C. § 1920, in the amount of \$14,564. To the extent that the Court grants these motions, the amounts awarded would be added to the judgment described above.

The judgment is still conditional upon the results of Weyerhaeuser's post-trial motions (a motion for judgment as a matter of law and, in the alternative, a motion for new trial) and potential appeals by Weyerhaeuser. As a result, no amounts will be distributed to Class members until and unless such post-trial motions and appeals are resolved in the Class's favor.

**ATTORNEYS' FEE, COST, AND CLASS REPRESENTATIVE  
INCENTIVE FEE APPLICATIONS**

By order of the United States District Court for the District of Oregon, this is to advise you that there is now pending in that Court a fee application by counsel for the Class in which they seek an award by the Court of 25 percent of the total judgment fund as attorneys' fees for representing the Class in this case. The award of attorneys' fees as requested by counsel for the Class would be in the amount of \$20,986,515 (25 percent of the judgment already entered in this matter), together with 25 percent of any attorneys' fees or costs which the Court may award pursuant to Section 4 of the Clayton Act, as discussed above.

Class Counsel also seeks reimbursement from the judgment fund of \$1,822,869.89 in costs actually expended by Class Counsel, on behalf of the Class, in this case.

In addition, Class Counsel has filed an application for an award by the Court of \$150,000 as a class representative incentive fee to the Class Representative, Morelock Enterprises, Inc. for services rendered by Morelock Enterprises, Inc. on behalf of the Class.

If approved by the Court, any award of fees and costs as described above will be deducted from the judgment fund before distribution of the remainder of the judgment fund to Class members. As with distributions to the Class, no fees or costs will be distributed to Class Counsel or to the Class Representative unless Weyerhaeuser's post-trial motions and appeals are resolved in the Class's favor.

Copies of the briefs submitted by Class Counsel and by Weyerhaeuser on both the fee and cost petition and the Class Representative incentive fee motion are set forth at Class Counsel's website at [www.berry-leftwich.com](http://www.berry-leftwich.com).

No fees or costs will be awarded unless (and only to the extent that) the Court determines that such fees or costs are reasonable and justified. You have the right to submit comments and/or objections to the Court on Class Counsel's application for fees and costs and the Class Representative's application for a class representative incentive fee, although you are not required to do so. You may submit comments whether they are in support of or opposed to such applications (in whole or in part). If you wish such comments and/or objections to be considered by the Court, they must be received within thirty (30) days after the date appearing on the top of this notice. Such comments and/or objections must also specify that they relate to the case *Morelock Enterprises, Inc. v. Weyerhaeuser Co.*, Case No. 04-583. They should be sent to the following:

Clerk  
United States District Court  
1000 S.W. Third Avenue  
Portland OR 97204-2902

with copies to Class Counsel:

R. Stephen Berry  
Berry & Leftwich  
1717 Pennsylvania Ave., N.W., Suite 450  
Washington, D.C. 20006

and copies to Counsel for Weyerhaeuser:

Thomas H. Tongue  
Dunn Carney Allen Higgins & Tongue LLP  
851 SW Sixth Avenue, Suite 1500  
Portland OR 97204.

If you desire, you may enter an appearance in this litigation through your own attorney. To do so, your attorney must file an Entry of Appearance on your behalf with the Clerk of the Court, United States District Court for the District of Oregon, 740 U.S. Courthouse, 1000 SW Third Ave., Portland OR 97204-2902, and send a copy of the Entry of Appearance to Class Counsel and to

counsel for Weyerhaeuser at the addresses listed above.

Such appearance must be filed with the Court no later than thirty (30) days after the date appearing on the top of this notice. You will be responsible for the fees and costs of that attorney.

**6. WHERE CAN YOU GET MORE INFORMATION?**

You may address any questions in writing by sending an email to [awoehler@berry-leftwich.com](mailto:awoehler@berry-leftwich.com), an employee of Class Counsel.

**DO NOT CALL THE COURT OR WEYERHAEUSER**