

Polyurethane Foam

Related Lawyers: **Megan E. Jones, Sathya S. Gosselin**

Related Practice Areas: **Antitrust / Competition**

In re Polyurethane Foam Antitrust Litigation, MDL No. 2196 (N.D. Ohio) - Hausfeld was appointed to be on the Executive Committee in this litigation representing a proposed class of direct-purchaser plaintiffs who allege that the country's leading manufacturers of polyurethane foam fixed the prices of polyurethane foam and polyurethane-foam products for well over a decade, resulting in significant overcharges to their customers.

Polyurethane foam is a cushioning product used in residential and commercial furnishings, including bedding and flooring, automotive interiors, carpet underlay and in hundreds of industrial, medical, packaging and technical applications. The manufacturer defendants, who account for 80 to 90 percent of U.S. slabstock foam sales and more than 90 percent of carpet underlay sales, are located principally in North Carolina, Virginia, Ohio, and Canada.

On June 21, 2013, the Court granted final approval of settlements with two defendants. The first settlement, with Defendants Vitafoam Inc. and Vitafoam Products Canada Ltd., provides for an initial payment of \$5 million, an additional guaranteed payment of at least \$4 million, plus a potential recovery of up to \$6 million more at the time of a future Vitafoam recovery in a separate multidistrict litigation proceeding. The second settlement, with Defendant Domfoam International, Inc., provides for significant and meaningful cooperation with Plaintiffs in exchange for voluntary dismissal without prejudice of all claims against the bankrupt corporate Domfoam Defendants and the release of other parties. In April 2014, the Court certified the class.

In April 2014, the Court certified the class of direct purchasers. Later that year, the remaining defendants settled, culminating in over \$400 million in total settlements for the direct-purchaser class.