

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT SESSIONS, et al.	:	
	:	CIVIL ACTION
	:	NO. 1:07-cv-1669
	:	
Plaintiffs,	:	
	:	
vs.	:	
	:	Hon. Christopher C.
OWENS-ILLINOIS, INC., et al.	:	Conner
	:	
	:	
Defendants.	:	

NOTICE OF PENDENCY OF CLASS ACTION

**PLEASE READ THIS NOTICE CAREFULLY.
A FEDERAL COURT AUTHORIZED THIS NOTICE.
THIS IS NOT A SOLICITATION.
YOU HAVE NOT BEEN SUED.**

TO ALL MEMBERS OF THE FOLLOWING CLASS:

All persons who as of October 6, 2004: a) were Owens-Illinois Salary Retirement Plan participants; b) were employees of Owen-Illinois, Inc.'s blow-molded Plastic Container business; c) had ten years of credited service; d) had combined age and credited years of service of 65 or more; e) were less than 55 years old; and f) worked in the United States; together with all beneficiaries of such persons.

This Notice is to inform you that a class action has been certified in a lawsuit against Owens-Illinois, Inc. ("Owens-Illinois" or the "Company"), the Owens-Illinois Salary Retirement Plan (the "Plan"), the Owens-Illinois Benefits Committee for the Owens-Illinois Salary Retirement Plan (the "Committee"), and various individually named members of the Committee (collectively the "Defendants"). The lawsuit alleges that Defendants wrongfully denied an Enhanced Retirement Benefit (or "ERB"), including, without limitation, the retiree health benefit, to eligible participants under the Plan and breached certain fiduciary duties under the Employee Retirement Income Security Act of 1974 ("ERISA"). The lawsuit is referred to hereinafter as the "Action" or the "ERISA Action."

If you fit into the class definition above, you will be deemed part of the class.
This notice is to inform you of the nature of the ERISA Action and any rights you may

have in connection with it. You should read the entire Notice carefully because your legal rights may be affected.

The United States District Court for the Middle District of Pennsylvania authorized this Notice to inform you of the ERISA Action and your rights in connection with it. This Notice is not an expression of an opinion by the Court as to merits of any of the claims or defenses asserted by either side in the Action.

**FURTHER INFORMATION REGARDING THE ERISA ACTION AND
THIS NOTICE MAY BE OBTAINED BY CONTACTING CLASS COUNSEL:**

CAROL A. MAGER
CONSOLE LAW OFFICES, LLC
TELEPHONE: 215.545.7676
FAX: 215.545.8211

SIDNEY L. GOLD
SIDNEY L. GOLD & ASSOCIATES, P.C.
1835 MARKET STREET, STE. 515
PHILADELPHIA, PA 19103
TELEPHONE: 215.569.1999
FAX: 215.569.3870

TABLE OF CONTENTS

GENERAL INFORMATION	4
1. Why did I receive this notice?	4
2. How do I obtain more information?	4
3. What is this lawsuit about?	5
4. Why is this a class action?	5
5. Are filed papers in this lawsuit available?	6
6. I am still not sure if I am included	6
7. Can I exclude myself from the Class?	6
THE LAWSUIT	6
8. What has happened so far in the case?	6
9. What is going to happen next in the case?	6
THE LAWYERS REPRESENTING YOU	7
10. Do I have a lawyer in this case?	7

GENERAL INFORMATION

1. Why did I receive this notice?

You have been identified by Defendants as a participant in, or beneficiary of, the Plan during the Class Period. The Court has directed that this Notice be sent to you because you have been identified as a member of the Class in this case and because your rights will be affected by the outcome of this lawsuit. This Notice explains the litigation and your legal rights. The Court in charge of the case is the United States District Court for the Middle District of Pennsylvania. The case is titled Robert Sessions, *et al.* v. Owens-Illinois Inc., *et al.*, Civil Action No. 1:07-cv-1669, and the judge presiding over the case is the Honorable Christopher C. Conner. The people who sued are called the Named Plaintiffs; they are Robert Sessions, Linda Sessions, John Roman, Pat Kovar, John Safian, and Joe Green. The Company, entities, and individuals the Named Plaintiffs have sued are called the Defendants.

2. How do I obtain more information?

For further information on the litigation and this Notice, you can call, e-mail, or address written questions to any of the attorneys listed below:

CAROL A. MAGER (mager@consolelaw.com)
SUSAN M. SAINT-ANTOINE (santanto@consolelaw.com)
ANDREW L. MACKERER (mackerer@consolelaw.com)
CONSOLE LAW OFFICES, LLC
TELEPHONE: 215.545.7676
FAX: 215.545.8211

SIDNEY L. GOLD (sgold@discrimlaw.net)
TRACI M. GREENBERG (tgreenberg@discrimlaw.net)
SIDNEY L. GOLD & ASSOCIATES, P.C.
1835 MARKET STREET, STE. 515
PHILADELPHIA, PA 19103
TELEPHONE: 215.569.1999
FAX: 215.569.3870

Please do not contact the Court. The Court will not be able to answer your questions.

3. What is this lawsuit about?

This case concerns the sale of Owens-Illinois' Plastic Container business to Graham Packaging Company, L.P. ("Graham") that occurred on or about October 7, 2004. It addresses your rights, upon the sale to Graham, to the ERB, including, without limitation, the retiree health benefit, and Defendants' obligations under ERISA in connection with the same.

On December 14, 2007, the Named Plaintiffs, on behalf of themselves and those similarly situated, filed a complaint in the United States District Court for the Middle District of Pennsylvania, seeking an award of the ERB under the Plan. That complaint was amended on January 4, 2008. Count I of the Amended Complaint alleges that Defendants wrongfully denied the ERB to eligible participants in the Plan in violation of ERISA § 502(a)(1)(B), 29 U.S.C. § 1132(a)(1)(B). Count II of the Amended Complaint alleges that defendants breached certain fiduciary duties in violation of ERISA §§ 404(a) and 405, 29 U.S.C. §§ 1104(a) and 1105. Defendants deny Plaintiffs' allegations and contend that the Named Plaintiffs and the class members are not entitled to the ERB because of the specific terms of the Plan and that Defendants complied with any applicable fiduciary obligations.

The parties conducted discovery (*i.e.*, exchanged information) as to whether this case should proceed as a class action. Following that discovery, on April 10, 2009, the Named Plaintiffs filed their Motion for Class Certification. After extensive briefing and a hearing on the issue, the Court issued a Memorandum and Order dated April 16, 2010, certifying a class action on Counts I and II of the Amended Complaint. It is through this Order that the attorneys for the Named Plaintiffs have come to represent you. (See below.)

This Notice has been given to you in the belief that you are a member of the Class whose rights may be affected by this ERISA Action. This Notice is intended to advise you of the pendency of, and your rights with respect to, the Action. This Notice is not an expression of an opinion by the Court as to the merits of any claims or defenses asserted in the Action.

4. Why is this a class action?

In a class action, one or more persons (here, the Named Plaintiffs) sue on behalf of people who have similar claims. All of the people, like you, whom the Court finds to have similar claims collectively make up the "class" and are referred to individually as "class members." In other words, this Action will resolve your and all other class members' claims together. By its opinion dated April 16, 2010, the Court determined that the claims discussed above should proceed as a class action because, if it did not, there is a risk that separate adjudications of plaintiff's claims would be dispositive of the interests of other members not parties to the individual adjudications or would substantially impair or impede their ability to protect their interests.

5. Are filed papers in this lawsuit available?

This Notice does not fully describe all of the claims and contentions of the parties. The pleadings and other papers filed in the ERISA Action are available for inspection, during regular business hours, at the Office of the Clerk of the Court, United States District Court for the Middle District of Pennsylvania. In addition, you may obtain a copy of the Amended Complaint, the Court's decision on Plaintiffs' Renewed Motion for Class Certification, and other documents filed with the Court in this Action by contacting Class Counsel, whose contact information is listed on page two and four (above).

6. I am still not sure if I am included in the Class.

As noted above, the Court has certified a class that is defined to include: All persons who as of October 6, 2004: a) were Owens-Illinois Salary Retirement Plan participants; b) were employees of Owen-Illinois, Inc.'s blow-molded Plastic Container business; c) had ten years of credited service; d) had combined age and credited years of service of 65 or more; e) were less than 55 years old; and f) worked in the United States; together with all beneficiaries of such persons.

The Company has identified you as someone who fits this definition. If you are still not sure whether you are included in the class, you may consult an attorney of your own choosing, or the Console Law Offices, LLC and Sidney L. Gold & Associates, P.C., the attorneys listed on page two and four (above).

7. Can I exclude myself from the Class?

In some class actions, class members have the opportunity to exclude themselves from the class. This is sometimes referred to as "opting out" of the class. You do not have the right to exclude yourself from the ERISA Class. Because this case was certified under Federal Rule of Civil Procedure 23 (b) (1) as a "non opt-out" class action, you do not have the right to exclude yourself from the Class. You will be bound by any judgment in this action, whether it is favorable or unfavorable. If there is a recovery, any proceeds, less such costs, expenses, and attorney's fees as the Court may allow out of any such recovery, will be awarded to you according to a formula that will be determined by the Court. If the Defendants prevail in the ERISA Action, you may not pursue a lawsuit on your own with regard to any of the issues decided in the ERISA Action or any related issues. In the event a settlement is negotiated regarding the ERISA Action, you will be given an opportunity to object to the settlement and ask the Court not to approve the settlement or certain parts of the settlement.

THE LAWSUIT

8. What has happened so far in the case?

After the Named Plaintiffs filed their Amended Complaint, Defendants moved to stay the Action or, alternatively, to dismiss it. The Court ultimately denied Defendants' motion and ordered that discovery proceed as to the issue of class certification.

On April 16, 2010, the Court ordered that the Action proceed as a class action on behalf of all persons who as of October 6, 2004: a) were Owens-Illinois Salary Retirement Plan participants; b) were employees of Owen-Illinois, Inc.'s blow-molded Plastic Container business; c) had ten years of credited service; d) had combined age and credited years of service of 65 or more; e) were less than 55 years old; and f) worked in the United States; together with all beneficiaries of such persons. As part of its Order, the Court also appointed Carol A. Mager of Console Law Offices, LLC, and Sidney L. Gold, of Sidney L. Gold & Associates, P.C., as Class Counsel.

The parties have already been engaged in the discovery process (*i.e.*, the exchange of information) to the extent that the information bore on class issues. Class Counsel will now continue its discovery efforts regarding the merits of the claims, including obtaining and analyzing documents, taking depositions and exchanging expert reports.

9. What is going to happen next in the case?

As part of the discovery described above, and if the Court determines that it is appropriate, you may be called upon to answer written questions, to provide documents regarding your claim, or give testimony in this matter.

The Court has not yet set a trial date, although the parties anticipate that any trial would likely take place in the second half of 2011. The Court has held, from time to time, and will continue to hold, status hearings, one of the purposes of which is to ensure that the action is proceeding efficiently and with an eye toward a speedy trial date.

THE LAWYER REPRESENTING YOU

10. Do I have a lawyer in this case?

As stated above, the Court appointed Carol A. Mager of Console Law Offices, LLC, and Sidney L. Gold, of Sidney L. Gold & Associates, P.C., to serve as Class Counsel and represent you and the other class members in this ERISA Action. You will not be personally charged by or for these lawyers. Any fees or costs ultimately allowed by the Court to Class Counsel will be paid out of the recovery in the action, if any. Within two weeks of your receipt of this Notice, you will receive a confidential, attorney-client privileged letter from Class Counsel which will more fully and discuss the status of the Action.

DATED: June 23, 2010