



# News Release

**FOR IMMEDIATE RELEASE**

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**U. S. FEDERAL DISTRICT COURT RULES ON TOILET PARTITION RELATED LITIGATION: SANTANA PRODUCTS, INC. v. BOBRICK WASHROOM EQUIPMENT, INC.**

September 25, 2006 - North Hollywood, CA – Bobrick Washroom Equipment, Inc. announced that on 8/25/06 the U.S. District Court for the Middle District of Pennsylvania entered a mandate, as directed by the U.S. Court of Appeals for the Third Circuit, dismissing Bobrick from the lawsuit brought by Santana Products, Inc. almost ten years ago. This full dismissal came about despite massive discovery including 270 subpoenas, 500,000 pages of documents produced, and over 180 witnesses deposed.

Mark Louchheim, President of Bobrick stated, “Since the instigation of this lawsuit by Santana in 1996, we have remained steadfast in our innocence of all the allegations. For 100 years Bobrick has operated our business with the highest standards of ethics and integrity; including carefully following both the letter and the spirit of the law. This case was about a public policy safety issue with which we could not be silent; even with their attempt to intimidate us with antitrust litigation.”

Santana’s lawsuit alleged generally that Bobrick and its representatives violated antitrust and false advertising statutes. Specifically at issue was the application of the National Fire Protection Association’s (NFPA) 101 Life Safety Code standard for “interior wall and ceiling finish” to toilet partitions rather than being a “furnishing” or “fixture”. Bobrick’s position, with which the Court agreed, is that in a jurisdiction where toilet partitions are interpreted by the Authority Having Jurisdiction (AHJ) to be an interior wall and ceiling finish, the materials must meet those requirements. This includes conformance to the standards set for both the flame spread index and smoke developed index from the ASTM E-84 test (“Test for Surface Burning Characteristics of Building Materials”).

Bobrick’s position was further reinforced earlier this year when both the NFPA and the International Code Council (ICC) revised their model codes. In these model codes, which have already begun the process of being adopted by the appropriate legal authorities, toilet partitions are now included in the definition of “interior wall and ceiling finish”.

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“Thanks to the ongoing support of our Sales Representatives and Distributors nationwide, Bobrick has continued to market plastic laminate, solid phenolic and solid color reinforced composite (SCRC) toilet partitions through this long process. We firmly believe these products best meet our building/owner manager customer needs based on their building occupancy requirements, while complying with previous and current fire safety building codes,” stated Bobrick President, Mark Louchheim.

Louchheim continued, “I want to thank all of our sales representatives, distributors and customers for their continued support during this difficult period. We look forward to continuing to compete aggressively in order to serve non-residential building owners with quality accessories and toilet partitions.”

Bobrick's lead attorney handling the matter since inception was Carl Hittinger, who is a partner at DLA Piper in its Antitrust and Trade Regulations practice group, which provides counseling, advocacy and litigation services on all areas of antitrust and competition.

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