



Date: March 17, 2020

To: All Diab Customers and Distributors

From: Charles Previte, Diab Americas LP

Subject: Notice of Force Majeure

With the COVID-19 virus impacting society globally, DIAB Americas is forced to advise our customers and distributors of likely disruptions to our business. We are therefore forced to declare a “Force Majeure” pursuant to section 8 of Diab’s General Conditions of Sales. Performance of contracts and purchase orders to process and deliver goods will likely be affected by virus containment measures.

Diab Americas is operating at reduced capacity. In order to protect our employees and prevent the spread of COVID-19 Diab is adopting global measures recommended by governmental authorities which call for some level of social distancing. This restricts the interaction between employees, service providers, and vendors. Internally, our office personnel are encouraged to work from their homes when possible. Production employees who are parents and guardians of small children are forced to stay home as many schools are now closed indefinitely. There are circumstances that prevent others from reporting to work, as well. Externally, service providers are operating at reduced capacities, as well. We expect most businesses are taking similar containment steps.

As a result of our containment efforts and the effects of containment by our business partners, Diab will not be able to meet all confirmed delivery dates. Additionally, we expect our lead times to extend. Diab will make every effort to make orders available for pick up as soon as possible, while communicating production updates.

Even though Diab may not be able to meet confirmed shipping dates, Diab cannot be held responsible for any consequential damages, freight charges, or penalties whatsoever as a result of late deliveries. When shipped, risk and title for goods shipped ex-works or FOB Diab facility pass to the buyer as soon as the goods are loaded on the carrier’s truck. Any freight damage or delayed delivery consequences during shipment should be addressed with the freight carrier directly.

We apologize for any inconvenience associated with our actions to prevent the spread of the virus.

Diab Americas LP