

# **NOTICE OF PROPOSED CERTIFICATION AND SETTLEMENT OF CANADIAN AIR CARGO CLASS ACTIONS WITH AIR FRANCE, KLM AND MARTINAIR AND LAN**

## **WHO THIS NOTICE IS FOR:**

This notice applies to Persons who purchased airfreight shipping services, including those Persons who purchased Airfreight Shipping Services through freight forwarders or from any air cargo carrier, for shipments within, to, or from Canada (except shipments to or from the United States) during the period from January 1, 2000 to September 11, 2006, and have not already excluded themselves from the class actions (the “settlement class”).

## **WHAT THIS NOTICE IS ABOUT:**

Class action lawsuits have been started in Ontario, British Columbia and Quebec alleging an unlawful conspiracy to fix prices for air cargo shipping services from January 1, 2000 to September 11, 2006 (the “Canadian Proceedings”).

Settlements have been reached in the Canadian Proceedings with Société Air France, Koninklijke Luchtvaart Maatschappij N.V. dba KLM Royal Dutch Airlines and Martinair Holland N.V. (collectively “AF/KLM”) and LAN Airlines S.A. and LAN Cargo S.A. (collectively “LAN”). These defendants are collectively referred to as the “Settling Defendants”. Each settlement requires court approval of the terms of the settlement, including orders certifying the actions as class actions as against each of the Settling Defendants.

Under the terms of the settlement agreements, the Settling Defendants have agreed to pay the following for the benefit of the settlement class in exchange for the full and final release of the Released Claims (as defined in the Settling Defendants’ respective settlement agreements) and the Canadian Proceedings against them and their related entities:

- AF/KLM has agreed to pay Cdn \$6,500,000
- LAN has agreed to pay Cdn \$700,000

The Settling Defendants are also required to cooperate with the Canadian plaintiffs in pursuing their claims against the remaining defendants.

The settlements represent resolution of disputed claims against each of the Settling Defendants. The Settling Defendants do not admit any wrongdoing or liability.

## **THE SETTLEMENT APPROVAL HEARINGS:**

Motions to certify the actions as class actions as against the Settling Defendants and to approve the settlements will be heard on the following dates:

- by the Ontario court in the City of London on July 16, 2012 at 10:00 a.m.;
- by the British Columbia court in the City of Vancouver on July 24, 2012 at 10:00 a.m.; and
- by the Quebec court in the City of Montreal on August 13, 2012 at 9:30 a.m.

At these hearings, the Ontario, British Columbia and Quebec courts will determine whether the settlements are fair, reasonable, and in the best interests of settlement class members.

Class Counsel legal fees and disbursements must be approved by the Ontario, British Columbia and Quebec courts. Counsel will collectively be requesting that legal fees of up to 25% of the AF/KLM and LAN settlement funds, plus disbursements and applicable taxes be approved by the courts and paid out of the AF/KLM and LAN settlement funds.

## **SETTLEMENT CLASS MEMBERS' OPTIONS REGARDING THE SETTLEMENT:**

Participating in Settlement Approval Hearings: Settlement class members are entitled to appear and make submissions at the settlement approval hearings. If you wish to object in writing, your written submissions must be sent to the appropriate Class Counsel at the addresses listed below postmarked no later than July 6, 2012. Class Counsel will forward all such submissions to the appropriate court. If you wish to appear and make oral submissions at the settlement approval hearings, please contact the appropriate Class Counsel at the address listed below no later than July 6, 2012.

Claiming part of the settlement funds: Class Counsel propose to hold the settlement funds in trust for the future benefit of settlement class members. A method for distributing the settlement funds will be submitted to the courts for approval at a later time. Once the court has approved the method for distributing the settlement funds, another notice will be provided regarding how the settlement funds will be distributed and the claims process.

Registering for further notice: If you did not receive this notice by mail, please register online at [www.aircargosettlement2.com](http://www.aircargosettlement2.com) or by telephone at 1-888-291-9655 (U.S. and Canada) or 1-614-553-1296 (International) to ensure that further notices issued in the Canadian Proceedings will be sent to you directly, by mail.

Opting Out: The deadline for opting out (or excluding oneself) of the Canadian Proceedings has passed. Settlement class members who have not validly opted out are bound by the terms of the settlement agreements (if approved by the courts).

## **ADDITIONAL INFORMATION:**

This notice only summarizes the settlement agreements. More information about the settlements is available online at [www.aircargosettlement2.com](http://www.aircargosettlement2.com). Questions about the settlements or any other matters contained in this notice may be directed to Class Counsel:

Settlement class members outside British Columbia and Quebec: 1-800-461-6166 ext. 2455 or [charles.wright@siskinds.com](mailto:charles.wright@siskinds.com) or Siskinds LLP, 680 Waterloo Street, London, ON, N6A 3V8, Canada, Attn: Charles Wright.

British Columbia settlement class members: (604) 689-7555 or [jjcamp@cfmlawyers.ca](mailto:jjcamp@cfmlawyers.ca) or Camp Fiorante Matthews, #400 - 856 Homer Street, Vancouver, BC, V6B 2W5, Attn: JJ Camp.

Quebec settlement class members: (514) 846-0666 or [irwin@liebman.org](mailto:irwin@liebman.org) or Liebman Associates, 1 Westmount Square #1500, Montreal, QC, H3Z 2P9, Attn: Irwin Liebman.

This notice has been approved by the Ontario, British Columbia and Quebec courts.