

## **NOTICE OF PROPOSED CERTIFICATION AND SETTLEMENT OF CANADIAN AIR CARGO CLASS ACTIONS WITH SAS, QANTAS, CARGOLUX, AND SINGAPORE AIRLINES**

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

This notice applies to persons who purchased airfreight shipping services from any air cargo carrier, including services through freight forwarders, 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 Scandinavian Airlines System ("SAS"), Qantas Airways Limited ("Qantas"), Cargolux Airline International ("Cargolux"), and Singapore Airlines Ltd. and Singapore Airlines Cargo PTE Ltd. (collectively "SQ"). 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 a full release of the Canadian Proceedings against them and their related entities:

- SAS has agreed to pay Cdn \$300,000
- Qantas has agreed to pay Cdn \$237,000
- Cargolux has agreed to pay Cdn \$1,800,000
- SQ has agreed to make a contribution of Cdn \$800,000 towards a settlement fund and a contribution of Cdn \$250,000 in respect of notice and administration expenses, representing a total payment of Cdn \$1,050,000

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

The settlements represent resolutions 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 October 13, 2011 at 11:00 a.m.;
- by the British Columbia court in the City of Vancouver on October 20, 2011 at 9:00 a.m.; and
- by the Quebec court in the City of Montreal on October 19, 2011 at 2:00 p.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 SAS, Qantas, Cargolux, and SQ settlement funds, plus disbursements and applicable taxes be approved by the courts and paid out of the SAS, Qantas, Cargolux, and SQ settlement funds.

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

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 October 3, 2011. 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 October 3, 2011.

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:**

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.