

## **NOTICE OF SETTLEMENT APPROVAL HEARING IN THE MATTER OF COOLING COMPRESSORS CLASS ACTION LITIGATION**

**PLEASE READ THIS NOTICE CAREFULLY. IT MAY AFFECT YOUR LEGAL RIGHTS.**

**TO: All persons in British Columbia who between January 1, 2004 to December 31, 2008 purchased Cooling Compressors and Cooling Compressor Products in Canada, except the Defendants and certain parties related to the Defendants (the "BC Settlement Class").**

Cooling Compressors means hermetically sealed cooling compressors of less than one horsepower. Cooling Compressor Products means Cooling Compressors and products containing Cooling Compressors. Cooling Compressors and Cooling Compressor Products do not include compressors used in air conditioners.

The Defendants are: Tecumseh Products of Canada Limited, Tecumseh Products Co., Tecumseh Compressors Company, Danfoss A/S, Danfoss Inc., Danfoss Commercial Compressors Ltd., Danfoss Scroll Technologies, LLC, Danfoss Turbocor Compressors, Inc., Danfoss Compressors LLC, Appliances Components Companies S.p.A., ACC USA LLC, Panasonic Corporation, Panasonic Canada Inc., Whirlpool Canada LP, Embraco North American and Whirlpool Corporation. The Defendants are manufacturers of Cooling Compressors.

### **I. THE PURPOSE OF THIS NOTICE**

Class proceedings have been initiated in Ontario, British Columbia and Quebec alleging that the Defendants conspired to fix prices for Cooling Compressors in Canada.

Appliances Components Companies S.p.A. and ACC USA LLC (collectively "ACC") have entered into a Settlement Agreement that will resolve the allegations and litigation against them. ACC does not admit any wrongdoing or liability, and the settlement represents a resolution of the disputed claim. The Ontario and Quebec Courts have already approved the Settlement Agreement subject to the approval of the Supreme Court of British Columbia. The litigation is continuing against the remaining Defendants.

Under the terms of the ACC Settlement Agreement, ACC has agreed to pay \$50,000.00 for the benefit of the Settlement Class in Canada and up to \$50,000.00 towards the cost of the notice program to Class Members. Settlement funds will be used to fund out-of-pocket costs incurred by Class Counsel in the litigation. Under the terms of the Settlement Agreement, ACC has agreed to provide evidence and co-operation to the Plaintiffs in pursuing their claims against the remaining Defendants.

The settlement must be approved by the British Columbia Court before it becomes effective. A motion to approve the settlement will be heard by the Supreme Court of British Columbia in the City of Vancouver on December 7, 2012 at 10:00 a.m. At this hearing, the British Columbia Court will determine whether the Settlement Agreement is fair, reasonable and in the best interests of the BC Settlement Class members.

BC Settlement Class members who do not oppose the proposed settlement need not appear at the settlement approval hearing or take any other action at this time.

BC Settlement Class members are entitled to appear and make submissions at the settlement approval hearing. If you wish to comment on or make any objection to the Settlement Agreement, a written submission must be delivered to Camp Fiorante Matthews Mogerman at the address listed below, postmarked no later than November 28, 2012. Class Counsel will forward all such submissions to the British Columbia Court. All written submissions will be considered by the Court. If you do not file a written submission by November 28, 2012, you may not be entitled to participate, through oral submissions or otherwise, in the settlement approval hearing.

If the Settlement Agreement is approved by the British Columbia Court, further notices will be posted online at [www.cfmlawyers.ca](http://www.cfmlawyers.ca) to advise BC Settlement Class Members of such approval.

## **II. OPTING OUT OF THE CLASS ACTION LAWSUITS**

BC Settlement Class members will be bound by the terms of the Settlement Agreement unless you “opt-out” of the BC class action lawsuit. If you do not opt-out, you will not be able to bring or maintain any other claim or legal proceeding in respect of any allegations asserted in the class action lawsuits, including allegations relating to violations of the *Competition Act*. No further right to opt-out of the class action lawsuits will be provided. The opt-out period has already passed for Settlement Class members outside British Columbia.

If you opt-out of the class action lawsuit, you will not be able to participate in the Settlement Agreement, and you will not be able to participate in any further settlements with, or judgments against, other Defendants in this litigation.

To opt-out, you must submit a written request to be excluded from the class action lawsuits. Your written request must include the following information:

- a) Name, address and telephone number;
- b) The dollar amount and the date of your Cooling Compressor and Cooling Compressor Product purchases; and
- c) A request to be excluded from the class action lawsuits.

Written requests to opt-out must be sent to the following address, postmarked or by e-mail or fax no later than December 1, 2012:

**Camp Fiorante Matthews Mogerman  
Attn: David Jones  
Suite 400 – 856 Homer Street  
Vancouver, BC, V6B 2W5  
Fax: (604) 689-7555  
e-mail: [djones@cfmlawyers.ca](mailto:djones@cfmlawyers.ca)**

### **III. CLASS COUNSEL**

The law firm of Camp Fiorante Matthews Mogerman represents BC Settlement Class members.

Camp Fiorante Matthews Mogerman can be reached toll free at 1-800-689-2322, by e-mail at [djones@cfmlawyers.ca](mailto:djones@cfmlawyers.ca) or by mail at Suite 400 – 856 Homer Street, Vancouver, BC V6B 2W5, Attention: David Jones or JJ Camp QC.

Pursuant to fee agreements with the representative plaintiffs, class counsel collectively will be requesting that legal fees of up to 30 percent of amounts recovered in the Proceedings plus disbursements and applicable taxes be approved by the British Columbia, Ontario and Quebec courts in respect of future settlements or favourable judgments.

### **IV. QUESTIONS ABOUT THE SETTLEMENT**

This notice contains only a summary of the Settlement Agreement and Settlement Class Members are encouraged to review the complete Settlement Agreement online at [www.cfmlawyers.ca](http://www.cfmlawyers.ca). If you have questions that are not answered online at [www.cfmlawyers.ca](http://www.cfmlawyers.ca), please contact Camp Fiorante Matthews Mogerman. QUESTIONS SHOULD NOT BE DIRECTED TO THE COURT.

This Notice has been authorized by the Supreme Court of British Columbia.