

**NOTICE OF CERTIFICATION FOR SETTLEMENT PURPOSES AND SETTLEMENT APPROVAL HEARING IN CANADIAN AUTO PARTS PRICE-FIXING CLASS ACTIONS**

**If you bought or leased a new or used Automotive Vehicle<sup>1</sup>, or certain automotive parts, since July 1998, you should read this notice carefully. It may affect your legal rights.**

**A. WHAT IS A CLASS ACTION?**

A class action is a lawsuit filed by one person on behalf of a large group of people.

**B. WHAT ARE THESE CLASS ACTIONS ABOUT?**

Class actions have been started in Canada claiming that many companies participated in conspiracies to fix the prices of automotive parts sold in Canada or to manufacturers for installation in automotive vehicles sold in Canada.

This notice is about class actions relating to the following automotive parts (the “Relevant Parts”):

<b>Part</b>	<b>Description</b>	<b>Class Period</b>
Alternators	An Alternator is a device that charges an Automotive Vehicle’s battery and powers the electrical system of an Automotive Vehicle when its engine is running.	January 1, 2000 to March 20, 2017
Electric Powered Steering Assemblies	An Electric Powered Steering Assembly is a device in an Automotive Vehicle that links the steering wheel to the tires, and includes the column, intermediate shaft, and electric power steering electric control unit, among other parts, but does not include the steering wheel or tires.	January 1, 2005 to August 13, 2018
Electronic Control Units	An Electronic Control Unit is a wide variety of different types of electronic modules that control one or more of the different electrical systems or sub-systems in an Automotive Vehicle.	January 1, 1999 to November 2, 2016
Electronic Throttle Bodies	An Electronic Throttle Body is a component of an electronic throttle control system in an Automotive Vehicle that controls the volume of air flowing into the engine according to a signal from the engine control unit.	January 1, 2000 to March 20, 2017
Fuel Injection Systems	A Fuel Injection System is a system that admits fuel or a fuel/air mixture into engine cylinders of an Automotive Vehicle. The term, “Fuel Injection Systems” as used herein also includes any components of such systems including, without limitation: injectors; high pressure pumps; rail assemblies; feed lines; fuel pumps and fuel pump modules.	January 1, 2000 to March 20, 2017

<sup>1</sup> In the Mitsubishi Electric Settlement Agreements, Automotive Vehicle is defined as: all automobiles, passenger cars, sport utility vehicles, vans, trucks, buses, and without limitation any other type of vehicle that contains a Relevant Part. In the Aisan, Bosch and Omron Settlement Agreements, Automotive Vehicle is defined as: all passenger cars, sport utility vehicles, vans, and light trucks (up to 10,000 lbs).

<b>Part</b>	<b>Description</b>	<b>Class Period</b>
High Intensity Discharge Ballasts	A High Intensity Discharge Ballast is an electrical device that limits the amount of electrical current flowing to a high intensity discharge headlamp installed in an Automotive Vehicle, which would otherwise rise to destructive levels due to a high intensity discharge headlamp's negative resistance.	July 1, 1998 to August 13, 2018
Ignition Coils	An Ignition Coil is an induction coil that transforms the low voltage of an Automotive Vehicle's battery into the necessary voltage required to create an electric spark in the spark plugs to ignite the fuel.	January 1, 2000 to March 20, 2017
Inverters	An Inverter is a device that provides power to an Automotive Vehicle's motor by converting direct current electricity from an Automotive Vehicle's battery to alternating current electricity.	January 1, 2000 to March 20, 2017
Occupant Safety Systems	An Occupant Safety System means any one of the following: seatbelts, steering wheels, airbags and safety electronic systems which control airbag deployment in an Automotive Vehicle.	January 1, 2003 to December 4, 2014
Oxygen Sensors	An Oxygen Sensor means a device that detects the amount of oxygen in the exhaust gases of Automotive Vehicles and sends signals to the engine management computer or "engine control unit". Oxygen Sensors include air fuel ratio sensors.	January 1, 2000 to August 13, 2018
Spark Plugs	A Spark Plug means Automotive Vehicle components that use electric currents to ignite the compressed fuel/air mixture in the combustion chamber of an internal combustion engine.	January 1, 2000 to August 13, 2018
Starters	A Starter is a device that powers an Automotive Vehicle's battery, causing it to "turn over" and start when the driver turns the ignition switch.	January 1, 2000 to March 20, 2017
Switches	Switches means the following switches used within an Automotive Vehicle: steering wheel switches, turn switches, wiper switches, combination switches, door courtesy switches and power window switches.	June 1, 2003 to August 13, 2018
Valve Timing Control Devices	A Valve Timing Control Device is a device within the variable valve timing system of an Automotive Vehicle that controls the timing of the opening and closing of engine valves.	January 1, 2000 to March 20, 2017
Windshield Wiper Systems	A Windshield Wiper System means a system that includes windshield wipers and components such as the motor, linkage arm and blade.	January 1, 2000 to August 13, 2018

For more information about the particular class actions, see the relevant webpage online at [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts) or [www.sotosllp.com/class-actions/current-cases/auto-parts/](http://www.sotosllp.com/class-actions/current-cases/auto-parts/).

The class actions were started in BC, Ontario and/or Quebec, but include Canadian residents in all provinces and territories who were affected by the alleged conspiracies. These class actions claim that the companies that sell the

Relevant Parts were involved in conspiracies to illegally increase the prices of these products. These class actions ask the Court to require these companies to return any extra money they may have received due to the alleged conspiracies.

### C. WHO IS AFFECTED BY THE CLASS ACTIONS?

The Ontario, British Columbia and Quebec class actions were certified as class proceedings as against the settling defendants for the purposes of implementing the settlement agreements.

You are affected by the class actions and/or are a “member” of the settlement class if you are a person in Canada who, during the relevant class period (as set out in the chart above):

- purchased or leased a new or used Automotive Vehicle in Canada;
- purchased a new or used Automotive Vehicle for import into Canada; or
- purchased a Relevant Part in Canada.

### D. WHAT SETTLEMENTS HAVE BEEN REACHED IN THE CLASS ACTIONS?

A settlement is when a defendant agrees to pay money to the members of the class action in exchange for being released from the case, without admitting liability for any of the claims.

Settlements have been achieved with:

- Aisan Industry Co. Ltd., Franklin Precision Industry, Inc., Aisan Corporation of America and Hyundam Industrial Co., Ltd. (“Aisan”);
- Robert Bosch GmbH, Robert Bosch Inc., Robert Bosch LLC and RBKB Bosch Electrical Drives Co., Ltd. (“Bosch”);
- Mitsubishi Electric Corporation, Mitsubishi Electric Automotive America, Inc. and Mitsubishi Electric Sales Canada, Inc. (“Mitsubishi Electric”); and
- Omron Corporation, Omron Electronics Co. Ltd., Omron Automotive Electronics, Inc. and Omron Automotive Technologies Inc. (“Omron”).

These defendants have agreed to pay the amounts set out below in exchange for a full release of the claims against them relating to the pricing of the Relevant Parts.

Aisan Settlements:	
Electronic Throttle Bodies	USD\$440,000
Fuel Injection Systems	USD\$40,000
Bosch Settlements:	
Fuel Injection Systems	CAD\$375,000
Oxygen Sensors	USD\$1,747,750
Spark Plugs	USD\$1,747,750
Starters	CAD\$250,000
Windshield Wiper Systems	CAD\$150,000
Omron Settlement:	
Switches	USD\$390,000
Mitsubishi Electric Settlements:	
Alternators	CAD\$2,200,000

Electric Powered Steering Assemblies	CAD\$150,000
Electronic Control Units	CAD\$150,000
Electronic Throttle Bodies	CAD\$50,000
Fuel Injection Systems	CAD\$400,000
High Intensity Discharge Ballasts	CAD\$150,000
Ignition Coils	CAD\$2,500,000
Inverters	CAD\$150,000
Occupant Safety Systems	CAD\$150,000
Starters	CAD\$2,000,000
Valve Timing Control Devices	CAD\$600,000

The Aisan, Bosch, Mitsubishi Electric and Omron defendants have also agreed to provide cooperation to the plaintiffs in pursuing the applicable class actions against the remaining defendants. The Aisan, Bosch, Mitsubishi Electric and Omron defendants do not admit any liability, wrongdoing or fault.

The settlements are subject to the approval of the Ontario, British Columbia and/or Quebec Courts. The Ontario and Quebec Courts, as applicable, approved the settlements as fair, reasonable and in the best interests of the settlement class. The following settlements remain subject to the approval of the British Columbia Court:

- the Aisan settlement in the fuel injection systems action;
- all Bosch settlements;
- the Mitsubishi settlements in the alternators, fuel injection systems, ignition coils, occupant safety systems, and starters actions; and
- the Omron settlement.

On April 24, 2019 at 9:30 a.m., the British Columbia Court will hold a hearing at the New Westminster Court House at 651 Carnarvon St., New Westminster, BC for settlement class members to make submissions in person. In accordance with the Canadian Bar Association's *Canadian Judicial Protocol for the Management of Multi-Jurisdictional Class Actions*, as the Ontario Court has already approved the settlements, the British Columbia Court will hear the applications for approval in writing. The British Columbia Court will decide whether to approve these settlements as fair, reasonable and in the best interests of the settlement class.

## E. WHAT DO I NEED TO DO?

**If you want to be a member of these class actions, you do not need to do anything.** However, there are three steps that you should take to protect your legal rights:

1. You should keep records of any purchases or leases of all Automotive Vehicles or automotive parts from January 1995 onward.<sup>2</sup> Records include invoices, receipts and bank or loan statements.
2. Automotive dealerships should keep records of any sales or leases of Automotive Vehicles or automotive parts from January 1995 onward.
3. You should register online at [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts) to receive updates about these class actions and the other auto parts price-fixing class actions.

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<sup>2</sup> The earliest class period in the Canadian auto parts class actions commences in January 1995.

For persons in British Columbia, the deadline for sending written submission is April 15, 2019. The written submissions must state the nature of any comments or objections, and whether you intend to appear at the hearing before the British Columbia Court on April 24, 2019.

Persons outside of British Columbia have already been provided an opportunity to send written submissions.

#### **F. WHAT HAPPENS TO THE MONEY PAID UNDER THE SETTLEMENTS?**

At this stage, the settlement funds (less approved fees and expenses) are being held in interest-bearing trust accounts for the benefit of settlement class members. At a later date, the courts will be asked to approve the distribution of the settlement funds.

#### **G. WHAT IF I DON'T WANT TO BE IN THE CLASS ACTIONS?**

Members of the alternators, electronic control units, electronic throttle bodies, fuel injection systems, ignition coils, inverters, occupant safety systems, starters and valve timing control devices class actions were provided an opportunity to exclude themselves from the class actions ("opt out") and advised that no further right to opt out would be provided. Members of the electric powered steering assemblies, high intensity discharge ballasts, oxygen sensors, spark plugs, switches and windshield wiper systems settlement classes can opt out.

You can opt out by sending a signed letter to Class Counsel, with the following information:

- your full name, current address and telephone number;
- if you are writing on behalf of a company, the name of the company and your position at the company;
- a statement saying that you (or the company) want to opt out of the class actions. You must identify which class actions you (or the company) want to opt out of; and
- your reason for opting out.

For persons in British Columbia, the deadline for opting out is May 13, 2019. For all other persons in Canada, the deadline for opting out has passed.

If you exclude yourself or opt out:

- you will not be eligible to participate in the ongoing class action, and
- you will not receive any money from the class action, but
- you will be able to start or continue your own case against the defendants regarding the claims at issue in the class action.

If you do nothing, and so do not exclude yourself or opt out:

- you will be eligible to participate in the ongoing class action, and
- you may receive money from the class action, but
- you will not be able to start or continue your own case against the defendants regarding the claims at issue in the class action.

This is your only chance to exclude yourself or opt out of the electric powered steering assemblies, high intensity discharge ballasts, oxygen sensors, spark plugs, switches and windshield wiper systems class actions. No further right to opt out will be provided.

Parallel class proceedings were commenced in Ontario against other defendants relating to the pricing of electric powered steering assemblies and switches. The right to opt out applies in those actions as well and no further right to opt out will be provided in respect of those actions. Information on those actions and the companies named as defendants is available on Class Counsel's websites at: [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts).

## **H. WHO ARE THE LAWYERS WORKING ON THESE CLASS ACTIONS AND HOW ARE THEY PAID?**

The law firms of Siskinds LLP and Sotos LLP represent members of these class actions in Ontario, and in provinces other than British Columbia or Quebec, as well as corporations of more than 50 employees in Quebec.

Siskinds LLP can be reached at:

Telephone (toll free): 1-800-461-6166 ext. 1315

Email: [autopartsclassaction@siskinds.com](mailto:autopartsclassaction@siskinds.com)

Mail: 680 Waterloo Street, London, ON N6A 3V8 Attention: Charles Wright

Sotos LLP can be reached at:

Telephone (toll free): 1-888-977-9806

Email: [autoparts@sotosllp.com](mailto:autoparts@sotosllp.com)

Mail: 180 Dundas Street West, Suite 1200, Toronto, ON M5G 1Z8 Attention: Jean-Marc Leclerc

The law firm of Camp Fiorante Matthews Mogerman LLP represents members of the alternators, fuel injection systems, ignition coils, occupant safety systems, starters and windshield wiper systems class actions in British Columbia. They can be reached at:

Telephone: 1-800-689-2322

Email: [aslevin@cfmlawyers.ca](mailto:aslevin@cfmlawyers.ca)

Mail: #400 - 856 Homer Street, Vancouver, BC V6B 2W5 Attention: David Jones

The law firm of Klein Lawyers LLP represents members of the oxygen sensors, spark plugs and switches class actions in British Columbia. They can be reached at:

Telephone: 604-874-7171

Email: [dtanjuatco@callkleinlawyers.com](mailto:dtanjuatco@callkleinlawyers.com)

Mail: 1385 West 8<sup>th</sup> Avenue, #400, Vancouver, BC V6H 3V9 Attention: Angela Bespflug

The law firm of Siskinds Desmeules s.e.n.c.r.l. represents individuals and corporations of 50 or less employees who are members of the alternators, electronic control units, electronic throttle bodies, fuel injection systems, ignition coils, inverters, occupant safety systems, starters, valve timing control devices and windshield wiper systems class actions in Quebec. They can be reached at:

Telephone: 418-694-2009

Email: [recours@siskindsdesmeules.com](mailto:recours@siskindsdesmeules.com)

Mail: Les promenades du Vieux-Quebec, 43 rue De Buade, bureau 320, Quebec City, QC G1R 4A2

Attention: Erika Provencher

**As an individual, you do not have to pay the lawyers working on these class actions any money.** The lawyers will be paid from the money collected in these class actions. The Courts will be asked to decide how much the lawyers will be paid. The lawyers will collectively be asking that the Courts approve legal fees of up to 25% of the Aisan, Bosch, Mitsubishi Electric and Omron settlement funds, plus disbursements and applicable taxes. Any approved legal fees will be paid out of the settlement funds. Class Counsel reserve the right to ask the Courts to allow Class Counsel to use the Aisan, Bosch, Mitsubishi Electric and Omron settlement funds to pay for any future adverse cost awards or future disbursements.

## **I. WHERE CAN I ASK MORE QUESTIONS?**

For more information, please visit [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts). If you have questions that are not answered online, please contact Class Counsel at the numbers listed above.

To receive future notices and updates regarding the auto parts class actions and any future settlements, register online at [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts).

## **J. INTERPRETATION**

This notice contains a summary of some of the terms of the Aisan, Bosch, Mitsubishi Electric and Omron settlement agreements. If there is a conflict between the provisions of this notice and the settlement agreements, the terms of the settlement agreements shall prevail.