

**CANADIAN AUTOMOTIVE WIRE HARNESS SYSTEMS PRICE-FIXING CLASS ACTIONS
NOTICE OF CLAIMS PROCESS**

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

APPLICATION DEADLINE: JUNE 12, 2020

Settlement Class Members who wish to apply for compensation from the settlement funds should submit their application by this date.

A. WHO IS AFFECTED BY THIS NOTICE?

This notice applies to all persons in Canada who between January 1, 1999 and November 30, 2014 purchased and/or leased an automotive vehicle in Canada and/or for import into Canada under the following brands: Honda/Acura, Nissan/Infiniti, Toyota/Lexus, Subaru, and/or Pontiac Vibe.

Automotive parts manufacturers named as defendants in the class actions and certain parties related to the defendants are excluded from the settlement class.

B. WHAT IS THE CLASS ACTION ABOUT?

The class actions were brought against Automotive Wire Harness Systems manufacturers who allegedly price-fixed those products.

No wrongdoing is alleged as against Honda, Nissan, Toyota, Subaru and General Motors. They are not defendants in the class actions. Honda, Nissan, Toyota, Subaru and General Motors were unaware of alleged price-fixing in respect of the Automotive Wire Harness Systems they purchased for installation in their automotive vehicles.

Class action lawsuits have been commenced in Ontario, British Columbia and Quebec alleging that automotive part manufacturers conspired to fix prices of Automotive Wire Harness Systems (collectively, the "Automotive Wire Harness Systems Proceedings"). An Automotive Wire Harness System is an electrical distribution system used to direct and control electronic components, wiring, and circuit boards.

This notice also addresses the proposed distribution of settlement funds in class actions relating to the alleged price-fixing of Air Flow Meters, Electronic Control Units, Fan Motors, Fuel Senders, Power Window Motors and Windshield Washer Systems. See section G below for more information.

C. COURT APPROVED SETTLEMENTS

Settlements have been reached in the Automotive Wire Harness Systems Proceedings with the following Defendants:

| Settled Defendant(s) | Settlement Amount |
|--|--------------------------|
| Lear Corporation and Kyungshin-Lear Sales and Engineering, LLC (“Lear”) | \$612,500 |
| Yazaki Corporation and Yazaki North America, Inc. (“Yazaki”) | \$10,400,000 |
| Chiyoda Mfg. Co. Ltd. and Chiyoda USA Corporation (“Chiyoda”) | \$75,000 |
| Fujikura Ltd., Fujikura America Inc., and Fujikura Automotive America LLC (“Fujikura”) | \$1,083,280 |
| Furukawa Electric Co., Ltd. and American Furukawa, Inc. (“Furukawa”) | \$2,300,000 |
| Sumitomo Electric Industries, Ltd., SEWS Canada Ltd., Sumitomo Wiring Systems, Ltd., Sumitomo Electric Wiring Systems, Inc., Sumitomo Wiring Systems (U.S.A.), Inc., K & S Wiring Systems Inc. and Sumitomo Electric Wintec America, Inc. (“Sumitomo”) | \$10,700,000 |
| G.S. Electech, Inc., G.S.W. Manufacturing Inc., and G.S. Wiring Systems Inc. (“G.S. Electech”) | \$120,000 |
| Leoni AG, Leoni Kabel GmbH, Leoni Wiring Systems, Inc., Leonische Holding, Inc., Leoni Wire Inc., Leoni Elocab Ltd. and Leoni Bordnetz-Systeme GmbH (“Leoni”) | \$250,000 |
| Yazaki Systems Technologies GmbH (formerly S-Y Systems Technologies Europe, GmbH) (“S-Y Systems”) | \$50,000 |
| Total | \$25,590,780 |

The settlements were approved by the Ontario, British Columbia and Quebec Courts and the Automotive Wire Harness Systems Proceedings were certified against the settling defendants for settlement purposes. The settling defendants do not admit, and expressly deny, any wrongdoing or liability.

The Yazaki, Chiyoda, Fujikura, Furukawa, Sumitomo, G.S. Electech, Leoni, and S-Y Systems settlement amounts (less court approved counsel fees, disbursements and notice costs) are being held in an interest-bearing account for the benefit of settlement class members. The Lear settlements funds were used to fund out-of-pocket costs incurred by class counsel in the litigation.

D. DISTRIBUTION OF SETTLEMENT FUNDS

The aggregate settlement amounts, plus interest and less court-approved legal fees and deductions (the “Net Settlement Amount”), are available for compensation to settlement class members. The Net Settlement Amount equals approximately \$15 million.

The Ontario, British Columbia and Quebec Courts approved a protocol for distributing the Net Settlement Amount. A copy of the Distribution Protocol is available at www.autopartsettlement.ca.

The Distribution Protocol is designed to compensate purchasers of automotive vehicles containing Automotive Wire Harness Systems in a manner that best reflects the anticipated impact of the alleged price-fixing. In consultation with Class Counsel, the Claims Administrator can seek directions from the Ontario Court with respect to the distribution to ensure a fair and cost effective distribution.

For the purpose of the Distribution Protocol, “Affected Vehicle” means new passenger cars, sport utility vehicles, vans, and light trucks (up to 10,000 lbs) purchased and/or leased between January 1, 1999 and November 30, 2014 under the following brands: Honda/Acura, Nissan/Infiniti, Toyota/Lexus, Subaru, and new Pontiac Vibes purchased and/or leased between January 1, 1999 and November 30, 2014. **As noted above, no wrongdoing is alleged as against these entities and they are not defendants in the class actions.**

Subject to further order of the Ontario Court, the settlement funds will be distributed *pro rata* (proportional) based on the value of your claim relative to the value of all approved claims. The value of your claim will depend on:

- (a) The purchase price of the Affected Vehicle: Purchase price will be primarily based on the manufacturer’s suggested retail price (“MSRP”). For leased vehicles, the purchase price will be based on a portion of the MSRP depending on the duration of the lease. In certain circumstances, the purchase price will be determined based on information provided by the Settlement Class Member as part of the claims process.
- (b) The timing of the Affected Vehicle purchase or lease: Purchases and leases between March 1, 2010 and November 30, 2014 will be discounted by 50% to reflect the additional litigation risks associated with proving damages during this period.
- (c) The categorization of the Settlement Class Member: Settlement class members will be categorized as follows:
 - (i) *National Brand Importers* means GM Motors (in respect of the Pontiac Vibe), Nissan Canada, and Subaru Canada. National Brand Importers’ purchases or leases will be valued at 7.5% of the purchase price.
 - (ii) *Dealer* means a Settlement Class Member who purchased Affected Vehicles from a National Brand Importer, Honda Canada, Toyota Canada or a subsidiary thereof, for resale to End Users. Dealer’s purchases or leases will be valued at 25% of the purchase price.
 - (iii) *End User* means a Settlement Class Member who purchased or leased an Affected Vehicle for its own use and not for commercial resale. End Users’ purchases or leases will be valued at 67.5% of the purchase price.

Sample Calculation:

If an End User purchased Affected Vehicles with purchase prices totaling \$50,000 between January 1, 1999 and February 28, 2010, and \$75,000 between March 1, 2010 and November 30, 2014, its claim value for the purposes of determining its *pro rata* share of the net settlement funds would be calculated as follows:

$\$50,000$ (representing the purchase price) $\times 1$ (representing the timing of the purchase or lease)
 $\times 0.675$ (representing the categorization of the settlement class member as an End User) =
 $\$33,750$

Plus

$\$75,000$ (representing the purchase price) $\times 0.5$ (representing the timing of the purchase or lease)
 $\times 0.675$ (representing the categorization of the Settlement Class Member as an End User) =
 $\$25,312.50$

Assuming the value of all qualifying Settlement Class Members' claims totalled \$10 billion, this Settlement Class Member would be entitled to 0.0000059% ($\$59,062.50/\10 billion) of the net settlement funds.

Notwithstanding the foregoing, subject to further order of the Ontario Court following the adjudication of all claims, all valid claims will be assigned a minimum value of \$25. This minimum applies after totalling any entitlements pursuant to the Distribution Protocol and any other auto parts distributions that occur in conjunction with the within distribution. For example, if a Settlement Class Member is entitled to \$17 pursuant to the Distribution Protocol and an additional \$6 pursuant to any other auto parts distributions that occur in conjunction with the within distribution, the Settlement Class Member would receive a \$2 increase, for a total payment of \$25.

Recognizing that not all Settlement Class Members are eligible for a direct payment, a *cy pres* payment in the amount of \$250,000¹ will be made to the following non-profit organizations in equal shares:

- Automobile Protection Association
- London Community Foundation – as a national grant coordinator
- Pro Bono Canada

E. APPLYING TO RECEIVE A PAYMENT

Settlement Class Members who wish to apply for compensation under the settlements must apply no later than June 12, 2020. Claims that are not made within the deadline may not be eligible for compensation. Applications for settlement benefits must be submitted via the online claim form available at www.autopartsettlement.ca. If you do not have internet access, but wish to apply for settlement benefits, please contact the claims administrator at 1-866-474-4331.

Honda, Nissan, Toyota, Subaru and General Motors provided customer information to the Claims Administrator in accordance with Court order. No wrongdoing is alleged as against these companies and they were not involved in the Canadian Automotive Wire Harness Systems class action.

End Users:

Where available, End Users can rely on customer information provided by Honda, Nissan, Toyota, Subaru and/or General Motors as proof of purchase. These entities were authorized or compelled by court order to disclose their relevant sales records to the Claims Administrator for the benefit of Settlement Class

¹ Less any amounts payable to the Quebec Fonds d'aide aux actions collectives in accordance with the governing regulations.

Members. Depending on the nature of the information available from Honda, Nissan, Toyota, Subaru and/or General Motors, the information will either be provided to you in the form of the letter and prepopulated within the online claim form or will be provided only to the Claims Administrator and the Claims Administrator will have that information available to it while adjudicating your claim.

If the purchase information you disclose on the claim form matches the information provided by Honda, Nissan, Toyota, Subaru and/or General Motors, no additional proof of purchase is required. If the purchase information you disclose on the claim form does not match the information provided by Honda, Nissan, Toyota, Subaru and/or General Motors, your claim may be subject to an audit.

End Users who did not receive a letter and prepopulated online claim form or who are claiming for additional purchases not included in the prepopulated online claim form, must provide the following:

- (a) Individual End Users and Commercial End Users with purchases of up to fifteen (15) Affected Vehicles must provide a declaration attesting to the purchases.
- (b) Commercial End Users with purchases of more than fifteen (15) Affected Vehicles must provide a declaration of the aggregate amount of purchase and/or lease payments, less any taxes, shipping, delivery charges, rebates, discounts etc. (and plus any buy-out amount, if applicable) of the Affected Vehicles.

Where the claimed purchases cannot be substantiated using the information provided by Honda, Nissan, Toyota, Subaru and/or General Motors, the claim might be subject to an audit by the Claims Administrator.

Dealers:

Where available, Dealers can rely on customer information provided by Nissan, Toyota, and/or General Motors as proof of purchase. These entities were authorized or compelled by court order to disclose their relevant sales records to the Claims Administrator for the benefit of Settlement Class Members. The information will be provided to you in the form of the letter and prepopulated within the online claim form. If you agree with the purchase information provided, no additional proof of purchase is required in respect of those purchases. Honda and Subaru will provide to its dealers a purchase summary upon request.

Honda and Subaru Dealers and Dealers who are claiming for purchases of Affected Vehicles in addition to those substantiated by information provided by Nissan, General Motors, and/or Toyota, must provide a declaration of their aggregate purchase price and/or lease payments, less any taxes, shipping, delivery charges, rebates, discounts etc. of the Affected Vehicles. Claims may be subject to an audit by the Claims Administrator.

If you are a General Motors, Honda/Acura, Nissan/Infiniti, Toyota/Lexus or Subaru Dealer, you should preserve your customer purchase records (specifically, customer name and purchase price information) of Affected Vehicles sold between January 1995 and December 2016 until further notice.

National Brand Importers:

National Brand Importers must provide a declaration of the aggregate purchase price and/or lease payments, less any taxes, shipping, delivery charges, rebates, discounts etc. of the Affected Vehicles. Claims may be subject to an audit by the Claims Administrator.

Audit:

If your claim is selected for an audit, you will be required to provide proof of purchase to substantiate your purchases of Affected Vehicles. You will be notified by the Claims Administrator if your claim is selected for audit and the specific information required in response to the audit.

The audit process is described in the Distribution Protocol found at www.autopartsettlement.ca.

Consent to Receiving Notice

As part of your application for settlement benefits, you will have the opportunity to consent to receiving information respecting the distribution of any settlement funds in the other Canadian auto parts price-fixing class actions. The vehicles, makes, models and years affected by those class actions may be different.

F. CLAIMS ADMINISTRATOR

The courts have appointed RicePoint Administration Inc. (an independent third-party) to receive and review claims, make determinations in respect of direct payment of settlement benefits, and issue payments to eligible settlement class members.

Questions regarding the claims process should be directed to RicePoint at 1-866-474-4331 or autoparts@ricepoint.com.

G. PROPOSED DISTRIBUTION IN OTHER AUTO PARTS ACTIONS

Class action lawsuits have been commenced in Ontario, British Columbia and/or Quebec alleging that automotive part manufacturers conspired to fix prices of Air Flow Meters, Electronic Control Units, Fan Motors, Fuel Senders, Power Window Motors and Windshield Washer Systems. Settlements have now been reached in those actions with all defendants, subject to the approval of the Ontario, British Columbia and/or Quebec courts.

The settlements are subject to approval of the Ontario, British Columbia and/or Quebec Courts. The Ontario Court will hold a hearing to decide whether to approve the settlements in the City of Toronto on February 28, 2020 at 10:00 a.m. The Quebec Court will hold a hearing to decide whether to approve the settlements in the City of Quebec on March 23, 2020 at 9:00 a.m. In accordance with the *Canadian Judicial Protocol for the Management of Multi-Jurisdictional Class Actions*, if the Ontario Court approves the settlements, the BC settlement approval applications will be heard in writing.

The Courts will decide whether the settlements are fair, reasonable, and in the best interests of settlement class members.

As part of the settlement approval hearing, the Ontario, British Columbia and/or Quebec courts will also be asked to approve a protocol for the distribution of the settlement funds (plus interest and less court-approved fees and disbursements). In each of these cases, any person who files a claim pursuant to the Automotive Wire Harness Systems Distribution Protocol will be automatically considered for eligibility and eligibility will be evaluated based on the information provided pursuant to the Automotive Wire Harness Systems Distribution Protocol and in accordance with the procedures provided for in the Automotive Wire Harness Systems Distribution Protocol.

For more information about the proposed settlements and the proposed distribution, including your rights and relevant deadlines, please review the Notice of Settlement Approval Hearing available online at www.siskinds.com/autoparts.

Approximately 40 cases have been commenced in respect of the alleged price-fixing of automotive parts. As additional auto parts cases resolve, it is likely that some of the resolved cases will relate to the same brands and years covered by the Automotive Wire Harness case. Subject to court approval, your eligibility for settlement benefits in those cases may depend on applying for settlement benefits in the Automotive Wire Harness case. If you do not apply for settlement benefits in the Automotive Wire Harness case, you may not be entitled to settlement benefits in those cases. For updates on the status of the proposed distribution of settlement funds, visit www.siskinds.com/autoparts.

H. CLASS COUNSEL

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

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

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 this class action in British Columbia. British Columbia Class Counsel can be reached at:

Telephone: 1-800-689-2322

Email: aslevin@cfmlawyers.ca

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

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 this class action in Quebec. Quebec Class Counsel can be reached at:

Telephone: 418-694-2009

Email: recours@siskindsdesmeules.com

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

You do not need to pay out-of-pocket for the lawyers working on the class actions. The lawyers will be paid from the settlement funds in an amount approved by the courts.

I. QUESTIONS ABOUT THE SETTLEMENTS

More information about the settlements, the distribution of the settlement funds and the claims process is available online at www.autopartsettlement.ca, by email at autoparts@ricepoint.com or by calling toll-free 1-866-474-4331. To receive future notices and updates regarding any of the other auto parts class actions and any future settlements, register online at www.siskinds.com/autoparts.

J. INTERPRETATION

This notice contains a summary of some of the terms of the settlement agreements and the Distribution Protocol. If there is a conflict between the provisions of this notice and the settlement agreements or Distribution Protocol, the terms of the settlement agreements or Distribution Protocol shall prevail.

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