

**LEGAL NOTICE AUTHORIZED BY THE ONTARIO SUPERIOR COURT OF JUSTICE AND THE SUPERIOR COURT OF QUÉBEC**

**NOTICE OF SETTLEMENT APPROVAL HEARING IN CANADIAN PARKING HEATERS CLASS ACTIONS**

**Did you purchase a parking heater, or purchase, lease or sub-lease a commercial vehicle containing a parking heater, between September 13, 2001 and December 31, 2012? If so, your legal rights could be affected.**

**WHAT ARE THE CLASS ACTIONS ABOUT?**

Class actions were initiated in Ontario, British Columbia and Québec against manufacturers and sellers of Parking Heaters (defined below) Espar<sup>1</sup> and Webasto<sup>2</sup> (collectively, the “Defendants”). The lawsuits were brought on behalf of Canadians who purchased Parking Heaters, or purchased, leased or subleased a commercial vehicle containing a parking heater, between September 13, 2001 and December 31, 2012 (“the Class Period”) (“the Class Members”).

A “Parking Heater” is a component used in commercial vehicles to warm the engine and cabin in lieu of idling the vehicle. Parking Heaters are primarily sold in two varieties: “air heaters” or “water/coolant heaters”.

The Class Actions (defined below) have defined a Parking Heater to mean:

1. any variety of parking heater;
2. accessories and/or parts sold for use with a parking heater; or
3. packages containing heaters and accessories and/or parts for parking heaters

that were manufactured or sold by the Defendants for use in a commercial vehicle during the Class Period.

The lawsuits allege that the Defendants participated in an unlawful conspiracy to fix, raise, maintain or stabilize the price of Parking Heaters in Canada, amongst other allegations (the “Class Actions”).

**THE PROPOSED SETTLEMENT**

A settlement has been reached with the Espar Defendants (the “Settlement Agreement”) pursuant to which Espar has agreed to pay a settlement amount of CAD \$9,400,000 (the “Settlement Amount”) for the benefit of the Class Members in exchange for a full release of the claims against them. Espar also agreed to provide information to the plaintiffs that will help with the ongoing case against Webasto. The settlement is not an admission of liability, fault, or wrongdoing, but is a compromise of disputed claims.

**SETTLEMENT APPROVAL HEARINGS**

The Settlement Agreement must be approved by the courts in Ontario and Québec before it becomes effective.

Hearings are currently scheduled to take place as follows:

- Québec: On December 17, 2024 at 9:15 a.m. in person at 1 Notre Dame Street, Montréal, Québec, court room 17.09 and by virtual hearing; and

- Ontario: On January 23, 2025 at 3:00 p.m. by virtual hearing

If you think you are a Class Member and you want to participate in the settlement approval hearing in either Québec or Ontario, please contact the lawyers working on the Class Actions to confirm the date and time of the hearing and for instructions and particulars on how to participate. Contact information for the lawyers can be found below.

**SETTLEMENT APPROVAL AND LAWYERS’ FEES**

At the settlement approval hearings, the courts will determine whether the settlement is fair, reasonable and in the best interest of the Class Members. At the approval hearings, the lawyers working on the Class Actions will be requesting court approval for fees of up to 30% of the Settlement Amount plus disbursements and applicable taxes.

**If you do not oppose the proposed settlement agreement or the legal fees requested, you do not need to appear at the hearing or take any other action at this time.**

If you wish to comment on or object to the proposed settlement or lawyers’ fees, you must send a written submission to Class Counsel by December 16, 2024.

**OPTING-OUT OF THE CLASS ACTIONS**

The court-ordered deadline to opt-out of the Class Actions has expired. If you did not previously opt-out of either of the Class Actions, you are legally bound by the results of the Class Actions, including the Settlement Agreement, if it is approved.

**MORE INFORMATION**

If you have any questions about the Class Actions or to review the long form notice which contains additional information please visit:

<https://www.belleaulapointe.com/recours-collectif/appareil-de-chauffage/> or

<https://www.foremancompany.com/parking-heaters-price-fixing> or

<https://www.cfmlawyers.ca/active-litigation/parking-heaters-price-fixing/> or contact:

*Belleau Lapointe, s.e.n.c.r.l.*: Toll free at 1.888.987.6701 or [info@belleaulapointe.com](mailto:info@belleaulapointe.com) (QC)

*Foreman & Company*: Toll free at 1.855.814.4575 ext. 107, Email: [classactions@formancompany.com](mailto:classactions@formancompany.com) (Canada excluding BC and QC)

*CFM Lawyers LLP*: Toll free at 1.800.686.2322 or Email: [info@cfmlawyers.ca](mailto:info@cfmlawyers.ca) (BC)

<sup>1</sup> Eberspaecher Climate Control Systems USA Inc. (formerly known as Espar Inc.), Eberspaecher Climate Control Systems Canada Inc. (formerly known as Espar Products Inc.), “Espar Climate Control Systems”, Eberspaecher Climate Control Systems International GmbH (formerly known as Eberspaecher Climate Control Systems International

Beteiligungs-GmbH), Eberspaecher Climate Control Systems GmbH (formerly known as J. Eberspaecher GmbH and Co. KG) and Eberspaecher Gruppe GmbH and Co. KG., (collectively “Espar”)

<sup>2</sup> Webasto Thermo and Comfort North Canada Inc., Webasto SE and Webasto Thermo & Comfort SE (collectively “Webasto”)