

NOTICE OF CERTIFICATION IN THE PARKING HEATERS CLASS ACTION

TO: All persons in Canada, excluding Québec, who purchased a Parking Heater, or purchased, leased or sub-leased a vehicle containing a Parking Heater, between September 13, 2001 and December 31, 2012 (the “Class Members” and “Class Period”).

PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS

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What is a Class Action?

A class action is a lawsuit filed by one person on behalf of a large group of people known as the “class” who share “common issues” in the lawsuit. The lawsuit must be “certified” by a Canadian court in order to be deemed a class action.

What is a Parking Heater and what is this Class Action about?

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 Action has defined a Parking Heater to mean a parking heater, accessories and parts sold for use with heaters, 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.

In 2015, a class action was initiated in Ontario on behalf of Canadians, excluding residents of Québec, who purchased a Parking Heater or purchased, leased or sub-leased a vehicle containing a Parking Heater during the Class Period (the “Class Action”). The Class Action claims

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or call 1.855.814.4575 ext. 107 (toll free)

that the companies who manufacture and sell Parking Heaters were involved in a conspiracy to unlawfully increase the prices of Parking Heaters.

Separate actions were commenced in British Columbia, but those actions have been stayed and the BC class members will be represented in the Ontario action.

A separate lawsuit was initiated in Québec on behalf of Québec residents who purchased a Parking Heater or purchased, leased or sub-leased a vehicle containing a Parking Heater during the same Class Period (the “Québec Action”). The Québec Action has been authorized (certified) by the Québec Court and the opt-out period for the Québec Action has expired.

The named defendants are: Espar Inc., Espar Products Inc., Eberspaecher Climate Control Systems International Beteiligungs-GMBH, Eberspaecher Climate Control Systems GMBH & Co. KG (formerly known as J. Eberspaecher GMBH and Co. KG), Eberspaecher Gruppe GMBC and Co. KG, Webasto Thermo and Comfort North America Inc., Webasto SE and Webasto Thermo & Comfort SE.

Foreman & Company is counsel to the plaintiff in the Class Action. Foreman & Company is working in concert with Camp Fiorante Matthews Mogerman ^{LLP} in British Columbia to prosecute the Class Action (“Class Counsel”) and with Belleau Lapointe s.e.n.c.r.l. in Québec to coordinate the Québec Action with the Class Action.

What is Certification?

The Court has “certified” the Class Action meaning the Court has agreed that the lawsuit is suitable to proceed to trial as a class action.

Certification is not a ruling on the merits of the case and the Court has not yet made a decision on the allegations made in the Class Action.

What is a Settlement and what Settlements have been reached in the Class Action?

A settlement occurs when the parties in litigation agree to resolve the dispute between them on terms that are established through negotiations.

A settlement has been reached with the defendant Volker Hohensee in the Class Action. Mr. Hohensee is a former executive who worked for one of the Espar defendants. Mr. Hohensee is not one of the corporate defendants. He was named as a defendant in the Ontario action by the plaintiff based on his potential knowledge of the facts surrounding the allegations in the case. The Class Action will continue against the other named defendants.

Mr. Hohensee has agreed to provide early cooperation and assistance to the plaintiffs in Ontario and Québec by providing evidence in respect of the alleged conspiracy by the defendants. In exchange, Mr. Hohensee will be provided with a release of the claims against him.

The settlement is not an admission by Mr. Hohensee of liability, fault, or wrongdoing, but is a compromise of the disputed claims.

The settlement is subject to court approval. A settlement approval hearing will take place before the Ontario Superior Court of Justice on April 29, 2021 at 9:00 a.m. It is currently anticipated that the hearing will be conducted virtually by Zoom. You can participate in the hearing by using the

following information: <https://zoom.us/j/91972027948> or (tel): 647.374.4685; Meeting ID: 919 7202 7948. Alternative local phone numbers can be found at <https://zoom.us/u/acdgcyHvar>. Any updates with respect to the hearing will be posted on www.foremancompany.com/parking-heaters-price-fixing. Please check the website or contact Class Counsel for further information in advance of the settlement approval hearing.

At the hearing, the court will decide whether the settlement is fair, reasonable and in the best interest of Class Members. If the settlement is not approved the litigation will continue against Mr. Hohensee.

What happens next?

The plaintiff and the Defendants in the Class Action will now engage in a process known as discovery where they exchange relevant documents and examine representative witnesses for each side.

The matter will then proceed to trial. At trial a judge will decide whether or not the claims will be successful and whether remedies should be ordered in favour of Class Members.

Who is a Class Member in the Class Action?

You are a class member if between September 13, 2001 and December 31, 2012 you:

- Purchased a Parking Heater or you purchased, leased or sub-leased a vehicle containing a Parking Heater which was manufactured or sold by a defendant for use in a commercial vehicle; and
- You are a Canadian resident, excluding residents of Québec.

What do I need to do at this time?

If you do not oppose the proposed settlement and you wish to be included in the Class Action you do not need to appear at the hearings or take any other action at this time to indicate your desire to participate in the lawsuit.

If you do nothing:

- You will be eligible to participate in the Class Action; and
- You may receive money from the Class Action if the lawsuit is successful; but
- You will not be able to start or continue your own lawsuit against the defendants regarding the claims at issue in the Class Action; and
- You will be bound by the results of the Class Action, win or lose.

If you wish to receive future court-approved notices and updates regarding this Class Action directly, please send an e-mail with your full name, mailing address and telephone number to classactions@foremancompany.com

If you want to tell the court what you think about the proposed settlement or speak to the court at the hearing mentioned above, you must send your written submissions to Class Counsel by April 19, 2021. Contact information for Class Counsel can be found below. Class Counsel will file all submissions with the court.

What if I don't want to be in the Class Action?

If you do not want to be a member of the Class Action, you must exclude yourself from the Class Action by opting-out by April 5, 2021 at the latest.

You can opt-out by sending a signed letter to Class Counsel, by pre-paid mail, courier, fax or e-mail at the following address:

Foreman & Company
 Attention: Jonathan Foreman
 Mail: 4 Covent Market Place, London, ON N6A 1E2
 Fax: 1.226.884.5340
 E-mail: classactions@foremancompany.com

All opt-outs must contain 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 Parking Heaters Class Action; and
- Your signature.

Your opt-out must be received **no later than April 5, 2021**.

If you exclude yourself by opting-out:

- You will not be eligible to participate in the Class Action;
- You will not receive any money from the Class Action; but
- You may be able to start or continue your own lawsuit against the defendants, at your own obligation and expense, regarding the claims at issue in the Class Action. If you wish to pursue your claims on an individual basis, you should consider consulting with a lawyer to discuss your options and any applicable deadlines for commencing your action.

This is your only chance to exclude yourself by opting-out of the Class Action. You will not have another opportunity to opt-out of the Class Action in the future. If you have questions about the Class Action or the opt-out process, you are encouraged to contact Class Counsel using the contact particulars described below. More information concerning opt-outs is also available at www.foremancompany.com/parking-heaters-price-fixing.

Can I be a member of the class and still comment on the proposed settlement?

Yes, if you do not opt-out of the Class Action, you will be a member of the class. As a member of the class, you have the right to comment on the proposed settlement with Mr. Hohensee. If you want to tell the court what you think about the proposed settlement or speak to the court at the hearing mentioned above, you must send your written submissions to Class Counsel by April 19, 2021. Contact information for Class Counsel can be found below. Class Counsel will file all submissions with the court.

What do I have to pay?

You do not have to pay the lawyers working on the Class Action any money. Class Counsel will only get paid if the Class Action is successful, and if so, they are paid out of any recovery that is achieved on behalf of Class Members. The Court will be asked to decide how much Class Counsel will be paid. Class Counsel will seek a legal fee of up to 30% of the value of the results obtained, plus disbursements (out of pocket expenses) and applicable taxes at the appropriate time. Class Counsel is not seeking legal fees at this time.

Who are the lawyers working on the Class Action?

- Foreman & Company represents Class Members in all provinces other than Québec. Foreman & Company can be reached at:

Tel: 1.855.814.4575 ext. 107 (toll free)

Fax: 1.226.884.5340

E-mail: classactions@foremancompany.com

Mail: 4 Covent Market Place, London, ON N6A 1E2, Attention: Jonathan Foreman.

- Camp Fiorante Matthews Mogerman ^{LLP} is working in concert with Foreman & Company. Camp Fiorante Matthews Mogerman ^{LLP} can be reached at:

Tel: 1.800.689.2322 (toll free)

Fax: 1.604.698.7554

E-mail: info@cfmlawyers.ca

Mail: Suite 400, 856 Homer Street, Vancouver, BC V6B 2W5, Attention: Aisling Slevin

- Belleau LaPointe s.e.n.c.r.l. represents Class Members in Québec. Belleau LaPointe s.e.n.c.r.l. can be reached at:

Tel: 1.888.987.6701 (toll free)

Fax: 1.514.987.6996

E-mail: info@belleaulapointe.com

Mail: 300, Place d'Youville, Bureau B-10, Montréal, Québec H2Y 2B6, Attention: Emilie Kokmanian

Where can I ask more questions?

A copy of the Certification Order, Settlement Agreement and other important documents can be viewed on the dedicated Parking Heaters Class Action website at www.foremancompany.com/parking-heaters-price-fixing. If you would like a copy of the Certification Order, Settlement Agreement, or have questions that are not answered online, please contact the lawyers identified above. Inquiries should not be directed to the Court.

Interpretation

This notice contains a summary of some of the terms in the Certification Order and Settlement Agreement. If there is a conflict between the provisions of this notice and the Certification Order and/or the Settlement Agreement, the terms of the Certification Order and/or Settlement Agreement shall prevail.