

**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 or certain automotive parts, since January 1995, 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.

In the Hitachi and Mitsuba 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 Koito, NGK, Nishikawa, ~~and~~ Sumitomo Riko, and Takata Settlement Agreements, Automotive Vehicle is defined as: all passenger cars, sport utility vehicles, vans, and light trucks (up to 10,000 lbs).

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

Part	Description	Class Period
Autolights	An Autolight is a headlight and/or rear combination light. A headlight is an automotive light installed in the front of an Automotive Vehicle, and may include a headlight, clearance light and/or turn signal. A rear combination light is an automotive light installed in the rear of an Automotive Vehicle, and may include a back-up light, tail light, stop light and/or turn signal.	June 1, 1997 to ●
Anti-Vibration Rubber	Anti-Vibration Rubber is a device composed primarily of rubber and metal and is installed in an Automotive Vehicle to reduce engine and road vibration.	March 1, 1996 to ●
Automotive Hoses	An Automotive Hose includes high pressure and low pressure hoses, made from a variety of materials, including but not limited to rubber, metal and silicon, which carry and transfer fluids throughout and between various component parts of an Automotive Vehicle.	February 1, 2004 to ●
Body Sealing Parts	A Body Sealing Part includes without limitation, body-side opening seals, door-side weather stripping, glass-run channels, trunk lids, trunk lid weather stripping and other small seals, which are installed in an Automotive Vehicle to keep the interior dry from rain and free from wind and exterior noises.	January 1, 2000 to ●
Ceramic Substrates	A Ceramic Substrate is an uncoated ceramic cylindrical or rectangular tube containing a fine mesh-like inner structure that runs the length of the tube. A Ceramic Substrate is coated with a mix of metals and other chemicals and then	July 1, 2000 to ●

Part	Description	Class Period
	incorporated into a catalytic converter.	
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 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
Fan Motors	A Fan Motor is a small electric motor used to turn radiator cooling fans in an Automotive Vehicle.	January 1, 2000 to ●
Fuel Injection Systems	A Fuel Injection System admits fuel or a fuel/air mixture into engine cylinders, and includes, without limitation, the following components: injectors, high pressure pumps, rail assemblies, feed lines, and other components sold as a unitary system.	January 1, 2000 to March 20, 2017
High Intensity Discharge Ballast	A High Intensity Discharge Ballast is an electrical device that limits the amount of electrical current flowing to a high intensity discharge headlamp, which would otherwise rise to destructive levels due to the high intensity discharge headlamp's negative resistance.	July 1, 1998 to August 13, 2018
Power Window Motors	A Power Window Motor is a small electric motor that is used to raise and lower windows in an Automotive Vehicle.	January 1, 2000 to ●
<a href="#"><u>Occupant Safety Systems</u></a>	<a href="#"><u>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.</u></a>	<a href="#"><u>January 1, 2003 to December 4, 2014</u></a>
Shock Absorbers	A Shock Absorber includes a mechanical or hydraulic device of either a twin-tube or mono-tube design used to absorb and damp shock impulses allowing for improved ride quality and vehicle handling.	January 1, 1995 to ●
Starters	A Starter is a device that powers an Automotive Vehicle's battery to "turn over" and start when the driver turns the ignition switch.	January 1, 2000 to March 20, 2017
Windshield Washer Systems	A Windshield Washer System means a system that includes windshield wipers and components such as the motor, linkage arm and blade.	January 1, 2000 to ●
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 British Columbia, Ontario and/or Quebec, but include Canadian residents in all provinces and territories. The 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, Quebec, and British Columbia 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:

- Hitachi, Ltd., Hitachi Automotive Systems, Ltd. and Hitachi Automotive Systems Americas, Inc. (“Hitachi”);
- Koito Manufacturing Co., Ltd and North American Lighting, Inc. (“Koito”);
- Mitsuba Corporation and American Mitsuba Corporation (“Mitsuba”);
- NGK Insulators, Ltd., NGK Ceramics USA, Inc., NGK Automotive Ceramics USA, Inc. and NGK Insulators of Canada, Ltd. (“NGK”);
- Nishikawa Rubber Co. (“Nishikawa”); and
- Sumitomo Riko Company Limited (formerly known as Tokai Rubber Industries, Ltd.) and SumiRiko Ohio, Inc. (formerly known as DTR Industries, Inc.) (“Sumitomo Riko”).

These defendants (“Settling 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.

Hitachi	
Shock Absorbers	\$1,818,000
Koito	
Autolights	\$3,666,000
High Intensity Discharge Ballasts	\$234,000
Total	\$3,900,000
Mitsuba	
Autolights	\$150,000
Electric Powered Steering Assemblies	\$150,000
Electronic Throttle Bodies	\$150,000

Fan Motors	\$476,042.96
Fuel Injection Systems	\$179,105.24
Power Window Motors	\$2,491,762.84
Starters	\$1,228,599.32
Windshield Washer Systems	\$201,100.67
Windshield Wiper Systems	\$4,273,388.97
Total	\$9,300,000
NGK	
Ceramic Substrates	\$2,128,160
Nishikawa	
Body Sealing Parts	\$5,750,000
Sumitomo Riko	
Anti-Vibration Rubber	USD\$1,150,000
Automotive Hoses	USD\$50,000
Total	USD\$1,200,000

The Settling Defendants have also agreed to provide cooperation to the plaintiffs in pursuing the class actions against the remaining defendants. The Settling 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 Courts will hold hearings ~~to decide whether to approve these settlements, where applicable,~~ in the Quebec Court in the City of Quebec on ●, 2019 at ●, in the Ontario Court in the City of Toronto on April 25, 2019 at 10:00 a.m., and in the British Columbia Court in the City of Vancouver on ●, 2019 at ●. The Courts will decide whether the settlements are fair, reasonable, and in the best interests of settlement class members. [For members of the Nishikawa Settlement Class who are resident in Quebec, the settlement is subject to an enforcement and recognition application.](#)

[A settlement has also been achieved with the defendants TK Holdings Inc. and Takata Corporation \(collectively, “Takata”\), which obtained a stay of the class action in respect of Occupant Safety Systems due to bankruptcy proceedings in the U.S. and Canada. Takata agreed to value the Occupant Safety Systems claim at the amount set out below in exchange for a full release of the claims against it relating to the pricing of Occupant Safety Systems.](#)

<a href="#">Takata</a>	
<a href="#">Occupant Safety Systems</a>	<a href="#">USD\$7,000,000</a>

[The amount to be paid by Takata will depend on the recovery rate for unsecured claims, to be determined at a later date by the bankruptcy courts. The Canadian court will hold a hearing ~~to decide whether to approve the proposed Takata settlement~~ at the Commercial List court in the City of Toronto on April 29, 2019 at 10:00am.](#)

## 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 new Automotive Vehicles or automotive parts from January 1995 onward.<sup>1</sup> Records include invoices, receipts and bank or loan statements.
2. Automotive dealerships should keep records of any sales or leases of new Automotive Vehicles or automotive parts from January 1995 onward.

<sup>1</sup> The earliest class period in the Canadian auto parts class actions commences in January 1995.

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.

If you want to tell the Court what you think about the proposed settlements or speak to the Court at the hearings listed above, you must send your written submissions to Class Counsel by email at [autoparts@sotosllp.com](mailto:autoparts@sotosllp.com) no later than ●. The written submissions must state the nature of any comments or objections, and whether you intend to appear at the settlement approval hearing.

You may (but do not need to) attend the hearings. If you wish to attend the hearings, please contact Class Counsel for additional details.

## **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 electric powered steering assemblies, electronic throttle bodies, fuel injection systems, high intensity discharge ballasts, starters, and windshield wiper systems 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 autolights, anti-vibration rubber, automotive hoses, body sealing parts, ceramic substrates, fan motors, power window motors, shock absorbers, and windshield washer system 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; and
- 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.

Requests to opt out of the proceedings must be post-marked by ●. Residents of Quebec must also send their opt out letter to the Clerk of the Superior Court of Quebec, located at 300, boulevard Jean-Lesage by Québec (Québec) G1K 8K6, by ●.

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 autolights, anti-vibration rubber, automotive hoses, body sealing parts, ceramic substrates, fan motors, power window motors, shock absorbers, and windshield washer 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 ceramic substrates and power window motors. 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 autolights, anti-vibration rubber, fuel injection 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 Siskinds Desmeules s.e.n.c.r.l. represents individuals and corporations of 50 or less employees who are members of the autolights, anti-vibration rubber, electronic throttle bodies, fuel injection systems, shock absorbers, starters, 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 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 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 Hitachi, Koito, Mitsuba, NGK, Nishikawa, ~~and~~ Sumitomo Riko, and Takata 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.

Document comparison by Workshare 9 on Thursday, February 07, 2019 10:54:55 AM

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