

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

**If you bought or leased, directly or indirectly, 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 Mistuba 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 NGK, Sumitomo Riko and TK Holdings 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 the following class actions relating to the following automotive parts (the “Relevant Parts”):

<b>Part</b>	<b>Description</b>	<b>Class Period</b>
Anti-Vibration Rubber Parts	Anti-Vibration Rubber Parts are devices composed primarily of rubber and metal and are installed in an Automotive Vehicle to reduce engine and road vibration.	March 1, 1996 to April 2, 2019
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 April 2, 2019
Automotive Hoses (including Automotive Brake 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 April 2, 2019
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 incorporated into a catalytic converter.	July 1, 2000 to April 2, 2019

Part	Description	Class Period
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 April 2, 2019
Fuel Injection Systems	A Fuel Injection System admits fuel or a fuel/air mixture into the engine cylinders of Automotive Vehicles. The term “Fuel Injection System” as used herein also includes any of the 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
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
Power Window Motors	A Power Window Motor is a small electric motor that is used to raise and lower Automotive Vehicle windows.	January 1, 2000 to April 2, 2019
Shock Absorbers	A Shock Absorber is the part(s) of the suspension system on Automotive Vehicles that absorbs and dissipates energy to help cushion Automotive Vehicles on uneven roads leading to improved ride quality and vehicle handling.	January 1, 1995 to April 2, 2019
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
Windshield Washer Systems	A Windshield Washer System means a system that includes pumps, hoses, nozzle, and tank necessary to deliver washer fluid to Automotive Vehicle windows.	January 1, 2000 to April 2, 2019
Windshield Wiper Systems	A Windshield Wiper System means a system that includes windshield wipers and components such as the motor, linkage arm and blade in an Automotive Vehicle.	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 applicable Courts 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?**

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

- purchased or leased, directly or indirectly, a new or used Automotive Vehicle in Canada;
- purchased a new or used Automotive Vehicle for import into Canada; or
- purchased, directly or indirectly, 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 full release of the claims against them, 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”);
- 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”); and
- Sumitomo Riko Company Limited (formerly known as Tokai Rubber Industries, Ltd.), SumiRiko Tennessee, Inc. (formerly known as DTR Tennessee, Inc.) 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 and for the dismissal of any actions commenced in Canada by settlement class members relating to the pricing of the Relevant Parts.

<b>Hitachi</b>	
Shock Absorbers	\$1,818,000
<b>Mitsuba</b>	
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
<b>NGK</b>	
Ceramic Substrates	\$2,128,160

Sumitomo Riko	
Anti-Vibration Rubber Parts	USD\$1,150,000
Automotive Hoses (including Automotive Brake Hoses)	USD\$50,000
Total	USD\$1,200,000

The Settling Defendants have also agreed to provide cooperation to the plaintiffs in pursuing the applicable class actions against the remaining defendants. The Settling Defendants do not admit any liability, wrongdoing or fault.

## E. SETTLEMENT APPROVAL HEARINGS

Depending on where each action was commenced, the settlements are subject to the approval of one or more of the Ontario, British Columbia and/or Quebec Courts. However, in all circumstances, the settlements are national in scope. Even where there is no action commenced in British Columbia or Quebec, residents of those provinces are included in the national classes of the actions commenced in Ontario.

The approval processes for the settlements are described below.

### E.1 TK HOLDINGS (OCCUPANT SAFETY SYSTEMS) SETTLEMENT

A settlement has also been achieved with the defendant TK Holdings Inc. (“TK Holdings”), which obtained a stay of the class action in respect of occupant safety systems due to bankruptcy proceedings in the U.S. and Canada. TK Holdings agreed to value the occupant safety systems claim at USD\$7,000,000 in exchange for a release of claims relating to the alleged price-fixing of occupant safety systems. The amount to be paid by TK Holdings will depend on the recovery rate for unsecured claims in the bankruptcy proceedings, to be determined at a later date by the bankruptcy courts.

The TK Holdings settlement agreement is subject to the approval of the Ontario Court that is overseeing TK Holding’s Canadian bankruptcy proceedings. That Court will hold a hearing to decide whether to approve the proposed TK Holdings settlement in the City of Toronto on June 18, 2019 at 10:00 am. The Court will decide whether the settlement is fair, reasonable, and in the best interests of settlement class members.

### E.2 THE OTHER SETTLEMENTS

The other settlements are subject to the approval of one or more of the Ontario, Quebec and British Columbia Courts. The Courts will hold hearings to decide whether to approve these settlements, where applicable, in the Ontario Court in the City of Toronto on May 28, 2019 at 10:00 a.m., in the Quebec Court in the City of Quebec on June 17, 2019 at 9:30 a.m. and in the British Columbia Court in the City of Vancouver on June 19, 2019 at 9:00 a.m. The BC hearing is 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*, 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.

The following chart identifies which Courts will be asked to approve the settlements:

Settling Defendant	Part	Approving Court(s)
Hitachi	Shock Absorbers	Ontario and Quebec
Mitsuba	Autolights	Ontario and Quebec
	Electric Powered Steering Assemblies	Ontario
	Electronic Throttle Bodies	Ontario and Quebec
	Fan Motors	Ontario
	Fuel Injection Systems	Ontario, British Columbia and Quebec
	Power Window Motors	Ontario

	Starters	Ontario, British Columbia and Quebec
	Windshield Washer Systems	Ontario
	Windshield Wiper Systems	Ontario, British Columbia and Quebec
NGK	Ceramic Substrates	Ontario
Sumitomo Riko	Anti-Vibration Rubber Parts	Ontario, British Columbia and Quebec
	Automotive Hoses (including Automotive Brake Hoses)	Ontario

## F. WHAT DO I NEED TO DO?

**If you want to be a member of any 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, Relevant Parts or other automotive parts in respect of which there is pending litigation (see [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts) for a complete list) 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, Relevant Parts or other 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.

If you want to tell the Courts what you think about the proposed settlements or speak to the Courts at the hearings listed above, you may take the following steps.

### **Submissions in writing**

If you want to address the Courts in writing, you must send your written submissions to Class Counsel by email at [autoparts@sotosllp.com](mailto:autoparts@sotosllp.com) no later than May 21, 2019.

The written submissions must state the nature of any comments or objections, and whether you intend to appear at the settlement approval hearing(s). The written submissions can be provided in English or French (where necessary, an unofficial translation will be provided to the Courts).

Class Counsel will provide a copy of any written submissions to the Courts being asked to approve the settlement agreements.

### **Presence in person before the Courts**

All members of the settlement classes may (but you do not need to) attend the hearing before the applicable Courts to approve the settlements. If you wish to do so, you can attend the hearing in person by being present at the applicable Court at the following addresses:

Ontario - Osgoode Hall, 130 Queen Street West, Toronto, ON.

Quebec - 300 Boulevard Jean Lesage, Québec, QC.

British Columbia – 800 Smithe Street, Vancouver, BC (Note that the BC hearing is for the purpose of hearing submissions from settlement class members only, and the applications will otherwise proceed in writing).

To make alternative arrangements to attend the hearing, please contact Class Counsel at [autopartsclassaction@siskinds.com](mailto:autopartsclassaction@siskinds.com), to the attention of Linda Visser.

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

## **G. 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 decide how the settlement funds will be distributed and how you can apply to receive money from these settlements. Watch for another notice at a later time explaining how to claim money from the settlements.

## **H. 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, occupant safety systems, 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 anti-vibration rubber parts, autolights, automotive hoses (including automotive brake hoses), ceramic substrates, fan motors, power window motors, shock absorbers, and windshield washer 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; 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 July 8, 2019.

If you are a resident of Québec and wish to opt out, you must also send your opt-out letter to the Clerk of the Superior Court of Quebec, located at 300, Boulevard Jean-Lesage, Québec (Québec) G1K 8K6, by July 8, 2019.

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 anti-vibration rubber parts, autolights, automotive hoses (including automotive brake hoses), 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).

The plaintiffs in the Ontario automotive hoses action are seeking relief from joinder to separate the claims for automotive hoses and automotive brake hoses into two separate actions. The Sumitomo Riko settlement covers both

automotive hoses and automotive brake hoses, as such, the right to opt out of the automotive hoses action also applies to the proposed automotive brake hoses action and no further right to opt out will be provided in respect of that proposed action.

## **I. 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 x 2286

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

Mail: 680 Waterloo Street, London, ON N6A 3V8 Attention: Linda Visser / Sylvia Flower

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 Mogerma LLP represents members of the anti-vibration rubber parts, autolights, fuel injection systems, 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 Siskinds Desmeules s.e.n.c.r.l. represents individuals and corporations of 50 or less employees who are members of the anti-vibration rubber parts, autolights, electronic throttle bodies, fuel injection systems, occupant safety 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.

## **J. 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).

**K. INTERPRETATION**

This notice contains a summary of some of the terms of the Hitachi, Mitsuba, NGK, Sumitomo Riko and TK Holdings 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.