

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE
JUSTICE BELOBABA

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TUESDAY, THE 28TH DAY
OF MAY, 2019

BETWEEN:



**SHERIDAN CHEVROLET CADILLAC LTD.,
THE PICKERING AUTO MALL LTD., FADY SAMAHA
and NILRU INC.**

Plaintiffs

- and -

**KAYABA INDUSTRY CO. LTD. d/b/a/ KYB CORPORATION, KYB AMERICAS
CORPORATION, HITACHI, LTD., HITACHI AUTOMOTIVE SYSTEMS, LTD.,
HITACHI AUTOMOTIVE SYSTEMS AMERICAS, INC., SHOWA CORPORATION,
AMERICAN SHOWA, INC., and SHOWA CANADA INC.**

Defendants

Proceeding under the *Class Proceedings Act, 1992*

**ORDER
- Shock Absorbers -
Class Counsel Fee Approval - HIAMS**

THIS MOTION made by Class Counsel for an Order approving the payment of Class Counsel legal fees and disbursements, was heard this day at Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

ON READING the materials filed and on hearing the submissions of Class Counsel;

1. **THIS COURT ORDERS** that the retainer agreements entered into with the proposed representative plaintiffs, Sheridan Chevrolet Cadillac Ltd., The Pickering Auto Mall Ltd.,

Fady Samaha and NILRU Inc. are hereby approved, pursuant to section 32(2) of the *Class Proceedings Act, 1992*.

2. **THIS COURT ORDERS** that a legal fee of \$421,776.00 plus disbursements of \$8,358.47 (including interest), plus applicable taxes is awarded to Class Counsel with respect to the settlement agreement entered into with Hitachi, Ltd., Hitachi Automotive Systems, Ltd. and Hitachi Automotive Systems America, Inc., dated February 27, 2019 (the "HIAMS Settlement Agreement").
3. **THIS COURT ORDERS** that Class Counsel legal fees, disbursements, interest and applicable taxes shall be paid from the settlement funds, pursuant to the terms of the HIAMS Settlement Agreement.
4. **THIS COURT ORDERS** that this Order is contingent upon approval of the HIAMS Settlement Agreement by the Superior Court of Quebec, and the terms of this Order shall not be effective unless and until such an Order is made by the Superior Court of Quebec.



The Honourable Justice Belobaba

ENTERED AT / INSCRIPT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO:

MAY 31 2019

PER/PAR



**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

Proceeding under the *Class Proceedings Act, 1992*

**ORDER
- Shock Absorbers -
Class Counsel Fee Approval - HIAMS**

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