

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MR.) Monday, THE 8TH DAY
)
JUSTICE BELOBABA) OF DECEMBER, 2014

B E T W E E N :

SHERIDAN CHEVROLET CADILLAC LTD., PICKERING AUTO MALL LTD., URLIN
RENT A CAR LTD., KATE O’LEARY SWINKELS, and FADY SAMAHA

Plaintiffs

- and -

AUTOLIV ASP, INC., AUTOLIV B.V. & CO. KG, AUTOLIV JAPAN LTD., AUTOLIV
SAFETY TECHNOLOGY, INC., TAKATA CORPORATION, TK HOLDINGS INC., TOKAI
RIKA CO., LTD., TRQSS INC., TRAM, INC., TAC MANUFACTURING, INC., TOYODA
GOSEI, CO., LTD., TOYODA GOSEI NORTH AMERICA CORPORATION, TG MISSOURI
CORPORATION, TRW AUTOMOTIVE HOLDINGS CORP., TRW AUTOMOTIVE INC.,
TRW DEUTSCHLAND HOLDING GMBH, MITSUBISHI ELECTRIC CORPORATION,
MITSUBISHI ELECTRIC AUTOMOTIVE AMERICA, INC., and MITSUBISHI ELECTRIC
SALES CANADA INC.

Defendants

Proceeding under the *Class Proceedings Act, 1992*, SO 1992, c C.6

ORDER

**– Occupant Safety Systems –
Certification and Notice Approval – TRW Settlement**

THIS MOTION made by the Plaintiffs for an Order approving the abbreviated, publication, and long-form notices of settlement approval hearings and the method of dissemination of said notices, and certifying this proceeding as a class proceeding for settlement purposes as against TRW Automotive Holdings Corp., TRW Automotive Inc., and TRW Deutschland Holding GmbH (the “Settling Defendants”) was heard this day at the Courthouse, 130 Queen Street West, Toronto, Ontario.

ON READING the materials filed, including the settlement agreement dated October 31, 2014 attached to this Order as Schedule "A" (the "Settlement Agreement"), and on hearing the submissions of counsel for the Plaintiffs, Counsel for the Settling Defendants, and counsel for the Non-Settling Defendants in the Ontario Action;

AND ON BEING ADVISED that NPT RicePoint Class Action Services Inc. has consented to being appointed as notice provider in accordance with the terms of this Order:

1. **THIS COURT ORDERS** that for the purposes of this Order, except to the extent that they are modified in this Order, the definitions set out in the Settlement Agreement apply to and are incorporated into this Order.
2. **THIS COURT ORDERS** that the abbreviated, publication, and long-form notices of settlement approval hearing are hereby approved substantially in the forms attached respectively hereto as Schedules "B" to "D".
3. **THIS COURT ORDERS** that the plan of dissemination for the abbreviated, publication, and long-form notices of settlement approval hearings (the "Plan of Dissemination") is hereby approved in the form attached hereto as Schedule "E" and that the notices of settlement approval hearings shall be disseminated in accordance with the Plan of Dissemination.
4. **THIS COURT ORDERS** that NPT RicePoint Class Action Services Inc. is appointed to disseminate the abbreviated, publication, and long-form notices of settlement approval hearing in accordance with the terms of this Order.
5. **THIS COURT ORDERS** that the Ontario Action is certified as a class proceeding as against the Settling Defendants for settlement purposes only.

6. **THIS COURT ORDERS** that the "Ontario Settlement Class" is certified as follows:

All Persons in Canada who, during the Class Period, (a) purchased an Occupant Safety System in Canada; and/or (b) purchased or leased a new Automotive Vehicle containing an Occupant Safety System in Canada; and/or (c) purchased for import into Canada, a new Automotive Vehicle containing an Occupant Safety System. Excluded Persons and Persons who are included in the Quebec Settlement Class and the BC Settlement Class are excluded from the Ontario Settlement Class.

7. **THIS COURT ORDERS** that Sheridan Chevrolet Cadillac Ltd., Pickering Auto Mall Ltd., Urlin Rent a Car Ltd., Kate O'Leary Swinkels and Fady Samaha are appointed as the representative plaintiffs for the Ontario Settlement Class.

8. **THIS COURT ORDERS** that the following issue is common to the Ontario Settlement Class:

Did the Settling Defendants conspire to fix, raise, maintain, or stabilize the prices of Occupant Safety Systems in Canada and elsewhere during the Class Period? If so, what damages, if any, did Settlement Class Members suffer?

9. **THIS COURT ORDERS** that this Order is without prejudice to the rights and defences of the Non-Settling Defendants in connection with the ongoing Ontario Action. No person may cite or refer to all or any part of this Order and any reasons given by the Court in connection with this Order as against any of the Non-Settling Defendants.
10. **THIS COURT ORDERS** that putative members of the Ontario Settlement Class can opt out of the Ontario Action by sending a written request to opt out to Ontario Counsel, postmarked on or before the date that is sixty (60) days from the date of the first publication of the publication notice of settlement approval hearings attached hereto as

Schedule "C". The written election to opt out must include the information specified in the long-form notice of settlement approval hearing attached hereto as Schedule "D".

11. **THIS COURT ORDERS** that where the postmark is not visible or legible, the election to opt out shall be deemed to have been postmarked four business days prior to the date that it is received by Ontario Counsel.
12. **THIS COURT ORDERS** that any putative member of the Ontario Settlement Class who validly opts out of the Ontario action shall not be able to participate in the Ontario action and no further right to opt out of the Ontario action will be provided.
13. **THIS COURT ORDERS** that, within thirty (30) days of the Opt-Out Deadline, Ontario Counsel shall provide to the Defendants a report containing the names of each Person who has validly and timely opted out of the Proceedings, the reason for the opt-out, if known, and a summary of the information delivered by such Person pursuant to paragraph 10 above.
14. **THIS COURT ORDERS** that this Order is contingent upon parallel orders being made by the BC Court and the Quebec Court, and the terms of this Order shall not be effective unless and until such orders are made by the BC Court and the Quebec Court.

Date: Dec 8, 2014.



The Honourable Justice Belobaba