

**NOTICE OF CERTIFICATION FOR SETTLEMENT PURPOSES AND SETTLEMENT APPROVAL HEARING IN BODY SEALING PRODUCTS PRICE-FIXING CLASS ACTION**

**If you bought or leased, directly or indirectly, a new or used Automotive Vehicle or Body Sealing Products, since January 2000, 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 IS THE CLASS ACTION ABOUT?**

A national class action has been started in Ontario claiming that certain companies participated in a conspiracy to fix the prices of Body Sealing Products sold in Canada or to manufacturers for installation in Automotive Vehicles sold in Canada.

In the Nishikawa Settlement Agreement:

- Automotive Vehicle is defined as all passenger cars, sport utility vehicles, vans, and light trucks (up to 10,000 lbs).
- Body Sealing Product is defined as including without limitation, body-side opening seals, door-side weather stripping, glass-run channels, trunk lids, trunk lid weather stripping and other smaller seals, which are installed in an Automotive Vehicle to keep the interior dry from rain and free from wind and exterior noises.
- Class Period is defined as January 1, 2000 to May 14, 2019.

For more information about the class action, visit [www.siskinds.com/bodysealing](http://www.siskinds.com/bodysealing) or [www.sotosllp.com/class-actions/current-cases/auto-parts/](http://www.sotosllp.com/class-actions/current-cases/auto-parts/).

The class action was started in Ontario, but includes Canadian residents in all provinces and territories. The class action claims that the companies that sell Body Sealing Products were involved in a conspiracy to illegally increase the prices of these products. The class action asks the Ontario Court to require these companies to return any extra money they may have received due to the alleged conspiracy.

**C. WHO IS AFFECTED BY THE CLASS ACTION?**

The class action was certified as class proceedings as against Nishikawa Rubber Co. (“Nishikawa”) for the purposes of implementing the settlement agreement.

You are affected by the class action and/or are a “member” of the Nishikawa settlement class if you are a person in Canada who, during the period January 1, 2000 to May 14, 2019:

- purchased, directly or indirectly, a Body Sealing Product;
- purchased or leased, directly or indirectly, a new or used Automotive Vehicle containing Body Sealing Products; or
- purchased for import into Canada a new or used Automotive Vehicle containing Body Sealing Products.

**D. WHAT SETTLEMENT HAS BEEN REACHED IN THE CLASS ACTION?**

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.

A settlement has been achieved with Nishikawa. Nishikawa has agreed to pay \$5,750,000 in exchange for a full release of the claims against Nishikawa, Nishikawa of America, Inc., Nishikawa Cooper LLC, Cooper-Standard Holdings Inc., Cooper-Standard Automotive Inc. and Cooper-Standard Automotive Canada Limited relating to the pricing of the Body Sealing Products and for the dismissal of any actions commenced in Canada by settlement class members relating to the pricing of the Body Sealing Products. Nishikawa has also agreed to provide cooperation to the plaintiffs in pursuing the class action against the remaining defendants. Nishikawa does not admit any liability, wrongdoing or fault.

#### **E. SETTLEMENT APPROVAL HEARINGS**

The Nishikawa settlement is national in scope. Residents of all Canadian provinces and territories are included in the settlement class.

The approval of the Nishikawa settlement will proceed as follows.

The Ontario Court will hold a hearing to decide whether to approve the Nishikawa Settlement in the Ontario Court at Osgoode Hall, 130 Queen Street West, in the City of Toronto on July 10, 2019 at 9:30 a.m. The hearing will be broadcast live via video link in the **Québec Courthouse, at 300 Boulevard Jean Lesage, in the City of Quebec**. Settlement class members are welcome, but not required, to attend the hearing or the broadcasting of the hearing. If you wish to attend the broadcasting, please contact Class Counsel at [recours@siskindsdesmeules.com](mailto:recours@siskindsdesmeules.com), to the attention of Karim Diallo no later than June 28, 2019. See Part G of this Notice for information about how to participate in the approval hearing.

The settlement is also subject to a further enforcement and recognition application to be held in Québec. Should the Ontario Court approve the Nishikawa settlement, a hearing will be held at the **Québec Courthouse, at 300 Boulevard Jean Lesage, in the City of Quebec on September 10, 2019 at 9:30 a.m.** to enforce and recognize the Ontario order. The objective of this process is to enforce, in Quebec, the potential Ontario order approving the Nishikawa settlement that will have been rendered in Ontario.

The settlement is also subject to a further recognition process in British Columbia. The potential Ontario order approving the Nishikawa settlement will be registered at the court registry in British Columbia in accordance with the *Enforcement of Canadian Judgments and Decrees Act*, or, failing this, an application will be brought before the British Columbia Court for an order recognizing and enforcing the order. The objective of this process is to enforce, in British Columbia, the potential Ontario order approving the Nishikawa settlement that will have been rendered in Ontario.

All Nishikawa Settlement Class members will be able to make submissions to the Ontario Court in the manner set out below. Nishikawa Settlement Class members who are resident of Québec will further be able to make submissions to the Québec Court in the manner set out below. See Part G of this Notice.

#### **F. WHAT STEPS SHOULD I TAKE TO PROTECT MY RIGHTS?**

**If you want to be a member of any of the class action, 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 and Body Sealing Products from January 2000 onward. Records include invoices, receipts and bank or loan statements.
2. Automotive dealerships should keep records of any sales or leases of new Automotive Vehicles and Body Sealing Products from January 2000 onward.
3. You should register online at [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts) to receive updates about the class action and the other auto parts price-fixing class actions.

There are over 40 cases pending in Canada relating to the alleged price-fixing of automotive parts relating to conduct as far back as January 1995. See [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts) for a complete list of cases. You should keep related purchase records from January 1995 onward.

## **G. HOW CAN I PARTICIPATE IN THE SETTLEMENT APPROVAL HEARING?**

If you are a member of the Nishikawa settlement class, you can present your submissions on, or objections to, the Nishikawa settlement before either the Ontario Court, the Québec Court or both these Courts, in the manner set out below.

### **Submissions in writing**

If you want to address the Ontario Court or the Québec Court in writing, you must send your written submissions to Class Counsel by email at [autoparts@sotosllp.com](mailto:autoparts@sotosllp.com) no later than June 28, 2019.

The written submissions must state the nature of any comments or objections, and whether you intend to appear at the settlement approval hearing before the Ontario Court on July 10, 2019, and/or at the recognition and enforcement hearing before the Québec court on September 10, 2019. 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 Ontario Court being asked to approve the settlement agreements and to the Quebec Court being asked to enforce and recognize the potential Ontario settlement approval order.

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

All members of the Nishikawa Settlement Class (including residents of Quebec) may (but you do not need to) attend at the hearing before the Ontario Court to approve the Nishikawa Settlement. If you wish to do so, you can attend the hearing in person by being present at Osgoode Hall, 130 Queen Street West, in the City of Toronto on July 10, 2019 at 9:30 a.m. You can attend as an observer or to make oral submissions to the Ontario Court. If you wish to make oral submissions, please contact Class Counsel no later than June 28, 2019. If you are unable to attend in person, but wish to make oral submissions to the Ontario Court, please contact Class Counsel at [autopartsclassaction@siskinds.com](mailto:autopartsclassaction@siskinds.com), to the attention of Linda Visser.

The Ontario hearing will be broadcast live via video link in the **Québec Courthouse, at 300 Boulevard Jean Lesage, in the City of Quebec**. Persons in Quebec may (but you do not need to) attend at the broadcasting of the Ontario hearing. You can attend as an observer or to make oral submissions to the Ontario Court via video link. If you wish to attend the broadcasting and make oral submissions, please contact Class Counsel at [recours@siskindsdesmeules.com](mailto:recours@siskindsdesmeules.com), to the attention of Karim Diallo no later than June 28, 2019. If you are unable to attend in person, but wish to make oral submissions to the Ontario Court, please contact Class Counsel at [recours@siskindsdesmeules.com](mailto:recours@siskindsdesmeules.com), to the attention of Karim Diallo, and Class Counsel will make the necessary arrangements for you to make submissions to the Ontario Court.

If you are a resident of Québec, you may (but do not need to) attend the subsequent hearing before the Québec Court to enforce and recognize the Ontario order. If you wish to do so, you can attend the hearing in person by being present at the **Québec Courthouse, at 300 Boulevard Jean Lesage, City of Québec on September 10, 2019 at 9:30**. You can attend as an observer or to make oral submissions to the Quebec Court. If you are unable to attend in person, but wish to make oral submissions to the Quebec Court, please contact Class Counsel at [recours@siskindsdesmeules.com](mailto:recours@siskindsdesmeules.com), to the attention of Karim Diallo, and Class Counsel will make the necessary arrangements for you to make submissions to the Quebec Court.

## **H. WHAT HAPPENS TO THE MONEY PAID UNDER THE NISHIKAWA SETTLEMENT?**

At this stage, the Nishikawa settlement funds (less approved fees and expenses) are being held in an interest-bearing trust account for the benefit of settlement class members. At a later date, the Ontario court will decide how the settlement funds will be distributed and how you can apply to receive money from the settlement. Watch for another notice at a later time explaining how to claim money from the settlement.

## **I. WHAT IF I DON'T WANT TO BE IN THE CLASS ACTION?**

You can opt out of the Body Sealing Products class action 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 action.

Requests to opt out of the class action must be post-marked by August 6, 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 August 6, 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 Body Sealing Products class action. No further right to opt out will be provided.

## **J. WHO ARE THE LAWYERS WORKING ON THE CLASS ACTION AND HOW ARE THEY PAID?**

The law firms of Siskinds LLP and Sotos LLP represent members of the class action.

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

**As an individual, you do not have to pay the lawyers working on the class action any money.** The lawyers will be paid from the money collected in the class action. The Ontario Court will be asked to decide how much the lawyers will be paid. The lawyers will be asking that the Ontario Court 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 Court to allow Class Counsel to use the settlement funds to pay for any future adverse cost awards or future disbursements.

**K. WHERE CAN I ASK MORE QUESTIONS?**

For more information, please visit [www.siskinds.com/bodysealing](http://www.siskinds.com/bodysealing). 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).

**L. INTERPRETATION**

This notice contains a summary of some of the terms of the Nishikawa settlement agreement. If there is a conflict between the provisions of this notice and the settlement agreement, the terms of the settlement agreement shall prevail.