

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

**If you bought or leased a new or used automotive vehicle, or certain automotive parts, since January 1999, 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 which claim that many companies participated in conspiracies to fix the prices of automotive parts sold in Canada.

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

<b>Part</b>	<b>Description</b>	<b>Class Period</b>
Automatic Transmission Fluid Warmers	An Automatic Transmission Fluid Warmer is a device that is located within an automotive vehicle’s engine that improves fuel economy by warming transmission fluid to lower its viscosity, allowing the transmission fluid to flow more easily.	November 1, 2002 to August 30, 2017
Automotive Wire Harness Systems	An Automotive Wire Harness System is an electrical distribution system used to direct and control electronic components, wiring, and circuit boards.	January 1, 1999 to December 4, 2014
Radiators	A Radiator is a device designed to cool an automotive internal-combustion engine, constructed from thin-walled tubes through which water or coolant passes.	June 1, 2000 to August 30, 2017

For more information about the particular class actions, see the relevant webpage online at [www.siskinds.com/autoparts/](http://www.siskinds.com/autoparts/).

The class actions were started in BC, Ontario and/or Quebec, but the cases include Canadian residents in all provinces and territories who were affected by the alleged conspiracy. These class actions claim that the companies that sell the Relevant Parts were involved in a conspiracy to illegally increase the prices of these products. These class actions ask that the Court require these companies to return any extra money that they may have received due to this alleged conspiracy.

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

The class actions are about the Relevant Parts purchased for installation in automotive vehicles, as well as all purchased (new or used) or leased automotive vehicles containing the Relevant Parts.

The class actions were certified, or will be 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 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 the 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.

Settlements have been achieved with:

- Yazaki Systems Technologies GmbH (formerly S-Y Systems Technologies Europe, GmbH) (“S-Y Systems”); and
- T.RAD Co., Ltd. and T.RAD North America, Inc. (“T.RAD”).

These 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.

S-Y Systems Settlement:	
Automotive Wire Harness Systems	\$50,000.00
T.RAD Settlements:	
Automatic Transmission Fluid Warmers	\$113,476.33
Radiators	\$1,053,975.67
<b>Total</b>	<b>\$1,217,452.00</b>

The T.RAD defendants have also agreed to provide cooperation to the plaintiffs in pursuing the applicable class actions against the remaining defendants. The S-Y Systems and T.RAD defendants do not admit any liability, wrongdoing or fault.

The S-Y Systems and T.RAD (Radiators) settlements are subject to approval of the Ontario, British Columbia and Quebec Courts, and the T.RAD (Automatic Transmission Fluid Warmers) settlement is only subject to approval of the Ontario Court. The Courts will hold hearings to decide whether to approve these settlements, where applicable, in the British Columbia Court in the City of Vancouver on December 7, 2017 at 10:00 a.m., in the Quebec Court in the City of Quebec on December 15, 2017 at 9:30 a.m., and in the Ontario Court in the City of Toronto on January 26, 2018 at 10:00 a.m. The Courts will decide whether the settlements are fair, reasonable, and in the best interests of settlement class members.

The Courts have previously approved settlements with the following defendants in the Automotive Wire Harness Systems action:

<b>Defendant Groups</b>	<b>Amount</b>
Lear	\$612,500
Yazaki Corporation	\$10,400,000
Chiyoda	\$75,000
Fujikura	\$1,083,280
Furukawa	\$2,300,000
Sumitomo	\$10,700,000
G.S. Electech	\$120,000
Leoni	\$250,000
<b>Total</b>	<b>\$25,540,780</b>

The Automotive Wire Harness Systems action is now fully resolved. The T.RAD settlements are the first settlements achieved in the other Relevant Parts actions.

#### **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 two steps that you should take to protect your legal rights:

1. You should keep records of any purchases or leases of all automotive vehicles or automotive parts for installation in all automotive vehicles from January 1995 onward.<sup>1</sup> Records include invoices, receipts and bank or loan statements.
2. 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 November 30, 2017. 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?**

The settlement funds (plus interest, minus approved fees and expenses) for the Relevant Parts are being held in an interest-bearing trust account.

At the hearings, the Courts will also be asked to approve the distribution of the S-Y Systems settlement funds in accordance with the distribution protocol previously approved in the Automotive Wire Harness Systems action. A copy of the previous notice providing a summary of the distribution protocol is available at: [www.siskinds.com/auto-parts-automotive-wire-harness-systems/](http://www.siskinds.com/auto-parts-automotive-wire-harness-systems/) or from Class Counsel.

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

Members of the Automotive Wire Harness Systems class action 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 other 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;
- 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;
- the aggregate number of automotive vehicles<sup>2</sup> purchased by yourself or, if you are writing on behalf of a company, the company in Canada during the Class Period; and
- your reason for opting out.

Requests to opt out of the proceedings must be post-marked by January 5, 2018.

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

<sup>2</sup> Automotive vehicles are 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.

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 Automatic Transmission Fluid Warmers and Radiators class actions. No further right to opt out will be provided.

#### **H. APPLYING FOR THE AUTOMOTIVE WIRE HARNESS SYSTEMS SETTLEMENT FUNDS**

The Automotive Wire Harness Systems action is now settled in its entirety. Information about how and when to apply for settlement funds under the distribution protocol will be provided in a future notice and will be posted online at: [www.siskinds.com/auto-parts-automotive-wire-harness-systems/](http://www.siskinds.com/auto-parts-automotive-wire-harness-systems/) after the hearings listed in section D above. If you did not receive this notice by mail or email, please register online at: [www.siskinds.com/autoparts](http://www.siskinds.com/autoparts) or by telephone at 1-888-977-9806 to ensure that further notices will be sent to you directly, by mail or email.

If you consent as part of your application for settlement funds, your information will be used for the purposes of distributing any settlement funds in the other Canadian auto parts price-fixing class actions. Please note that the vehicles, makes, models and years affected by those class actions could be different.

#### **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 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 Mogerma represents members of the Automotive Wire Harness Systems and Radiators 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 Automotive Wire Harness Systems and Radiators class actions in Quebec. Quebec Class Counsel 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: Barbara Ann Cain.

**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 S-Y Systems and T.RAD 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 T.RAD 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 S-Y Systems and T.RAD 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.