

## **DID YOU PURCHASE A COOLING COMPRESSOR, FREEZER OR REFRIGERATOR BETWEEN 2004 AND 2008?**

**PLEASE READ THIS NOTICE CAREFULLY. IT MAY AFFECT YOUR LEGAL RIGHTS.**

**IMPORTANT DEADLINE:** Settlement Class members who wish to apply for compensation must submit claims by August 11, 2016. See page 3 for more details.

### **WHO IS AFFECTED BY THIS NOTICE?**

This notice applies to all persons in Canada who between January 1, 2004 and December 31, 2008 purchased hermetically sealed cooling compressors of less than one horsepower, excluding those used in air conditioners (“Cooling Compressors”) and products containing Cooling Compressors, excluding air conditioners (“Cooling Compressor Products”) in Canada, except the Defendants and certain parties related to the Defendants (“Settlement Class”).

### **WHAT IS A CLASS ACTION?**

A class action is a lawsuit filed by one person on behalf of a large group of people.

### **WHAT IS THIS CLASS ACTION ABOUT?**

Class action lawsuits were commenced in Ontario, British Columbia, and Quebec alleging that the Defendants conspired to fix prices in the market for Cooling Compressors (collectively, the “Class Actions”).

Cooling Compressors means hermetically sealed cooling compressors of less than one horsepower. Cooling Compressor Products means products containing Cooling Compressors. A Cooling Compressor is the component in many household and some light commercial refrigerators and freezers that provides the cooling function. Air conditioners, as well as cooling compressors used in them, are excluded.

The following entities were named as Defendants in one or more provinces in the Class Actions: Tecumseh Products of Canada Limited, Tecumseh Products Co., Tecumseh Compressors Company, Danfoss A/S, Danfoss Inc., Danfoss Commercial Compressors Ltd., Danfoss Scroll Technologies, LLC, Danfoss Turbocor Compressors, Inc., Danfoss Compressors LLC, Appliances Components Companies S.p.A., ACC USA LLC, Panasonic Corporation, Panasonic Canada Inc., Whirlpool Canada LP, Embraco North America, Inc. and Whirlpool Corporation. The Defendants are manufacturers of Cooling Compressors or Cooling Compressor Products.

### **WHAT ARE THE DETAILS ABOUT THE SETTLEMENTS THAT HAVE BEEN REACHED?**

Settlements have been reached with Appliances Components Companies S.p.A., ACC USA LLC, (collectively “ACC”), Danfoss Flensburg GmbH (“Danfoss Flensburg”) (who at the time of settlement was not a party to the proceedings), Embraco North America, Inc. (“Embraco”), Panasonic

Questions? Go to [www.coolingcompressorsclassaction.com](http://www.coolingcompressorsclassaction.com); email [compressors@ricepoint.com](mailto:compressors@ricepoint.com) or call toll-free 1-866-432-5534

Corporation and Panasonic Canada Inc. (collectively “Panasonic”), and Tecumseh Products of Canada Limited, Tecumseh Products Co., and Tecumseh Compressor Company (collectively “Tecumseh”) (collectively the “Settling Defendants”). The settlements have resolved the litigation in its entirety. Under the terms of the settlements, the following amounts have been paid in exchange for a release against the Settling Defendants and their related entities:

<b>Defendant Group</b>	<b>Settlement Amount</b>
ACC	\$50,000, plus up to \$50,000 towards the cost of notice
Danfoss Flensburg	\$300,000, plus \$100,000 towards the cost of notice and administration
Embraco	\$1,400,000
Panasonic	\$2,350,000
Tecumseh	\$620,000

The settlements were approved by the Ontario, British Columbia and Quebec Courts. The settlements represent a resolution of disputed claims. The Settling Defendants do not admit, and expressly deny, any wrongdoing or liability.

The Class Actions were certified against the Settling Defendants for settlement purposes.

The Danfoss Flensburg, Embraco, Panasonic and Tecumseh settlement amounts (less court approved counsel fees and disbursements) are being held in an interest bearing account for the benefit of settlement class members. The ACC settlement funds were used to fund out-of-pocket costs incurred by class counsel in the litigation.

#### **HOW WILL THE SETTLEMENT MONIES BE PAID OUT?**

The Danfoss Flensburg, Embraco, Panasonic and Tecumseh settlement amounts total \$4,770,000. The aggregate settlement amounts, plus interest and less court approved legal fees, disbursements, administration expenses, and applicable taxes (the “Net Settlement Amount”), are available for compensation to settlement class members. The Net Settlement Amount equals approximately \$3.2 million.

The Ontario, British Columbia and Quebec Courts approved a protocol for distributing the Net Settlement Amount. A copy of the distribution protocol is available at [www.coolingcompressorsclassaction.com](http://www.coolingcompressorsclassaction.com).

The protocol is designed to compensate direct and indirect purchasers of Cooling Compressors and Cooling Compressor Products in a manner that generally reflects the Plaintiff’s anticipated impact of the alleged price-fixing.

For the purposes of the distribution protocol, where the Settlement Class Member is able to provide documentation establishing the price of the compressor (whether as a standalone product or a component of another product), the compressor will be valued at that price. In all other circumstances, the compressor will be valued at \$50.

Questions? Go to [www.coolingcompressorsclassaction.com](http://www.coolingcompressorsclassaction.com); email [compressors@ricepoint.com](mailto:compressors@ricepoint.com) or call toll-free 1-866-432-5534

After the value of the compressor is established, settlement benefits will be distributed based on a percentage of that value. The applicable percentage varies between 0.5% to 3%. The applicable percentages are set out on page 9 of the distribution protocol and depend on the following factors:

1. whether the Settlement Class Members:
  - a. purchased directly from a Defendant or an entity related to a Defendant; or
  - b. purchased from some other entity
  
2. the purpose of the purchase:
  - a. purchased for a Settlement Class Member's own use and not for commercial resale;
  - b. purchased for straight resale;
  - c. purchased for use in providing repair services; or
  - d. purchased to build into another product.

Notwithstanding the foregoing, subject to further order of the Ontario Court, all valid claims will be assigned a minimum administrative value of \$20. This includes end consumers who submit a claim for the purchase of a household refrigerator or freezer.

If there is not sufficient funds to pay eligible Settlement Class Members the percentages specified on page 9 of the distribution protocol, the settlement benefits payable to eligible Settlement Class Members will be reduced pro-rata (i.e. proportionally) based on the value of the Settlement Class Member's claim as a proportion of the value of all valid claims.

Similarly, if there are surplus funds available after all eligible Settlement Class Members have been paid the percentages specified on page 9 of the distribution protocol, the settlement benefits payable to eligible Settlement Class Members will be increased pro-rata (i.e. proportionally) based on the value of the Settlement Class Member's claim as a proportion of the value of all valid claims.

Payments to Quebec Settlement Class Members are subject to deductions payable to the Fonds d'aide aux recours collectifs, calculated in accordance with the governing regulations.

If the distribution would result in an unfair result to some or all settlement class members, further directions will be sought from the Ontario Court.

If there are remaining settlement funds after all valid claims are paid, the excess (up to \$10,000) will be paid to the HomeStart Foundation. HomeStart is a furniture bank that provides essential home furnishings to people in need in the metro Vancouver area. HomeStart will use the funds to purchase and deliver compact refrigerators to clients including women and children escaping domestic violence, children aging out of foster care and people with physical and mental health disabilities. For distribution of any amount above \$10,000, further direction of the Ontario Court shall be sought.

## **HOW DO I APPLY TO RECEIVE SETTLEMENT FUNDS?**

Settlement Class Members who wish to apply for compensation under the settlements must file a claim, no later than August 11, 2016. Subject to further order of the Ontario Court, claims that are not made within the deadline will not be eligible for compensation. Claims must be filed using the online claims process at [www.coolingcompressorsclassaction.com](http://www.coolingcompressorsclassaction.com). If you do not have Internet access, but wish to file a claim, please contact the claims administrator at 1-866-432-5534.

Questions? Go to [www.coolingcompressorsclassaction.com](http://www.coolingcompressorsclassaction.com); email [compressors@ricepoint.com](mailto:compressors@ricepoint.com) or call toll-free 1-866-432-5534

Some claims will be selected for audit. If your claim is chosen for audit, you must provide proof of purchase.

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

The law firms of Harrison Pensa <sup>LLP</sup> and Siskinds <sup>LLP</sup> represent Settlement Class Members in Ontario and in all provinces other than British Columbia and Quebec, as well as corporations of more than 50 employees in Quebec.

Siskinds <sup>LLP</sup> can be reached at 1-800-461-6166 ext. 2446 or [coolingcompressors@siskinds.com](mailto:coolingcompressors@siskinds.com).  
Harrison Pensa <sup>LLP</sup> can be reached at 1-800-263-0489 ext.775 or [jforeman@harrisonpensa.com](mailto:jforeman@harrisonpensa.com).

The law firm of Camp Fiorante Matthews Mogerman (“CFM”) represents Settlement Class Members in British Columbia. CFM can be reached at 1-800-689-2322 or [compressors@cfmlawyers.ca](mailto:compressors@cfmlawyers.ca).

The law firm of Bouchard Pagé Tremblay Avocats represents individuals and corporations of 50 or less employees who are Settlement Class Members in Quebec. Quebec class counsel can be reached at 1-855-768-6667 or [brianagarneau@bptavocats.com](mailto:brianagarneau@bptavocats.com).

You do not need to pay out-of-pocket for the lawyers working on the class action. The lawyers will be paid from the settlement funds in an amount approved by the court.

### **INTERPRETATION**

This notice contains a summary of some of the terms of the 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. This notice has been authorized by the Ontario, British Columbia, and Quebec courts.

**Questions? Visit [www.coolingcompressorsclassaction.com](http://www.coolingcompressorsclassaction.com); email [compressors@ricepoint.com](mailto:compressors@ricepoint.com) or call toll-free 1-866-432-5534**