

**NOTICE OF CERTIFICATION, AUTHORIZATION, AND PROPOSED SETTLEMENT  
APPROVAL: VEHICLE CARRIER SERVICES CLASS ACTIONS**

**To: All persons or entities in Canada who purchased or leased a new vehicle transported by Vehicle Carrier Services (RoRo), or who purchased Vehicle Carrier Services (RoRo) between February 1, 1997, and December 31, 2012 (“Class Members”).**

*If you bought or leased a new car or truck between February 1, 1997, and December 31, 2012, that was manufactured overseas, you may be a Class Member.*

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

### **I. WHY ARE YOU RECEIVING THIS NOTICE?**

This notice is being given for two reasons:

1. Class actions have been commenced in Quebec, British Columbia and Ontario on behalf of all persons in Canada who purchased Vehicle Carrier Services (RoRo) or who purchased or leased a new Vehicle between February 1, 1997, and December 31, 2012 (the "**Class Actions**"). The Class Actions have been authorized/certified in Quebec on April 1, 2019, and in British Columbia on April 14, 2020 (this same step is called "authorization" in Quebec and "certification" in the rest of Canada).
2. Mitsui O.S.K., Ltd., Mitsui O.S.K. Shipping (U.S.A.), Inc. Nissan Motor Carrier Co. Ltd., and World Logistics Service (USA) Inc. ("MOL" or the "MOL Defendants") have agreed to settle the proceedings against them across Canada (the "**Settlement Agreement**"). This settlement must be approved by the Quebec, British Columbia and Ontario courts. Each of the three courts will hold a hearing to consider whether the settlement should be approved, and Class Members may participate in or attend those hearings.

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

A class action is a legal proceeding brought by a person called the "**Plaintiff**" or "**Class Representative**"<sup>1</sup> on behalf of a group of people affected by the same issue. This group of people is called the "**Class**" or "**Class Members**". A class action allows the courts to resolve the shared issue for all class members, and this resolution will be binding on all Class Members.

### **III. WHAT ARE VEHICLE CARRIER SERVICES?**

"**Vehicle Carrier Services**" means all paid international vehicle carrier shipping services (RoRo) for the transportation of new and used vehicles and trucks, as well as agricultural, construction and mining equipment.

<sup>1</sup> Option consommateurs is the Plaintiff in Quebec, Darren Ewert is the plaintiff in British Columbia, and the plaintiffs in Ontario are Ryan Todd Wonch and Margaret A. Wonch.

"RoRo" is a vessel configured to allow wheeled vehicles to "roll on" from the port ramp to the vessel ramp and be parked on the vessel for shipping purposes and then "roll off" once the shipping destination is reached.

Finally, "**Vehicles**" means cars, trucks and other agricultural, construction and mining equipment.

#### **IV. WHAT ARE THESE CLASS ACTIONS ABOUT?**

The plaintiffs allege that the defendants illegally conspired to fix the prices of Vehicle Carrier Services. Although the Class Actions were initiated in Quebec, British Columbia and Ontario, they include class members in all provinces and territories. The Defendants deny liability.

##### **Authorization in Quebec**

On April 1, 2019, the Superior Court, before the Judicial District of Montreal, authorized the class action on behalf of the following group:

Any person who purchased in Quebec vehicle carrier services (RoRo) or who purchased or leased in Quebec a new motor vehicle, new farm machinery or new construction equipment that was transported by RoRo vessels between February 1, 1997, and December 31, 2012.

For more information on the Quebec class action, including the principal issues to be dealt with collectively and the conclusions sought in relation thereto, please consult the following website: <https://www.belleaulapointe.com/en/class-actions/ro-ro-vessels/>

##### **Certification in British Columbia**

On April 14, 2020, the British Columbia class action was certified on behalf of the following class:

All British Columbia resident persons who, during the Class Period of February 1, 1997 to December 31, 2012, purchased Vehicle Carrier Services from a Defendant, or purchased or leased a new Vehicle in British Columbia that had been transported using Vehicle Carrier Services provided by a Defendant. The definition of Vehicle includes automobiles, trucks and high and heavy equipment such as buses, trucks, and agricultural and construction vehicles.

For more information on the BC class action, or to obtain a copy of the claim, please consult the following website: <https://www.cfmlawyers.ca/active-litigation/vehicle-carrier-services/>

#### **V. WHAT IS A SETTLEMENT AGREEMENT AND WHAT IS THE SETTLEMENT AGREEMENT THAT WAS REACHED IN THE CLASS ACTIONS?**

A settlement agreement occurs when a sued party (also known as a "**defendant**") agrees to pay money to class members in exchange for a release of the claims against them. In the Class Actions, a Settlement Agreement was recently reached with MOL, which agreed to pay \$7 million CDN in exchange for a full release of the claims against them. MOL also agreed to provide information to the plaintiffs that will help with the ongoing case against the non-settling defendants. The Settlement Agreement does not represent an admission of liability, wrongdoing or fault by MOL. The Class Actions continue against the other defendants with which no agreement has been reached.

The Settlement Agreement is subject to approval by the courts in Quebec, British Columbia and Ontario. These hearings will take place:

- On November 20, 2023 at 9:30am at the Montreal courthouse at 1, rue Notre-Dame Est, Montréal, Québec,
- On December 12, 2023 at 9:00am at the Vancouver courthouse at 800 Smithe Street, Vancouver, British Columbia; and
- On November 24, 2023 at 2:30pm by virtually hearing.

At the hearings, the courts will decide whether the Settlement Agreement is fair, reasonable and in the best interests of the class members.

## **VI. WHAT MUST I DO AT THIS TIME?**

If you do not object to the proposed Settlement Agreement, you do not have to appear at the hearing or take any action at this stage to indicate your intention to participate in the Settlement Agreement.

However, you have the right to appear at any of the hearings to make representations. If you wish to comment on or object to the Settlement Agreement, you must send a written submission to Class Counsel, whose contact information is set out below, by **November 17, 2023**. Class Counsel will then forward your letter to the appropriate court. All written submissions will be considered by the appropriate Court. If you do not send a written submission by the deadline, you may not be permitted to make submissions in person at the hearings.

## **VII. OPT OUT DEADLINE HAS PASSED**

The court-ordered deadline to opt-out of the Class Actions was **May 10, 2017**. If you did not previously opt-out, you are legally bound by the results of the Class Actions, including the MOL Settlement Agreement if it is approved.

## **VIII. WHEN WILL SETTLEMENT FUNDS BE DISTRIBUTED?**

Once the Settlement Agreement approved, Class Counsel will request that the notice fees, Class Counsel fees, disbursements and applicable taxes are deducted from the total. The remaining funds will be held in an interest-bearing trust account for the benefit of Class Members (the "**Settlement Fund**").

The courts have previously approved a settlement with Compania Sud Americana De Vapores S.A. (CSAV) for an amount of \$450,000 CDN. The CSAV settlement amount will be combined with the MOL settlement amount in the Settlement Fund. If new amounts are received in the future, they will be added to the Settlement Fund.

At a future date to be determined, in order to conduct an efficient distribution and to avoid costs associated with multiple distributions, the courts will decide how the Settlement Funds will be distributed and how you can claim the money from this Settlement Agreement. Register online at Class Counsel's websites to receive such notice by email.

## IX. WHAT MUST I PAY?

You do not have to pay the lawyers who work on the Class Actions. Class Counsel will be paid from the money collected in the Class Actions pursuant to contingency fee agreements with the representative plaintiffs. The courts will decide the amount of fees that Class Counsel will receive. At the approval hearings listed above, Class Counsel will ask the Courts to approve legal fees of up to 25% (up to \$1,75 million CDN) of the MOL settlement amount. In addition, Class Counsel will ask for reimbursement from the settlement amount for the amounts they have paid for disbursements and applicable taxes.

If you wish to comment on or object to Class Counsel's fees, you must send a written submission to Class Counsel at either of the addresses listed below by **November 17, 2023**. The law firm will provide your letter to the appropriate court. All letters will be considered. If you do not send a written submission by the deadline, you may not be permitted to make submissions at the hearings.

## X. WHO ARE THE LAWYERS WORKING ON THESE CLASS ACTIONS?

Belleau Lapointe, LLP represents members of the Quebec class. You can reach Belleau Lapointe, LLP:

- Toll free at 1-888-987-6701, by email at [info@belleaulapointe.com](mailto:info@belleaulapointe.com) or by mail at 300 Place d'Youville, Suite B-10, Montreal, Quebec H2Y 2B6, to the attention of: Maxime Nasr.

Camp Fiorante Matthews Mogerman represents members of the British Columbia class. You can reach Camp Fiorante Matthews Mogerman:

- Toll free at 1-800-689-2322, by email at [aslevin@cfmlawyers.ca](mailto:aslevin@cfmlawyers.ca) or by mail at Suite 400, 856 Homer Street, Vancouver, British Columbia V6B 2W5, Attention: Aisling Slevin.

Foreman & Company represents members of the Ontario class and all other provinces except British Columbia and Quebec. You can reach Foreman & Company:

- Toll free at 1-855-814-4575 ext. 106, by fax at 1-226-884-5340, by email at [classactions@foremancompany.com](mailto:classactions@foremancompany.com) or by mail at 4 Covent Market Place, London, Ontario N6A 1E2, Attention: Jonathan Foreman.

## XI. WHERE CAN I ASK MORE QUESTIONS?

This notice is only a summary of the Class Actions and the Settlement Agreement. Class Members are encouraged to consult the full Settlement Agreement, in English, which is available at the following websites:

- Belleau Lapointe LLP: <https://www.belleaulapointe.com/en/class-actions/ro-ro-vessels/>
- Camp Fiorante Matthews Mogerman LLP: <https://www.cfmlawyers.ca/active-litigation/vehicle-carrier-services/>
- Foreman & Company: <https://www.foremancompany.com/vehicle-carrier-services-price-fixing>

If you wish to obtain a copy of the Settlement Agreement or have any questions after reviewing this document, you are encouraged to contact the one of the law firms listed above. **INQUIRIES SHOULD NOT BE DIRECTED TO THE COURTS.**

## **XII. INTERPRETATION**

This notice is a summary of certain terms of the Settlement Agreement. In the event of any conflict between the terms of this notice and the terms of the Settlement Agreement, including the schedules, the terms of the Settlement Agreement shall prevail.