

Long-Form Notice

NOTICE OF PROPOSED SETTLEMENT AND SETTLEMENT APPROVAL HEARING

DID YOU BUY OR LEASE A CAR IN CANADA BETWEEN 2002 AND 2018?

THIS NOTICE MAY AFFECT YOUR LEGAL RIGHTS

A class action settlement has been reached between the parties in *Kett et al v. Kobe Steel, Ltd. et al*, S.C.B.C. S-1710805, and *Dallaire v. Kobe Steel, Ltd. et al*, S.C.Q. 500-06-007027-198. The B.C. Supreme Court (“BC Court”) and the Superior Court of Quebec (“Quebec Court”) have respectively certified and authorized class actions for the purposes of implementing the settlement. The settlement is a compromise of disputed claims and is not an admission of liability, wrongdoing or fault by any of the defendants. The settlement is subject to the approval of the BC Court and the Quebec Court.

The BC Court has appointed Ryan Kett, Erik Oun, and James (Jim) Wong as representative plaintiffs and the Quebec Court has appointed Danielle Dallaire as representative plaintiff. Class Counsel are Klein Lawyers LLP, Mathew P Good Law Corporation, and Klein Avocats Plaideurs Inc.

The defendants are Kobe Steel, Ltd., Shinko Aluminum Wire Co., Ltd., Shinko Wire Stainless Company, Ltd., and Nippon Koshuha Steel Co., Ltd.

What is the case about?

The plaintiffs allege that between at least 2002 and 2018, the defendants misrepresented to automobile manufacturers that their metal products met certain specifications or technical standards, when they in fact did not. The plaintiffs sought to recover damages for themselves and Class Members for alleged economic losses as a result of this conduct. The defendants deny the allegations.

Who are in the Classes and affected by the settlement?

The BC Class is all persons in Canada (excluding Quebec) who (1) purchased or leased a new or used vehicle manufactured by Toyota (including Lexus), Honda (including Acura), Subaru, Mazda, Mitsubishi, Nissan (including Infiniti), Kia, Hyundai, Tesla or GM, or (2) purchased parts or replacement parts containing automotive metal manufactured by the defendants, between 2002 and 2018. The Quebec Class is all Quebec residents meeting the same criteria.

What are the terms of the settlement?

The settlement provides for the payment of CDN \$1,950,000 by Kobe Steel, Ltd. in exchange for a full release of all claims against the defendants by the BC Class and the Quebec Class. As part of the settlement, a proposed class action in Ontario regarding the same subject matter (*Curran v. Kobe Steel, Ltd. et al.*, Ontario Superior Court File No. CV-17-586942-00CP) will be dismissed.

The payment of the settlement amount is not an admission of liability, wrongdoing or fault by the defendants.

Further hearings will be held on November 20, 2020, and December 11, 2020, to seek approval of the Settlement Agreement by the BC Court and the Quebec Court, respectively. The BC hearing will take place in BC Supreme Court at 800 Smithe Street, Vancouver, B.C., before the Honourable Justice D. MacDonald. The Quebec hearing will take place in the Superior Court of Quebec in a room to be determined and to be published on the Klein Avocats Plaideurs Inc. website.

If approved, the settlement will be binding on all members of the BC Class and the Quebec Class who do not opt out of the proceeding.

The full settlement terms are available <https://www.callkleinlawyers.com/class-actions/current/>

How do I participate?

If you want to be a member of this class action and participate in the settlement, you do not need to do anything. You are automatically included as a member of the BC Class or the Quebec Class unless you opt out of the applicable proceeding.

What if I do not want to participate?

If you do **not** want to participate in these proceedings or be a member of the BC Class or the Quebec Class, you may exclude yourself from the class action (“opt-out”). In order to opt-out, you must complete and sign. The opt-out form is available at <https://www.callkleinlawyers.com/class-actions/current/>. Alternatively, you may deliver a written election to opt-out in the same manner that is signed by you and contains the following information:

- (a) your full name, current address and telephone number;
- (b) if a corporation is electing to opt-out, the name of the corporation and the position of the person submitting the request to opt-out on behalf of the corporation;
- (c) a statement to the effect that you wish to be excluded from the Proceedings; and
- (d) the reasons for opting out.

Residents of Quebec are additionally required to give notice to the Clerk of the Superior Court of Quebec and file it with Class Counsel by no later than **November 18, 2020**.

The opt-out form must be emailed to **dtanjuatco@callkleinlawyers.com**, or mailed or couriered to: For residents of Canada outside Quebec: For resident of Quebec:

Klein Lawyers LLP
400-1385 W 8th Ave
Vancouver, B.C. V6H 3V9
Attention: Dax Tanjuatco (re Kobe Steel)

Klein Avocats Plaideurs Inc.
1800-500 Place d’Armes
Montreal, QC H2Y 2A2
Attention: C. Hannouche (re Kobe Steel)
channouche@kleinavocats.com

Where will the settlement money go?

Under the terms of the Settlement Agreement, after the payment of notice costs, Class Counsel fees and disbursements, any honoraria to the representative plaintiffs, and any amounts owed to the *Fonds d'aide aux actions collectives*, the remaining funds will be donated to the Law Foundation of British Columbia for works in the public interest and to Édcaloi in Quebec. Class members will not receive direct payments under the Settlement Agreement.

What are the fee arrangements?

Under the terms of their retainer agreement with the representative plaintiffs, Class Counsel are seeking approval of a fee of up to 33 1/3% of the settlement amount, plus disbursements and applicable taxes. Class Counsel will also seek payments of up to \$2,500 as honouraria for each representative plaintiff in the BC proceeding.

Class Counsel fees, disbursements and any payments to the representative plaintiffs are subject to approval by the BC Court and the Quebec Court.

Objections

All members of the BC Class or the Quebec Class have the right to let the BC Court or the Quebec Court know of any objection they have to the approval of the Settlement Agreement, Class Counsel fees or payments to the representative plaintiffs by delivering a letter or written objection to Class Counsel on or before November 18, 2020. If a class member wishes to object, the following information must be included in the letter or written objection delivered to Class Counsel:

- (a) The objector's full name, current mailing address, telephone number and email address;
- (b) A brief statement of the nature and reasons for the objection;
- (c) A statement that the objector believes that he or she is a member of the Class, and, if available, the vehicle make, model number, year, VIN, and date of purchase of the vehicle;
- (d) Whether the objector intends to appear at the court hearing on their own behalf or through a lawyer, and if by a lawyer, the name, address, telephone number and email address of the lawyer; and
- (e) A statement that the foregoing information is true and correct.

For more information or a copy of the Settlement Agreement, go to <https://www.callkleinlawyers.com/class-actions/current/>.

You may also contact Class Counsel at dtanjuatco@callkleinlawyers.com or call 604-874-7171 or via mail at the following address:

Klein Lawyers LLP
400-1385 W 8th Ave
Vancouver, B.C. V6H 3V9

Attention: Dax Tanjuatco (re Kobe Steel)

Klein Avocats Plaideurs Inc.
1800-500 Place d'Armes
Montreal, QC H2Y 2A2

Attention: C. Hannouche (re Kobe Steel)
channouche@kleinavocats.com

This notice has been authorized by the BC Court and the Quebec Court. Do not contact the court.

