

ONTARIO

SUPERIOR COURT OF JUSTICE



THE HONOURABLE) TUESDAY, THE 22nd
)
JUSTICE NICHOLSON) DAY OF NOVEMBER, 2022

BETWEEN:

HOWARD FERCH

Plaintiff/Moving Party

- and -

GENERAL MOTORS OF CANADA COMPANY and GENERAL
MOTORS, LLC

Defendants/Responding Parties

Proceeding under the *Class Proceedings Act, 1992*

ORDER

THIS MOTION, made by the Plaintiff, for an order (1) approving the settlement of the Plaintiff Howard Ferch's individual claim; (2) approving the settlement of the 63 putative class members who will receive notice of an extension of the Special Coverage Program under the terms of settlement; and, (3) discontinuing this Action without costs and without prejudice to putative class members other than, (i) Howard Ferch, and (ii) the 63 putative class members who receive notice of an extension of the Special Coverage Program under the terms of settlement, was heard on November 22, 2022, virtually over Zoom.

ON READING the materials filed by the Parties, including the Consent of the Parties, and on hearing the submissions of counsel for the Plaintiff and counsel for the Defendants:

1. **THIS COURT ORDERS** that the settlement of Howard Ferch's individual claim, in the amount of \$8,273.44 (representing Howard Ferch's individual claim in its entirety), is hereby approved pursuant to s 29 of the *Class Proceedings Act, 1992*, SO 1992, c 6;


2. **THIS COURT ORDERS** that the settlement of the 63 putative class members shall be on the following terms:

- (a) The Defendants will re-issue Notices of the Special Coverage Program to the 63 putative Class Members with Affected Vehicles equipped with 2.4-litre Engines who reached out to counsel for the Plaintiff (at their updated addresses and on the basis on their Vehicle Identification Numbers, to be provided by counsel for the Plaintiff), and to extend the expiration date of the Special Coverage Program for these 63 putative Class Members to a date that is three months from the date of issuance of the re-issued Notice;
- (b) The Defendants are granting this extension of the Special Coverage Program without acknowledging any deficiency in the initial Notice of the Special Coverage Program and solely to these 63 putative Class Members; and
- (c) The Defendants deny liability to any other putative Class Member with an Affected Vehicle equipped with a 2.4-litre Engine.

3. **THIS COURT ORDERS** that this Action be discontinued without costs and without prejudice to putative class members other than, (i) Howard Ferch, and (ii) the 63 putative class members who receive notice of an extension of the Special Coverage Program under the terms of settlement (in respect of which individuals the action shall be dismissed).

4. **THIS COURT ORDERS** that notice of the discontinuance of this Action, including a copy of the within Order, be published on the website of counsel for the Plaintiff, as well as sent directly to every putative class member who has contacted counsel for the Plaintiff; and,

5. **THIS COURT ORDERS** that there shall be no costs of this motion.



The Honourable Justice Spencer Nicholson

HOWARD FERCH
Plaintiff/Moving Party

-and- GENERAL MOTORS OF CANADA COMPANY et al
Defendants/Responding Parties

Court File No. CV-20-00001443-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
LONDON

ORDER

McKENZIE LAKE LAWYERS LLP
140 Fullarton Street, Suite 1800
London, ON N6A 5P2
Tel: 519-672-5666
Fax: 519-672-2674

Michael J. Peerless (LSO # 34127P)
Matthew D. Baer (LSO # 48227K)

Lawyers for the Plaintiff/Moving Party

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

MICHAEL BELL

Plaintiff

and

GENERAL MOTORS OF CANADA COMPANY and GENERAL MOTORS,
LLC

Defendants

Proceeding under the *Class Proceedings Act, 1992*

NOTICE OF DISCONTINUANCE

The Plaintiff wholly discontinues this action against the Defendants, General Motors of Canada Company and General Motors LLC.

December 5, 2022

McKENZIE LAKE LAWYERS LLP

140 Fullarton Street, Suite 1800

London, ON N6A 5P2

Tel: 519-672-5666

Fax: 519-672-2674

Michael J. Peerless (LSO # 34127P)

mike.peerless@mckenzielake.com

Matthew D. Baer (LSO # 48227K)

matt.baer@mckenzielake.com

Lawyers for the Plaintiff

TO:

OSLER, HOSKIN & HARCOURT LLP

Box 50, 1 First Canadian Place

Toronto, ON M5X 1B8

Tel: 416-362-2111

Fax: 416-862-6666

Sonia Bjorkquist (LSO # 38973L)

sbjorkquist@osler.com

Craig Lockwood (LSO # 46668M)

clockwood@osler.com

Lauren Harper (LSO # 70606L)

lharper@osler.com

Lawyers for the Defendants

HOWARD FERCH
Plaintiff/Moving Party

-and- GENERAL MOTORS OF CANADA COMPANY et al
Defendants/Responding Parties

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