



Court File No. CV-19-00627147-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) Tuesday, THE 17th
)
MR JUSTICE GLUSTEIN) DAY OF January, 2022^{BG}
) 2023

B E T W E E N:

KEITH McBAIN

Plaintiff/Moving Party

and

HYUNDAI AUTO CANADA CORP,
HYUNDAI MOTOR COMPANY, LTD, HYUNDAI MOTOR AMERICA, INC,
and HYUNDAI MOTOR MANUFACTURING ALABAMA, LLC

Defendants/Responding Parties

Proceeding under the *Class Proceedings Act, 1992*

**ORDER
(Discontinuance)**

THIS MOTION, made by the Plaintiff in this Action, and a nearly identical motion made by the Plaintiff in *Asselstine v Kia Canada Inc, et al*, Ontario Superior Court of Justice Court File No CV-19-627149-00CP (the “Asselstine Action”), for (1) an Order discharging Epiq Class Action Services Canada, Inc from its role as Claims Administrator of the partial Settlement; and, (2) an Order discontinuing this Action and the Asselstine Action without costs, with prejudice, and with the claims relating to vehicles other than Settlement Class Vehicles being continued in the action titled *Kapron v Hyundai Auto Canada Corp, et al*, bearing Ontario Superior Court of Justice Court File No CV-22-00677727-00CP, were heard this day in writing at the Ontario Superior Court of Justice at 330 University Avenue, Toronto, Ontario M5G 1R7;

ON READING the Affidavit of Chelsea Smith, sworn August 9, 2022, and the other materials filed, including the Consent of the Parties;

1. **THIS COURT ORDERS** that the capitalized terms herein have the same meaning as in the Hyundai and Kia Theta II GDI Engine Canadian Class Actions Settlement Agreement, dated October 22, 2020 unless otherwise defined herein;

2. **THIS COURT DECLARES** that the partial Settlement pertaining to the within Action is concluded;

3. **THIS COURT ORDERS** that Epiq Class Action Services Canada, Inc is hereby discharged from its role as Claims Administrator of the partial Settlement;

4. **THIS COURT ORDERS** that pursuant to the Order of the Honourable Justice Glustein, dated March 9, 2021, this Action be discontinued without costs and with prejudice, with the claims relating to vehicles other than Settlement Class Vehicles being continued in the action titled *Kapron v Hyundai Auto Canada Corp, et al*, bearing Ontario Superior Court of Justice Court File No CV-22-00677727-00CP and issued March 2, 2022; and,

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



The Honourable Justice Benjamin Glustein

KEITH McBAIN
Plaintiff/Moving Party

-and- HYUNDAI AUTO CANADA CORP et al
Defendants/Responding Parties

Court File No. CV-19-00627147-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
LONDON AND TRANSFERRED TO TORONTO

ORDER
(Discontinuance)

McKENZIE LAKE LAWYERS LLP

140 Fullarton Street, Suite 1800

London, Ontario N6A 5P2

Michael J Peerless (LSO # 34127P)

Matthew D Baer (LSO # 48227K)

Tel: 519-672-5666

Fax: 519-672-2674

STROSBERG SASSO SUTTS LLP

1561 Ouellette Avenue

Windsor, ON N8X 1K5

Jay Strosberg (LSO # 47288F)

Justin Smith (LSO # 75275W)

Tel: 519-258-9333

Fax: 866-316-5311

Lawyers for the Plaintiff/Moving Party