

Toronto Court File No. CV-23-00704552-00CP
Windsor Court File No. CV-14-21072 CP

ONTARIO

SUPERIOR COURT OF JUSTICE

THE HONOURABLE) THURSDAY, THE 18TH
)
JUSTICE PERELL) DAY OF MAY, 2023

B E T W E E N :



**RICKEY BAGGIO, MARGARET MARENTETTE, DANIELLA
WENZLER and DENNIS WENZLER**

Plaintiffs

- and -

**GENERAL MOTORS OF CANADA LIMITED and
GENERAL MOTORS COMPANY**

Defendants

Proceeding under the *Class Proceedings Act, 1992*

**ORDER
(Discontinuance)**

THIS MOTION, made in writing by the Plaintiffs, for an Order approving the discontinuance of the within Action, without costs, and without prejudice to putative Class Members other than the Plaintiffs (Rickey Baggio, Margaret Marentette, Daniella Wenzler, and Dennis Wenzler), was read this day at the Toronto Courthouse, 330 University Avenue, Toronto, Ontario, M5G 1R7.

ON READING the Motion Record of the Plaintiffs/Moving Parties (Discontinuance), including the Affidavit of Justin Smith, sworn March 24, 2023 and the Consent of the Parties, dated March 25, 2023:

1. **THIS COURT ORDERS** that paragraph 9(ii) of the Order of Justice Perell issued October 11, 2016 staying this Action pending further order of the Court is set aside;

2. **THIS COURT ORDERS** that the within Action be and is hereby discontinued, without costs, and without prejudice to putative Class Members other than the Plaintiffs (in respect of which individual Plaintiffs the within Action shall be discontinued with prejudice);

3. **THIS COURT ORDERS** that the discontinuance of this Action is a defence to a subsequent action by any Plaintiff against any Defendant, arising from or related to the subject matter of the within Action;

4. **THIS COURT ORDERS** that Plaintiffs' counsel shall provide notice of the discontinuance of this Action in the form set out in Appendix "A" (the "Notice of Discontinuance") by posting a copy of the Notice of Discontinuance and a copy of the within Order on its websites for one month from the date of this Order and by sending a copy of the Notice of Discontinuance and a copy of the within Order by email or regular mail to every putative Class Member who has contacted counsel for the Plaintiffs in connection with this Action and for whom counsel for the Plaintiffs has an email address and/or mailing address; and,

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



The Honourable Justice Perell

ENTERED AUG 18/2023

Schedule “A”

**NOTICE OF DISCONTINUANCE OF CLASS ACTION RELATING TO
DEFECTIVE TRANSMISSION SHIFT CABLES IN CERTAIN CHEVROLET,
PONTIAC AND SATURN VEHICLES**

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

By Order of the Ontario Superior Court of Justice, all persons in Canada (except for Excluded Persons)¹ who on April 29, 2014 owned a model year 2004-2008 Chevrolet Malibu, a model year 2004-2007 Chevrolet Malibu Maxx, a model year 2005-2008 Pontiac G6, or a model year 2007-2008 Saturn Aura vehicle are advised that:

On July 25, 2014, a proposed class action, *Baggio et al v General Motors of Canada Limited et al*, Ontario Superior Court of Justice Court File No CV-14-21072 CP (the “Action”), was commenced against General Motors of Canada Limited and General Motors Company (collectively, “General Motors”). The Action concerned the alleged negligent and dangerous design, manufacture and installation of the “Transmission Shift Cable” (a cable that runs from the cabin gear shift to the transmission linkage) in model year 2004-2008 Chevrolet Malibu, model year 2004-2007 Chevrolet Malibu Maxx, model year 2005-2008 Pontiac G6, and model year 2007-2008 Saturn Aura vehicles allegedly designed and manufactured by the Defendants, and alleged that the Defendants failed to warn owners of these vehicles and the public about the allegedly defective Transmission Shift Cable. General Motors denies these allegations.

This Notice is to advise you that this Action has been discontinued. The Ontario Superior Court of Justice has approved this discontinuance, and the discontinuance will take effect on ●, 2023. The discontinuance of this Action means that the proposed class action is not going forward or being pursued in Ontario. The discontinuance is without prejudice to putative Class Members other than the named Plaintiffs.

PLEASE TAKE NOTICE THAT the limitation periods for putative Class Members, which have been suspended since the issuance of the Statement of Claim in this Action, issued July 25, 2014, are no longer suspended and will continue to run as of ●, the date of the Order discontinuing the Action. On the expiry of the applicable limitation period, the right to sue may be extinguished.

Should you have any questions, please contact Strosberg Sasso Sutts LLP at 1-800-229-5323 ext 296.

THIS NOTICE HAS BEEN AUTHORIZED BY THE ONTARIO SUPERIOR COURT OF JUSTICE.

¹ Excluded Persons are the Defendants and their officers, directors and their heirs, successors and assigns.

RICKEY BAGGIO et al
Plaintiffs

-and-
GENERAL MOTORS OF CANADA LIMITED et al
Defendants

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ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT
WINDSOR

ORDER
(Discontinuance)

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