

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) THURSDAY, THE 16TH DAY
JUSTICE P.M. PERELL) NOVEMBER, 2023

B E T W E E N:

DONALD D’HAENE, KEITH SANFORD, MARY SALMON, MICHAEL VETTESE, NIDHI PRASHAR, and JOSÉE GAULIN
Plaintiffs

- and -

BMW CANADA INC./BMW GROUP CANADA, BMW NORTH AMERICA, LLC,
BMW MANUFACTURING CO. LLC, BMW AG,
FORD MOTOR COMPANY OF CANADA LIMITED,
GENERAL MOTORS COMPANY AND GENERAL MOTORS OF CANADA LIMITED,
MITSUBISHI MOTOR SALES OF CANADA, INC., MERCEDES-BENZ CANADA INC.,
VW CREDIT CANADA, INC. and VOLKSWAGEN GROUP CANADA, INC.
Defendants

Proceeding under the *Class Proceedings Act, 1992*

ORDER

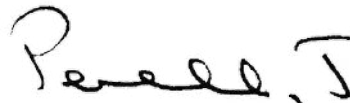
THIS MOTION, made by the plaintiffs, in writing, for a discontinuance of this action, was read this day.

ON READING the motion record of the plaintiffs, including the Affidavit of Joshua Aziza, sworn November 1, 2023.

AND ON BEING ADVISED that the action against Mercedes-Benz Canada Inc. and Mitsubishi Motor Sales Canada has been dismissed,

AND ON BEING ADVISED of the consent of the parties.

1. **THIS COURT ORDERS** that the discontinuance of the action is approved and the action is hereby discontinued with prejudice and without costs.
2. **THIS COURT ORDERS** that the notice attached hereto as Schedule “A” (the “**Notice**”) be and is hereby approved.
3. **THIS COURT ORDERS** that Co-Lead Counsel for the Plaintiffs shall send the Notice to all persons who have registered with or contacted them in connection with this proposed class action.
4. **THIS COURT ORDERS** that Co-Lead Counsel for the Plaintiffs shall publish the text of the Notice and a copy of this Order, on their case websites at <https://www.strosbergco.com/class-actions/takata/> and <https://www.mckenzielake.com/takata-airbag-recall/> for a period of three (3) months beginning as of the date of this Order, following which the notice and websites shall be taken down by counsel for the Plaintiffs.
5. **THIS COURT ORDERS** that counsel for the Plaintiffs shall bear the costs of providing the notice in accordance with paragraphs 3 and 4 of this Order.
6. **THIS COURT ORDERS** that there shall be no costs of this motion.



Justice P.M. Perell

Schedule “A”

NOTICE OF DISCONTINUANCE OF ONTARIO SUPERIOR COURT OF JUSTICE COURT FILE NO. CV-16-543766-00CP AGAINST BMW CANADA INC./BMW GROUP CANADA, BMW NORTH AMERICA, LLC, BMW MANUFACTURING CO. LLC, BMW AG, FORD MOTOR COMPANY OF CANADA LIMITED, GENERAL MOTORS COMPANY AND GENERAL MOTORS OF CANADA LIMITED, MITSUBISHI MOTOR SALES OF CANADA, INC., MERCEDES-BENZ CANADA INC., VW CREDIT CANADA, INC. and VOLKSWAGEN GROUP CANADA, INC.

A lawsuit was commenced in April of 2015 against BMW CANADA INC./BMW GROUP CANADA, BMW NORTH AMERICA, LLC, BMW MANUFACTURING CO. LLC, BMW AG, FORD MOTOR COMPANY OF CANADA LIMITED, GENERAL MOTORS COMPANY AND GENERAL MOTORS OF CANADA LIMITED, MITSUBISHI MOTOR SALES OF CANADA, INC., MERCEDES-BENZ CANADA INC., VW CREDIT CANADA, INC. and VOLKSWAGEN GROUP CANADA, INC. in the Ontario Superior Court of Justice. The lawsuit was commenced as a proposed class action under the *Class Proceedings Act, 1992*, S.O. 1992, c. 6, alleging claims pursuant to the common law and certain consumer protection statutes.

The lawsuit advanced a proposed class defined as all persons resident in Canada, except Excluded Persons, who own, owned, lease or leased one of the Vehicles. The Vehicles at issue include following:

MAKE	MODEL	MODEL YEARS: INCLUSIVE
BMW	1 SERIES	2008 - 2013
	3 SERIES	2000 - 2013
	5 SERIES	2001 - 2003
	X1	2008 – 2015
	X3	2007 – 2010
	X5	2001 – 2003, 2007 – 2013, 2017
	X6	2008 - 2014

MAKE	MODEL	MODEL YEARS: INCLUSIVE
FORD	EDGE	2007 – 2009
	F150	2017
	FUSION	2006 – 2009
	GT	2004 -2006
	MUSTANG	2005 – 2014, 2017
	RANGER	2003 - 2009
LINCOLN	MKX	2006 – 2009
	MKZ	2006 – 2009

	ZEPHYR	2006 – 2008
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MAKE	MODEL	MODEL YEARS: INCLUSIVE
MERCEDES-BENZ	AMG SLS	2010 - 2015
	C CLASS	2005 - 2017
	E CLASS	2010 - 2017
	GL CLASS	2009 - 2012
	GLK CLASS	2009 - 2017
	ML CLASS	2009 - 2011
	R CLASS	2009 - 2013
	SLK CLASS	2007 – 2008
	SPRINTER 2500	2010 - 2014
	SPRINTER 3500	2010 - 2014

MAKE	MODEL	MODEL YEARS: INCLUSIVE
AUDI	A3	2006 - 2013
	A4	2004, 2006 – 2009
	A5 Cabriolet	2010 - 2013
	A6	2005 – 2011
	Q5	2009 – 2012, 2015
	RS4	2007 – 2008
	S4	2006 – 2009
	S5 CABRIOLET	2010 – 2012
	S6	2007 – 2011
VW	CC	2009 – 2014
	EOS	2010 – 2014
	GOLF	2010 – 2013
	GOLF CITY	2008
	GTI	2010 – 2013
	PASSAT	2006 – 2014
	RABBIT	2009
	TIGUAN	2010, 2015

The plaintiffs claimed damages arising from alleged negligence, breach of warranties, and unjust enrichment due to alleged safety defects in Takata airbag inflators covered by twenty-five Recalls in Vehicles manufactured by the defendants.

The lawsuit on behalf of the proposed class is being discontinued. A discontinuance of the lawsuit means that it is not going forward or being pursued.

Discontinuance of the claims means that any applicable limitation periods in respect of these claims, which may have been suspended, will begin running again, and will ultimately expire (if they have not already done so).

Should you have any questions, please contact Strosberg Sasso Sutts LLP at 1-800-229-5323, ext. 289.

D'HAENE et al
Plaintiff

-and- BMW CANADA INC. et al
Defendants

Court File No. CV-16-543766-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
WINDSOR AND TRANSFERRED TO TORONTO

ORDER

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File number: 89.106.000