

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

THE HONOURABLE ) THURSDAY, THE 30<sup>TH</sup> DAY  
JUSTICE P.M. PERELL ) NOVEMBER, 2023

B E T W E E N:

JEFF MAILLOUX

Plaintiff

- and -

NISSAN CANADA INC.

Defendant

Proceeding under the *Class Proceedings Act, 1992*

**ORDER**

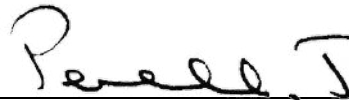
**THIS MOTION**, made by the plaintiff, in writing, for a discontinuance of this action, was read this day.

**ON READING** the motion record of the plaintiff, including the Affidavit of Joshua Aziza, sworn on November 16, 2023.

**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” be and is hereby approved.

3. **THIS COURT ORDERS** that Co-Lead Counsel for the Plaintiff shall send the Notice attached hereto as Schedule “A” 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 Plaintiff shall post the notice attached hereto as Schedule “A” 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 plaintiff’s counsel.
5. **THIS COURT ORDERS** that counsel for the Plaintiff 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.



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Justice P.M. Perell

Schedule "A"

NOTICE OF DISCONTINUANCE OF ONTARIO SUPERIOR COURT OF JUSTICE COURT FILE NO. CV-16-543763-00CP AGAINST NISSAN CANADA INC.

A lawsuit was commenced in April of 2015 against NISSAN 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 the following:

<b>MAKE</b>	<b>MODEL</b>	<b>MODEL YEARS: INCLUSIVE</b>
NISSAN	MICRA	2015
	PATHFINDER	2002 2003 2004
	SENTRA	2002 2003 2004 2005 2006
	MAXIMA	2001 2002 2003
	X-TRAIL	2004 2005 2006
INFINITI	FX35	2003
	FX45	2003
	I35	2001 2002 2003
	QX4	2002 2003
	QX56	2013
	QX80	2014

The plaintiff claimed damages arising from alleged negligence, breach of warranties, and unjust enrichment due to alleged safety defects in Takata airbag inflators covered by Transport Canada Recalls in Vehicles manufactured by the defendant.

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.

JEFF MAILLOUX

Plaintiff

-and- TAKATA CORPORATION et al.

Defendants

Court File No. CV-16-543763-00CP

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT  
WINDSOR AND TRANSFERRED TO TORONTO

**ORDER**

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File number: 89.104.000