



Court File No. CV-19-627149-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
) Tuesday _____, THE 17th
)
MR JUSTICE GLUSTEIN) DAY OF January _____, 2023

B E T W E E N:

CHANTAL ASSELSTINE

Plaintiff/Moving Party

and

KIA CANADA INC, KIA MOTORS CORPORATION, KIA MOTORS
AMERICA, INC, KIA MOTORS MANUFACTURING GEORGIA, INC,
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 *McBain v Hyundai Auto Canada Corp, et al*, Ontario Superior Court of Justice Court File No CV-19-00627147-00CP (the “McBain 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 McBain Action without costs, with prejudice, and with the claims relating to vehicles other than Settlement Class Vehicles being continued in the action titled *Corbin v Kia Canada Inc, et al*, bearing Ontario

Superior Court of Justice Court File No CV-22-00675588-00CP, 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 *Corbin v Kia Canada Inc, et al*, bearing Ontario Superior Court of Justice Court File No CV-22-00675588-00CP and issued January 21, 2022; and,
5. **THIS COURT ORDERS** that there shall be no costs of this motion.



The Honourable Justice Benjamin Glustein

CHANTAL ASSELSTINE
Plaintiff/Moving Party

-and- KIA CANADA INC et al
Defendants/Responding Parties

Court File No. CV-19-627149-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT
LONDON AND TRANSFERRED TO TORONTO

**ORDER
(Discontinuance)**

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