

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

ONTARIO SUPERIOR COURT OF JUSTICE

THE HONOURABLE)	<u>Tuesday</u> ,	THE 17th
MR JUSTICE GLUSTEIN))	DAY OF January	, 2022 2023

BETWEEN:

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.

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The Honourable Justice Benjamin Glustein

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

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ONTARIO SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT LONDON AND TRANSFERRED TO TORONTO

ORDER

(Discontinuance)

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