

Court File No. CV-21-00001058-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE
JUSTICE L.C. Leitch

____ Monday _____, THE 29th DAY
OF _____ January _____, 2024.

B E T W E E N :



STEVEN SCOTT

Plaintiff

- and -

SUBARU CANADA, INC and SUBARU CORPORATION

Defendants

Proceeding under the *Class Proceedings Act, 1992*

ORDER

THIS MOTION, made by the Plaintiff, in writing, for an order dismissing the within action without costs, was heard this day at the London Courthouse, located at 80 Dundas Street, London, Ontario.

ON READING the motion record of the Plaintiff, including the Affidavit of Jonathan Bradford, sworn January 12, 2024,

AND ON READING the consent of the parties to the dismiss of the action without costs,

1. **THIS COURT ORDERS** that the within action is hereby dismissed, with prejudice and without costs.

2. **THIS COURT ORDERS** that the notice attached hereto as Schedule "A" (the "**Notice**")

is hereby approved.

3. **THIS COURT ORDERS** that counsel for the Plaintiff 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 counsel for the Plaintiff shall publish the text of the Notice and a copy of this Order, on their case website at <https://www.mckenzielake.com/subaru-electrical-defect/> 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 Plaintiff.

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 order as to costs of this proceeding.



The Honourable Justice Leitch

SCHEDULE A

NOTICE OF DISMISSAL OF ONTARIO SUPERIOR COURT OF JUSTICE COURT FILE
NO. CV-21-00001058-00CP AGAINST SUBARU CANADA, INC and SUBARU
CORPORATION.

A lawsuit was commenced in June of 2021 against SUBARU CANADA, INC and SUBARU CORPORATION 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 who purchased or leased one of the following vehicles:

Model Year(s)	Vehicle
2015-2019	Subaru Outback
2015-2019	Subaru WRX
2015-2019	Subaru Forester
2015-2019	Subaru Legacy
2019	Subaru Ascent

The Plaintiff claimed damages arising from alleged negligence, breach of warranties, and unjust enrichment due to alleged defect in the vehicles that leads to sudden and unexpected battery failure and premature battery replacement.

The lawsuit on behalf of the proposed class was dismissed on [DATE]. A dismissal of the lawsuit means that it is not going forward or being pursued.

Dismissal 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 McKenzie Lake Lawyers LLP at 1-844-672-5666 or email us at kim.jones@mckenzielake.com.

STEVEN SCOTT
Plaintiff

-and- SUBARU CANADA INC., et al
Defendants

Court File No. CV-21-00001058-00CP

**ONTARIO
DIVISIONAL COURT
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT LONDON

ORDER

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