

If you purchased a lawn mower in Canada between January 1, 1994 and December 31, 2012, your legal rights could be affected.

LAWN MOWERS CLASS ACTION LAWSUIT

In 2010, class action lawsuits were initiated in Ontario by Harrison Pensa LLP and in Quebec by Consumer Law Group Inc. on behalf of all Canadians who purchased Lawn Mowers between January 1, 1994 and December 31, 2012 (the "Lawn Mowers Class Action Lawsuit").¹

A "Lawn Mower" means a lawn mower designed, manufactured, or labeled by any of the Defendants for ultimate sale, including retail sale, in Canada, containing a gas-combustible engine labeled at 30 horsepower or less.

The lawsuit alleges that the Defendants participated in an unlawful conspiracy to raise, fix, maintain or stabilize the price of lawn mowers in Canada; to unduly lessen competition in the production, manufacture, sale and/or supply of lawn mowers and lawn mower engines; and to conduct business contrary to the *Competition Act* and the *Consumer Packaging and Labelling Act*. As a result, it is alleged that class members paid more for lawn mowers than they would have, absent the conspiracy.

THE HONDA SETTLEMENT

A settlement has been reached with Honda, in which they have agreed to pay CDN \$700,000.00 for the benefit of class members (the "Honda Settlement"). In exchange, the Honda Defendants will be provided with a full release of claims made against them. The Honda Defendants do not admit any wrongdoing or liability in relation to the Lawn Mowers Class Action Lawsuit.

The Lawn Mowers Class Action Lawsuit continues against all non-settling defendants.

PRIOR SETTLEMENTS

Two prior settlements have been reached and approved by the respective Courts in Ontario and Quebec. Under the terms of the first settlement, the MTD Defendants agreed to pay CDN \$300,000.00 and to provide evidence to the plaintiffs to help them pursue the other defendants. The MTD settlement resolved the litigation against Sears. Under the terms of the second settlement, Briggs, Electrolux, John Deere, Husqvarna, Kohler, and Toro, agreed to pay CDN \$4,200,000.00. Total settlements to date, including the Honda Settlement, are CDN \$5,200,000.00.

The net settlement funds from the previous settlements, less Court-approved fees, disbursements, notice costs and applicable taxes, are being held in an interest-bearing trust account for the benefit of all class members.

DISTRIBUTION OF SETTLEMENT FUNDS

As the litigation is ongoing against the non-settling defendants, there will be no distribution of settlement funds at this time. The

continuing litigation may or may not result in further settlements or judgments. If there is a further recovery, it will be added to the present settlement monies, which will be held in an interest-bearing trust account and an efficient distribution will be made at an appropriate time. The Courts will approve when and to whom the settlement funds are distributed.

CERTIFICATION FOR SETTLEMENT PURPOSES

The Ontario Superior Court of Justice has certified the Ontario proceeding against the Honda Defendants for the purposes of the settlement approval. The plaintiffs will seek authorization of the Quebec proceeding in concert with the Settlement Approval Hearing in Quebec.

SETTLEMENT APPROVAL AND COUNSEL FEES

The Honda Settlement must be approved by the Ontario and Quebec Courts before it becomes effective. Hearings have been set for **October 26, 2015 at 10:00am** at 80 Dundas Street, London, Ontario and for **October 27, 2015 at 9:30am** at 1, Notre-Dame Street East, Montreal, Quebec, Room 2.08.

At these hearings, the Courts will determine whether the settlement is fair, reasonable, and in the best interests of the class members. The Courts will also determine what fees and expenses, plus applicable taxes, will be paid to the lawyers for the plaintiffs as a result of this settlement. The lawyers for the plaintiffs will be requesting that legal fees of up to 25% of the settlement reached with Honda plus disbursements and applicable taxes be approved by the Courts and paid out of the settlement funds (the "Fee Request").

If you do not oppose the proposed Honda Settlement, including the Fee Request, you do not need to appear at the hearing or take any other action.

If you wish to comment on or object to the Honda Settlement or the Fee Request, you must deliver a written submission to the address below by **October 23, 2015**. The lawyers will forward any submissions to the appropriate Court.

If the Honda Settlement is approved by the Courts in Ontario and Quebec, notice will be posted online at www.lawnmowersettlement.ca.

OPTING OUT OF THE PROCEEDINGS

The time for Class Members to opt-out of the Lawn Mowers Class Action Lawsuit has passed. The deadline to do so was September 17, 2013. If you did not previously opt-out, you are legally bound by the result of the Lawn Mowers Class Action, including the Honda Settlement Agreement.

MORE QUESTIONS

If you have any questions about the Lawn Mowers Class Action Lawsuit, visit www.lawnmowersettlement.ca or contact:

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¹ The Class Action was brought against the following defendants: Honda Canada Inc. and American Honda Motor Co. Inc. (collectively "Honda"); MTD Products Limited, MTD Products Inc. (collectively "MTD"); Sears Canada Inc., Sears Holdings Corporation, Sears, Roebuck and Co. (collectively "Sears"); Briggs & Stratton Canada Inc. and Briggs & Stratton Corp. (collectively "Briggs"); Electrolux Canada Corp. and Electrolux Home Products Inc. (collectively "Electrolux"); John Deere Canada ULC and Deere & Company (collectively "John Deere"); Husqvarna Canada Corp. and Husqvarna Consumer Outdoor Products N.A., Inc. (collectively "Husqvarna"); Kohler Canada Co. and Kohler Co. (collectively "Kohler"); The Toro Company (Canada), Inc. and The Toro Company (collectively "Toro"); Tecumseh Products of Canada Limited, Tecumseh Products Company, Platinum Equity, LLC (collectively "Tecumseh"); and Canadian Kawasaki Motors Inc. and Kawasaki Motors Corp., USA (collectively "Kawasaki.")