

SUPERIOR COURT

(Class Action)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

*Le 5 juillet 2013
Copie conforme
[Signature]
Per Ottawa GCS*

No: 500-06-000507-109

DATE: July 5, 2013

BY: THE HONOURABLE MADAM JUSTICE DANIELÉ MAYRAND, J.S.C.

ERIC LIVERMAN

and

SIDNEY VADISH

Petitioners

v.

DEERE & COMPANY

and

JOHN DEERE LIMITED

and

TECUMSEH PRODUCTS COMPANY

and

TECUMSEH PRODUCTS OF CANADA LIMITED

and

BRIGGS & STRATTON CORPORATION

and

BRIGGS & STRATTON CANADA INC.

and

KAWASAKI MOTORS CORP. USA,

and

CANADIAN KAWASAKI MOTORS INC.

and

MTD PRODUCTS INC.

and

MTD PRODUCTS LTD.

and

THE TORO COMPANY
and
THE TORO COMPANY (CANADA), INC.
and
AMERICAN HONDA MOTOR COMPANY, INC.
and
HONDA CANADA INC.
and
ELECTROLUX HOME PRODUCTS, INC.
and
ELECTRULEX CANADA CORP.
and
HUSQVARNA OUTDOOR PRODUCTS, INC.
and
HUSQVARNA CANADA CORP.
and
KOHLER CO.
and
KOHLER CANADA CO.
and
SEARS, ROEBUCK AND CO.
and
SEARS CANADA INC.
and
PLATINUM EQUITY, LLC
Respondents

**JUDGMENT ON PETITIONERS' MOTION FOR APPROVAL
OF A NOTICE TO CLASS MEMBERS**

[1] **ON READING** Petitioners' Motion for Approval of a Notice to Class Members, which seeks approval of a form of notice to be published in accordance with a proposed dissemination plan to the attention of class members announcing the date, time, place, and nature of the approval hearing, as well as, the terms of the Settlement Agreements (**Exhibits R-1 and R-2**);

[2] **THE COURT:**


[3] **GRANTS** the Motion for Approval of a Notice to Class Members;

[4] **ORDERS** that the Notice to Class Members, substantially in the form of **Exhibits R-3 and R-4** be disseminated on or before August 25, 2013 in the following manner:

- 1) A settlement website will be established at www.lawnmowersettlement.ca where all Notices will be posted;
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- 2) By Press Release on Canada Newswire;
- 3) The Short-Form Notice will be published in the following regional and national newspapers:
 - a. The Globe and Mail (National Edition)
 - b. The National Post (National Edition)
 - c. La Presse
 - d. The Montreal Gazette
 - e. The Toronto Star
 - f. The Vancouver Sun
 - g. The Calgary Herald
 - h. The Edmonton Journal
 - i. The Saskatoon Star Phoenix
 - j. The Winnipeg Free Press
 - k. The St. John's Telegram
 - l. The Halifax Chronicle Herald
 - m. The Moncton Times & Transcript
 - n. The Charlottetown Guardian;
- 4) The Short-Form Notice will be provided to the following organizations for distribution to their memberships:
 - a. The Consumers' Association of Canada
 - b. The Consumers' Council of Canada;
- 5) A digital notice campaign using the following digital media:
 - a. Facebook
 - b. Twitter
 - c. Select consumer product message boards;
- 6) The Long-Form Notice will be sent by direct mail, fax and/or e-mail to:
 - a. all persons who have contacted Class Counsel about the litigation
 - b. other potentially interested parties identified by Class Counsel;
- 7) Class Counsel may apply to the Court on notice to the Settling Defendants for approval to make any further distribution of Notices to Settlement Class Members as may be deemed necessary to facilitate their interests in respect of the settlements;

[5] **ORDERS** that the costs of disseminating the Notice will be paid for in accordance with the Settlement Agreements;



[6] **FIXES** the hearing date of the Motion to Authorize the Bringing of a Class Action for Settlement Purposes Only and for Approval of the Settlement Agreements for September 25, 2013 at the Montreal Courthouse, 1, Notre-Dame Street East, in the city of Montreal, Quebec, in courtroom 2.08 at 9:30 A.M. (or any other courtroom, which will be indicated by the posting of a sign outside of courtroom 2.08);

[7] **WITHOUT COSTS.**


THE HONOURABLE DANIELE
MAYRAND, J.S.C.

Me Jeff Orenstein
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Attorneys for the Petitioners

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INC.

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PRODUCTS OF CANADA LIMITED AND PLATINUM EQUITY, LLC

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HUSQVARNA CANADA CORP.

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& STRATTON CANADA INC.

Me Andrei Pascu

McMillan

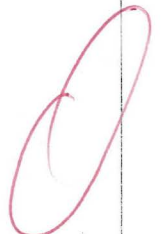
Attorneys for the Respondents KOHLER CO. AND KOHLER CANADA CO.

Me Robert Torralbo

Blake, Cassels & Graydon

Attorneys for the Respondents DEERE & COMPANY AND JOHN DEERE LIMITED

Date of hearing: July 5, 2013

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