

CANADA
 PROVINCE OF QUEBEC
 DISTRICT OF MONTREAL

 NO: 500-06-000828-166

(Class Action)
 SUPERIOR COURT

S. GAGNON

Petitioner

-vs.-

AUDI CANADA INC., legal person duly constituted, having its head office at 777 Bayly St. West, Ajax, Ontario, L1S 7G7

and

AUDI AG, legal person duly constituted having its head office at Ettinger Strasse, 85045, Ingolstadt, Bavaria, Germany

and

VOLKSWAGEN GROUP CANADA INC., legal person duly constituted, having its head office at 777 Bayly St. West, Ajax, Ontario, L1S 7G7

and

VOLKSWAGEN AG, legal person duly constituted, having its head office at Berliner Ring 2, 38440, Wolfsburg, Lower Saxony, Germany

Respondents

**MOTION TO AUTHORIZE THE BRINGING OF A CLASS ACTION
 & TO APPOINT THE PETITIONER AS REPRESENTATIVE
 (Art. 574 C.C.P. and following)**

TO AN HONOURABLE JUSTICE OF THE SUPERIOR COURT, SITTING IN AND FOR THE DISTRICT OF MONTREAL, YOUR PETITIONER STATES AS FOLLOWS:

I. GENERAL PRESENTATION

A) The Action

1. Petitioner wishes to institute a class action on behalf of the following group, of which he is a member, namely:
 - all persons, entities or organizations resident in Quebec who purchased and/or leased one or more of the Subject Vehicles equipped with a Defeat Device, or any other group to be determined by the Court;
2. The “Defeat Device” referred to in this litigation is an illegal device that unduly “defeats” or reduces the vehicle’s emission controls enabling the vehicle to produce lower CO₂ emissions and to exhibit higher fuel efficiency under testing conditions, but not during normal operation;
3. The “Subject Vehicles” means all Audi vehicles with a gasoline engine and an automatic transmission purchased and/or leased in Canada that contain the Defeat Device which includes, at least, those Audi vehicles equipped with a:
 - (i) ZF 8HP55 “AL 551” transmission¹, including but not limited to, the Audi 3.0L A6, A8, Q5, and Q7 models or
 - (ii) DL 501-7Q “DL 501” transmission², including but not limited to, the Audi 3.0L S4, S5, S6, S7 models;
4. These transmissions are also equipped on higher performance versions of some of these models. The list of vehicles equipped with this transmission that also use the Defeat Device that operates it in the above-described manner may grow or change as the investigations proceed;
5. The Petitioner contends that the Respondents failed to disclose the existence of the Defeat Device and that the Subject Vehicles emitted carbon dioxide (CO₂) at a much higher level than stated and that they had substantially lower fuel efficiency than stated. In fact, the Respondents actively concealed the existence of the Defeat Device and the fact that its existence would diminish both the intrinsic and the resale value of the Subject Vehicles, as well as, increase the cost of gas for consumers;

B) The Respondents

6. Respondent Audi Canada Inc. (“Audi Canada”) is a Canadian corporation with its head office in Ajax, Ontario. It is a wholly-owned subsidiary of Respondent

¹ The AL 551 transmission belongs to the ZF 8HP family of eight-speed units Audi sourced from transmission supplier ZF Friedrichshafen.

² The DL 501 model Audi sourced from Volkswagen.

Volkswagen Group Canada Inc., as appears from a copy of an extract from the *Registraire des entreprises*, produced herein as **Exhibit R-1**;

7. Respondent Audi AG is a German corporation with its head office in Bavaria, Germany. According to Audi AG, in 2015, it sold approximately 26,754 vehicles in Canada, as appears from a copy of Audi AG's 2015 Annual Report, produced herein as **Exhibit R-2**;
8. Respondent Audi AG is the owner of the following Canadian trade-marks: (word) AUDI (TMA279462), (word) AUDI (TMA303809), (design) Audi design (TMA685348), (design) AUDI (TMA846211), as appears from a copy of said trade-marks from the CIPO database, produced herein as **Exhibit R-3**;
9. Respondent Volkswagen Group Canada Inc. ("Volkswagen Canada") is a Canadian corporation with its head office in Ajax, Ontario. It is the parent company of Respondent Audi Canada, the whole as appears from a copy of an extract from the *Registraire des entreprises*, produced herein as **Exhibit R-4**;
10. Respondent Volkswagen AG is a German corporation with its head office in Wolfsburg, Germany. Volkswagen AG controls 99.55% of Audi AG;
11. During the Class Period, the Respondents, either directly or through a parent company, subsidiary, agent or affiliate, designed, manufactured, marketed, advertised, distributed, leased and/or sold the Subject Vehicles throughout Canada, including within the province of Quebec;
12. Given the close ties between the Respondents and considering the preceding, they are all solidarily liable for the acts and omissions of the other;

C) The Situation

13. The *On-Road Vehicle and Engine Emission Regulations* under the *Canadian Environmental Protection Act, 1999* ("CEPA") makes it a violation for any person to sell, manufacture, or install any component in a motor vehicle that "is an auxiliary emission control device that reduces the effectiveness of the emission control system under conditions that may reasonably be expected to be encountered in normal vehicle operation and use";

(i) Diesel Vehicles – NO_x Defeat Device

14. It has been widely publicized that, for years, the Respondents engaged in an extensive scheme to misrepresent the emissions of their so-called "clean diesel" vehicles by equipping them with a defeat device;
15. The defeat device at issue in that litigation used an algorithm to detect when vehicles were being operated on dynamometers, such as is used in smog testing

facilities and by federal regulators when determining compliance with emissions standards. When the diesel defeat device detected that the car was undergoing emissions testing, it would engage full emissions controls, which allowed the diesel vehicles to pass stringent standards for NO_x emissions³. During on-road driving, however, these same cars emitted 10 to 40 times the legal limits for NO_x because the emission controls were turned off;

16. On September 18, 2015, the “Volkswagen Emissions Scandal” erupted, when the United States Environmental Protection Agency (U.S. EPA) issued a notice of violation of the *Clean Air Act* to the Volkswagen Group after it was discovered that Volkswagen had intentionally programmed certain diesel engines to activate emissions controls only during laboratory emissions testing. The programming caused the vehicles’ NO_x output to meet environmental standards during regulatory testing, but emit up to 40 times more NO_x in real-world driving. Volkswagen deployed this programming in about eleven million cars worldwide, during model years 2009 through 2015;
17. In September 2015 and again in November 2015, the Respondents admitted using defeat device software to activate emissions controls when diesel cars were being smog tested and deactivate those controls during normal, on-road driving. Volkswagen claimed that the diesel defeat device was an isolated incident, which it blamed on “rogue engineers”, as appears from various journal articles, produced herein *en liasse* as **Exhibit R-5**;
18. Despite these admissions, it was not an isolated incident, and the unlawful activity was not perpetrated by only a few “rogue engineers”, but purposefully;

(ii) Gasoline Vehicles – CO₂ Defeat Device

19. Moreover, this unlawful activity was not limited to their diesel vehicles. It has recently been discovered that the Respondents have been surreptitiously using a completely different defeat device on at least the Subject Vehicles;
20. Unbelievably, despite the Respondents’ promises to be honest about its past mistakes in 2015, it apparently persisted in concealing and selling vehicles with a different defeat device in thousands of Audi-branded vehicles;
21. Unlike the emissions defeat devices in the diesel engine vehicles, which manipulate nitrous oxide (NO_x) levels, the emissions defeat devices in the gasoline engine vehicles manipulate another pollutant, carbon dioxide (CO₂) levels;
22. In July 2016, it was uncovered (and widely reported) that the Respondents equipped many of its *gasoline* vehicles with an entirely different defeat device to falsify and misrepresent the emission of another noxious gas, carbon dioxide emissions, as

³ Nitrogen dioxide and nitric oxide are referred to together as oxides of nitrogen (NO_x).

well as fuel efficiency, as appears from various articles, produced herein *en liasse* as **Exhibit R-6**;

23. Instead of delivering on their promises of high performance coupled with low or compliant emissions, the Respondents devised a way to make it appear that their cars did what they said they would when, in fact, they did not. Simply put, the Respondents lied to consumers and regulators alike and continued to lie over many years;
24. The Respondents were able to disguise this deception by programming its engines with the ability to engage different modes, one of which used significantly less fuel and emitted significantly less CO₂, but also delivered significantly less power. The Respondents deceptively dubbed this the “warm-up” strategy, a mode that activates when the Subject Vehicles are started. As long as the “warm-up” function remains activated, the automatic transmission remains in a “switching program” that produces a low engine speed, consumes less fuel, and produces less CO₂. However, this mode remains active only until the steering wheel is turned 15 degrees or more, at which point the engine management computer switches the transmission into normal mode, wherein the transmission shifts at normal, higher RPM, offering higher performance, lower fuel economy, and significantly greater carbon dioxide emissions;
25. The Respondents also figured out how to activate this low fuel/low emissions/low power mode during governmental tests. The Respondents’ engineers concluded that the only time the Subject Vehicles would run continuously with no steering wheel input would be when the vehicles were undergoing examination in a lab, on a test bed. The vehicles’ transmission control modules (“TCM”) therefore set “shift points” that allow the vehicles to detect those lab conditions and to produce compliant emission results under those conditions (known by Volkswagen as the “dyno calibration” mode)⁴. Under these static dynamometer lab conditions (a vehicle treadmill), the defeat device enables the Subject Vehicles to operate in this low power mode;
26. A vehicle’s advertised fuel economy is determined by driving a vehicle over five standardized driving patterns (or drive cycles), all of which are performed in a laboratory on a dynamometer where the conditions for all tests can be controlled. These driving cycles include cold starts, hot starts, highway driving, aggressive and high-speed driving, driving with the air conditioner in use under conditions similar to a hot summer day and driving in cold temperatures. Data from the five drive cycles are combined and adjusted for “real world” conditions in a way to represent “City”

⁴ The defeat device software is imbedded in the TCM. The TCM’s primary function is to establish shift logic by reacting to signals from sensors monitoring coolant temperature, exhaust temperature, ignition timing, crankshaft and camshaft positioning, fuel mixture and air flow volumes. The TCM and engine control unit (“ECU”) work in tandem to execute the actual cheat function. The engineers imbedded the cheat software in the TCM unit, intentionally making its detection less probable

driving and “Highway” driving. The “combined” fuel economy is the average of the City and Highway values with weights of 55% and 45% respectively;

27. During each of the drive cycles – all of which are performed in a lab, under the Subject Vehicles’ low power/low emissions/low fuel consumption mode – the amount of each pollutant is measured. This includes un-combusted or partially combusted gasoline (hydrocarbons or HC), carbon monoxide (CO) and carbon dioxide (CO₂). The amount of carbon produced is then converted to amount of gasoline which was required to produce the carbon in the exhaust. The amount of gasoline produced during the tests is divided into the distance driven on the test to produce the fuel economy;
28. Based on this equation, as the amount of CO₂ produced increases, the gasoline used increases and the fuel economy decreases. Therefore, if a Subject Vehicle produced less CO₂ during laboratory testing, but higher CO₂ when driven on road, then the vehicle would have better estimated fuel efficiency than the vehicle would actually achieve on road;
29. This Defeat Device is particularly reprehensible because it does not directly affect emissions controls, so it is very difficult to detect. Instead, when the device detects that the car is in a testing bay, it alters the shift points of the automatic transmission so that the vehicle operates in a low rev mode, by automatically shifting into the next higher gear sooner than it otherwise would under normal driving conditions. This modified shifting scheme reduces the engine’s revolutions per minute (RPM), fuel consumption, and CO₂ emissions; by keeping the engine’s RPM artificially low, it consumes less fuel and emits less carbon dioxide. When the vehicle is not in a testing bay, the defeat device deactivates and allows the vehicle to operate at a higher RPM such that the vehicle has more power and acceleration, but also consumes more fuel and emits more CO₂,
30. Additional reports indicate that high-placed Audi executives knew exactly how the Defeat Device worked and instructed company employees to utilize it as much as possible to misrepresent the performance of the Subject Vehicles, to deceive regulators and to deceive the public. Volkswagen and Audi management discussed the CO₂ defeat-device software in detail, for example, during a “Summer Drive” event in South Africa in the second half of February 2013. According to the event minutes, Axel Eiser, then the head of Audi’s powertrain division (currently the head of powertrain development of the entire Volkswagen group), said: “the shifting program needs to be configured so that it runs at 100% on the treadmill but only 0.01% with the customer”, as appears from The Wall Street Journal article, produced herein as **Exhibit R-7**;
31. The Respondents misstated the CO₂ emissions as well as the gas consumption of the Subject Vehicles significantly. Their statements of the estimated fuel efficiency and number of grams of carbon dioxide emitted per kilometre driven by the vehicle were grossly exaggerated due to the use of the Defeat Device;

(iii) **Summative Remarks**

32. The Respondents were well aware that emissions and fuel consumption were significant factors for customers making vehicle purchase decisions – the misrepresentations regarding these two factors was designed to influence customers to purchase their Subject Vehicles based on false information;
33. Because of the Respondents' actions, the vehicles that they sold to the Petitioner and the Class are not what they had promised. During normal operation, the Subject Vehicles pollute the atmosphere with much higher levels of carbon dioxide than the artificially-manipulated test results disclose or than are permitted by federal and environmental protection laws. Meanwhile, when the engine and transmission are operated in a manner that actually limits pollution to legal levels, the Subject Vehicles cannot deliver the performance that the Respondents advertise;
34. As a result of the Respondents' surreptitious use of the Defeat Device to exaggerate the fuel economy of the Subject Vehicles and to downplay their CO₂ emissions, owners and lessees of the Subject Vehicles have suffered damages upon which they are entitled to claim;

II. FACTS GIVING RISE TO AN INDIVIDUAL ACTION BY THE PETITIONER

35. On or about June 14, 2010, the Petitioner purchased a new 2011 Audi Q5 3.2 Premium Quattro with a gasoline engine (VIN WA1CKCFP1BA001453) from Québourg Auto at 7777 Boul. Henri Bourassa, in Charlesbourg, Quebec for a total cost of approximately \$53,739.79 including taxes, as appears from the paperwork dated June 14, 2010, produced herein as **Exhibit R-8**;
36. At the time, the Respondents represented that the vehicle had a fuel consumption of 11.5 litres per 100 kilometres in city driving and 9.0 litres per 100 kilometres on the highway, as appears from an extract from The Car Guide, produced herein as **Exhibit R-9**;
37. On or about August 1, 2013, the Petitioner purchased a new 2014 Audi Q5 3.0 Quattro with a gasoline engine (VIN WA1DGCFFP1EA034138) from Audi Lauzon at 2400 Boul. Chomedey, in Laval, Quebec for a total cost of approximately \$50,753.00 plus taxes payable in monthly installments of \$655.71 including taxes, as appears from the Sales Agreement dated August 1, 2013, produced herein as **Exhibit R-10**;
38. At the time, the Respondents represented that the vehicle had a fuel consumption of 11.4 litres per 100 kilometres in city driving and 7.8 litres per 100 kilometres on the highway, as appears from an extract from The Car Guide, produced herein as **Exhibit R-11**;



39. The Petitioner noticed that his vehicles was consuming gasoline at a very significant rate; much higher than he would have expected given the Respondents' representations relating to the vehicle's fuel efficiency;
40. On or about July 7, 2016, the Petitioner purchased a new 2017 Audi Q5 3.0L with a gasoline engine (VIN WA1D7AFP6HA025279) from Audi Lauzon at 2400 Boul. Chomedey, in Laval, Quebec for a total cost of approximately \$50,955.20 plus taxes payable in monthly installments of \$615.98 including taxes, as appears from a copy of the Sales Contract dated July 7, 2016, produced herein as **Exhibit R-12**;
41. At the time, the Respondents represented that the vehicle had a fuel consumption of 13.2 litres per 100 kilometres in city driving and 9.2 litres per 100 kilometres on the highway, as appears from an extract from The Car Guide, produced herein as **Exhibit R-13**;
42. The Petitioner has become aware of several news stories about this Defeat Device that Audi had installed in his vehicles and also noticed that several class actions were filed in the United States due to this same issue, as appears from copies of the U.S. Class Action Complaints, produced herein, *en liasse*, as **Exhibit R-14**;
43. Petitioner has suffered ascertainable loss as a result of the Respondents' omissions and/or misrepresentations associated with the Defeat Device, including, but not limited to, overpayment for the Subject Vehicles, past, present, and future excessive gasoline charges, reduced resale value, and trouble and inconvenience;
44. Had Petitioner known about the Defeat Device, he would not have purchased the Subject Vehicle(s);
45. Petitioner's damages are a direct and proximate result of the Respondents' conduct;
46. In consequence of the foregoing, the Petitioner is justified in claiming damages;

III. FACTS GIVING RISE TO INDIVIDUAL ACTIONS BY EACH MEMBER OF THE CLASS

47. Every member of the Class has purchased and/or leased a Subject Vehicle and is justified in claiming at least one or more of the following as damages:
- a. Overpayment of the purchase price and/or lease payments of the Subject Vehicles,
 - b. Lower resale value of the Subject Vehicles,
 - c. Increased fuel expenditures,
 - d. Out-of-pocket loss,

- e. Cost of future attempted repairs,
 - f. Trouble and inconvenience, and
 - g. Punitive and/or exemplary damages;
48. However, even if the Respondents were to repair the Defeat Device in the Subject Vehicles so that they comply with emissions requirements, the repair would not compensate the Class for the significant harm that the Respondents have caused because any repairs performed as part of the recall are likely to significantly diminish the performance of the Subject Vehicles;
49. All of these damages to the Class Members are a direct and proximate result of the Respondents' conduct;

IV. CONDITIONS REQUIRED TO INSTITUTE A CLASS ACTION

- A) The composition of the Class makes it difficult or impractical to apply the rules for mandates to sue on behalf of others or for consolidation of proceedings
50. Petitioner is unaware of the specific number of persons who purchased and/or leased the Subject Vehicles; however, it is safe to estimate that it is in the thousands;
51. Class Members are numerous and are scattered across the province;
52. In addition, given the costs and risks inherent in an action before the courts, many people will hesitate to institute an individual action against the Respondents. Even if Class Members themselves could afford such individual litigation, the court system could not as it would be overloaded. Further, individual litigation of the factual and legal issues raised by the conduct of the Respondents would increase delay and expense to all parties and to the court system;
53. Also, a multitude of actions instituted in different jurisdictions, both territorial and judicial districts, risks having contradictory judgments on issues of fact and law that are similar or related to all members of the Class;
54. These facts demonstrate that it would be impractical, if not impossible, to contact every member of the Class to obtain mandates and to join them in one action;
55. In these circumstances, a class action is the only appropriate procedure for all of the members of the Class to effectively pursue their respective rights and have access to justice;

B) The claims of the members of the Class raise identical, similar or related issues of law or fact

56. Individual issues, if any, pale by comparison to the numerous common issues that will advance the litigation significantly;
57. The damages sustained by the Class Members flow, in each instance, from a common nucleus of operative facts, namely, Respondents' misconduct;
58. The claims of the Class Members raise identical, similar or related issues of fact or law as outlined hereinbelow;
59. The interests of justice favour that this motion be granted in accordance with its conclusions;

V. NATURE OF THE ACTION AND CONCLUSIONS SOUGHT

60. The action that the Petitioner wishes to institute on behalf of the members of the Class is an action in damages, injunctive relief, and declaratory judgment;
61. The conclusions that the Petitioner wishes to introduce by way of a motion to institute proceedings appear hereinbelow;

A) Petitioner requests that he be attributed the status of representative of the Class

62. Petitioner is a member of the Class;
63. Petitioner is ready and available to manage and direct the present action in the interest of the members of the Class that he wishes to represent and is determined to lead the present file to a final solution;
64. Petitioner has the capacity and interest to fairly and properly protect and represent the interest of the members of the Class;
65. Petitioner has given the mandate to his attorneys to obtain all relevant information with respect to the present action and intends to keep informed of all developments;
66. Petitioner, with the assistance of his attorneys, is ready and available to dedicate the time necessary for this action and to collaborate with other members of the Class and to keep them informed;
67. Petitioner is in good faith and has instituted this action for the sole goal of having his rights, as well as the rights of other Class Members, recognized and protected so that they may be compensated for the damages that they have suffered as a consequence of the Respondents' conduct;

68. Petitioner understands the nature of the action;
69. Petitioner's interests are not antagonistic to those of other members of the Class;
70. Petitioner is prepared to be examined out-of-court on his allegations (as may be authorized by the Court) and to be present for Court hearings, as may be required and necessary;
71. Petitioner, with the assistance of his attorneys, has created a webpage at www.clg.org wherein other Class Members can enter their coordinates to join the class action and be kept up to date on its development;
- B) Petitioner suggests that this class action be exercised before the Superior Court of justice in the district of Montreal
72. A great number of the members of the Class reside in the judicial district of Montreal and in the appeal district of Montreal;
73. Petitioner's attorneys practice their profession in the judicial district of Montreal;
74. The present motion is well founded in fact and in law.

FOR THESE REASONS, MAY IT PLEASE THE COURT:

GRANT the present motion;

AUTHORIZE the bringing of a class action in the form of a motion to institute proceedings in damages, injunctive relief, and declaratory relief;

APPOINT the Petitioner as representative of the persons included in the class herein described as:

- all persons, entities or organizations resident in Quebec who purchased and/or leased one or more of the Subject Vehicles equipped with a Defeat Device, or any other group to be determined by the Court;

IDENTIFY the principle issues of fact and law to be treated collectively as the following:

- a) Did the Respondents install the Defeat Device in the Subject Vehicles?
- b) Did the Respondents know or should they have known about the Defeat Device and, if so, for how long?
- c) Did the Respondents engage in unfair, false, misleading, or deceptive acts or practices regarding the marketing and sale of the Subject Vehicles?

- d) Are the Petitioner and the Class Members entitled to a declaratory judgment stating that the Respondents committed misconduct in utilizing the Defeat Device to misstate the qualities of the Subject Vehicles?
- e) Should an injunctive remedy be ordered to prohibit the Respondents from continuing to perpetrate their unfair, false, misleading, and/or deceptive conduct?
- f) Should an injunctive remedy be order to force the Respondents to buy back the Subject Vehicles or otherwise, free of charge, remove the Defeat Device while insuring that the Subject Vehicles conform to promised performance and fuel economy guarantees?
- g) Are the Respondents responsible for all related damages (including, but not limited to: the Overpayment of the purchase price and/or lease payments of the Subject Vehicles, the lower resale value of the Subject Vehicles, increased fuel expenditures, out-of-pocket loss, the cost of future attempted repairs, and trouble and inconvenience) to Class Members as a result of their misconduct and in what amount?
- h) Are the Respondents responsible to pay punitive damages to Class Members and in what amount?

IDENTIFY the conclusions sought by the class action to be instituted as being the following:

GRANT the class action of the Petitioner and each of the members of the Class;

DECLARE the Defendants have committed unfair, false, misleading, and/or deceptive conduct with respect to their designing, marketing, advertising, leasing, selling and/or representing the Subject Vehicles as having certain levels of lower fuel economy and lower emissions than in reality;

ORDER the Defendants to cease from continuing their unfair, false, misleading, and/or deceptive conduct by designing, marketing, advertising, leasing, selling and/or representing the Subject Vehicles in a false manner;

ORDER the Defendants to recall and repair the Subject Vehicles free of charge, or otherwise, to buy back the Subject Vehicles at the original sale price or return any and all lease payments;

DECLARE the Defendants solidarily liable for the damages suffered by the Petitioner and each of the members of the Class;

CONDEMN the Defendants to pay to each member of the Class a sum to be determined in compensation of the damages suffered, and ORDER collective recovery of these sums;

CONDEMN the Defendants to pay to each of the members of the Class, punitive damages, and ORDER collective recovery of these sums;

CONDEMN the Defendants to pay interest and additional indemnity on the above sums according to law from the date of service of the motion to authorize a class action;

ORDER the Defendants to deposit in the office of this court the totality of the sums which forms part of the collective recovery, with interest and costs;

ORDER that the claims of individual Class Members be the object of collective liquidation if the proof permits and alternately, by individual liquidation;

CONDEMN the Defendants to bear the costs of the present action including expert and notice fees;

RENDER any other order that this Honourable court shall determine and that is in the interest of the members of the Class;

DECLARE that all members of the Class that have not requested their exclusion, be bound by any judgment to be rendered on the class action to be instituted in the manner provided for by the law;

FIX the delay of exclusion at thirty (30) days from the date of the publication of the notice to the members, date upon which the members of the Class that have not exercised their means of exclusion will be bound by any judgment to be rendered herein;

ORDER the publication of a notice to the members of the group in accordance with article 579 C.C.P. within sixty (60) days from the judgment to be rendered herein in The Montreal Gazette and La Presse;

ORDER that said notice be available on the Respondents' websites, Facebook pages, and Twitter accounts with a link stating "Notice to Audi Vehicle Owners/Lessees";

ORDER that said notice be sent by individual letters emailed and/or mailed to Class Members by using the Respondents' customer list;

RENDER any other order that this Honourable Court shall determine and that is in the interest of the members of the class;

THE WHOLE with costs, including all publication and dissemination fees.

Montreal, November 29, 2016

(S) Andrea Grass

CONSUMER LAW GROUP INC.

Per: Me Andrea Grass

Attorneys for the Petitioner

