

# **If you ever owned or leased a truck, bus or other vehicle with certain Caterpillar engines, you may be entitled to a payment from a class action settlement.**

*Pour lire cet avis en français: [www.EngineSettlement.ca](http://www.EngineSettlement.ca)*

A Settlement has been reached in class action lawsuits in Canada about whether Caterpillar Inc. and Caterpillar of Canada Corp. (“Caterpillar”) brand EPA 2007 Compliant C13 and C15 diesel engines with Advanced Emissions Combustion Reduction Technology (“ACERT”) manufactured in 2005, 2006, 2007, 2008 and 2009, including the Caterpillar Regeneration System (“CRS”) [“Subject Engines”], failed to work reliably, causing them to lose horsepower and shut down, requiring Caterpillar-authorized dealer technicians to repair the Subject Engines which they supposedly could not effectively do. Caterpillar denies the allegations in the lawsuit, and a Court has not decided who is right.

**Who is Included?** The Settlement Class includes all persons in Canada who are original purchasers or original lessees, subsequent purchasers or subsequent lessees, (including but not limited to those having some rights to residual purchase of vehicles at lease end) of a vehicle powered by a Subject Engine. The Quebec Class Action is for Quebec residents, while the Ontario Class Action is for residents in the rest of Canada.

**What are the Settlement Terms?** The Settlement establishes an \$8 million Settlement Fund for the benefit of the Class. All Class members who submit an Approved Claim will be eligible to receive a pro rata share of the Net Settlement Fund according to the following guidelines:

- A. Class Members whose engines experienced no CRS Related Repairs are eligible to receive (but not guaranteed), \$500, for each Subject Engine, but no more under any circumstance.
- B. Class Members whose engines experienced one to five qualified CRS Related Repairs performed on or before the Execution Date are eligible to receive (but not guaranteed) an initial amount of \$5,000, up to a maximum of \$15,000 per Subject Engine.
- C. Class Members whose engines experienced six or more qualified CRS Related Repairs performed on or before the Execution Date are eligible to receive (but not guaranteed) an initial amount of \$10,000, up to a maximum of \$30,000 per Subject Engine.

Payments to eligible claimants may be adjusted *pro rata* (up, but not higher than the maximums described above, or down) depending on the number of Approved Claims filed and Engines represented therein, and the net amount of the Settlement Fund available to pay claims. No money will be returned to the Defendants; any excess money will be donated to charity.

**How do I file a Claim?** In order to receive a cash payment, you must complete and submit a valid Claim. Claim Forms are available at [www.EngineSettlement.ca](http://www.EngineSettlement.ca) or by calling **1-855-659-2900**. The deadline to file your claim will be published on the website after the Settlement is approved, but will not be earlier than **May 18, 2022**.

**Your Other Options.** If you do not want to be legally bound by the Settlement, and therefore not be entitled to the Settlement Benefits as described above, you must exclude yourself by **January 3, 2022**. If you do not timely exclude yourself, you will release any claims you may have against Caterpillar relating to the lawsuit. You may object to the Settlement by **January 12, 2022**. A detailed Long-Form

Questions? Visit [www.EngineSettlement.ca](http://www.EngineSettlement.ca) or call toll-free **1-855-659-2900**

Notice is available on the settlement website [www.EngineSettlement.ca](http://www.EngineSettlement.ca) that explains how to exclude yourself or how to object, if you so choose.

The Courts will hold Settlement Approval Hearings on **January 27, 2022** in Montreal, Quebec and on **January 31, 2022** in Ottawa, Ontario to consider whether to approve the Settlement, and whether to approve a request for lawyers' fees and costs of up to 30% of the Settlement Fund plus applicable taxes as well as a Service Award of \$20,000 to the Class Representatives. You may appear at the hearing, either yourself or through a lawyer hired by you, but you do not have to. For more information, please call the toll-free number or visit the website below.

**[www.EngineSettlement.ca](http://www.EngineSettlement.ca)**

**1-855-659-2900**