

NOTICE TO MEMBERS (detailed version)

**CLASS ACTION PARTIALLY GRANTED against MAZDA CANADA INC. FOR
THEIR MAZDA 3**

1. TAKE NOTICE that the Honorables Yves-Marie Morissette, Julie Dutil and Guy Gagnon, judges of the Court of Appeal of Quebec, partially granted the Class Action of Ms. Lise Fortin, Representative-Plaintiff, against the Defendant, Mazda Canada Inc., by a judgment rendered on January 15, 2016 and rectified on January 26, 2016, in case file number 200-09-008363-142 (200-06-000108-087) on behalf of the members of Group described below, namely:

All physical persons (...) domiciled or residing in Quebec, (...) being or having been lessees, finance lessees or owners of a make and model Mazda 3 vehicle, years 2004, 2005, 2006 and 2007 who were victims of a theft or an attack which left one or more dents around the driver's side door handle.

2. **The present Notice to Members aims to initiate the process of claiming and distributing the sums to which the members of Group 1 are entitled;**
3. In its judgments, the Court of Appeal of the district of Quebec concluded the following regarding the members of Group 1:

ORDERS that the following claims by the members of Group 1 be the subject of individual claims to be determined during the hearing on damages in accordance with provisions of articles 1037 to 1040 of the *Code of Civil Procedure*;

CONDEMNNS the Defendant to pay each of the members of Group 1 the sum equivalent to the cost of repairing the damage to their Mazda 3 vehicle, bearing interest at the legal rate plus the additional indemnity provided for in article 1619 of the *Civil Code of Quebec*, calculated from the date of the service of the Motion for Authorization to Institute a Class Action;

CONDEMNNS the Defendant to pay each of the members of Group 1 the sum equivalent to the cost of the items that were stolen from their Mazda 3 vehicle, bearing interest at the legal rate plus the additional indemnity provided for in article 1619 of the *Civil Code of Quebec*, calculated from the date of the service of the Motion for Authorization to Institute a Class Action;

CONDEMNNS the Defendant to pay each member of Group 1 the sum of any insurance deductible that they assumed for the repair of damage to the driver's side door and for the stolen items, bearing interest at the legal rate plus the additional indemnity provided for in article 1619 of the *Civil Code of Quebec*, calculated from the date of the service of the Motion for Authorization to Institute a Class Action;

[our translation]

4. The members of Group 1 are entitled to the following damages:
 1. The cost of repairing damage to the driver's side door during an attempted or successful malicious intrusion;
 2. If applicable, the cost of the insurance deductible related to this loss;
 3. The value of the stolen items during the malicious intrusions; and/or
 4. If applicable, the cost of the insurance deductible related to this loss.
5. The sums paid to the Representative-Plaintiff and Woods LLP's fees and disbursements as approved by the Class Action's managing judge, of 25% plus taxes, will be deducted from these damages, as well as the percentage withheld by the Fonds d'aide aux actions collectives in accordance with the *Act Respecting the Fonds d'aide aux actions collectives*, c. F-3.2.0.1.1.;
6. Every member must submit a **Claim Request** by completing the Form available on the Representative's attorneys website: <https://www.classactions.ca/> Hard copies will be provided upon request;
7. In order to demonstrate that a claimant is a member of Group 1, and to demonstrate their damages, the claimant must provide **admissible evidence in support of their claim** which will demonstrate the following elements:
 - a. That he/she/it was either a lessee, finance lessee or owner of a make and model Mazda 3 vehicle, years 2004, 2005, 2006 or 2007;
 - b. That the vehicle's make and model Mazda 3 years 2004, 2005, 2006 or 2007 was the subject of a theft or attack that left one or more dents around the driver's side door;
 - c. The cost to repair the driver's side door, if applicable;
 - d. The value of the stolen items during the malicious intrusions, if applicable;
 - e. The cost of the insurance deductible related to this loss, if applicable.

and they must follow the instructions incorporated on the Form to produce **admissible evidence** to support their claim;

8. **Failing to have in hand the documents** constituting proof to demonstrate the elements a. to e. of paragraph 7, the claimant must sign their Form under oath. The instructions are incorporated on the Form to be completed;
9. The compensation for the stolen item(s) will be determined based on the depreciated value, such value being calculating on a percentage of depreciation of 15% per year elapsed between the purchase of the stolen item(s) and the theft;
10. In the case of the claim for stolen item(s) during a theft or an attack exceeding \$300 proof of payment (invoice and/or bank statement) must be provided, otherwise the claim will not be accepted;

11. In the case of the claim for repair exceeding \$400 proof of payment (invoice and/or bank statement) must be provided, otherwise the claim will not be accepted;
12. In any event, if the claimant was compensated by his insurer, they will not be admissible for a claim for stolen item(s) or a claim for repair, as the case may be, in addition to a claim for the cost of insurance deductible;
13. The completed or signed under oath Form and admissible evidence to demonstrate elements a. to e. of paragraph 7 must **be sent to Woods LLP** either by email or by mail **no later than one (1) year** following the date of this notice;
14. If a member of Group 1 is deceased, the Form and admissible evidence provided by their estate must also include a copy of the member's Death Certificate;
15. The judge managing the Class Action may accept a claim presented outside the time limit provided for in paragraph 13 if the claimant so requests and demonstrates that it was impossible to submit the Form and the admissible evidence within the time limit;
16. The Representative's attorneys will determine the validity of the claim and the amount of damages, if any;
17. In the case of insufficient admissible evidence presented for the claim, the claim will be rejected, and the claimant will receive a Notice of Rejection within 45 days of the time limit period provided for in paragraph 13;
18. In the event of disagreement on the amount of damages requested by the claimant, the claim will be corrected, and the claimant will receive a Notice of Correction within 45 days of the time limit period provided for in paragraph 13;
19. Since this is an individual claims' process, claims accepted by the Representative's attorneys will be submitted to the Respondent's attorneys who may object within 20 days of their receipt;
20. In the event of disagreement between the attorneys of both parties, the dispute will be submitted to the judge managing the Class Action for a decision;
21. The claimant who receives a Notice of Rejection (paragraph 17) or a Notice of Correction (paragraph 18) may request a review of the decision rendered by the Representative's attorneys within 15 days of receiving one of these notices by completing and sending a Request for Review which will be attached to the Notice to Woods LLP by email or mail. The Request for Review is also available on the Representative's attorneys website: <https://www.classactions.ca/>
22. Woods LLP will submit the requests received in writing to the managing judge who will however have the discretion to hear a claimant who requests it;
23. If no Request for Review is presented within the time limit period provided for in paragraph 21, the claimant will be deemed to have accepted the decision rendered by the

Representative's attorneys and, if the claimant received a Notice of Rejection, they will have lost all rights to any damage;

24. After the expiration of the time limit period provided for in paragraph 13, the Representative's attorneys will pay the amount of damages by cheque sent to each member for whom the claim has been approved or corrected;
25. Any uncashed **cheque** by the member within **6 months of issuance** will be cancelled;
26. The status of Representative for the exercise of the Class Action on behalf of the Groups has been granted to the Plaintiff, Ms. Lise Fortin. The contact details of her attorneys are as follows:

Woods LLP
2000, McGill College Avenue, Suite 1700
Montreal, Quebec H3A 3H3
Mtre. Caroline Biron
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27. The proceedings and other important documents relating to the class action can be found on the following sites:
 - On the website of the central register of Class Actions: www.tribunaux.qc.ca
 - On the Representative's attorneys website: <https://www.classactions.ca/>

THE PUBLICATION OF THIS NOTICE HAS BEEN ORDERED BY THE COURT

July 15, 2022