

## VEHICLE CARRIER SERVICES CLASS ACTION

**Did you pay to ship a car or other vehicle or equipment on wheels from an overseas location to Canada between February 1, 1997 and December 31, 2012? Your legal rights could be affected.**

### WHAT IS THIS CLASS ACTION ABOUT?

In 2013, class proceedings were initiated in Ontario by Harrison Pensa, in British Columbia by Camp Fiorante Matthews Mogerman and in Québec by Belleau Lapointe, s.e.n.c.r.l. (collectively "Class Counsel") on behalf of Canadians who purchased Vehicle Carrier Services, or purchased or leased a new Vehicle transported by RoRo between February 1, 1997 and December 31, 2012 (the "Vehicle Carrier Services Class Action")<sup>1</sup>. "Vehicle Carrier Services" means paid international ocean shipping services via roll on/roll off vessels ("RoRo") of cargo, such as new and used cars and trucks, as well as agricultural, construction and mining equipment (collectively, "Vehicles"). A "RoRo" is a type of ocean vessel that allows wheeled vehicles to be driven on and off the vessel and parked on its decks for ocean transport. It is alleged that among other things, customers were overcharged for Vehicle Carrier Services as the defendants participated in an unlawful conspiracy to fix, raise, maintain, increase, or control the price for Vehicle Carrier Services.

### SETTLEMENT WITH COMPANIA SUD AMERICANA DE VAPORES S.A. ("CSAV")

A Settlement Agreement has been reached with CSAV which is one of 20 defendants involved in this litigation. CSAV has agreed to pay CAD \$450,000.00 for the benefit of Settlement Class Members and to provide co-operation to the Plaintiffs in pursuing their claims against the non-settling defendants. This cooperation includes information provided to the United States Department of Justice. CSAV has also committed to making available an employee with relevant knowledge, within certain constraints.

In exchange, CSAV and related entities will be provided with a full release of claims against them in relation to Vehicle Carrier Services. CSAV does not admit any wrongdoing in connection with the case and it had no direct sales of its services into Canada during the relevant time.

The litigation continues against the non-settling defendants.

### DISTRIBUTION OF SETTLEMENT FUNDS

The settlement amount, net of notice costs, Class Counsel fees, disbursements and applicable taxes will be held in an interest bearing trust account for the benefit of the Settlement Class Members (the "Settlement Fund").

The Settlement Fund will not be distributed to Class Members 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 amount and an efficient distribution will be made at an appropriate time. The Courts will approve the distribution process.

### CERTIFICATION FOR SETTLEMENT PURPOSES

The Proceedings have been certified against the Settling Defendant for the purposes of the settlement approval.

<sup>1</sup> The class proceedings were brought against the following defendants: Nippon Yusen Kabushiki Kaisha, NYK Line (North America) Inc., NYK Line (Canada), Inc., Mitsui O.S.K. Lines, Ltd., Mitsui O.S.K. Bulk Shipping (U.S.A.), Inc., Kawasaki Kisen Kaisha, Ltd., "K" Line America, Inc., EUKOR Vehicle Carriers, Inc., Wilh. Wilhelmsen Holding ASA, Wilh. Wilhelmsen ASA, Wallenius Lines AB, Wallenius Wilhelmsen Logistics Americas, LLC, Wallenius Wilhelmsen Logistics AS, WWL Vehicle Services Canada Ltd., Compania Sud Americana De Vapores S.A., Nissan Motor Car Carrier Co., Ltd., World Logistics Service (USA) Inc., CSAV Agency North America, LLC, Høegh Autoliners AS, and Høegh Autoliners, Inc.

### SETTLEMENT APPROVAL AND COUNSEL FEES

The settlement must be approved by the Courts before it becomes effective. Hearings are to take place at the Ontario Superior Court of Justice on May 29, 2017 at 9:30 am at 80 Dundas Street, London, Ontario, at the Supreme Court of British Columbia on June 7, 2017 at 9:00 am at 800 Smithe Street, Vancouver, British Columbia and at the Superior Court of Québec on May 16, 2017 at 12:00 pm at 1, rue Notre-Dame Est, Montréal, Québec. At these hearings, the Courts will determine whether the settlement is fair, reasonable and in the best interests of the class members. The lawyers for the Plaintiffs will also be requesting that legal fees of up to 25 percent of the settlement funds plus disbursements and applicable taxes be approved by the Courts and paid out of the settlement funds.

**If you do not oppose the proposed Settlement Agreement, you do not need to appear at the hearing or take any other action at this time.**

If you wish to comment on or object to the Settlement Agreement, you must deliver a written submission to the appropriate lawyer below by May 1, 2017. The lawyer will forward any submissions to the appropriate Court.

If the Settlement Agreement is approved by the Courts further notices will be posted online at [www.roroclassaction.com](http://www.roroclassaction.com) and [www.actioncollectiveroro.com](http://www.actioncollectiveroro.com).

### OPTING OUT OF THE PROCEEDINGS

If you want to participate as a class member, you do not need to do anything at this time. You will be able to participate in the case and you will be legally bound by the result of the Vehicle Carrier Services Class Action. If you do not opt-out, you will be bound by any Settlement Agreement approved by the Court and may not opt-out of this action in the future.

If you do not want to be a class member for the Vehicle Carrier Services Class Action, you must **opt-out by May 10, 2017**. To opt-out please send a signed written election to opt-out by pre-paid mail, courier, fax or email to **RicePoint Administration Inc. (support@ricepoint.com, 1 (866) 432-5534)** or the appropriate Class Counsel. The election should include (a) your full name and current address and (b) a statement indicating you wish to be excluded from the proceedings.

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If you opt-out you will not be able to participate in the Settlement or any future Settlement or Judgment. You cannot opt back in at a later date. You may be able to bring your own lawsuit at your own expense.

### MORE INFORMATION

More detailed information is available at [www.roroclassaction.com](http://www.roroclassaction.com) and [www.actioncollectiveroro.com](http://www.actioncollectiveroro.com).