

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE  
MR. JUSTICE PERELL

)  
)

Thurs DAY, THE 16<sup>th</sup> DAY  
OF FEBRUARY 2023

B E T W E E N:

**DONALD D’HAENE, KEITH SANFORD, MARY SALMON, MICHAEL  
VETTESE, ARLENE STEVENSON, NIDHI PRASHAR, MIRA MELIEN  
and JOSÉE GAULIN**

Plaintiffs  
(Responding Parties)

- and -

**BMW CANADA INC./BMW GROUP CANADA, BMW NORTH  
AMERICA, LLC, BMW MANUFACTURING CO. LLC, BMW AG, FORD  
MOTOR COMPANY OF CANADA LIMITED, GENERAL MOTORS  
COMPANY AND GENERAL MOTORS OF CANADA LIMITED,  
MITSUBISHI MOTOR SALES OF CANADA, INC., MERCEDES-BENZ  
CANADA INC., VW CREDIT CANADA, INC. and VOLKSWAGEN  
GROUP CANADA, INC.**

Defendants  
(Moving Parties)

Proceeding under the *Class Proceedings Act, 1992*, SO 1992, c 6

**ORDER**

**THIS MOTION** made by the Plaintiffs for an order for directions regarding the content and matter of notice to the class, which is made further to the Order of The Honourable Mr. Justice Perell, dated October 20, 2022, dismissing this proposed class proceeding for delay as against the defendants, Mercedes Benz Canada Inc. (“MBC”) and Mitsubishi Motor Sales of Canada, Inc. (“Mitsubishi”), was heard this day in writing.

**ON BEING ADVISED** that the defendants, MBC and Mitsubishi, do not oppose the relief sought,


1. **THIS COURT ORDERS** that the notice attached hereto as Schedule “A” (the “**Notice**”) be and is hereby approved.

2. **THIS COURT ORDERS** that counsel for the Plaintiffs shall send the Notice to all persons who have registered with or contacted counsel for the Plaintiffs in connection with this proposed class action.

3. **THIS COURT ORDERS** that counsel for the Plaintiffs shall publish the text of the Notice and a copy of this Order, on their case websites at <https://www.strosbergco.com/class-actions/takata/> and <https://www.mckenzielake.com/takata-airbag-recall/> for a period of three (3) months beginning as of the date of this Order, following which the notice and websites will be taken down by counsel for the Plaintiffs.

4. **THIS COURT ORDERS** that counsel for the Plaintiffs shall bear the costs of providing the notice in accordance with paragraphs 2 and 3 of this Order.

5. **THIS COURT ORDERS** that there shall be no costs of this motion.

  
Perell J.

**SCHEDULE “A”**  
**NOTICE OF DISMISSAL**

LEGAL NOTICE

**NOTICE OF CLASS ACTION DISMISSAL**

**Please read this notice carefully. It may affect your legal rights.**

By order of the Ontario Superior Court of Justice dated February \_\_\_, 2023, the proposed class action in *Donald D’Haene et al. v. BMW Canada Inc./BMW Group Canada et al.* (Ontario Court File No.: CV-16-543766-00CP) **has been dismissed** as against Mercedes-Benz Canada Inc. (“MBC”) and Mitsubishi Motor Sales of Canada, Inc. (“Mitsubishi”). Please read this notice carefully for more information.

**The Ontario Superior Court of Justice authorized this notice. This is not a solicitation from a lawyer.**

***What Was the Proposed Class Action About?***

The proposed class action was commenced on April 10, 2015. On January 12, 2016 Mitsubishi was added as a defendant to this lawsuit. On August 25, 2016 MBC was added as a defendant to this lawsuit.

The plaintiffs allege that certain airbag inflators manufactured by Takata Corporation were purportedly defective and installed in certain Mitsubishi or MBC vehicles subject to recall, named in the following chart:

MAKE	MODEL	MODEL YEARS: INCLUSIVE
MERCEDES-BENZ	AMG SLS	2010 – 2015
	C CLASS	2005 – 2017
	E CLASS	2010 – 2017
	GL CLASS	2009 – 2012
	GLK CLASS	2009 – 2017
	ML CLASS	2009 – 2011
	R CLASS	2009 – 2013
	SLK CLASS	2007 – 2008
	SPRINTER 2500	2010 – 2014
	SPRINTER 3500	2010 – 2014
MITSUBISHI	LANCER	2004 – 2007
	I-MIEV	2012 – 2014, 2016 – 2017

MBC and Mitsubishi have denied all of the allegations in the plaintiffs' claim. The proposed class action had not been certified, and there has been no adjudication on the merits of the claims in the proposed class action.

***What Does this Dismissal as Against MBC and Mitsubishi Mean for You?***

Limitation periods for putative class members to file their own legal action against Mitsubishi and MBC were suspended on January 8, 2016 and August 15, 2016, respectively. However, since the proposed class action has been dismissed, limitation periods have resumed running as of December 6, 2022. If there is any time left on any limitation period that applies to you, on the expiry of your limitation period, a right to sue or complain may be extinguished.

If you require further information regarding your legal rights, it is recommended that you obtain legal advice from a lawyer of your choice. You are responsible for your own legal fees.

If you have any questions about any of the information in this notice, please contact Strosberg Sasso Sutts LLP at [dtocco@strosbergco.com](mailto:dtocco@strosbergco.com) (<https://www.strosbergco.com/class-actions/takata/>) or call 519.561.6296.

**DONALD D’HAENE et al.**  
Plaintiffs

- and -

**BMW CANADA INC./BMW GROUP CANADA et al.**  
Defendants

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT WINDSOR AND  
TRANSFERRED TO TORONTO

**ORDER**

**DENTONS CANADA LLP**  
77 King Street West, Suite 400  
Toronto-Dominion Centre  
Toronto, ON M5K 0A1

**Matthew Fleming**  
LSO #: 48277D  
Tel.: (416) 863-4634  
Fax: (416) 863-4592  
matthew.fleming@dentons.com

**Ara Basmadjian**  
LSO #: 64315H  
Tel.: (416) 863-4647  
Fax: (416) 863-4592  
ara.basmadjian@dentons.com

Lawyers for the Defendant,  
Mercedes-Benz Canada Inc.