

If you purchased a lawn mower in Canada between January 1, 1994 and December 31, 2012, your legal rights could be affected.

WHAT IS THIS ABOUT?

In 2010, class proceedings were initiated in Ontario by Harrison Pensa LLP and in Québec by Consumer Law Group Inc. on behalf of Canadians who purchased Lawn Mowers between January 1, 1994 and December 31, 2012 (the "Lawn Mowers Class Action")¹. Lawn Mowers means a lawn mower designed, manufactured or labeled by any Defendant for ultimate sale, including retail sale, in Canada containing a gas combustible engine labeled at 30 horsepower or less. It is alleged that the Defendants participated in an unlawful conspiracy to raise, fix, maintain or stabilize the price of lawn mowers in Canada, lessen unduly competition in the production, manufacture, sale and/or supply of lawn mowers and lawn mower engines, and/or to conduct business contrary to the *Competition Act* and the *Consumer Packaging and Labelling Act*.

THE SETTLEMENTS

Two settlement agreements have been reached in the Lawn Mowers Class Action (the "Settlement Agreements").

Under the first agreement, MTD has agreed to pay CAD\$300,000.00 for the benefit of Settlement Class Members and to provide evidence and co-operation to the Plaintiffs in pursuing their claims against the remaining Non-Settling Defendants. The MTD settlement also resolves the allegations and litigation against Sears.

Under the second agreement, Briggs, Electrolux, John Deere, Husqvarna, Kohler and Toro together have agreed to pay CAD\$4,200,000.00 for the benefit of Settlement Class Members.

In exchange, the Settling Defendants will be provided with a full release of claims against them in the Lawn Mowers Class Action. The Settling Defendants do not admit any wrongdoing or liability in connection with the case.

The litigation continues as against all Non-Settling Defendants to the Proceedings.

DISTRIBUTION OF SETTLEMENT FUNDS

As the litigation is ongoing against the Non-Settling Defendants, there will be no distribution of settlement funds 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 monies, which will be held in an interest-bearing trust account and an efficient distribution will be made at an appropriate time. The Courts will approve when and to whom the settlement funds are distributed.

CERTIFICATION FOR SETTLEMENT PURPOSES

The Ontario Superior Court of Justice has certified the Ontario Proceeding against the Settling Defendants for the purposes of the settlement approval. The Plaintiffs will seek authorization of

the Québec Proceeding in concert with the Settlement Approval Hearing in Québec.

SETTLEMENT APPROVAL AND COUNSEL FEES

The settlements must be approved by the Ontario and Québec Courts before they become effective. Hearings have been set for September 20, 2013 at 10:00am at 80 Dundas Street, London, Ontario and for September 25, 2013 at 9:30am at 1, rue Notre-Dame Est, Montréal, Québec. At these hearings, the Courts will determine whether the settlements are fair, reasonable and in the best interests of the class members and what fees and expenses will be paid to the lawyers as a result of these settlements. The lawyers for the Plaintiffs will 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 Agreements, 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 Agreements, you must deliver a written submission to the lawyer below by **September 11, 2013**. The lawyer will forward any submissions to the appropriate Court.

If the Settlement Agreements are approved by the Courts in Ontario and Québec, further notices will be posted online at www.lawnmowersettlement.ca.

OPTING OUT OF THE PROCEEDINGS

If you want to participate as a class member in the Lawn Mowers Class Action, you do not need to do anything to continue to be included as a class member. You will be entitled to participate in the Settlements and you will be legally bound by the result of the Lawn Mowers Class Action. If you do not opt-out of this action, you will be bound by any Settlement Agreements 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 Lawn Mowers Class Action, you must **exclude yourself by September 17, 2013**. To learn how to exclude yourself, please visit www.lawnmowersettlement.ca or contact:

Harrison Pensa LLP
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450 Talbot Street
London, ON N6A 4K3

Tel: 1.800.263.0489 ext. 709
Fax: 1.519.667.3362
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If you opt-out of the Lawn Mowers Class Action, you will not be able to participate in the settlements. You may be able to bring your own lawsuit at your own expense.

MORE INFORMATION

To find more information and note that it is strongly recommended that you review the long form of this Legal Notice, visit www.lawnmowersettlement.ca.

¹ The class proceedings were brought against the following Defendants: Sears Canada Inc., Sears Holdings Corporation, Sears, Roebuck and Co. (collectively "Sears"), John Deere Canada ULC, Deere & Company (collectively "John Deere"), Tecumseh Products of Canada, Limited, Tecumseh Products Company, Platinum Equity, LLC (collectively "Tecumseh"), Briggs & Stratton Canada Inc., Briggs & Stratton Corporation (collectively "Briggs"), Canadian Kawasaki Motors Inc., Kawasaki Motors Corp., USA (collectively "Kawasaki"), MTD Products Limited, MTD Products Inc. (collectively "MTD"), The Toro Company (Canada), Inc., The Toro Company (collectively "Toro"), Honda Canada Inc., American Honda Motor Co., Inc. (Collectively "Honda"), Electrolux Canada Corp., Electrolux Home Products Inc. (collectively "Electrolux"), Husqvarna Canada Corp., Husqvarna Consumer Outdoor Products N.A., Inc. (collectively "Husqvarna"), Kohler Canada Co. and Kohler Co. (collectively "Kohler").