

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

### **LAWN MOWERS CLASS ACTION LAWSUIT**

In 2010, class action lawsuits were initiated in Ontario by Harrison Pensa <sup>LLP</sup> and in Québec by Consumer Law Group Inc. on behalf of all Canadians who purchased Lawn Mowers between January 1, 1994 and December 31, 2012 (the "Class Actions").

A "Lawn Mower" means a lawn mower designed, manufactured, or labeled by any of the Defendants for ultimate sale, including retail sale, in Canada, containing a gas-combustible engine labeled at 30 horsepower or less.

The Class Actions allege that the Defendants agreed to manipulate horsepower labelling on certain Lawn Mowers during the class period. The defendants deny the allegations and no manipulation of horsepower or horsepower labelling has been proven in court.

### **THE KAWASAKI AND TECUMSEH SETTLEMENTS**

Settlements have been reached with Kawasaki and Tecumseh in which they have agreed to pay \$785,000 and \$1,550,000 respectively for the benefit of class members (the "Kawasaki Settlement" and the "Tecumseh Settlement"). Kawasaki and Tecumseh do not admit any wrongdoing or liability in relation to the Class Actions.

Prior settlements have been reached in the litigation with all other named defendants. Those settlements are valued at \$5.2 million and have been approved by previous orders of the court. With the Kawasaki and Tecumseh Settlements, the total settlements are \$7,535,000.

The net settlement funds from the previous settlements, less Court-approved fees, disbursements, notice costs, and applicable taxes, are being held in an interest-bearing trust account for the benefit of all class members.

### **PAYMENT OF SETTLEMENT FUNDS**

A plan of distribution to pay the settlement funds to Class Members must now be approved by the Courts. The proposed Distribution Protocol can be found at [www.lawnmowersettlement.ca](http://www.lawnmowersettlement.ca).

### **COURT APPROVALS**

The Ontario Superior Court of Justice and the Superior Court of Justice of Quebec have certified/ authorized the Class Actions against Kawasaki and Tecumseh for the purposes of the settlement approval.

The Kawasaki and Tecumseh Settlements must be approved by the Ontario and Québec Courts before they become effective. The proposed plan for distributing the settlement funds to Class Members must also be approved by the Courts.

Hearings have been set for October 25, 2018 at 10 a.m. at 4 Wellington Street, St. Thomas, Ontario and for October 31, 2018 at 2:15 p.m. in room 15.07 at 1 Notre-Dame Street East, Montréal, Québec. See [www.lawnmowersettlement.ca](http://www.lawnmowersettlement.ca) for more information.

The Courts will also determine what fees and expenses, plus applicable taxes, will be paid to the lawyers for the plaintiffs as a result of the settlements. The lawyers for the plaintiffs will ask the Courts to approve legal fees of up to 30% of the Kawasaki and Tecumseh Settlements plus disbursements and applicable taxes to be paid out of the settlement funds (the "Fee Request").

If you wish to comment on or object to the Kawasaki or Tecumseh Settlements, the Distribution Protocol, or the Fee Request, you must deliver a written submission to the address below by October 22, 2018. The lawyers will forward any submissions to the appropriate Court.

If you do not wish to object or comment on the Settlements, Distribution Protocol, or Fee Request, you do not need to take any action at this time.

### **OPTING OUT OF THE CLASS ACTIONS**

The court-ordered deadline for Class Members to opt out of the Class Actions was September 17, 2013. If you did not previously opt out, you are legally bound by the result of the Class Actions, including the Settlement Agreements and the Distribution Protocol.

### **MORE QUESTIONS**

If you have any questions about the Class Actions or to review the Settlements, Distribution Protocol, and Fee Request, visit [www.lawnmowersettlement.ca](http://www.lawnmowersettlement.ca) or contact:

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