

NOTICE OF AUTHORIZATION OF A CLASS ACTION AND SETTLEMENT APPROVAL  
HEARING AUTHORIZED BY THE QUÉBEC SUPERIOR COURT

**This notice is intended for all persons who, between March 14, 2016 and March 14, 2019, were charged fees to exercise their option to purchase their vehicle during or at the end of their lease contracted with Mercedes-Benz West Island (buyback fees).**

- On March 14, 2019, a Quebec consumer (the “**Representative Plaintiff**”) instituted class action proceedings in the Superior Court of Quebec (the “**Court**”) seeking permission to bring a class action against APR (Saint-Jean) Inc., d.b.a. Mercedes-Benz West Island (“**MBWI**”) and other defendants, regarding fees paid by consumers in order to exercise their option to purchase their vehicle during or at the end of their lease (buyback fees).
- On May 21, 2020, the Superior Court of Quebec authorized the class action against MBWI and designated Mrs. Gillich as the Representative Plaintiff of the following class:
 

“All consumers who, since March 14, 2016, paid to Mercedes-Benz West Island or APR (SAINT-JEAN) INC. (“MBWI”) a fee to exercise their option to purchase their vehicle (“buyback”) at the end of their lease which was not disclosed in their lease”
- The Representative Plaintiff and MBWI have reached a settlement in this matter. MBWI denies any wrongdoing, and no court has concluded to any wrongdoing on the merits by MBWI.
- On December 3, 2020, the Court approved the content and method of dissemination of this notice.
- **The judgment authorizing this class action and the proposed settlement may affect your rights, whether you act or not. Please read this notice carefully.**

<b>Your Rights Regarding This Action:</b>	
<b>OPT OUT</b>	If you opt out, you will not receive any payment if the settlement is approved by the Court or if the Court grants a final decision in favour of the Representative Plaintiff. This option allows you to pursue your own lawsuit against MBWI regarding the buyback fees which are the subject of the class action.
<b>OBJECT</b>	If you disagree with the proposed settlement, you can object to it and your objection will be considered by the Court when deciding whether to approve the settlement.
<b>DO NOTHING</b>	If you are a class member and you agree with the purpose of this class action and the proposed settlement, you have nothing to do to participate in this class action and to receive a <b>payment of \$412.00</b> if the settlement is approved by the Court.

These rights – **and the deadline for exercising them** – are explained in this notice.

**QUESTIONS?**

Contact the law firm LPC Avocat Inc. at 514-379-1572  
or visit [www.lpclex.com/buyback/](http://www.lpclex.com/buyback/)

## **THE CLASS ACTION AGAINST MBWI**

### **1. Why are you receiving this notice?**

On May 21, 2020, the Superior Court of Quebec authorized the class action against MBWI and designated Mrs. Gillich as the Representative Plaintiff of the following class:

“All consumers who, since March 14, 2016, paid to Mercedes-Benz West Island or APR (SAINT-JEAN) INC. (“MBWI”) a fee to exercise their option to purchase their vehicle (“buyback”) at the end of their lease which was not disclosed in their lease”

The parties have agreed to settle the class action and you have been identified as a class member.

### **2. What is a class action?**

It is a legal procedure instituted by an individual called the “Representative Plaintiff” on behalf of everyone who faces a similar problem, called the “class”. A class action allows the Court to rule on the dispute regarding all class members, except for those who choose to opt out.

### **3. What is this class action about?**

The Representative Plaintiff instituted a class action against MBWI regarding fees paid by consumers in order to exercise their option to purchase their vehicle during or at the end of their lease (buyback fees). The Representative Plaintiff argued that MBWI contravened the *Consumer Protection Act* by charging buyback fees that were not precisely disclosed in their motor vehicle lease agreements. MBWI denies any wrongdoing, and no court has concluded to any wrongdoing on the merits by MBWI.

This class action sought to obtain a judgment ordering the payment of compensatory damages corresponding to the amount of buyback fees paid by consumers as well as punitive damages.

## **THE CLASS MEMBERS**

### **4. Who is a class member?**

You are a class member if you are a consumer, within the meaning of the *Consumer Protection Act*, who, from March 14, 2016 to March 14, 2019 (the “**Settlement Class Period**”), paid to MBWI a fee to exercise your option to purchase your vehicle (“buyback”) during or at the end of your lease which was not disclosed in the lease.

### **5. How do I participate in this class action?**

If you are a class member and agree with this class action and the proposed settlement, you have nothing to do to participate in this class action.

## **SETTLEMENT AGREEMENT APPROVAL HEARING**

### **6. How much money will I receive under the proposed settlement?**

The Settlement Agreement provides for the following monetary compensation to class members, subject to Court approval:

**MBWI shall pay to each Settlement Class Member a compensation amount of \$412.00, net of all fees and expenses.**

On top of the compensation to class members, MBWI agrees to pay class counsel \$25,858.09 (plus taxes) for its extrajudicial fees and \$3,700 (plus taxes) for its expenses. MBWI also agrees that the Representative Plaintiff will be entitled to receive a disbursement of up to \$300. All of these amounts are subject to Court approval.

The Settlement Agreement and documents pertaining to this class action are available at: [www.lpclex.com/buyback/](http://www.lpclex.com/buyback/).

### **7. What is the next step regarding the proposed settlement?**

The Superior Court of Québec must approve the Settlement Agreement before it can take effect. The Court will review the terms of the Settlement Agreement to ensure that they are fair, reasonable and in the best interests of the class members.

The Settlement Approval Hearing will take place on **January 20, 2021 at 9:30 a.m.** before the Superior Court of Québec, at the Montreal Courthouse, via a TEAMS link that will be posted before that date on Class Counsel's website [www.lpclex.com/buyback/](http://www.lpclex.com/buyback/). At this hearing, the Court will hear any objection filed by class members regarding the proposed Settlement Agreement, in accordance with the deadlines and procedure set forth below. Class members who do not oppose the proposed settlement are not required to attend this hearing or to take any action to indicate that they intend to be bound by it. The date and time of the settlement approval hearing may be subject to adjournment by the Court without further publication notice to the Class Members, other than such notice which will be posted on Class Counsel's website.

## **OPTING OUT**

### **This is your only chance to opt out from the class action.**

### **8. What happens if I opt out?**

If you decide to opt out of the class action, you retain your right to institute your own lawsuit against MBWI regarding the described buyback fees and you will not be bound by the judgments rendered by the Court in this class action. Also, you will **not** be entitled to receive a payment if the Settlement Agreement is approved by the Court.

### **9. What happens if I do not opt out or if I do nothing?**

If you do not opt out of the class action or if you do nothing, you will be entitled to receive a payment if the Settlement Agreement is approved by the Court. As such, you give up your right to institute your own lawsuit against MBWI regarding the described buyback fees and will be bound by the judgments rendered by the Court in this class action.

## 10. How do I opt out?

If you do not wish to be part of this class action, you can opt out by sending to the clerk of the Superior Court a signed letter containing the following information:

- The class action file number and name: 500-06-000989-190 (*Gillich v. Mercedes-Benz West Island*).
- Your name, current address and telephone number.
- Your statement: “I am a class member and I wish to opt out of the class action”.
- Your signature.

**You must send your letter by registered mail, with a copy by email to Class Counsel, by January 18, 2021 at the following address:**

Clerk of the Superior Court of Québec  
File: 500-06-000989-190 (*Gillich v. Mercedes-Benz West Island*)  
Montreal Courthouse  
1, Notre-Dame East Street, Suite 1.120  
Montréal (Québec) H2Y 1B6

## **OBJECTING TO THE PROPOSED SETTLEMENT**

### 11. What should I do if I disagree with the proposed settlement?

If you disagree with the Settlement Agreement but you do not wish to opt out of the class action, you can object to the Settlement Agreement by delivering a written submission on or before **January 18, 2021**, filed with the Court and Class Counsel and containing the following information:

- A heading referring to this proceeding (*Gillich v. Mercedes-Benz West Island* - 500-06-000989-190).
- Your name, current address, and telephone number and, if represented by counsel, the name of your counsel.
- A statement that you had paid a buyback fee to MBWI between March 14, 2016 and March 14, 2019.
- A statement whether you intend to appear at the Settlement Approval Hearing on January 20, 2021, either in person or through counsel.
- A statement of the objection and the grounds supporting the objection.
- Copies of any papers, briefs, or other documents upon which the objection is based.
- Your signature.

**You must send your letter by registered mail, with a copy by email to Class Counsel (see contact information below), at the following address:**

Clerk of the Superior Court of Québec  
File: 500-06-000865-176  
Montreal Courthouse  
1, Notre-Dame East Street, Suite 1.120  
Montréal (Québec) H2Y 1B6

Please note that the Court cannot change the terms of the settlement. Any objections will be used by the Court to consider whether to approve the settlement or not.

### **CLASS COUNSEL**

#### **12. Who are the lawyers working on this class action?**

The law firm LPC Avocat Inc. represents the Representative Plaintiff, and therefore, the class members. You may contact LPC Avocat Inc. using the contact information found at the end of this notice.

#### **13. Are there fees for the class members?**

You do not have to pay the lawyers working on this class action.

### **FOR MORE INFORMATION**

If you have questions, you can contact class counsel, the law firm LPC Avocat Inc., by mail, email or phone. Your name and any information provided will be kept confidential.

**Mtre Joey Zukran**

**LPC Avocat Inc.**

276, rue Saint-Jacques, Suite 801

Montréal, Québec, H2Y 1N3

Telephone: 514-379-1572

Email: [jzukran@lpclex.com](mailto:jzukran@lpclex.com)

This notice has been approved by the Superior Court of Quebec.