

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) FRIDAY, THE 3rd
JUSTICE E.M. MORGAN) DAY OF MAY, 2019

**REBECCA ROMEO, JOE ROMEO, DIANE BÉLAND,
ELYSE CHOINIÈRE, LINDA GOODMAN, and TRACY CORSI**

Plaintiffs

- and -

**FORD MOTOR COMPANY and
FORD MOTOR COMPANY OF CANADA, LIMITED**

Defendants

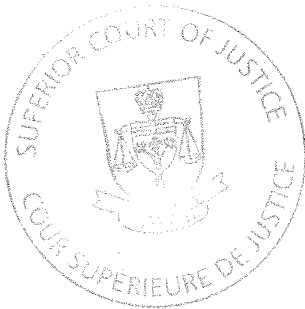
Proceeding under the *Class Proceedings Act, 1992*

ORDER


THIS MOTION made on consent of all parties for an Order varying the order dated March 21, 2019 that approved the proposed settlement, notice of settlement approval to the class, the method of dissemination of the notice of settlement approval to the class, and class counsel fees and disbursements was read at Toronto, Ontario.

ON READING the consent of all counsel,

1. **THIS COURT ORDERS** that its March 21, 2019 Order is hereby varied as follows:
 - a. the Notice, attached hereto as Schedule "1" is hereby approved;
 - b. the Class Members shall be given notice of settlement approval on or before June 12, 2019;



c. the Claims Administration Commencement Date shall be June 26, 2019.



The Honourable Justice E.M. Morgan

ENTERED AT / INSCRIPT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO:

MAY 16 2019

PER/PAR



NOTICE OF SETTLEMENT APPROVAL

IF YOU PURCHASED OR LEASED A FORD FOCUS (2012-2016 MODELS) OR FORD FIESTA (2011-2016 MODELS) EQUIPPED WITH A POWERSHIFT DUAL-CLUTCH TRANSMISSION, YOU MAY BE ELIGIBLE FOR BENEFITS OWED TO YOU FROM A CLASS ACTION SETTLEMENT. VISIT WWW.FORDTRANSMISSIONCLASSACTION.COM.

WHAT IS THIS CLASS ACTION ABOUT?

A class action lawsuit was brought against Ford Motor Company and Ford Motor Company of Canada, Limited (collectively, "Ford"). The lawsuit alleged that certain Ford Focus and Fiesta vehicles are equipped with a defective PowerShift Dual-Clutch Automatic (DPS6) Transmission ("PowerShift Transmission"). Ford denies that it has violated any laws, denies that it has engaged in any wrongdoing, and denies that there is any safety hazard or defect. The parties agreed to resolve these issues before they were decided by the Court and reached a settlement (the "Settlement"). The Court has now approved the Settlement and claims for Settlement benefits can be made.

WHO CAN MAKE A CLAIM?

If you are a current or former owner or lessee of a 2012-2016 Ford Focus or a 2011-2016 Ford Fiesta with a PowerShift Transmission (the "Class Vehicles"), you may be eligible for benefits under the Settlement. If you are eligible for benefits under the Settlement, you must take action to obtain those benefits within the time limits provided by the Settlement and the Orders of the Court.

WHAT BENEFITS DOES THE SETTLEMENT PROVIDE?

- a) If an authorized Ford dealer performed three or more qualifying transmission hardware replacements ("THR"s) on your PowerShift Transmission within seven years or 160,000 km of the warranty start date during your ownership or lease of your Class Vehicle, you may be entitled to cash payments ranging from \$252 to \$2,932 or Owner Appreciation (discount) Certificates ranging in value from \$504 to \$5,864, depending on the number of service visits/THRs.
- b) If you are not eligible for benefits under (a) above, and if an authorized Ford dealer performed three or more transmission software flashes on your Class Vehicle within seven years or 160,000 km of the warranty start date during your ownership or lease of your Class Vehicle, you may be entitled to cash payments ranging from \$65 to \$780, depending on the number of service visits.
- c) If your Class Vehicle was manufactured after June 5, 2013, and if an authorized Ford dealer performed two or more clutch replacements on your Class Vehicle under warranty, and you had to pay for a third clutch replacement out of warranty within seven years or 160,000 km of the warranty start date, you may qualify for reimbursement and a new warranty on the new clutch.
- d) If you currently own or lease a Class Vehicle, you may be entitled to "Alternative Benefits".
 - o For current owners, Alternative Benefits are designed to compensate Class Members with ongoing clutch malfunctions by refunding the entire cost of purchasing the Class Vehicle, less a reduction for the usage of the Class Vehicle and a reduction for the residual value of the Class Vehicle at the time the claim is submitted. You can keep your Class Vehicle or, if you are offered a repurchase by Ford, you can choose to accept the repurchase offer.
 - o For current lessees, Alternative Benefits are designed to compensate Class Members with ongoing clutch malfunctions by refunding the entire cost of the lease and all lease payments, less a reduction for usage of the Class Vehicle. Your lease will be terminated and Ford will retake possession of your Class Vehicle.
 - o Class Members who currently own or lease a 2011-2012 model year Fiesta or a 2012 model year Focus may be eligible for Alternative Benefits if their Class Vehicle has had or will have at least three THRs within seven years or 100,000 km of the warranty start date.
 - o Class Members who currently own or lease a 2013-2016 model year Fiesta or Ford may be eligible for Alternative Benefits if their Class Vehicle has had or will have at least two THRs within seven years or 100,000 km of the warranty start date.

You can apply for cash payments or discount certificates under (a)-(c) above and for Alternative Benefits at the same time, or separately (subject to your eligibility). The denial of an Alternative Benefits claim has no impact on eligibility for cash payments or discount certificates. If you recover Alternative Benefits, the value of any cash payments or discount certificates received are credited against the Alternative Benefits award.

You will recover 81% of the benefits awarded to you. 10% of the benefits amount will be paid to Class Counsel towards their legal fees in this matter. 10% of the benefits amount net of legal fees (*i.e.* 9% of the gross benefits amount) will be paid to the Law Foundation of Ontario as a levy for their funding support in this matter, in accordance with the *Class Proceedings Regulation*, O. Reg. 771/92, s. 10(3), made under the *Law Society Act*, R.S.O. 1990, c. L.8.

For more information about the Settlement, including more details on the available benefits, go to www.fordtransmissionclassaction.com.

HOW DO I MAKE A CLAIM?

The Claim Form is available at www.fordtransmissionclassaction.com or a copy can be obtained by contacting the claims administrator as follows:

Ford Transmission Class Action
c/o RicePoint Administration Inc.
P.O. Box 4454, Toronto Station A
25 The Esplanade
Toronto, ON M5W 4B1
fordtransmission@ricepoint.com
1-866-476-8421

Claim Forms can be submitted online on the www.fordtransmissionclassaction.com website, or mailed to the claims administrator as listed above. It does not cost anything to make a claim.

WHAT IS THE DEADLINE TO MAKE A CLAIM?

To claim cash payments or discount certificates under (a)-(c) in the "What benefits does the Settlement provide?" section above for THRs and software flashes which have already occurred, your claim form must be submitted online or postmarked by [DATE]. For THRs and software flashes which occur in the future (up to seven years or 160,000 kilometres after the warranty start date), your claim form must be submitted online or postmarked within 180 days of the service visit.

To claim for Alternative Benefits:

- if your Class Vehicle has had, or in the future will have, two or three eligible THRs while you continue to own or lease it, your claim form must be submitted online or postmarked by the later of [DATE] or within seven years or 160,000 kilometres of the warranty start date;
- if your Class Vehicle has had, or in the future will have, four or more eligible THRs while you continue to own or lease it, your claim form must be submitted online or postmarked by the later of [DATE] or within six years of the warranty start date.

The Claims Period will begin on June 26, 2019.

FOR FURTHER INFORMATION

For questions regarding the Settlement, please refer to the www.fordtransmissionclassaction.com website. You can contact the claims administrator by email at fordtransmission@ricepoint.com or by phone at 1-866-476-8421. For further assistance,

INTERPRETATION

This Notice has been approved by the Court and is a summary of some of the terms of the settlement. If there is a conflict between the provisions of this Notice and the terms of the Settlement Agreement, the Settlement Agreement prevails.

REBECCA ROMEO et al.

-and- FORD MOTOR COMPANY and
FORD MOTOR COMPANY OF CANADA, LIMITED
Defendants

Plaintiffs

Court File No.: CV-15-539855-00-CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceedings commenced in TORONTO

ORDER

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