

## NOTICE OF CLASS ACTION AND PROPOSED SETTLEMENT

**If you purchased/leased a Ford Focus (2012-2016 models) or Ford Fiesta (2011-2016 models) equipped with a PowerShift dual-clutch automatic transmission, this Notice provides information of a proposed class action settlement that could affect your legal rights.**

### WHAT IS THIS NOTICE ABOUT?

This Notice concerns the proposed settlement of a class action lawsuit against Ford Motor Company and Ford Motor Company of Canada, Limited (the “Settlement”). The lawsuit alleges that certain Ford Focus and Fiesta vehicles are equipped with a defective PowerShift Dual-Clutch Automatic (DPS6) Transmission (“PowerShift Transmission”) that may slip, buck, kick, or jerk, and result in sudden or delayed vehicle acceleration. Ford Motor Company and Ford Motor Company of Canada, Limited (collectively, “Ford”) deny that they have violated any laws, deny that they have engaged in any wrongdoing, and deny that there is any safety hazard or defect. The parties agreed to resolve these issues before they were decided by the Court. If you are a current or former owner/lessee of a 2012-2016 Ford Focus or a 2011-2016 Ford Fiesta with a PowerShift Transmission (the “Class Vehicles”), you must take action to protect your rights or to obtain benefits within the time limits provided by the Settlement and the Orders of the Court. For more important information regarding the Settlement, including how to protect your rights and claim your benefits, go to [www.fordtransmissionclassaction.com](http://www.fordtransmissionclassaction.com) or call 1-866-476-8421.

### WHAT BENEFITS DOES THE SETTLEMENT PROVIDE?

- If an authorized Ford dealer performed three or more transmission Software Flashes on your Class Vehicle, you may be entitled to cash payments ranging from \$65 to \$780, depending on the number of service visits.
- If an authorized Ford dealer replaced three or more qualifying hardware parts in your PowerShift Transmission while you owned the Class Vehicle, you may be entitled to cash payments ranging from \$252 to \$2,932 or Vehicle Discount Certificates ranging in value from \$504 to \$5,864, depending on the number of service visits.
- If your Class Vehicle was manufactured after June 5, 2013, and two or more clutch replacements were performed on your Class Vehicle under warranty, and you had to pay for a clutch replacement after warranty, you may qualify for reimbursement.
- Alternatively, you may be entitled to “Alternative Benefits”, which are designed to compensate Class Members with ongoing clutch malfunctions by refunding the entire cost of purchasing or leasing the Class Vehicle, less a reduction for the usage of the Class Vehicle and the residual value of the Class Vehicle at the time the claim is submitted, with Class Members keeping the vehicle or being offered a repurchase by Ford.

### WHAT ARE MY OPTIONS?

- If you are a current or former owner/lessee of a Class Vehicle and do nothing, you will be part of the Settlement Class and may claim benefits if the Settlement is approved by the Court. However, going forward, you will not be able to sue Ford with respect to any issues relating to the PowerShift Transmission in your vehicle.
- If you are a current or former owner/lessee of a Class Vehicle and do not want to be part of the Settlement Class, you can opt out by excluding yourself in writing by March 5, 2019, in accordance with the terms of Settlement. If you opt out and exclude yourself from the Settlement class, you will be able to sue Ford with respect to issues relating to the PowerShift Transmission, but you will not get any benefits provided by the Settlement.

A Class Member who wishes to opt out of the class action must indicate their intention to opt out by completing an Opt-Out Form and delivering it to:

Ford Transmission Class Action  
c/o RicePoint Administration Inc.  
P.O. Box 4454, Toronto Station A  
25 The Esplanade  
Toronto, ON M5W 4B1

The Opt-Out Form is available at [www.fordtransmissionclassaction.com](http://www.fordtransmissionclassaction.com) or a copy can be obtained by contacting 1-866-476-8421 as listed above. The deadline for Class Members to opt out of the class action is March 5, 2019 at 5 p.m. EST. If the completed Opt-Out Form is not received by March 5, 2019 at 5 p.m. EST, the Class Member shall remain a member of the Class.

- If you do not exclude yourself, you can object to all or part of the Settlement postmarked by March 5, 2019 in accordance with the terms of the Settlement.
- If you have pending individual litigation or a CAMVAP proceeding against Ford alleging problems with the PowerShift Transmission in Class Vehicles, you are not a part of this Settlement. You have the right to opt-in to the Settlement by March 5, 2019. Please consult your lawyer before you take action.

### **WHEN WILL I GET MY BENEFITS?**

No benefits will be available, and no claims will be accepted, unless and until the Court approves the Settlement. The Ontario Superior Court of Justice will hold a settlement approval hearing on March 18, 2019 at 10:00 AM at the courthouse at Osgoode Hall, 130 Queen Street West, Toronto, Ontario, to consider whether the proposed Settlement is fair, reasonable and in the best interests of the Class. Please check the website for additional information. You are not required to appear at the settlement approval hearing, but you may. If you choose to appear, you may hire a lawyer to appear for you, at your expense. If and when the Settlement is approved, if you have not timely excluded yourself from it, you will need to submit the appropriate claim forms and supporting documents to the Claims Administrator to claim your benefits. You may do so through [www.fordtransmissionclassaction.com](http://www.fordtransmissionclassaction.com). If the Settlement is challenged on appeal, claims can be submitted, but benefits will not be available until the appeal is resolved. The Long Form Class Notice and details regarding Settlement benefits and the options available to you are available online at the Settlement Website, [www.fordtransmissionclassaction.com](http://www.fordtransmissionclassaction.com), or by phone at 1-866-476-8421. Please review these details carefully and consider consulting a lawyer. Please check the Settlement Website periodically for more information concerning the status of the Settlement, when benefits will become available, and how and when to submit claims.

To protect your rights and for information on how to obtain Settlement benefits, you must go to [www.fordtransmissionclassaction.com](http://www.fordtransmissionclassaction.com) or call 1-866-476-8421.

### **ADMINISTRATION COSTS AND LEGAL FEES**

At the settlement approval hearing, the Court will also be asked to approve a contingency fee agreement for the payment of legal fees. It is proposed that Ford will pay \$3 million in legal fees inclusive of HST plus disbursements directly to Class Counsel. Of the \$3 million, \$1 million is an advance payment repayable to Ford out of the benefits paid to Class Members. Class Counsel will seek 10% of the benefits payable to Class Members inclusive of HST. Of the 10% recovered, the first \$1 million will be returned to Ford.

The Law Foundation of Ontario is also entitled to 10% of the benefits payable to Class Members.

Class Counsel and Ford will apply to the Court for an honorarium of \$5,000 to be awarded to Joe Romeo, Diane Béland, Elyse Choiniere, Linda Goodman and Tracy Corsi and for \$7,500 to be awarded to Rebecca Romeo in recognition of the role they played as representative plaintiffs.

### **FOR FURTHER INFORMATION**

For questions regarding this notice or the proposed settlement, please contact Class Counsel as follows:

Charney Lawyers P.C.  
151 Bloor St. West, Suite 602  
Toronto, ON M5S 1S4  
Tel: 1-844-529-4050 x 223  
Email: [info@charneylawyers.com](mailto:info@charneylawyers.com)

### **INTERPRETATION**

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

THIS NOTICE HAS BEEN AUTHORIZED BY THE ONTARIO SUPERIOR COURT OF JUSTICE.