

**SUPERIOR COURT**  
(Class Action)

*Le 5 juillet 2013*  
*Copie conforme*  
*[Signature]*  
*PR. D'AVOUE G. G.*

CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

No: 500-06-000507-109

DATE: July 5, 2013

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**BY: THE HONOURABLE MADAM JUSTICE DANIELÉ MAYRAND, J.S.C.**

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**ERIC LIVERMAN**  
and  
**SIDNEY VADISH**  
Petitioners

v.  
**DEERE & COMPANY**  
and  
**JOHN DEERE LIMITED**  
and  
**TECUMSEH PRODUCTS COMPANY**  
and  
**TECUMSEH PRODUCTS OF CANADA LIMITED**  
and  
**BRIGGS & STRATTON CORPORATION**  
and  
**BRIGGS & STRATTON CANADA INC.**  
and  
**KAWASAKI MOTORS CORP. USA,**  
and  
**CANADIAN KAWASAKI MOTORS INC.**  
and  
**MTD PRODUCTS INC.**  
and  
**MTD PRODUCTS LTD.**  
and

**THE TORO COMPANY**  
and  
**THE TORO COMPANY (CANADA), INC.**  
and  
**AMERICAN HONDA MOTOR COMPANY, INC.**  
and  
**HONDA CANADA INC.**  
and  
**ELECTROLUX HOME PRODUCTS, INC.**  
and  
**ELECTRULEX CANADA CORP.**  
and  
**HUSQVARNA OUTDOOR PRODUCTS, INC.**  
and  
**HUSQVARNA CANADA CORP.**  
and  
**KOHLER CO.**  
and  
**KOHLER CANADA CO.**  
and  
**SEARS, ROEBUCK AND CO.**  
and  
**SEARS CANADA INC.**  
and  
**PLATINUM EQUITY, LLC**  
Respondents

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**JUDGMENT ON PETITIONERS' MOTION FOR APPROVAL  
OF A NOTICE TO CLASS MEMBERS**

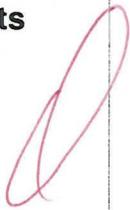
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[1] **ON READING** Petitioners' Motion for Approval of a Notice to Class Members, which seeks approval of a form of notice to be published in accordance with a proposed dissemination plan to the attention of class members announcing the date, time, place, and nature of the approval hearing, as well as, the terms of the Settlement Agreements (**Exhibits R-1 and R-2**);

[2] **THE COURT:**

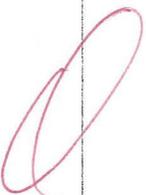
[3] **GRANTS** the Motion for Approval of a Notice to Class Members;

[4] **ORDERS** that the Notice to Class Members, substantially in the form of **Exhibits R-3 and R-4** be disseminated on or before August 25, 2013 in the following manner:

- 1) A settlement website will be established at [www.lawnmowersettlement.ca](http://www.lawnmowersettlement.ca) where all Notices will be posted;
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- 2) By Press Release on Canada Newswire;
- 3) The Short-Form Notice will be published in the following regional and national newspapers:
  - a. The Globe and Mail (National Edition)
  - b. The National Post (National Edition)
  - c. La Presse
  - d. The Montreal Gazette
  - e. The Toronto Star
  - f. The Vancouver Sun
  - g. The Calgary Herald
  - h. The Edmonton Journal
  - i. The Saskatoon Star Phoenix
  - j. The Winnipeg Free Press
  - k. The St. John's Telegram
  - l. The Halifax Chronicle Herald
  - m. The Moncton Times & Transcript
  - n. The Charlottetown Guardian;
- 4) The Short-Form Notice will be provided to the following organizations for distribution to their memberships:
  - a. The Consumers' Association of Canada
  - b. The Consumers' Council of Canada;
- 5) A digital notice campaign using the following digital media:
  - a. Facebook
  - b. Twitter
  - c. Select consumer product message boards;
- 6) The Long-Form Notice will be sent by direct mail, fax and/or e-mail to:
  - a. all persons who have contacted Class Counsel about the litigation
  - b. other potentially interested parties identified by Class Counsel;
- 7) Class Counsel may apply to the Court on notice to the Settling Defendants for approval to make any further distribution of Notices to Settlement Class Members as may be deemed necessary to facilitate their interests in respect of the settlements;

[5] **ORDERS** that the costs of disseminating the Notice will be paid for in accordance with the Settlement Agreements;



[6] **FIXES** the hearing date of the Motion to Authorize the Bringing of a Class Action for Settlement Purposes Only and for Approval of the Settlement Agreements for September 25, 2013 at the Montreal Courthouse, 1, Notre-Dame Street East, in the city of Montreal, Quebec, in courtroom 2.08 at 9:30 A.M. (or any other courtroom, which will be indicated by the posting of a sign outside of courtroom 2.08);

[7] **WITHOUT COSTS.**

  
THE HONOURABLE DANIELE  
MAYRAND, J.S.C.

Me Jeff Orenstein  
CONSUMER LAW GROUP INC.  
Attorneys for the Petitioners

Me Chantal Chatelain  
Langlois Kronström Desjardins  
Attorneys for the Respondents SEARS, ROEBUCK AND CO. AND SEARS CANADA  
INC.

Me Eric Lefebvre  
Norton Rose  
Attorneys for the Respondents TECUMSEH PRODUCTS COMPANY, TECUMSEH  
PRODUCTS OF CANADA LIMITED AND PLATINUM EQUITY, LLC

Me Joëlle Boisvert  
Gowling Lafleur Henderson  
Attorneys for the Respondents KAWASAKI MOTORS CORP. USA AND CANADIAN  
KAWASAKI MOTORS INC.

Me Pierre Y. Lefebvre  
Fasken Martineau  
Attorneys for the Respondents MTD PRODUCTS INC. AND MTD PRODUCTS LTD.

Me Donald Bisson  
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Attorneys for the Respondents THE TORO COMPANY AND THE TORO COMPANY  
(CANADA), INC.

Me Jean-Philippe Lincourt  
Lavery de Billy  
Attorneys for the Respondents AMERICAN HONDA MOTOR COMPANY, INC. AND  
HONDA CANADA INC.



Me Benoît Bourgon

Heenan Blaikie

Attorneys for the Respondents HUSQVARNA OUTDOOR PRODUCTS, INC. AND  
HUSQVARNA CANADA CORP.

Me Yves Martineau

Stikeman Elliott

Attorneys for the Respondents BRIGGS & STRATTON CORPORATION AND BRIGGS  
& STRATTON CANADA INC.

Me Andrei Pascu

McMillan

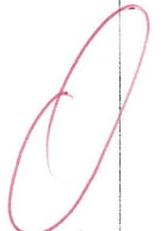
Attorneys for the Respondents KOHLER CO. AND KOHLER CANADA CO.

Me Robert Torralbo

Blake, Cassels & Graydon

Attorneys for the Respondents DEERE & COMPANY AND JOHN DEERE LIMITED

Date of hearing: July 5, 2013

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