

If you own or lease a Toyota or Lexus vehicle, you may be eligible to benefit from a class action Settlement

Detailed information and updates are available on the Settlement Website: www.toyotaELsettlement.ca

A proposed nationwide Settlement has been reached in class actions about whether the Plaintiffs and the Class have suffered economic loss arising from the design, manufacture, marketing, sale and distribution of Toyota and Lexus vehicles equipped with an Electronic Throttle Control System (ETCS). If approved, this Settlement will provide benefits to current owners or lessees of Toyota or Lexus vehicles equipped with ETCS.

Toyota and CTS deny that they have violated any law, engaged in any wrongdoing, or that there is any defect in their ETCS. The parties agreed to resolve these matters before these issues were decided by the Courts. **This Settlement does not involve claims for personal injury or property damage.**

This Notice advises you of the proposed certification/authorization hearing and proposed Settlement of these lawsuits.

WHO IS INCLUDED?

If it is approved, the proposed Settlement will apply to anyone living in Canada who currently, or at any time on or before the date of Settlement approval, owned, purchased, acquired and/or leased a Toyota or Lexus vehicle equipped with ETCS which was sold or leased in Canada. A list of eligible vehicles is available by calling toll-free 1-855-823-0650 or visiting the Settlement Website at www.toyotaELsettlement.ca.

Unless you formally Opt Out of the Settlement by the deadline, you will be considered a member of one of the following Classes:

Nova Scotia National Class: All Class Members resident in Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland and Labrador

Ontario National Class: All Class Members resident in Ontario, Manitoba, the Territories, and those residents in Québec who are not members of the Québec Class

Québec Class: All natural persons as well as all legal persons established for a private interest, partnerships and associations having no more than fifty (50) persons bound to it by a contract of employment under its direction or control during the twelve (12) month period preceding November 30, 2009 resident in Québec

Saskatchewan National Class: All Class Members resident in Saskatchewan, Alberta and British Columbia

WHAT IS THE PROPOSED SETTLEMENT?

The proposed Settlement provides for the following benefits to eligible Class Members:

1. A cash payment of \$62.50 for each subject vehicle not otherwise eligible to receive a free installation of a brake override system (BOS)
2. Free installation of a BOS on certain vehicles
3. A customer support program to correct any defects in materials or workmanship of certain vehicle parts related to ETCS
4. Engineering student scholarships totalling \$600,000

Crawford Class Action Services has been appointed by the Courts as the Claims Administrator for various pre-approval purposes and will be proposed as the Claims Administrator for the Settlement. For additional information, updates and important dates please refer to the Settlement Website: www.toyotaELsettlement.ca or call: 1-855-823-0650.

HOW DO YOU RECEIVE BENEFITS?

If the Settlement Agreement is approved, the installation of BOS on BOS-eligible vehicles will take place *automatically* when you bring your vehicle into a Toyota dealership for servicing. You do not have to do anything to benefit from the customer support program. However, to claim a cash payment, you must complete and submit a simple Claim Form.

SUBMITTING CLAIMS FOR CASH – Class Members will have a limited amount of time to submit a claim for compensation. A Claim Form is currently available on the Settlement Website or one can be requested from the Claims Administrator via e-mail, by telephone or by regular mail. If you intend to submit a claim, you must do so on or before the expiry of the Claim Period, which will be posted on the Settlement Website. Claims will be paid subject to Court Approval.

WHAT ARE YOUR OTHER RIGHTS?

Opting Out: If you don't want to be legally bound by the proposed Settlement, you must complete and submit an Opt Out Form to the Claims Administrator so that it is received by the Opt Out Deadline posted on the Settlement Website. If the Opt Out Form is not received by this deadline, you will be a member of the Class and will not be able to bring a separate claim against Toyota in connection with the issues in these Actions (you will still be able to make a claim for personal injury and/or property damage). Anyone who opts out cannot object to the Settlement, will not be bound by the Settlement Agreement, and will not be eligible to claim benefits under the Agreement, but may be eligible to pursue an individual claim.

Objecting: If you wish to object to this proposed Settlement, you must submit a written objection to the Claims Administrator by January 24, 2014. **Do NOT send an objection directly to the Courts.**

COURT APPROVAL

The Courts in Nova Scotia, Ontario, Québec and Saskatchewan will hold hearings to consider whether to approve the Settlement. Each of the Courts must be satisfied that the Settlement is fair, reasonable and in the best interests of Class Members.

Settlement Approval Hearings have been scheduled as follows:

Nova Scotia Action: January 28, 2014

Ontario Action: January 31, 2014

Québec Action: February 3, 2014

Saskatchewan Action: February 5, 2014

The Courts will also consider a request from Class Counsel for costs of administration, notice, counsel fees, disbursements and taxes. Plaintiffs' Counsel has pursued this lawsuit wholly on a contingency basis and have agreed that they would only be paid their legal fees if there was a Settlement or recovery following a successful judgment. They will seek approval from the Courts for no more than \$11.9 million inclusive of costs of administration, notice, counsel fees, disbursements and taxes which amounts will be paid directly by Toyota.

You do not have to attend the hearings but you may do so if you wish, and if you have submitted a written objection to the Claims Administrator, you (or your lawyer) may present arguments with regards to the proposed Settlement.

FOR MORE INFORMATION

Please check the Settlement Website regularly for important documents, forms, updates, and deadlines for filing a claim, opting out, or making an objection:

www.toyotaELsettlement.ca

More information can also be obtained from Crawford Class Action Services (call toll free: 1-855-823-0650) or from the law firms representing the Class:

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This Summary Notice has been approved by the Supreme Court of Nova Scotia, the Ontario Superior Court of Justice, the Québec Superior Court, and the Court of Queen's Bench, Judicial Centre of Regina. Cette avis est disponible en français aussi.