

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE) WEDNESDAY, THE 18TH
JUSTICE M.Z. CHARBONNEAU) DAY OF JANUARY, 2017

B E T W E E N:

CHARLES COLLINS

Plaintiff

- and -

**OSRAM SYLVANIA, INC., OSRAM SYLVANIA PRODUCTS, INC. and OSRAM
SYLVANIA, LTD**

Defendants

Proceeding under the *Class Proceedings Act, 1992*
S.O. 1992, c. 6, as amended

O R D E R

THIS MOTION made by the Plaintiff for an Order certifying the within Action as a class proceeding as against the Defendants for settlement purposes only, subject to the terms of a settlement entered into between the Plaintiff and the Defendants as reflected in the Canadian Class Action Settlement Agreement dated December 1, 2015, a copy of which is attached to this Order as Schedule "A" (the "Settlement Agreement"), and for an Order approving the Settlement Agreement, was heard this day at the Courthouse, 1023 King St., L'Orignal, Ontario K0B 1K0.

UPON BEING ADVISED that the Plaintiff and the Defendants, by their counsel, have entered into the Settlement Agreement.

UPON READING all the materials filed, including the Settlement Agreement, the affidavits of Andrea Grass dated August 25, 2016 and Charles Collins dated August 25, 2016, and upon hearing submissions of counsel for all the Parties:

1. **THIS COURT ORDERS** that, except as otherwise specified in, or as modified by this Order, capitalized terms used herein shall have the meaning ascribed in the Settlement Agreement.

2. **THIS COURT ORDERS** that the within Action is hereby certified as a class proceeding for settlement purposes only, subject to the terms of the Settlement Agreement and the conditions set out therein, pursuant to section 5 of the *Class Proceedings Act, 1992*, S.O. 1992 c. 6, on behalf of the following class ("National Class"):

"All residents in Canada, excluding Québec, who purchased: (i) SilverStar ULTRA, SilverStar, XtraVision, or Cool Blue replacement headlamp capsules (ii) SilverStar, XtraVision, or Cool Blue sealed beam headlamps or (iii) SilverStar fog or auxiliary lights during the Class Period, except those who timely and validly exclude themselves from the Class."

3. **THIS COURT ORDERS** that the Charles Collins be appointed as the Representative Plaintiff for the National Class Members and that Consumer Law Group P.C. be appointed as solicitors for the Class ("Class Counsel").

4. **THIS COURT ORDERS** that the Settlement Agreement, with its attached Schedules:

- a) is fair, reasonable and in the best interest of the National Class;
- d) is hereby approved pursuant to section 29 of the *Class Proceedings Act, 1992*, S.O. 1992 c. 6; and
- c) shall be implemented in accordance with all of its terms.

5. **THIS COURT ORDERS** that the that the Settlement Relief set forth in the Settlement Agreement shall be provided in full satisfaction of the obligations of the Defendants under the Settlement Agreement.

6. **THIS COURT ORDERS** that Bruno Group Inc. be and are hereby appointed as Claims Administrator for the Settlement.

7. **THIS COURT ORDERS** that the form of the Approval Notice, substantially in the form as set forth in Exhibit "B" to the affidavit of Andrea Grass, is hereby approved.

8. **THIS COURT ORDERS** that the Approval Notice shall be published and disseminated substantially in accordance with the Notice Plan as set forth in Settlement Agreement.

9. **THIS COURT ORDERS** that the form and manner of notice as approved in paragraphs 7 and 8 herein represents fair and reasonable notice to all persons entitled to notice, and satisfies the requirements of notice under sections 17 and 19 of the *Class Proceedings Act, 1992*.

10. **THIS COURT ORDERS** that, in accordance with the terms of the Settlement Agreement, the Claims Administrator shall pay the costs associated with the Approval Notice approved herein from the Account.

11. **THIS COURT ORDERS** that the form and content of the Claim Form, substantially in the form as set forth in Exhibit "C" to the affidavit of Andrea Grass, is hereby approved.

12. **THIS COURT ORDERS** that the form and content of the Opt-Out Form, substantially in the form as set forth in Exhibit "D" to the affidavit of Andrea Grass, is hereby approved

13. **THIS COURT ORDERS** that all National Class Members shall be deemed to have elected to participate in the Settlement and shall be bound by the Settlement Agreement and this Order, unless they have excluded themselves in accordance with the Opt-Out Form.

14. **THIS COURT ORDERS** that save as aforesaid, this action is dismissed without costs as against the Defendants.

15. **THIS COURT ORDERS** that Class Counsel's Fees and Expenses as provided for in the Settlement Agreement are hereby approved.

16. **THIS COURT ORDERS** that the Plaintiff shall be paid an Honorarium of \$5,000 from the Account in recognition of his efforts in prosecuting the Action through settlement.


Justice Charbonneau

CHARLES COLLINS
Plaintiff

-and-

Court File No. 14-62041CP
OSRAM SYLVANIA, INC. et alii.
Defendants

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED IN OTTAWA
Proceeding under the *Class Proceedings Act, 1992*

ORDER

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