

CANADA

(Class Action)
SUPERIOR COURT

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

NO: 500-06-000837-175

GARAGE POIRIER & POIRIER INC. *et al.*

Representative Plaintiffs

-vs.-

FCA CANADA INC. *et al.*

Defendants

NOTICE TO CLASS MEMBERS:
2014-2016 DODGE RAM 1500 AND JEEP GRAND CHEROKEE ECODIESEL
QUEBEC CLASS ACTION

NOTICE TO all residents of Quebec who purchased or leased a 2014 to 2016 RAM 1500 and Jeep Grand Cherokee vehicles, equipped with a 3.0-litre EcoDiesel engine

1. **TAKE NOTICE** that on July 5, 2021, the Honourable Justice Corriveau of the Superior Court of Québec authorized the bringing of a class action against FCA Canada Inc., FCA US LLC, VM Motori North America Inc., Robert Bosch Inc., Robert Bosch North America, and Robert Bosch LLC and appointed the status of representative plaintiffs to Garage Poirier & Poirier Inc. and Mr. Bouffard to act on behalf of the class of persons described above.
2. This class action will be brought in the district of Montréal.
3. For the purpose of this class action, the class representatives have elected domicile at their attorneys' offices located at:

Consumer Law Group Inc.
1030 rue Berri, Suite 102
Montreal, (Québec), H2L 4C3
Telephone: (514) 266-7863
Fax: (514) 868-9690
Email: ecodiesel@clg.org
Website: www.clg.org

4. The principal questions of facts and law that will be dealt with collectively are:

- (a) Do the Subject Vehicles contain a component that masks and alters the results during performance tests in terms of polluting emissions?
- (b) Outside of these testing periods, does the component have an effect on the pollution emitted from the Subject Vehicle and the fuel consumption of the vehicle?
- (c) Did the Defendants knowingly act to deceive government agencies, consumers and merchants who purchased one of the Subject Vehicles?
- (d) Can the individual Defendants be held liable for the damages?
- (e) Did the FCA and VM Motori Defendants make false representations concerning the anti-pollution and fuel-efficiency qualities of the Subject Vehicles?
- (f) What damages are Class Members entitled to?
 - i. Can Class Members recover economic damages such as reimbursement of excess fuel costs, trouble and inconvenience arising from repair notices required to attempt to resolve the identified problem?
 - ii. Can Class Members claim damages from FCA and VM Motori for false representations? If yes, which ones?
- (g) Can the Defendants be ordered to pay punitive damages if the Court finds a violation of the Consumer Protection Act or other legislation?
- (h) Should the Defendants offer a guarantee to the members that the modifications address the energy and engine performance problem?
- (i) Alternatively, should the Defendants recall the Subject Vehicles and compensate the holders of the Subject Vehicles accordingly?

5. The conclusions sought in relation to the above questions are as follows:

GRANT the class action application of the members of the Class;

DECLARE that the Defendants have manufactured vehicles containing a latent defect in connection with pollutant emissions and high fuel consumption;

DECLARE that the Defendants deceived the Class Members by failing to disclose the latent defects, given the elevated level of pollutant emissions and fuel consumption;

DECLARE that the FCA Canada inc., FCA US LLC, VM Motori North America Inc. Defendants have made false representations to governments, consumers, and merchants regarding the anti-polluting and energy-efficient qualities of the Subject Vehicles;

CONDEMN the Defendants to pay compensatory damages and punitive damages to each member of the Class;

ORDER the collective recovery of the amounts payable;

Alternatively, ORDER the Defendants to recall the Subject Vehicles and pay compensation to the owners and/or lessees of the Subject Vehicles;

6. The Defendants deny the allegations made by the Representative Plaintiffs and are contesting this class action. The Superior Court has not made any determination of whether the Defendants breached any legal obligation owed to any Class Member, or whether any class member has incurred any loss.
7. **If you wish to opt-out of the class action**, you have to notify Class Counsel (identified below) and the clerk of the Superior Court of Quebec, District of Montreal **no later than May 2, 2022**, by registered or certified mail at this address:

Superior Court of Québec, 1 Notre-Dame Street East, Montreal, H2Y 1B6.

You must state that you wish to exclude yourself from the class action of *Garage Poirier & Poirier Inc. et al. v. FCA Canada Inc. et al.* (case number 500-06-000837-175).

8. After that date, a class member can no longer request exclusion from the class, unless specifically authorized by the Court.
9. A class member who has not requested exclusion is bound by any judgment that may be rendered in the class action, whether favourable or not.
10. **If you wish to be included** in the class action, **you do not need to take any steps at this time.**
11. As a class member, you have the right to intervene in the present class action, in the manner provided for by law.
12. No class member other than the representative plaintiff or an intervenor may be required to pay legal costs arising from the class action.
13. For further information, you may contact class counsel listed below:

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Montreal, (Québec) H2L 4C3
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Email: ecodiesel@clg.org
Website: www.clg.org

14. You may also visit the Central Registry of Class Actions at the following address:
<https://www.registredesactionscollectives.quebec/en>.

THE PUBLICATION OF THIS NOTICE TO CLASS MEMBERS HAS BEEN APPROVED AND ORDERED BY THE SUPERIOR COURT OF QUEBEC.