

**ONTARIO
SUPERIOR COURT OF JUSTICE**

**THE HONOURABLE
JUSTICE SHAW**

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**THURSDAY, THE 31st
OF MARCH, 2022**

B E T W E E N :



LIJIE MAO

Plaintiff

and

NISSAN CANADA INC. AND NISSAN NORTH AMERICA INC.

Defendants

Proceeding under the Class Proceedings Act, 1992

Court File No. CV-22-00000458-00CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N :

DAVE PEROZZO

Plaintiff

and

NISSAN CANADA INC. and NISSAN NORTH AMERICA, INC.

Defendants

Proceeding under the Class Proceedings Act, 1992

SETTLEMENT APPROVAL ORDER

THESE MOTIONS by Lijie Mao and Dave Perozzo for an order pursuant to s. 29 of the *Class Proceedings Act, 1992* (as it read immediately before section 35 of Schedule 4 to the *Smarter and Stronger Justice Act, 2020* came into force) ("*CPA*") approving (a) the Settlement Agreement dated November 12, 2021, (b) the Approval Notice, (c) the appointment of RicePoint Administration Inc. ("RicePoint") as the Notice Administrator and Claims Administrator, and (d) the appointment of the Honourable François Rolland as the claims appeal Arbitrator; were heard this day at the Courthouse, 7755 Hurontario Street, Brampton, Ontario.

AND UPON HAVING REGARD for the steps required to oversee the implementation of the settlement pursuant to this court's supervisory jurisdiction pursuant to the *CPA* and its inherent jurisdiction to control its own process, in order to ensure the settlement is administered in a fair and impartial manner;

AND UPON HEARING the consent of the Defendants, the submission of counsel for the Plaintiffs and Defendants, and from objectors present, and upon reading the materials filed, including written objections, the motion records of the Plaintiffs and the facts of the Plaintiffs;

AND WHEREAS the parties have agreed to the wording of this Order to avoid any delays in the implementation of the settlement between the parties;

AND WHEREAS the parties to these actions have undertaken not to appeal this Order and agree that Class Members as defined within the Settlement Agreement do not have the right to appeal this Order;

ON READING the materials filed and on hearing the submissions of Class Counsel in these actions, certain Class Members who filed Objection Forms and counsel for the Defendants;

AND ON BEING ADVISED that RicePoint consents to being appointed the Settlement Administrator;

AND ON BEING ADVISED that the former Chief Justice of the Superior Court of Quebec, the Honourable François Rolland, consents to being appointed the claims appeal Arbitrator;

AND for written reasons that will be released by this Court in due course;

1. **THIS COURT ORDERS** that except as otherwise stated, the Order incorporates and adopts the definitions set out in the Settlement Agreement, attached as Schedule “A”.
2. **THIS COURT DECLARES** that the Settlement Agreement is fair, reasonable, and in the best interest of the Settlement Class in these actions.
3. **THIS COURT ORDERS** that the Settlement Agreement is approved pursuant to section 29 of the *Class Proceedings Act, 1992*, S.O. 1992, c. 6.
4. **THIS COURT ORDERS AND DECLARES** that the claims of the Class Members and the Class as a whole, are dismissed and released against the Defendants in accordance with the Settlement Agreement.
5. **THIS COURT ORDER, ADJUDGES AND DECLARES** that this Order, including the releases referred to in paragraph 4 above, and the Settlement Agreement are binding upon all Class Members, including those persons who are under a disability.
6. **THIS COURT ORDERS** that the summary and long-form versions of the Approval Notice, substantially in the forms attached as Schedules “B” and “C” respectively, are approved.
7. **THIS COURT ORDERS** that the Approval Notice be disseminated pursuant to the notice program described in paragraphs 24-27 of the Settlement Agreement.
8. **THIS COURT ORDERS** that RicePoint is appointed as the Settlement Administrator pursuant to the Settlement Agreement and fees and expenses of the Settlement Administrator shall be paid directly by the Defendants.
9. **THIS COURT ORDERS** that former Chief Justice of the Superior Court of Quebec, the Honourable François Rolland, is appointed the claims appeal Arbitrator for the purpose of adjudicating appeals in accordance with paragraphs 1.Z and 41 of the Settlement Agreement, with fees and expenses of the Arbitrator to be paid directly by the Defendants.
10. **THIS COURT DECLARES** that the Claims Submission Deadline will be ninety (90) days from the Approval Notice Date.

11. **THIS COURT ORDERS** that Lawyers' Fees and Expenses with respect to Class Counsel in the *Mao* Action are hereby approved as set out in paragraphs 69 – 73 of the Settlement Agreement, while Lawyer's Fees and Expenses with respect to Class Counsel in the *Perozzo* Action shall be determined by future motion, on a date to be scheduled by this Court.
12. **THIS COURT ORDERS** that honorarium payments in the amount of \$5,000 to each of the Representative Plaintiffs are hereby approved.
13. **THIS COURT ORDERS** that, save as set out above, these actions are dismissed without costs and with prejudice, and that such dismissal shall be a defence to any subsequent action by a Class Member, in respect of the subject matter hereof.



Justice Shaw