

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
MR. JUSTICE CULLITY)
FRIDAY THE 10th DAY
OF SEPTEMBER, 2008

BETWEEN

KENNETH DAVID STEWART and DARLENE SIMPSON

Plaintiffs

- and -

GENERAL MOTORS OF CANADA LIMITED and
GENERAL MOTORS CORPORATION

Defendants

Proceeding Under the *Class Proceedings Act, 1992*

ORDER

THIS MOTION FOR DIRECTIONS, made by the Plaintiffs, was heard
this day at the Court House, 361 University Avenue, Toronto, Ontario, on consent of the
parties,

1. *Revised* THIS COURT ORDERS that the attached *was* Notice is hereby approved
pursuant to paragraph 3 of the Order for Directions dated September 10, 2008.

Heather Cullity
Justice Cullity

NOTICE OF PROPOSED CERTIFICATION AND SETTLEMENT APPROVAL HEARING
GM INTAKE MANIFOLD GASKET CLASS ACTION

This notice may affect your rights. Please read it carefully.

PURPOSE OF THIS NOTICE

In 2006, seventeen (17) proposed class actions were commenced in Ontario, Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island, Quebec, and Saskatchewan alleging, *inter alia*, that the nylon intake manifold gaskets installed in certain General Motors Corporation and General Motors of Canada Limited ("GM") vehicles were defective.

A proposed settlement has been reached between the plaintiffs (the individuals who commenced the lawsuit) and GM with respect to the cost of repairs to certain engine gaskets (the "Settlement"). The members of the class affected by the Settlement are generally those who owned or leased certain GM vehicles between the model years 1995 to 2004, and who incurred expenses for certain related repairs ("National Class Members"). Please note that vehicles must be for personal, family, or household use, NOT for commercial or business purposes.

This Notice is to advise all National Class Members of a proposed motion before the Ontario Superior Court of Justice (the "Court") to certify the class action for settlement purposes and to approve the Settlement, including class counsel fees, and to inform them of their rights as a potential class member.

Complete information regarding the vehicles, the eligible repairs, the proposed motion to certify the class action for settlement purposes and to approve the Settlement can be found at www.gmcanadiansettlement.ca or by contacting the Claims Administrator at 1 866 640 9989.

The proposed Settlement does not constitute any admission of liability by GM which denies the allegations.

Terms of the Proposed Settlement

All National Class Members who submit a proper Claim Form, Proof of Expenditure, and Proof of Ownership before April 30, 2009 will be eligible to receive payment according to the following payment schedule:

(a) For National Class Members who incurred an eligible repair expense within five years of the Date of Initial Vehicle Delivery, an amount equal to the eligible repair expense, up to a maximum of \$400;

(b) For National Class Members who incurred an eligible repair expense in the sixth year after the Date of Initial Vehicle Delivery, an amount equal to the eligible

repair expense, up to a maximum of \$100; and

(c) For National Class Members who incurred an eligible repair expense in the seventh year after the Date of Initial Vehicle Delivery, an amount equal to the eligible repair expense, up to a maximum of \$50.

Any National Class Member who is eligible to receive cash payment under subparagraph (a) above may opt to instead receive 40% of the eligible repair expense, up to a maximum of \$800, if the National Class Member submits Proof of Internal Leak Repair Expense showing a repair costing over \$1,500 due to a diagnosed internal coolant leak.

Excluded under the Settlement

- Anyone who purchased or leased a vehicle for commercial or business purposes.
- An insurer or other business that has fully or partially indemnified its customer for an eligible repair whether the insurer or other business is purporting to make a claim for benefits under this Settlement in a subrogated capacity or not.

Class Counsel Fees

The Settlement provides that fees and disbursements (including applicable taxes) of class counsel across the country are \$2,816,000 up to August 28, 2008, including taxes, and a further \$131,250, including taxes, for further work after August 28, 2008. GM will pay all of these fees and disbursements separately from, and without reducing, the reimbursement payments it makes to National Class Members under the Settlement.

MOTION FOR CERTIFICATION AND APPROVAL OF THE SETTLEMENT, INCLUDING CLASS COUNSEL FEES

The Ontario Superior Court of Justice will decide whether it will certify the class action for settlement purposes and approve the Settlement, including class counsel fees, at a hearing on **October 14, 2008** at 10:00 a.m. eastern daylight savings time at 361 University Avenue, Toronto.

If the Court approves the Settlement, all National Class Members will be bound by the terms of the Settlement, unless they opt out. If approved, there will be a further Court approved notice program instructing National Class Members how to make a claim to receive settlement compensation or how to opt out of the class action if they do not wish to share in the proceeds of the Settlement.

Objections to the proposed Settlement including Counsel Fees

At the Court hearing, the Court will consider class members' objections to the proposed Settlement, including class counsel fees.

Written objections must be mailed or emailed to the Claims Administrator and received no later than 5:00 p.m. **on October 10, 2008** at the address listed below:

GM Claims Administrator
c/o Crawford Class Action Services
3-505, 133 Weber St. N.
Waterloo ON N2J 3G9
Telephone 1 866 640 9989
Fax 519 578 7739
gmsettlement@crawco.ca
www.gmcanadiansettlement.ca

Class members who object to the proposed Settlement shall include in their written objection the following information:

- (a) the person's name, address, telephone number, fax number and e-mail address;
- (b) a brief statement of the nature of and reasons for the objection;
- (c) a statement or documents establishing that the person is a National Class Member; and
- (d) whether the person, or a representative, intends to appear at the Court hearing in person or by counsel, and if by counsel, the name, address, telephone number, fax number and e-mail address of counsel.

Class members may, but are not required to, attend at the Court hearing.

Class Counsel

The law firms listed below represent Class Members and can be reached at:

Brian Kirkland
Stevenson LLP
144 Front Street, Suite 400
Toronto, ON M5J 2L7
Phone: 416-599-7900
Fax: 416-599-7910
Email: bkirkland@stevensonlaw.net

Koskie Minsky LLP
20 Queen Street West, Suite 900, Box 52
Toronto, ON M5H 3R3
Phone: 1-877-398-0497
Email: gmclassaction@kmlaw.ca

Class Members who consider it desirable or necessary to seek the advice and guidance of their own lawyers are encouraged to do so. Such legal fees are the responsibility of the individual class member.

Interpretation

This Notice is a summary of some of the terms of the proposed Settlement. If there is any conflict between the provisions of this Notice and the proposed Settlement, the

terms of the proposed Settlement shall prevail.

This Notice has been approved by the Ontario Superior Court of Justice. Any questions about the substantive matters in this Notice should not be directed to the Court as its administrative structures are not designed to address this type of inquiry.

Settlement Approval for residents in Quebec is proceeding separately in the Quebec Courts. Please visit the Settlement website, www.gmcanadiansettlement.ca, for more information.

**KENNETH DAVID STEWART and v GENERAL MOTORS OF
DARLENE SIMPSON CANADA LIMITED, et al.
Plaintiffs Defendants**

Court File No: 06-CV-310082 PDI

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at **Toronto**

ORDER

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