

## If you purchased a lawn mower in Canada between January 1, 1994 and December 31, 2012, you may now make a claim for money

### LAWN MOWERS CLASS ACTION LAWSUIT

In 2010, class action lawsuits were initiated in Ontario by Harrison Pensa<sup>LLP</sup> and in Québec by Consumer Law Group Inc. on behalf of all Canadians who purchased Lawn Mowers between January 1, 1994 and December 31, 2012 (the "Class Actions").

A "Lawn Mower" means a lawn mower designed, manufactured, or labelled by any of the Defendants for ultimate sale, including retail sale, in Canada, containing a gas-combustible engine labelled at 30 horsepower or less.

The Class Actions allege that the Defendants agreed to manipulate horsepower labelling on certain Lawn Mowers during the class period. The defendants deny the allegations and no manipulation of horsepower labelling has been proven in court.

### THE SETTLEMENTS

Settlements have been reached with all defendants in this case totalling \$7,535,000 (collectively, the "Settlements"). The Settlements have been approved by the courts in Ontario and Québec.

Pursuant to previous Orders of the courts, the deadline for class members to opt out of the lawn mowers class action was September 17, 2013. If you did not previously opt out, you are eligible to make a claim and are legally bound by the results of the Class Actions.

The settlement funds, less court-approved fees, disbursements, notice costs, and applicable taxes (the "Net Settlement Amount"), are being held in an interest-bearing trust account for the benefit of all class members.

### HOW DO I MAKE A CLAIM FOR SETTLEMENT FUNDS?

All class members who wish to make a claim for compensation under the Settlements must submit a claim no later than May 22, 2019. Claims that are not made by the deadline will not be eligible for compensation.

Class members are asked to provide the best information they have regarding their Lawn Mower purchase(s). The Claims Administration rules provide for flexible evaluation of acceptable documentation. Even a declaration without further proof may qualify for cash compensation. Compensation under the Distribution Protocol increases with proof of purchase or proof of the horsepower rating of the Lawn Mower.

Claims must be submitted online through the claims portal at [www.lawnmowersettlement.ca](http://www.lawnmowersettlement.ca). If you are unable to make an online claim, a paper claim form can be requested.

### THE DISTRIBUTION PROTOCOL

See [www.lawnmowersettlement.ca](http://www.lawnmowersettlement.ca) to review the Distribution Protocol.

**Upstream Purchasers** (retailers, wholesalers, etc. who purchased Lawn Mowers for resale) are entitled to claim a share of the settlement recoveries. 20% of the Net Settlement Amount has been allocated to an Upstream Purchasers' Fund. Proportionate payments to eligible claimants will be made from the Upstream Purchaser Fund based on their eligible Lawn Mower purchase(s) and their corresponding horsepower ratings. For a full explanation of the calculation for Upstream Purchasers, see the Distribution Protocol.

**End Users** (individuals or businesses who purchased Lawn Mowers for their own use) will fall into one of the following categories based on the information they provide:

**1. End Users Providing a Declaration without Further Proof** – Those who provide a declaration of the basic required information regarding their Lawn Mower purchase(s) without any documentary proof will be entitled to \$15 *per claimant*.

**2. End Users Providing Proof** – Those who provide proof of purchase or proof of the horsepower rating regarding their Lawn Mower(s) will receive the following, *per Lawn Mower*:

- \$15 – Any Lawn Mower with proof of purchase but without proof of horsepower rating
- \$20 – Any walk-behind Lawn Mower with proof of horsepower rating of under 5 horsepower
- \$35 – Any walk-behind Lawn Mower with proof of horsepower rating of 5 horsepower or more
- \$45 – Any riding Lawn Mower with proof of horsepower rating of under 18 horsepower
- \$55 – Any riding Lawn Mower with proof of horsepower rating of 18 horsepower or more

The amounts set out above are subject to potential proration, up or down, depending on claims rates. Under the Distribution Protocol, the Claims Administrator also has the discretion to evaluate proof for claims that reflect an exceptional circumstance.

### MORE QUESTIONS

If you have any questions about the Class Actions or the claims process, visit [www.lawnmowersettlement.ca](http://www.lawnmowersettlement.ca) or contact the Claims Administrator or Class Counsel:

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