

SHORT-FORM NOTICE

LEGAL NOTICE AUTHORIZED BY THE SUPREME COURT OF BRITISH COLUMBIA

NAVISTAR MAXXFORCE ENGINE CLASS ACTION AND PROPOSED SETTLEMENT

TO: All persons and entities in Canada, excluding Québec, who on or before February 24, 2022, purchased or leased for more than 30 days, one or more 2011-2014 model year Navistar vehicles equipped with a MaxxForce 11-, 13-, or 15-litre engine.

This notice is only a summary. For more information, you can view the Long-Form Notice by visiting www.navistarsettlement.ca or calling 1-866-573-2710.

What is the Lawsuit About?

A class action lawsuit was commenced in British Columbia (the “Action”) against Navistar Canada ULC, Navistar, Inc., Navistar International Corporation, and Harbour International Trucks Ltd. (the “Defendants”) on behalf of all persons in Canada (excluding Québec) who owned or leased a 2011-2014 model year Navistar vehicle equipped with a MaxxForce 11-, 13-, or 15-litre engine that used EGR but not SCR emissions technology (the “Class Vehicles”). The Class Vehicles are 2011-2014 model year vehicles. This includes the following Navistar truck brands: “PAYSTAR”, “WORKSTAR”, “TRANSTAR”, “9900i”, “LONESTAR”, and “PROSTAR”.

The Action claims that the Defendants sold or leased Class Vehicles equipped with a defective EGR emissions system. The Defendants deny these allegations but have agreed to a settlement with the plaintiffs (the “Settlement”).

Certification

The Action was previously certified by the Supreme Court of British Columbia (the “Court”) on November 16, 2016, and amended by Court orders dated October 19, 2021 and February 24, 2022. Following the Settlement, the Court approved an amended class definition and certified the Action for settlement purposes. The class includes all persons who owned or leased (for more than 30 days) a Class Vehicle, subject to certain exceptions.

The Proposed Settlement

A Settlement has been reached that resolves the Action as against the Defendants. The Settlement requires the payment of CAD \$13,775,000 cash (the “Cash Amount”), and up to CAD \$725,000 towards rebates (the “Rebate Amount”), to a collective total of CAD \$14,500,000 (the “Settlement Amount”) for the benefit of the class, to be distributed at a later date. The Settlement, if approved, will resolve all outstanding class litigation against the Defendants on a national basis including similar cases previously brought by lawyers in Ontario, Alberta and Manitoba.

The Settlement must be approved by the Court. If approved, the Defendants will be provided with a full and final release of claims made against them. The Settlement is not an admission of wrongdoing or liability in relation to the Action.

The Cash Amount, minus Court-approved Class Counsel fees, disbursements, administration costs and applicable taxes, will be held in an interest-bearing trust account for the benefit of Settlement Class Members until distribution (the “Cash Funds”, and together with the Rebate Amount, the “Settlement Funds”).

Once approved, a separate notice will announce the process for Settlement Class Members to submit a claim form to obtain money from the Settlement.

Who is included?

The class is defined as follows:

All natural persons or entities resident in Canada, but not resident in Québec, who on or before February 24, 2022, purchased or leased for more than 30 days, one or more Class Vehicles EXCLUDING: (1) all Persons that have litigated claims involving Class Vehicles’ allegedly defective EGR emissions system against one or more Defendants to final, nonappealable judgment (with respect to those vehicles only); (2) all Persons who, via a settlement or otherwise, delivered to one or more Defendants releases of their claims involving Class Vehicles’ allegedly defective EGR emissions system (with respect to those vehicles only) including, for greater certainty, through a settlement of *4037308 Canada Inc. v. Navistar Canada Inc.*, Superior Court of Québec File No. 500-06-000720-140, District of Montréal; (3) the Defendants’ employees, officers, directors, agents, and representatives, and their family members; (4) any Authorized Navistar Dealer of new or used vehicles; (5) any Person that purchased a Class Vehicle solely for the purposes of resale or to provide financing for a sale or leasing agreement (with respect to those vehicles only); (6) Idealease and Navistar Leasing Co.; and (7) any person or entity that was a lessee of a Class Vehicle for 30 days or less.

If you believe that you are a Settlement Class Member, please locate and retain copies of any documents relating to your purchase or lease of a Class Vehicle(s). These will be required to make a claim for money or a rebate from the Settlement.

Court Approval

The Settlement must be approved by the Court before it becomes effective. If the Settlement is approved, the Action will be resolved in its entirety, and any claims Settlement Class Members have against the Defendants in respect of the Action will be extinguished unless you opt out (see below).

At the Settlement Approval Hearing, the Court will determine whether the Settlement is fair, reasonable and in the best interest of the class. At the same hearing, Class Counsel may also be requesting Court approval of fees of up to 30% of the Settlement Amount, plus out-of-pocket expenses paid for by Class Counsel over the course of the case and applicable taxes. If approved, the amount will be paid to Class Counsel out of the Cash Fund.

Opting Out of the Action

Settlement Class Members have the right to exclude themselves from the Action (“opt out”).

- If you opt out, you will not be eligible to participate in or receive money from the Action or the Settlement, but you may be able to start or continue your own case regarding the claims at issue.
- If you do nothing, you will be eligible to participate in and may receive money from the Action, but you will not be able to start or continue your own case regarding the claims at issue.

You may opt out by providing notice to the Settlement Administrator by November 17, 2023. If you do not opt out by November 17, 2023, you will be bound by the outcome of the class action, including the Settlement (if approved). To exclude yourself, please visit www.navistarsettlement.ca and follow the instructions for “opting out” of the Settlement, or call 1-866-573-2710.

What are my options?

1. If you think you are a Settlement Class Member and want to be included in the class and the Settlement (if approved), you do not need to do anything now. You will be notified again if the Settlement is approved by the Court.
2. If you think you are a member of the class but do not wish to participate in the Action or the Settlement, you may “opt out”, or exclude yourself from the Action.
3. You may also comment on or object to the Settlement. To object, you must provide notice of your objection in the required form to Class Counsel by November 17, 2023. You cannot object without providing all required information with your objection. For information on how to object, and a list of required information, please visit www.navistarsettlement.ca or call 1-866-573-2710. Class Counsel will provide any comments or objections to the Court.

What happens next? The Court will hold a hearing on November 30, 2023, to decide whether to approve the Settlement, Class Counsel’s fees and the plaintiffs’ honorarium. For details on how to attend, please contact Class Counsel.

Who Represents Me? Settlement Class Members are represented by Class Counsel—Farris ^{LLP}, Foreman & Company Professional Corporation, and Rochon Genova ^{LLP}. You may contact Class Counsel at:

Farris ^{LLP} (Canada, excluding Québec Class Members): 604-661-9372 or email: randerson@farris.com or mkshergill@farris.com (English and Punjabi)

Foreman & Company (Ontario Class Members): Toll-free at 1-855-814-4575 ext. 106 or email: classactions@foremancompany.com

Rochon Genova ^{LLP} (Ontario Class Members): Toll-free at 1-800-462-3864 or email: contact@rochongenova.com

If you want to be represented by your own lawyer, you may hire one at your own expense.

How do I get more information? Please visit www.navistarsettlement.ca or call 1-866-573-2710.