

**LEGAL NOTICE AUTHORIZED BY THE SUPREME COURT OF BRITISH COLUMBIA**

**NAVISTAR MAXXFORCE ENGINE SETTLEMENT – CLAIMS PROCESS NOW OPEN**

**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.**

**Your legal rights may be affected as a result of a settlement in this class action.**

**Read this notice carefully.**

Depending on your months of ownership or lease, you may be entitled to up to \$2,500 cash per class vehicle, up to a \$10,000 rebate for a new heavy-duty Navistar truck, or up to \$15,000 as reimbursement for certain proven costs.

**If you want to claim compensation, you must do so by August 19, 2024 by filing a claim at [www.navistarsettlement.ca](http://www.navistarsettlement.ca). If you do not make a claim by August 19, 2024, you will not be entitled to receive anything from the settlement.**

This notice is only a summary. For more information, visit [www.navistarsettlement.ca](http://www.navistarsettlement.ca) or call 1-866-573-2710.

**BASIC INFORMATION**

**What is a class action?**

A class action is a lawsuit filed by one or more people called representative plaintiff(s), on behalf of other people who have similar claims. The people together form a class or class members. The companies they sued are called the defendants. One court resolves legal issues common to everyone in the class, except for those people who choose to exclude themselves from, or opt out of, the class.

N&C Transportation Ltd. is the representative plaintiff in this Action. The Action was certified for settlement purposes on July 14, 2023.

**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 (the “Class Vehicles”). 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”).

**THE SETTLEMENT**

**What is the Settlement?**

A Settlement has been reached that provides payment of \$13,775,000 cash (the “Cash Amount”), and up to \$725,000 towards rebates (the “Rebate Amount”), to a collective total of \$14,500,000 for the benefit of the class (the “Settlement Amount”). The Settlement was approved by the Supreme Court of British Columbia (the “Court”) on November 30, 2023.

The Cash Amount, less Court-approved fees, plaintiffs’ honoraria, disbursements, notice costs, administration costs, and applicable taxes are being held in an interest-bearing trust account for the benefit of all Class Members (the “Cash Funds”, and together with the Rebate Amount, the “Settlement Funds”).

The Settlement resolves all outstanding class litigation against the Defendants on a national basis, including similar cases previously brought by lawyers in Ontario, Alberta and Manitoba. It will provide benefits to Settlement Class Members who have not excluded themselves and who submit valid claims.

**Why did I receive another notice?**

You received notice because our records indicate that you may be a Class Member. Class Members who did not exclude themselves must now make claims if they want compensation from the Settlement.

**How do I know if I am part of the Class?**

This notice and the lawsuit affects you only if you are part of the Class. The Court decided that everyone who meets the following definition is a Class Member:

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, non-appealable 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 excluded yourself, you are no longer in the Class even if you meet the definition.

**What vehicles are included?**

“Class Vehicle(s)” means all Navistar vehicles equipped with MaxxFORCE 11-, 13-, or 15-litre engines certified to comply with the 2010 EPA standards, without the use of selective catalytic reduction technology. The Class Vehicles are 2011-2014 model year vehicles. This includes the following Navistar truck brands: “PAYSTAR”, “WORKSTAR”, “TRANSTAR”, “9900i”, “LONESTAR”, and “PROSTAR”.

**I’m still not sure if I’m included.**

This notice contains only a summary of the Settlement, and Class Members are encouraged to review the complete Settlement Agreement online. A copy can be downloaded from the settlement website at [www.navistarsettlement.ca](http://www.navistarsettlement.ca).

If you would like a copy of the Settlement Agreement or have questions that are not answered online, please contact the Settlement Administrator at the information identified below. If after speaking with the Settlement Administrator you still have questions, please contact Class Counsel at the contact particulars below. **Inquiries should not be directed to the Court.**

**THE CLAIMS PROCESS**

**What can I claim?**

You may choose only one of the following three options for compensation for each Class Vehicle you own(ed) or lease(d) for more than 30 days:

**Cash Option:** the cash option provides a payment up to \$2,500 per Class Vehicle based on months of ownership or lease. Each demonstrated month of ownership or lease is eligible for the following amounts, subject to certain limitations:

Class Vehicle Model Year	Monetary Amount
2011	\$19.38/month
2012	\$21.37/month
2013	\$23.81/month
2014	\$26.88/month

**Rebate Option:** The rebate option provides a rebate worth up to \$10,000 towards the purchase of a new Navistar Class 8 heavy-duty truck based on months of ownership or lease of a Class Vehicle. The rebate(s) are deducted from the best negotiated retail purchase price (not including sales tax or delivery fees) and in addition to any other applicable promotion, rebate, or discount then in effect at the time of purchase and for which both the purchase and the purchaser would otherwise qualify. The rebate(s) are not transferable and not stackable, and no Settlement Class Member will be issued more than ten (10) rebates. Each demonstrated month of ownership or lease is eligible for the following rebate amounts, up to \$10,000, and subject to certain limitations:

Class Vehicle Model Year	Monetary Amount
2011	\$77.52/month
2012	\$85.47/month
2013	\$95.24/month
2014	\$107.53/month

**Individual Prove-Up Option:** The individual prove-up option provides the option to prove up to \$15,000 of “Covered Costs” per Class Vehicle. Any Class Member who initially selects the individual prove-up option may instead switch to the Cash Option at any time prior to the final determination of their award.

The amount of potential compensation is dependent on the number of kilometers accumulated on the Class Vehicle(s), qualifying as a “Covered Event”, and meeting the requirement of certain “Covered Costs”.

There are various categories of Covered Events and Covered Costs. These include:

- a service event for repair or replacement of an EGR cooler, or EGR valve;
- a service event for repair or replacement of secondary components within 30 days of replacement of an EGR cooler or EGR valve; and,
- costs actually incurred as a result of the above service events, such as: parts and labour, towing, rental trucks, lost load revenue, travel costs, wages, permits, and loading/unloading.

For the complete list of Covered Events, Covered Costs, and their conditions, please view the complete Settlement Agreement, available at [www.navistarsettlement.ca](http://www.navistarsettlement.ca).

The amounts received by Class Members under any option may be reduced, or increased, *pro rata* based on the number of claims by a particular group. Some limitations apply, particularly if one Class Member leased a truck to another Settlement Class Member. To see the full Settlement Agreement, please visit [www.navistarsettlement.ca](http://www.navistarsettlement.ca).

For any questions related to making a claim and a further explanation of your options, please contact the Settlement Administrator at [navistarsettlement@ricepoint.com](mailto:navistarsettlement@ricepoint.com). For any other questions, please contact Class Counsel at the information below.

### **How do I submit a claim?**

You must submit a claim form and supporting information to the Settlement Administrator. Claim forms, information on how to complete them, and the information required by the Settlement Administrator are available online at [www.navistarsettlement.ca](http://www.navistarsettlement.ca).

You may submit your claim form and supporting information online or by mail. If you are unable to make an online claim, please request a paper claim form from the Settlement Administrator at 1-866-573-2710, or [navistarsettlement@ricepoint.com](mailto:navistarsettlement@ricepoint.com).

All Class Members who wish to make a claim for compensation under the Settlement must submit a claim no later than August 19, 2024.

Claims that are not made by the deadline are not eligible for compensation.

### **Do I need a lawyer to make a claim?**

You do not need your own lawyer to make a claim. Class Members are represented by Class Counsel - Farris <sup>LLP</sup>, Foreman & Company Professional Corporation, and Rochon Genova <sup>LLP</sup>. You may contact Class Counsel at the information below.

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

## **MORE INFORMATION**

### **How do I get more information, including more details about the Settlement?**

This notice summarizes the key parts of the Settlement. You can read the entire Settlement Agreement and other important documents at [www.navistarsettlement.ca](http://www.navistarsettlement.ca). In the event of any conflict between the terms used in this notice and the Settlement, the terms in the Settlement prevail.

You may discuss the Settlement Agreement with Class Counsel. You should check the website regularly for updates on the case. You may contact the Settlement Administrator at:

Navistar MaxxForce Engine Class Action  
c/o RicePoint Administration Inc.  
P.O. Box 3355  
London, ON N6A 4K3  
Toll-Free Number: 1-866-573-2710  
Email: [navistarsettlement@ricepoint.com](mailto:navistarsettlement@ricepoint.com)

Class Counsel can be contacted at:

**Farris <sup>LLP</sup>** (Rest of Canada, Excluding Québec)  
2500 – 700 West Georgia Street  
Vancouver, BC V7Y 1B3  
Attn: Robert Anderson, KC, Nicholas Hooge and Mohnaam K. Shergill (English and Punjabi)  
Phone: 1-604-661-9372  
Email: [randerson@farris.com](mailto:randerson@farris.com), [nhooge@farris.com](mailto:nhooge@farris.com) and [mkshergill@farris.com](mailto:mkshergill@farris.com)

**Foreman & Company Professional Corporation** (Ontario)  
4 Covent Market Place  
London, ON N6A 1E2  
Attn: Jonathan Foreman  
Phone: 1-855-814-4575 ext. 106  
Email: [classactions@foremancompany.com](mailto:classactions@foremancompany.com)

**Rochon Genova** <sup>LLP</sup> (Ontario)  
121 Richmond St. W., Suite 900  
Toronto, ON M5H 2K1  
Attn: Joel Rochon  
Phone: 1-416-363-1867  
Email: [contact@rochongenova.com](mailto:contact@rochongenova.com)

## QUÉBEC

### **What about residents of Québec?**

Residents of Québec were eligible for a different settlement from a different case: *4037308 Canada Inc. v. Navistar Canada Inc.*, Superior Court of Québec File No. 500-06-000720-140, District of Montréal. That settlement was approved, and the opportunity to claim compensation in that settlement has now closed. Any questions on the Québec settlement may be directed to Consumer Law Group Inc., counsel for the Québec class, at Tel.: (514) 266-7863, or email: [info@clg.org](mailto:info@clg.org).