

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**THE HONOURABLE  
JUSTICE M.Z. CHARBONNEAU**

**) WEDNESDAY, THE 18<sup>TH</sup>  
) DAY OF MAY, 2016**

**B E T W E E N:**

**CHARLES COLLINS**

Plaintiff

- and -

**OSRAM SYLVANIA, INC., OSRAM SYLVANIA PRODUCTS, INC., AND  
OSRAM SYLVANIA, LTD.**

Defendants

**PROCEEDING UNDER THE *CLASS PROCEEDINGS ACT, 1992*  
S.O. 1992, c. 6, as amended**

**ORDER**

**THIS MOTION** made by the Plaintiff for an Order approving the form and content of the Notice of Certification and Settlement Hearing ("Pre-Approval Notice"), for approval of the method of dissemination of the Pre-Approval Notice (the "Notice Plan"), to approve the form and content of the Claim Form, and to approve the form and content of the Opt-Out Form was heard on April 5, 2016 by conference call.

**UPON READING** all the materials filed, including the Canadian Class Action Settlement Agreement dated December 1, 2015 (the "Settlement Agreement"), and upon hearing submissions of counsel for all the Parties:

1. **THIS COURT ORDERS** that, except as otherwise specified in, or as modified by this Order, capitalized terms used herein shall have the meaning ascribed in the Settlement Agreement.

2. **THIS COURT ORDERS** that the Plaintiff is granted leave to bring an application to certify this action as a class action for settlement purposes only, pursuant to section 2(3)(b) of The Class Proceedings Act, 1992, S.O. 1992, c. 6.

3. **THIS COURT ORDERS** that the Certification and Settlement Approval Hearing in Ontario is to be held on August 31, 2016, beginning at 9:30 A.M., at the Courthouse, 1023 King St., L'Orignal, Ontario K0B 1K0, at which time this Court will be asked to decide:

- a) whether to certify the within Action as a Class Proceeding for settlement purposes only;
- b) whether to approve the Settlement Agreement;
- c) whether Class Counsel's application for fees, disbursements and applicable taxes should be granted;
- d) whether to grant an honorarium award to the Class Representative; and
- e) any other matters as the Court may deem appropriate.

4. **THIS COURT ORDERS** that the form and content of the Pre-Approval Notice, substantially in the form as set forth in Exhibit "C" to the Affidavit of Andrea Grass, is hereby approved.

5. **THIS COURT ORDERS** that the Pre-Approval Notice shall be published and disseminated substantially in accordance with the Notice Plan as set forth in the Settlement Agreement in the following manner:

i. By the Claims Administrator:

- a) Once in the form of an approximately 1/3 of a page advertisement in the weekly edition of the nationally distributed editions [where applicable] of the news mediums the Globe & Mail, National Post, La Presse Plus, Montreal Gazette, Le Soleil, Toronto Star, Toronto Sun, Vancouver Sun, Edmonton Journal, Calgary Herald, Regina Leader-Post, Winnipeg Free Press, New Brunswick Times & Transcript, Halifax Chronicle-Herald, Charlottetown Guardian, The Newfoundland Telegram, The Ottawa Citizen, Star Phoenix, Metro News Canada, Le Journal de Montréal, Le Journal de Québec, La Tribune de Sherbrooke, and Le Nouvelliste de Trois-Rivières;
- b) Posting on the Settlement Website.

ii. By Class Counsel:

- a) Paid Google keyword, Facebook, and Twitter campaigns;
- b) Posting on Class Counsel's website at [www.clg.org](http://www.clg.org), Facebook, and Twitter pages.

6. **THIS COURT ORDERS** that the form and manner of notice, as provided for herein, represents fair and reasonable notice to all persons entitled to notice of the Certification and Settlement Approval Hearing.

7. **THIS COURT ORDERS** that, in accordance with the terms of the Settlement Agreement, the Claims Administrator shall pay the costs associated with the Pre-Approval Notice approved herein from the Account.

8. **THIS COURT ORDERS** that the date and time of the Certification and Settlement Approval Hearing in Ontario shall be set forth in the Pre-Approval Notice, but may be subject to adjournment by the Court without further publication notice to the National Class Members other than such notice which will be posted on the Settlement Website.

9. **THIS COURT ORDERS** that The Bruneau Group shall be provisionally appointed as Claims Administrator for the purposes of coordination of the Notice Plan, administration of objections, opt-out forms and related tasks, including establishing the Settlement Website for purposes of posting the Pre-Approval Notice, Settlement Agreement and all related documents.

10. **THIS COURT ORDERS** that the form and content of the provisional Claim Form as set forth in Exhibit "D" to the Affidavit of Andrea Grass, is hereby approved.

11. **THIS COURT ORDERS** that the form and content of the provisional Opt-Out Form as set forth in Exhibit "E" to the Affidavit of Andrea Grass, is hereby approved.

12. **THIS COURT ORDERS** that the Claims Administrator and Class Counsel shall render a detailed accounting of the notice expenses, which shall accompany the Plaintiff's application for approval of the Settlement Agreement.

13. **THIS COURT ORDERS** that a copy of this Order shall be posted on the Settlement Website.



Justice Charbonneau

**Exhibit "C" to the Affidavit of Andrea Grass**  
Pre-Approval Notice

**If You Bought Sylvania Automotive Lighting  
You Could Get Money from a Class Action Settlement**

Detailed information and updates are available on the Settlement Website:  
[www.AutolightClaims.ca](http://www.AutolightClaims.ca)

A proposed Canada-wide Settlement has been negotiated in class actions relating to the marketing and sales of Osram Sylvania Premium Automotive Lighting. If approved by the Courts, this Settlement will provide benefits to purchasers of the following "Covered Products":

- SilverStar ULTRA, SilverStar, XtraVision, or Cool Blue replacement headlight capsules;
- SilverStar, XtraVision, or Cool Blue sealed beam headlights; or
- SilverStar fog or auxiliary lights.

**ARE YOU INCLUDED?**

You may be a Class Member if you purchased a Covered Product in Canada from September 22, 2005 until December 31, 2014.

**WHAT IS THIS CASE ABOUT?**

The lawsuits claim that Osram Sylvania, Inc., Osram Sylvania Products, Inc. and Osram Sylvania, Ltd. ("Sylvania") misrepresented that certain replacement automotive lighting is brighter, provides a wider beam and allows drivers to see farther down the road than standard halogen lighting. It also claims that Sylvania omitted material information regarding the reduced life of the replacement lighting. Sylvania denies that it did anything wrong. The Courts did not decide which side was right. Instead, the parties have decided to settle.

**WHAT DOES THIS SETTLEMENT PROVIDE?**

A Settlement Amount of not less than CDN \$1,150,000 (the "Settlement Fund Minimum") and not more than CDN \$1,750,000 (the "Settlement Cap Maximum") is intended to pay claims to eligible Class Members, Notice Costs, Claims Administration Fees and Expenses, Class Counsel Fees and Expenses, and Honorarium Awards to the Representative Plaintiffs. In addition, Sylvania has also modified certain product(s) packaging. Full details about the Settlement are available on the Settlement Website at [www.AutolightClaims.ca](http://www.AutolightClaims.ca).

**WHAT TYPE OF COMPENSATION CAN YOU RECEIVE?**

Individual Class Member may qualify for Compensation for one of the following, irrespective of how many products have been purchased:

Covered Products	Initial Amount	Maximum Amount
SilverStar ULTRA, SilverStar, XtraVision, or Cool Blue replacement headlight capsule	\$12.00	\$24.00

SilverStar, XtraVision, or Cool Blue sealed beam headlights	\$12.00	\$24.00
SilverStar fog or auxiliary lights	\$12.00	\$24.00

For each Claimant who submits a valid Claim, payment as described above will be issued<sup>1</sup>, so long as providing such Compensation does not exceed the Settlement Cap Maximum. If providing each Claimant with such Compensation will exceed the Settlement Cap Maximum, then in such circumstances each Claimant's Compensation shall be reduced on a *pro-rata* basis.

#### HOW DO I ASK FOR A PAYMENT?

To receive Compensation, eligible Class Members must submit a Claim Form to the Claims Administrator through the Settlement Website, by email, or by mail. The Claim Form only takes 3-5 minutes to complete. No proof of purchase is necessary.

#### WHEN SHOULD I MAKE A CLAIM?

Immediately - the Claim Form is already available on the Settlement Website at [www.AutolightClaims.ca](http://www.AutolightClaims.ca) or you can obtain one by contacting the Claims Administrator at 1-844-562-4210. You should act as quickly as possible, ideally you should do so before the date of the Settlement Approval Hearings, which will further extend the deadline. A definite Claim Deadline will be set if and when the Settlement is approved by the Courts. Please consult the Settlement Website for an update of the delays that will be set by the Courts.

#### WHAT ARE YOUR OPTIONS?

If you are a Class Member, you may (1) send in a Claim Form; (2) object to the settlement; (3) exclude yourself (Opt-Out); or (4) do nothing.

If you don't want to be legally bound by the settlement, you must opt-out. To do so, you must complete and submit an Opt-Out Form to the Claims Administrator. The manner in which you opt-out is available on the form found on the Settlement Website; the delay to do so will be set by the Courts. Residents of Quebec must in addition give notice to the Clerk of the Superior Court of Quebec. Anyone who opts out cannot object to the Settlement, will not be bound by the Settlement Agreement, and will not be eligible to claim benefits under the Agreement, but may be eligible to pursue an individual claim.

To object to or to make representations regarding this proposed Settlement, you must attend one of the Settlement Approval Hearings. You should also notify the Claims Administrator in writing through the website, by email or by mail at least 15-days before the hearing and provide your reasons summarily.

#### WHEN AND WHERE WILL THE COURTS DECIDE TO APPROVE THE SETTLEMENT?

The Ontario Superior Court of Justice and the Superior Court of Québec will hold hearings to consider whether to approve the Settlement. Each of the Courts must be satisfied that the Settlement is fair, reasonable and in the best interests of Class Members.

Settlement Approval Hearings have been scheduled as follows:

<sup>1</sup> less the withholding owing to the *Fonds d'aide aux recours collectifs* (for Quebec residents only and if applicable).

Ontario Action (for Canadian residents other than Quebec) – Month 00, 2016 at 9:30 A.M. in room xxx of the Courthouse located at 161 Elgin St., Ottawa, Ontario

Quebec Action (for Quebec residents) – Month 00, 2016 at 9:30 A.M. in room 2.08 of the Courthouse located at 1 Notre-Dame St. East, Montréal, Québec

Please check the Settlement Website to confirm these dates, as they are subject to change. You do not have to attend the hearings but you may do so if you wish. However, you must do so if you wish to object or make representations regarding the Settlement.

#### WHEN WILL I BE PAID?

Cheques will only begin to be mailed to eligible Class Members for Compensation at the earliest starting on [150 days from the latest Approval Order Hearing], assuming that the Settlement is approved and that such order/judgment has become final and binding.

#### HOW CAN I GET MORE INFORMATION?

This Notice summarizes the proposed Settlement. More details are in the Settlement Agreement. You can get a copy of the Settlement Agreement and detailed information on how to obtain or file a Claim, Opt-Out or Object on the Settlement Website at [www.AutolightClaims.ca](http://www.AutolightClaims.ca). For any other information, please contact the Claims Administrator at:

Bruneau Group Inc.  
Nelson P.O. 20187 – 322 Rideau St.  
Ottawa, Ontario K1N 5Y5  
Tel: 1-844-562-4210  
Email: [info@autolightclaims.ca](mailto:info@autolightclaims.ca)

#### WHO REPRESENTS ME?

Class Counsel, or the law firms representing the Plaintiffs, are the following:

**Consumer Law Group P.C.**  
251 Laurier Ave. West, Suite 900  
Ottawa, Ontario K1P 5J6  
[jorenstein@clg.org](mailto:jorenstein@clg.org)

**Consumer Law Group Inc.**  
1030 rue Berri, Suite 102  
Montréal, Québec H2L 4C3  
[agrass@clg.org](mailto:agrass@clg.org)

The Courts will also consider a request from Class Counsel for counsel fees, disbursements and taxes. Class Counsel has pursued this lawsuit wholly on a contingency basis and has agreed that they would only be paid their legal fees if there was a Settlement or recovery following a successful outcome. They will seek approval from the Courts of \$525,000 plus applicable taxes, which will be paid for from the Settlement Amount. The Plaintiffs will also seek honorarium payments of \$5,000 each.

To remain updated and to find out the deadlines to file a claim or opt-out, please consult the Settlement Website.

*This Notice has been approved by the Ontario Superior Court of Justice  
and the Superior Court of Québec.*



**Exhibit "D" to the Affidavit of Andrea Grass**  
Provisional Claim Form

IN RE: CANADIAN OSRAM SYLVANIA PREMIUM AUTOMOTIVE LIGHTING  
MARKETING & SALES PRACTICES LITIGATION

**SETTLEMENT CLAIM FORM**

To receive a payment, you must complete this Claim Form and submit it online at [www.AutolightClaims.ca](http://www.AutolightClaims.ca), by email at [info@autolightclaims.ca](mailto:info@autolightclaims.ca) or by mail at *Sylvania Automotive Lighting Settlement*, Nelson P.O. 20187 – 322 Rideau St., Ottawa, Ontario, K1N 5Y5

**A. CLASS MEMBER INFORMATION**

LAST NAME  FIRST NAME

Street Address

City  Province  Postal Code

Telephone Number  -  -

E-mail Address (optional)

**B. PURCHASE INFORMATION**

Did you purchase one of the products below between September 22, 2005 and December 31, 2014?  
YES  NO

- SilverStar ULTRA, SilverStar, XtraVision, or Cool Blue replacement headlight capsules;
- SilverStar, XtraVision, or Cool Blue sealed beam headlights; or
- SilverStar fog or auxiliary lights.

**C. SIGN AND DATE YOUR CLAIM FORM**

I declare or affirm, under penalty of law, that the information in this Claim Form is true and correct to the best of my knowledge. I understand that my claim form may be subject to verification and Court review.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**D. Explanations**

No proof of purchase is necessary to submit a claim.

Payment amounts to eligible Class Members will vary depending upon the number and amounts claimed by all Class Members and other adjustments and deductions as specified in the Settlement Agreement. The amount could be between CDN \$12 up to a maximum of CDN \$24, less the withholding owing to the *Fonds d'aide aux recours collectifs* (for Quebec residents only and if applicable), regardless of how many products were purchased. If the total amount of all claims submitted by all Class Members exceeds the total available relief, each eligible Class Member's award shall be reduced on a *pro rata* basis.

Be advised that cheques will only begin to be mailed to eligible Class Members for Compensation hereunder no earlier than **[150 days from the latest Approval Order Hearing]**.

Should you move in the time between when you submit this Claim form and when payment is made, it is your responsibility to inform the Claims Administrator of your change of address.

Questions? Visit [www.AutolightClaims.ca](http://www.AutolightClaims.ca) or call, toll-free, 1-844-562-4210.

**Exhibit "E" to the Affidavit of Andrea Grass**  
Provisional Opt-Out Form

IN RE: CANADIAN OSRAM SYLVANIA PREMIUM AUTOMOTIVE LIGHTING  
MARKETING & SALES PRACTICES LITIGATION

**OPT-OUT FORM**

Class Members are bound by the terms of the Settlement Agreement, unless they opt-out of the class action.

If you opt-out, you will not be entitled to make a claim or to receive any Compensation pursuant to the Settlement Agreement. If you opt-out, you should be aware that there are strictly enforced time limits within which you must take formal legal action to pursue your own claim. By opting-out, you will take full responsibility for taking all necessary legal steps to protect your claim.

If you wish to opt-out, you must complete and submit by mail the present Opt-Out Form to the following address:

***Sylvania Automotive Lighting Settlement***  
Nelson P.O. 20187 – 322 Rideau St.  
Ottawa, Ontario K1N 5Y5

Class Members who want to opt out and who are residents of Quebec must IN ADDITION give notice to the Clerk of the Superior Court of Québec at:

Clerk of the Superior Court of Québec  
Palais de Justice of Montreal  
1, Notre-Dame Street East  
Montreal (Quebec) H2Y 1B6  
Court file no. 500-06-000710-141  
District of Montreal

**THIS IS NOT A REGISTRATION FORM OR A CLAIM FORM.  
IT EXCLUDES YOU FROM MAKING A CLAIM IN THE SETTLEMENT.  
DO NOT USE THIS FORM IF YOU WANT TO RECEIVE BENEFITS UNDER THE  
SETTLEMENT.**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

Identification of person signing this Opt-Out Form (please check):

I represent that I purchased a Covered Product during the Class Period and am the above Identified Class Member. I am signing this Opt-Out Form to EXCLUDE myself from entitlement to benefits under the Settlement Agreement.

Purpose of Opting-Out (optional):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**I UNDERSTAND THAT BY OPTING OUT I WILL NEVER BE ELIGIBLE TO RECEIVE ANY  
COMPENSATION PURSUANT TO THE OSRAM SYLVANIA PREMIUM AUTOMOTIVE  
LIGHTING MARKETING AND SALES PRACTICES SETTLEMENT AGREEMENT**

I wish to opt out of the Osram Sylvania Premium Automotive Lighting Marketing and Sales Practice Settlement Program in Canada.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Name of Class Member

\_\_\_\_\_  
Signature of Class Member

CHARLES COLLINS  
Plaintiff

-and-

Court File No. 14-62041CP  
OSRAM SYLVANIA, INC. *et alii*  
Defendants

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**PROCEEDING COMMENCED IN OTTAWA**

Proceeding under the *Class Proceedings Act, 1992*

**ORDER**

**CONSUMER LAW GROUP  
PROFESSIONAL CORPORATION**  
251 Laurier Avenue West, Suite 900  
Ottawa, Ontario, K1P 5J6

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