

NOTICE OF AUTHORIZATION OF A CLASS ACTION

TO: All residents in Quebec who currently own or have previously owned a Whirlpool, Kenmore, and/or Maytag Front-Loading Washing Machine without a steam feature, manufactured prior to December 31, 2008, but excluding models built on the Sierra platform starting in 2007 (the “Class”), which include the following model numbers:

- Whirlpool GHW9100, GHW9200, GHW9150, GHW9250, GHW9400, GHW9160, GHW9300, GHW9460, WFW8500, WFW9200, WFW8300, WFW9400, WFW8410, WFW8400, WFW9600, WFW9500, WFW8200, WFW9300, WFW9250, WFW9150;
- Kenmore 110.42922, 110.42924, 110.42926, 110.42932, 110.42934, 110.42936, 110.42822, 110.42824, 110.42826, 110.42832, 110.42836, 110.44832, 110.44836, 110.44834, 110.44932, 110.44934, 110.44936, 110.45091, 110.45081, 110.45087, 110.45088, 110.45089, 110.44826, 110.44921, 110.45862, 110.45981, 110.45986, 110.43902, 110.45991, 110.45992, 110.45994, 110.45996, 110.45972, 110.45976, 110.45872, 110.46472, 110.47561, 110.47566, 110.47567, 110.47511, 110.47512, 110.49972, 110.49962, 110.47081, 110.47086, 110.47087, 110.47088, 110.47089, 110.47531, 110.47532, 110.47571, 110.47577, 110.47091, 110.47852, 110.47542;
- Maytag MFW9600, MFW9700, MFW9800, MHWZ400, MHWZ600;
(Collectively, the Washing Machines)

On May 5, 2020, the Superior Court of Quebec authorized a class action in the judicial district of Montreal in the case of *Gaudette vs. Whirlpool Canada LP et al.*, court file no. 500-06-000794-160. The Representative Plaintiff is seeking compensatory and punitive damages against Whirlpool Canada LP, Whirlpool Corporation, and Sears Canada Holdings Corp. (the “Defendants”) on behalf of the Class based on the allegations that the Defendants failed to disclose that the Washing Machines suffer from a hidden design defect that causes them to fail to properly self-clean, which in turn causes the Washing Machines to accumulate moisture, residue, bacteria, mould, mildew and emit a foul odour. The Defendants deny the allegations.

In deciding the merits of these claims, the Court will be called upon to answer the following common questions of law or fact:

1. Does the design of the Washing Machines prevent the growth or accumulation of dirt, debris, scud, and/or biofilm through their intended use?
2. If not, is the design of the Washing Machines defective and if so, what are the defects?
3. Do those defects constitute latent defects under Article 1726 of the Civil Code of Quebec or a violation of the statutory warranties found at Articles 37, 38 and 53 of the Quebec Consumer Protection Act?
4. If so, did the Defendants fail to adequately disclose to Class members that the Washing Machines are defective or did they do so in a timely manner?

5. Did the Defendants breach their duty to inform the members of the Class under the Civil Code of Quebec and the Quebec Consumer Protection Act?
6. Should an injunctive remedy be ordered to force the Defendants to recall, repair, and/or replace Class Members' Washing Machines free of charge?
7. Are the Class members entitled to compensatory, moral, punitive and/or exemplary damages and if so, in what amount?

The Court has not yet ruled on the merits of the class action, nor on any compensation that may be awarded to class members.

As a class member, you have the right to intervene in the present class action, in the manner provided for by law. As a class member or an intervener, you cannot be called upon to pay the costs of the class action.

If you wish to remain a class member, you have nothing to do. If you wish to **opt-out** of the class action, you have until **July 7, 2021** to advise in writing the Registry (Greffé) of the Superior Court of Quebec, District of Montreal, at 1 Notre-Dame Street East, Montreal, Quebec, H2Y 1B6, by regular mail. A copy of your written opt-out should also be forwarded to Class Counsel (see coordinates below). If you do not exclude yourself from the class action, you will be bound by any judgment that is rendered in this case, whether successful or not. Please make sure to mention file no. 500-06-000794-160 in your correspondence. For further information, you may contact Class Counsel listed below or visit the Registry of class actions website at <https://www.registredesactionscollectives.quebec/en>.

Consumer Law Group Inc.

Jeff Orenstein
1030 Berri St., Suite 102
Montreal, Quebec H2L 4C3

Phone: (514) 266-7863 ext. 2

Email: jorenstein@clg.org

Website: www.clg.org

The publication of this notice to class members has been approved
and ordered by the Superior Court of Quebec.