

Annexe "B": Notice of the Approval Hearing

Voir ci-joint.

NOTICE OF HEARING TO APPROVE THE SETTLEMENT

Proposed Class Action concerning some Toyota and Lexus Hybrid Vehicles

Constantin Sultana and Toyota Canada Inc. (“TCI”), the exclusive Canadian distributor of Toyota and Lexus vehicles, have reached an agreement in a proposed national class action.

The Motion for authorization of the class action alleges that certain 2019 to 2022 model year Toyota and Lexus vehicles are affected by a latent defect in the hybrid wiring system, causing premature corrosion and failure.

None of the above allegations have yet been proven in a court of law.

This settlement, which must be court-approved, may affect your rights.

Please read this notice carefully.

BASIC INFORMATION

Why is this notice published?

The purpose of this notice is to inform you that Constantin Sultana and TCI have reached a settlement putting an end to the proposed class action against TCI. Constantin Sultana and his attorneys believe that the settlement is the best solution for the members; they will ask the Superior Court to approve it.

The Superior Court will hold a hearing in Montréal to determine whether it will approve the settlement and approve the attorneys of Mr. Sultana’s fees and disbursements. You may attend the hearings, which will be held on **September 9 2024, at 9:30 in courtroom 15.04** of the Montreal Courthouse, located at 1 Notre-Dame Street East in Montréal.

What was the purpose of the proposed class action?

Constantin Sultana seeks to authorize a class action against TCI in relation to an alleged issue affecting some 2019-2022 model year Toyota and Lexus all-wheel drive (AWD) hybrid vehicles with a Q610 Rear Traction Motor (Motor Generator Rear (“MGR”)) (the “subject vehicles” are listed below). These vehicles may exhibit a Malfunction Indicator Light (commonly known as “check engine light”) ON condition and/or static or distortion when listening to AM radio, caused by corrosion in and around the HV Floor Under Wire (MGR wire harness) and Rear Traction Motor Cable connection point, due to water with certain chemical material such as snow melting chemical intruding inside the connection point.

The Court has not yet ruled on the Motion for authorization of the proposed class action.

TCI contests the authorization and the merits of the proposed class action, asserts that it has always complied with applicable legislation, and denies any wrongdoing or liability.

Who are the group members?

You are a member of the proposed class action if you are:

"Any individual, corporation, partnership or association that owns or leases, or has owned or leased, the following Toyota vehicles in Canada:

Highlander hybrid 2020-2022,

RAV4 hybrid 2019-2022, RAV4 Prime 2021-2022

Venza hybrid 2021-2022;

Sienna hybrid 2021-2022

Or the past or present owner or lessee of the following Lexus vehicle:

NX350h hybrid and NX450h+ plug-in hybrid 2022."

SETTLEMENT SUMMARY

What is TCI offering?

Without any admission of liability by TCI or its affiliates, TCI agrees to implement a Warranty Enhancement Program ("WEP") which extends the manufacturer's warranty for all subject vehicles to eight (8) years or 160,000kms, whichever comes first, from the date of first use of the subject vehicle, and for repairs related to the alleged issue only.

Under the terms of the WEP, any repairs required on a subject vehicle due to the alleged issue shall be performed free of charge by TCI. Members who have previously paid for such repairs before the release of this WEP, may be eligible for reimbursement even if the repair was performed by another dealer or an aftermarket shop.

TCI will inform all members in writing by regular mail and by email to their last known address, if known, that their subject vehicle is covered by the WEP.

TCI also agrees to pay the attorneys of Constantin Sultana's fees of C\$700,000.00 plus GST, QST, and disbursements in the amount of C\$10,202.90. These amounts must be approved by the Court during the **September 9, 2024** hearing.

OPTING OUT

If you do not wish to be bound by this settlement for any reason, you must take steps to exclude yourself from the class.

What will happen if I exclude myself?

If you exclude yourself:

1. You will not receive any benefits under the settlement;

2. You will not be bound by the class action or this settlement;
3. You will not be able to object to this settlement.

What happens if I do not exclude myself?

If you do not exclude yourself:

1. Your vehicle will be covered by the WEP as expanded and contemplated in the settlement agreement;
2. You will forfeit the right to take your own legal action against TCI with respect to alleged issue; and
3. You will be able to object to the settlement.

How can I exclude myself?

To exclude yourself, you must send a duly signed request for exclusion containing the following information to the clerk of the Superior Court:

1. The Court and Court docket number for the proposed class action: **500-06-001186-226**;
2. Your name and contact information;
3. An affirmation stating that you wish to exclude yourself and that you are a current or former owner or lessee of a subject vehicle; and
4. Your email address.

Requests for exclusion must be sent by registered or certified mail before August 12 2024, to the following address:

Greffe de la Cour supérieure du Québec
Palais de Justice de Montréal
1 Notre-Dame Street East
Room 1.120
Montreal, Quebec, H2Y 1B5
Reference:
Sultana v. Toyota Canada Inc.
Class Action
S.C.M. no. 500-06-001186-226

With a copy to the attorneys of Constantin Sultana at the following address:

Adams Avocat Inc.
Mtre Fredy Adams
1255 Robert-Bourassa Blvd, Suite 1416

Montréal, QC, H3B 3X1

OBJECTION TO THE SETTLEMENT

You may tell the court that you do not agree with this settlement or present your arguments to the court.

How can I present my objection or present my arguments to the Court?

To present your objection or arguments to the court, you must attend the hearing that will be held on **September 9 2024, at 9:30 in courtroom 15.04** of the Montréal Courthouse, located at 1 Notre-Dame Street East in Montréal.

You are required to inform the attorneys for Constantin Sultana and the attorneys of TCI in writing of the reasons for your objection at least five (5) Days before such hearing, by communicating a document containing the following information:

1. The Court and Court docket number for the proposed class action: **500-06-001186-226**;
2. Your name and contact information;
3. An affirmation that you are the current or former owner or lessee of a subject vehicle;
4. Your email address;
5. A brief description of the reasons for your objection;

Do I need a lawyer to object?

No. You may object without the assistance of an attorney. If you wish to be represented by an attorney, you may hire one at your own expense.

If I object to the settlement and it is approved, will I remain eligible to receive the benefits of the settlement?

Yes. You will still receive the benefits of the settlement.

FOR MORE INFORMATION

For more information and to access the text of the settlement agreement and its schedules, please consult the following websites:

- The Attorneys for Constantin Sultana: <https://www.adamsavocat.com/>

The information available on this website will be updated as required, following the development of the case.

You may also directly contact the attorneys for the parties:

Attorneys for Constantin Sultana

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If you are a Toyota customer and you encounter any issues at your dealership regarding the application of the WEP, contact Toyota customer service at the following number:

1-888-869-6828

If you are a Lexus guest and you encounter any issues at your dealership regarding the application of the WEP, contact Lexus guest services at the following number:

1-800-26-LEXUS (1-800-265-3987)

No other notice will be published or distributed in connection with the settlement.

In case of any discrepancy between this notice and the agreement, the settlement agreement shall prevail.

The publication of this notice has been approved by the Court.