

Samsung Top-Loading Washer Litigation in Canada (excluding Quebec)

CANADA CLASS ACTION SETTLEMENT (EXCLUDING QUEBEC)

You may be eligible for compensation and other benefits from a class-action settlement involving certain Samsung top-loading washing machines.

www.canadatoploadwashersettlement.ca

PURPOSE OF THIS NOTICE

A Settlement has been reached in a class action lawsuit in Ontario against Samsung Electronics Canada Inc. (“SECA”) regarding alleged defects in certain Samsung and Kenmore brand top-loading washing machines (“Washers”) that were the subject of a voluntary recall announced on October 4, 2016 and updated on November 4, 2016 (the “Voluntary Recall”). The Plaintiff alleges that one or more of the Washers’ top fasteners can detach from the Washers’ chassis during operation (“Top Separation”). SECA denies the allegations in the lawsuit, and the Court has not decided who is right.

CLASS ACTION CERTIFIED FOR SETTLEMENT APPROVAL

The proceeding is styled *Henriksen v. Samsung Electronics Canada Inc.*, filed in the London office of the Ontario Superior Court of Justice. The Court has, at the request of the Parties, certified this class action for the purposes of considering approval of the Settlement.

WHO IS INCLUDED?

The Settlement Class includes all persons in Canada, except Quebec residents, who purchased a Washer for household use. (There is a separate class action for Quebec residents that is not part of this settlement.) The Settlement Class does not include officers, directors or employees of SECA, and does not include any person who settled a small claims court case against SECA or who resolved an informal dispute with SECA and signed a release.

If you are a Settlement Class Member, please read this notice. **Ignoring this legal notice could affect your rights.**

WHICH WASHING MACHINES ARE INCLUDED?

A list of the subject top load washing machines can be found at **www.canadatoploadwashersettlement.ca**.

WHAT ARE THE SETTLEMENT TERMS AND BENEFITS?

The Settlement establishes a number of benefits for the Class, including:

1. Settlement Class Members who, before the Settlement Approval, selected and received a Recall Rebate under the Voluntary Recall that was less than 15.5% of the Estimated Purchase Price of their Washer, and who are original purchasers, can request additional payment equal to the difference between the rebate amount they received and 15.5% (“Enhanced Minimum Recall Rebate”).
2. Settlement Class Members who, after the Settlement Approval and before the Claims Deadline, select a Recall Rebate under the Voluntary Recall, and who are original purchasers, may also be entitled to a comparable Enhanced Minimum Recall Rebate if their Recall Rebate is below 15.5%, or to a Settlement Recall Rebate fixed at 15.5% if they replace their Washer with a non-Samsung brand washer (and therefore do not receive a Recall Rebate).

3. Settlement Class Members who are original purchasers and received a Recall Repair under the Voluntary Recall, or who select a Recall Repair after the Settlement Approval and before the Claims Deadline, can request a Recall Repair Additional Benefit consisting of a \$25 - \$85 cash rebate for the purchase of a new Samsung microwave or Samsung Major Home Appliance.
4. In the unlikely event that Settlement Class Members experienced or experience Top Separation within seven years after purchasing their Washer, they may receive a full refund of the Washer's purchase price and reimbursement of certain related expenses to a maximum of \$100.
5. Settlement Class Members can request a free in home repair of their Washer's top for up to one (1) year after the Claims Deadline.

See the Settlement Agreement at www.canadatoploadwashersettlement.ca, particularly Part IV thereof, for the specific terms and conditions of the settlement benefits. A summary of the Settlement Agreement by way of Frequently Asked Questions (FAQ) will also be available on the website. The Settlement Agreement also includes a release of claims by Settlement Class Members against the defendant.

The Court will hold a Settlement Approval Hearing on **March 27, 2019 at 10:00 am** at 80 Dundas Street, London ON to consider whether to approve the Settlement, a request for lawyers' fees and disbursements of up to \$443,750 and a Service Award of \$1,500 to the Class Representative. If approved, SECA will pay these amounts in addition to the Settlement benefits.

WHAT ARE MY OPTIONS REGARDING THE SETTLEMENT APPROVAL HEARING?

Do Nothing. If you do nothing, your rights will be affected. If you are content with the Settlement and would like to receive benefits, you do not need to do anything at this time. Check the website below after March 27, 2019 to see if the Settlement has been approved, and/or provide the Settlement Administrator with your email address so that you can be notified if the Settlement is approved. If it is, you will need to complete and submit a Valid Claim Form and provide other documentation in order to receive one of the benefits listed above. Claim Forms will be available after approval at www.canadatoploadwashersettlement.ca or by calling 1-855-745-7374.

The deadline to file your Claim Form will be published on the website after the Settlement is approved.

Opt Out. If you do not want to be legally bound by the Settlement or receive any Settlement benefits, you must exclude yourself from the Class Action by submitting an Opt-out Form **by no later than March 12, 2019**. Unless you opt-out, you will not be able to sue or continue to sue SECA for any claims resolved by this Settlement and released by the Settlement Agreement. The Opt-out Form and information about how and where to send it are available at www.canadatoploadwashersettlement.ca.

Object to the Settlement. If you stay in the Settlement (i.e. you do not opt-out), you may object to it by filing a notice of objection. You may also appear at the Settlement Approval Hearing by filing a notice of intention to appear. Your notice of objection and/or notice of intention to appear must be filed with the Court and served on Counsel **no later than March 17, 2019**. See part III.A.7 of the Settlement Agreement at www.canadatoploadwashersettlement.ca for information regarding objections and notices of intention to appear.

For more information, on the proposed Settlement, including your rights and options, visit www.canadatoploadwashersettlement.ca or call 1-855-745-7374.

This legal notice is approved by the Superior Court of Ontario.