

**Have you owned or leased a **MINI Cooper** model year  
2002-2008?**

**Please read this notice about a certified class action.**

**Who is included in the Class?**

A class action lawsuit has been certified against BMW Canada and BMW AG. The lawsuit is called: *Harris v. Bayerische Motoren Werke Aktiengesellschaft and BMW Canada Inc.*, Ontario Superior Court file no. CV-14-497479 00CP.

You are part of the class action (a “**Class Member**”) if you are a current or former Canadian owner or lessee of:

- i) a 2002, 2003, 2004, 2005, or 2006 model year MINI Cooper or MINI Cooper S; or
- ii) a 2005, 2006, 2007, or 2008 model year MINI Cooper Convertible or MINI Cooper S Convertible (the “**Class Cars**”)

If you fit this Class Member definition, you are automatically included in the class action and will be bound by its results, unless you take steps to exclude yourself by opting out (see below).

**What is this class action about?**

This class action alleges that the Class Cars were manufactured with a defective power steering system, which can result in loss of power steering control or vehicle fire. The claim alleges that BMW Canada and BMW AG designed and manufactured the Class Cars negligently and had a duty to warn consumers of the dangers inherent in driving the Class Cars.

BMW denies that the power steering system in the Class Cars presents any danger or risk of loss of control or vehicle fire.

**What compensation is claimed?**

This class action seeks reimbursement for everyone who paid out-of-pocket to repair the allegedly defective power steering system, and to compensate for the cost of having any repairs which may be required completed now. It also seeks compensation for any injuries or loss which may have been incurred because of the alleged power steering system defects, **as well as punitive damages.**

### **What do I need to do now?**

**If you are a Class Member and you want to participate in the lawsuit, then you do not have to do anything at this stage. The action will now be progressing through the necessary stages to get ready for a trial.**

- Please ensure that RicePoint Administration Inc. and Class Counsel have your up-to-date contact information, so they can provide you with updates as the case progresses.
- If you have already paid for repairs to the power steering system in your Class Car, then you should locate a copy of the repair invoice(s), or obtain a copy from your mechanic. Do not send the invoice(s) to the Notice Administrator or Class Counsel at this time.
- Check [www.minicooperclassaction.ca](http://www.minicooperclassaction.ca) from time to time for updates on the progress of the action.

### **Do I have to pay anything?**

**There is NO PAYMENT necessary to participate in the class action.** Class Counsel will only be paid if this action succeeds at trial or if there is a settlement. The representative plaintiff has entered into a retainer agreement that provides for a contingency legal fee of up to 25% of the total amount recovered. But no legal fees are payable unless a settlement or a judgment is achieved for the Class. The amount of the legal fees then have to be approved by the court.

The representative plaintiff has also received financial support for this class action from the Ontario Class Proceedings Fund. The Fund will indemnify the plaintiff for any adverse court cost awards, and it is paying for many of the disbursements that are being incurred to prosecute the case, such as expert fees and examiner expenses. In exchange for its support, the Fund will be paid a levy of 10% of the net proceeds of any judgment or settlement, and will be reimbursed the disbursements that it has paid.

### **I do not want to be involved in this class action. What do I need to do?**

If you do not want to participate in this class action, and you do not wish to be bound by any future court orders involving this matter, then you must **opt out** of the class action. If you opt out, you will not be able to change your mind and opt back in at a later time, and you will not be able to participate in any future settlement or judgment.

To opt out, you must deliver a completed opt-out form by no later than 5:00 p.m. PST on [DATE], 2020 to:

[NOTICE ADMINISTRATOR ADDRESS]

Opt-out forms are available at [NOTICE ADMINISTRATOR WEBSITE], or [www.minicooperclassaction.ca](http://www.minicooperclassaction.ca) or [www.miniclassaction.ca](http://www.miniclassaction.ca)

(Short Form)

**If you opt out, you will not be eligible for any of the benefits of any judgment or settlement if the action is successful, nor will you be bound by any judgment or court order.**

### **What if I have more questions?**

For more information about the class action, please go to:

[www.minicooperclassaction.ca](http://www.minicooperclassaction.ca) or [www.miniclassaction.ca](http://www.miniclassaction.ca) or  
[NOTICE ADMINISTRATOR WEBSITE]

Or contact Class Counsel at either:

**Waddell Phillips Professional Corporation  
Barristers**  
36 Toronto Street, Suite 1120  
Toronto ON M5C 2C5  
[reception@waddellphillips.ca](mailto:reception@waddellphillips.ca)  
1-800-430-3107 (toll-free)

**Podrebarac Barristers Professional  
Corporation**  
100 King Street West, Suite 5600  
Toronto ON M5X 1C9  
[kp@toughcounsel.com](mailto:kp@toughcounsel.com)  
416-568-1299

This notice was approved by the Ontario Superior Court of Justice. It is a summary of the terms of the certification order. If there is a conflict between the provisions of this notice and the terms of the certification order, the certification order prevails.