

NOTICE OF CLASS ACTION

**In accordance with Article 579 of the *Code of Civil Procedure*
in the matter of the Superior Court, District of Quebec,
Case No. 200-06-000193-154**

1. The Parties to the Action: L'Association québécoise de lutte contre la pollution atmosphérique (AQLPA), Representative Plaintiff of the Class, and Mr. André Bélisle, "Designated Person" (C.C.P., art. 571) v. Volkswagen Group Canada Inc., Volkswagen Group of America Inc., Volkswagen Aktiengesellschaft, Audi Canada Inc., Audi of America Inc. and Audi of America LLC, Audi Aktiengesellschaft, Defendants and the Class Action Assistance Fund, Respondent.
2. The Class: All natural persons residing or having resided in Quebec at any time between January 1, 2009 and September 21, 2015 (the Class Members).
3. The Class Action: The Class Action was instituted on February 12, 2020. The Plaintiff is claiming punitive damages for the benefit of the Class Members. The Action is based on the liability of the Defendants for having manufactured and marketed vehicles that violated environmental standards limiting nitrogen oxide emissions polluting the atmosphere, which, according to the Plaintiff's allegations, unlawfully and intentionally infringed the right of the Class Members "to live in a healthful environment" and their right to "life, and to personal security [and] inviolability", rights enshrined in sections 1 and 46.1 of the *Quebec Charter of Human Rights and Freedoms* (CQLR, c. C-12).
4. Authorization: The Superior Court authorized the Class Action by its judgement of January 24, 2018 (2018 QCCS 174); leave to appeal from that judgement was denied by the Court of Appeal on June 18, 2018 (2018 QCCA 1034) and the Supreme Court dismissed the appeal from that judgement of the Court of Appeal on November 13, 2019 (2019 SCC 53).
5. Please note that the Defendants have announced that they will contest this Class Action.
6. The Principal Issues to be Determined:
 - A. Did the Defendants unlawfully interfere with the rights of the Class Members guaranteed by sections 1 and 46.1 of the *Quebec Charter of Human Rights and Freedoms*?

Did the vehicles marketed by the Defendants in Quebec comply with Canadian standards?

Did the Defendants equip the vehicles marketed in Quebec with software designed to falsify the results of pollution emission measurements?

Did the vehicles marketed by the Defendants emit pollutants into the environment in excess of the norms prescribed by Canadian standards and regulations?
 - B. Was such unlawful interference intentional?

Did the Defendants unlawfully and intentionally falsify the required environmental tests?

- C. Are the Class Members entitled to punitive damages under section 49 of the *Quebec Charter of Human Rights and Freedoms* and what should be the quantum thereof?

Are the Designated Person and the Class Members entitled to claim from the Defendants a sum of \$35 as punitive damages?

- D. Are the Plaintiff, the Designated Person and the Class Members entitled to the reimbursement of the costs incurred for the Action and for the investigations in the case?

7. The Conclusions of the Action:

ALLOW the Class Action against the Defendants jointly and severally;

CONDEMN the Defendants jointly and severally to pay each Class Member the sum of \$35 as punitive damages, plus legal interest and the additional indemnity from the date of the application for authorization, October 14, 2015;

ORDER the collective recovery of the claims of the Class Members;

CONDEMN the Defendants jointly and severally to pay the lawyers' fees, disbursements and legal costs, including the costs of experts and for the adducing of evidence, and **ORDER**, as a priority, the reimbursement of the advances from the Class Action Assistance Fund;

RESERVE the Plaintiff's right to apply to the Court to seek any appropriate method of distribution and disposition of any remaining funds and **MAKE** any order in the interest of the Class Members, including remedial orders to ensure a healthful environment for the Class Members and to protect their personal inviolability.

8. Members Bound by the Action: All the Class Members shall be bound by the decisions rendered during the proceedings and by the judgement to be rendered on the merits in the Class Action, unless they opt out.

If you wish to participate in the Class Action as a Class Member, you have nothing to do.

9. Right to Opt Out: A Class Member may opt out by notifying in writing the Clerk of the Superior Court for the District of Quebec by means of a simple application to that effect, for example: "I, (your name), hereby opt out of the Class Action in case no. 200-06-000193-154"; the notice must be communicated by filing at the Courthouse, or by registered or certified mail, within thirty (30) days from the publication of this notice:

Address: Courthouse of Quebec
Civil Office
300, Boulevard Jean-Lesage
Quebec (Quebec) G1K 8K6

Re : Opting out of the Class Action in L'Association québécoise de lutte contre la pollution atmosphérique et al v. Volkswagen Group Canada Inc. et al (200-06-000193-154)

Any Class Member who has already instituted an action for the same purpose as the Class Action shall be deemed to have opted out of the Class if that Class Member does not discontinue such personal action within the same thirty (30)-day period.

10. Legal Costs: No Class Member, except the Representative Plaintiff or an intervener, may be required to pay the legal costs of the Class Action.
11. Class Counsel: The law firm Bouchard + Avocats Inc. represents the Class in this Class Action:

Bouchard + Avocats Inc.
825, Boulevard Lebourgneuf, Suite 200
Quebec (Quebec), G2J 0B9
Telephone : 418-622-6699
Fax : 418-628-1912
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12. Further Information: Additional information concerning the Action may be obtained on the website of Class Counsel at the address:

https://bouchardavocats.com/action_collective/volkswagen-audi

13. Official Documents: This notice contains a summary of the official documents which may be consulted in the Superior Court record; if the content of this notice differs from such documents, the latter shall prevail.