

Mercedes-Benz BlueTEC II Settlement in Canada

OFFICIAL COURT COMMUNICATION

A NATIONWIDE SETTLEMENT HAS BEEN REACHED IN CANADA AFFECTING OWNERS AND LESSEES OF MERCEDES-BENZ BLUETEC II DIESEL VEHICLES:

IF YOU **OWNED** OR **LEASED** ONE OF THESE VEHICLES ON OR BEFORE **DECEMBER 8, 2021** OR IF YOU **CURRENTLY OWN OR LEASE** ONE OF THESE VEHICLES, PLEASE REVIEW THIS NOTICE CAREFULLY

FOR MORE INFORMATION, VISIT WWW.BLUETECSETTLEMENT.CA / CALL 1-855-918-6073

YOU MAY ALSO CONTACT LAWYERS FOR AFFECTED VEHICLE OWNERS AND LESSEES AT THIS PHONE NUMBER: 1-844-819-8524

A nationwide Settlement in Canada has been reached by Daimler AG (“**Daimler**”), Mercedes-Benz Canada Inc. (“**MBC**”), Mercedes-Benz USA, LLC (“**MBUSA**”), and Mercedes-Benz Financial Services Canada Corporation (“**MBFSC**”) (collectively, “**Mercedes-Benz**”), and Yogesh Kalra on behalf of the Settlement Class (the “**Settlement**”). The Settlement must be approved by the Ontario Superior Court of Justice (the “**Court**”) to become effective.

If approved, Mercedes-Benz has agreed to offer the following to Settlement Class Members:

Settlement Class Member Payments

—and—

Installation of Field Measure with Extended Modification Warranty

Your rights and options—and the deadlines to exercise them—are explained in this Notice. Additional information is available at www.BlueTECSettlement.ca and by calling the Settlement Administrator at **1-855-918-6073**.

**PLEASE READ THIS NOTICE CAREFULLY.
YOUR RIGHTS UNDER THE SETTLEMENT ARE AFFECTED EVEN IF YOU DO NOTHING.**

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CLASS ACTION QUESTIONS

A. WHAT ARE MY OPTIONS IN THE SETTLEMENT?

If you think you are included in the Settlement, you have the following options:

LEARN MORE ABOUT THE SETTLEMENT AND WHETHER YOU MAY BE ELIGIBLE	<p>STEP 1: Visit www.BlueTECSettlement.ca</p> <p>STEP 2: Use the website to determine whether you may be eligible under the Settlement and learn more about what you may be eligible for.</p>
COURT APPROVAL OF THE SETTLEMENT	<p>The nationwide Settlement is subject to approval by the Court. A Settlement Approval Hearing has been scheduled for February 9, 2022 at 10:00 a.m. (EST) before the Court. This Settlement Approval Hearing is public and you are welcome to attend at your own cost.</p> <p><i>See Question W for more information.</i></p>
OBJECT TO THE SETTLEMENT BEFORE IT IS APPROVED	<p>If you do not like the Settlement, you may provide your views in writing. They must be received by the Settlement Administrator by February 2, 2022. Your objection will be provided to the Court and considered at the Settlement Approval Hearing. If you are a Settlement Class Member, you will be bound by the Settlement if it is approved by the Court even though you objected to some of its terms.</p> <p><i>See Questions V and W for more information.</i></p>
PARTICIPATE IN THE SETTLEMENT	<p>If you are a <u>current</u> owner or lessee of an Eligible Vehicle, you will receive a payment if the Field Measure is installed and you submit a Valid Claim by May 1, 2023.</p> <p>If you are a <u>former</u> owner or lessee of an Eligible Vehicle, you will receive a payment if you submit a Valid Claim by March 23, 2022, or by the date the Court approves the Settlement (if after March 23, 2022). Please visit the Settlement Website www.BlueTECSettlement.ca for updates about the deadline to submit your claim.</p> <p><i>See Question J for more information.</i></p>
IF YOU TAKE NO STEPS	<p>If you do not submit a Claim by the applicable deadline, you will not receive a Settlement Class Member Payment from the Settlement but you will give up any rights you currently have to separately sue Mercedes-Benz for the Claims being resolved by the Settlement. Settlement Class Members do not need to submit a Claim to have the Field Measure installed in their vehicle and receive the Extended Modification Warranty.</p>

B. WHAT IS THE CLASS ACTION ABOUT?

The class action is seeking damages and other relief on behalf of owners and lessees of certain Mercedes-Benz BlueTEC II vehicles. They allege that these vehicles were equipped with emission control systems that caused the vehicles to emit more nitrogen oxide (“NOx”) emissions than consumers reasonably expected, and more NOx than was permitted under federal and provincial environmental laws. They also claim that Mercedes-Benz misled consumers about the qualities and characteristics of the vehicles. Mercedes-Benz denies these allegations.

The class action is known as *Yogesh Kalra v Mercedes-Benz Canada Inc. et al*, Court File No. CV-16-550271-00CP (the “Action”).

C. WHY AM I RECEIVING THIS NOTICE?

This Notice summarizes the Settlement, which affects your legal rights if you are a Settlement Class Member (see *Question F*). Receipt of this Notice does not mean that you are a Settlement Class Member.

If you are a Settlement Class Member, this Notice informs you of your legal rights and options. These options include participating in the Settlement and, if you wish, objecting to the Settlement. You can also attend the upcoming public Settlement Approval Hearing before the Court, which will determine whether the Settlement should be approved (see *Question W*).

CLASS MEMBERSHIP QUESTIONS

D. AM I INCLUDED IN THE SETTLEMENT?

You may be included in the Settlement if:

- You own or lease or previously owned or leased an Eligible Vehicle (see *Question E*); and
- You are a Settlement Class Member (see *Question F*)

By reviewing the questions and answers below, find out if you are included in the Settlement and, if so, what you may receive.

E. IS MY VEHICLE AN “ELIGIBLE VEHICLE”?

Only Eligible Vehicles are included in the Settlement.

If your vehicle meets the following criteria, it may be considered an Eligible Vehicle:

- It must be one of the following model year 2009-2016 Mercedes-Benz BlueTEC II vehicles listed below:

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ELIGIBLE VEHICLES	
MODEL	MODEL YEARS
E250 BlueTEC	2014-2016
E350 BlueTEC	2011-2013
GL320 BlueTEC	2009
GL350 BlueTEC	2010-2016
GLE350d	2016
GLK250 BlueTEC	2013-2015
ML320 BlueTEC	2009
ML350 BlueTEC	2010-2015
R320 BlueTEC	2009
R350 BlueTEC	2010-2013
S350 BlueTEC	2012-2013
Sprinter (4-cylinder)	2014-2016
Sprinter (6-cylinder)	2010-2016

- It must not have already been installed with a Field Measure when you acquired it (see *Question N*).

F. AM I A “SETTLEMENT CLASS MEMBER”?

You may be a Settlement Class Member and included in the Settlement if you are a Canadian resident who:

- Was the owner or lessee of an Eligible Vehicle on or before **December 8, 2021**; or
- Purchased or leased an Eligible Vehicle after **December 8, 2021** for which the Field Measure has not been installed.

Some exceptions apply (see *Question H*).

There are six categories of Settlement Class Members who may be entitled to Settlement Class Member Payments under the Settlement if they submit a Claim during the Claims Program:

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Eligible Owners	An Eligible Owner is a Settlement Class Member who owns an Eligible Vehicle on or before December 8, 2021 and who owns the Eligible Vehicle at the time the Field Measure is installed in that vehicle.
Eligible Former Owners	An Eligible Former Owner is a Settlement Class Member who owned an Eligible Vehicle prior to December 8, 2021 and who sold or otherwise transferred ownership of the Eligible Vehicle on or before March 23, 2022, or the date on which the Court approves this Settlement (if after March 23, 2022) , and whose Eligible Vehicle did not receive the Field Measure during their period of ownership.
Eligible Lessees	An Eligible Lessee is a Settlement Class Member who leases an Eligible Vehicle on or before December 8, 2021 and who is leasing the Eligible Vehicle at the time the Field Measure is installed.
Eligible Former Lessees	An Eligible Former Lessee is a Settlement Class Member who leased an Eligible Vehicle prior to December 8, 2021 but who surrenders or surrendered the Eligible Vehicle on or before March 23, 2022, or the date on which the Court approves this Settlement (if after March 23, 2022) , and whose Eligible Vehicle did not receive the Field Measure during their lease period.
Post-Announcement Eligible Owners	A Post-Announcement Eligible Owner is a Settlement Class Member who did not own the Eligible Vehicle on or before December 8, 2021 , but who owns the Eligible Vehicle at the time the Field Measure is installed.
Post-Announcement Eligible Lessees	A Post-Announcement Eligible Lessee is a Settlement Class Member who did not lease the Eligible Vehicle on or before December 8, 2021 , but who leases the Eligible Vehicle at the time the Field Measure is installed.

If you are unsure of whether you fit into one of these categories, please visit the FAQ section at www.BlueTECSettlement.ca.

G. IS THE SETTLEMENT IN CANADA THE SAME AS IN THE U.S.?

No. The Settlement in Canada is specific to Settlement Class Members.

Owners or lessees of BlueTEC II diesel vehicles in the U.S. may be eligible to claim in the U.S. settlement. Visit www.mbbluetecsettlement.com for more information on the U.S. settlement. A Settlement Class Member who has submitted a valid claim for compensation under the U.S. settlement will not be eligible to submit a claim in this Settlement for a Settlement Class Member Payment in connection with the vehicle for which compensation was claimed in U.S. settlement.

H. WHO IS EXCLUDED FROM THE SETTLEMENT?

The Settlement Agreement applies to all Settlement Class Members, except Excluded Persons. Excluded Persons are:

- Mercedes-Benz and their officers and directors;
- The authorized motor vehicles dealers of the Defendants and the officers and directors of those dealers;
- Persons who have opted out of the Action;
- Persons who have settled with, released, or otherwise had claims adjudicated on the merits against the Defendants arising from the same core allegations or circumstances as the BlueTEC Diesel Matter; and
- The heirs, successors, and assigns of the Persons described in (a), (b), (c), and (d)

CLAIMS PROCESS AND RELATED QUESTIONS

I. WHAT CAN I RECEIVE AS AN ELIGIBLE OWNER OR ELIGIBLE LESSEE?

The Settlement provides various items to owners and lessees of Eligible Vehicles (*see Question E*).

The monetary compensation (“Settlement Class Member Payment”) and other things that may be available to you depend upon whether you are an Eligible Owner, Eligible Lessee, Eligible Former Owner, Eligible Former Lessee, Eligible Post-Announcement Owner, or Eligible Post-Announcement Lessee (*see Question F*). The Settlement Class Member Payment that may be available to you is also impacted by the Class Proceedings Fund levy and the Class Representative Honorarium, which are described directly below.

Impact of Class Proceedings Fund Levy

Class Counsel and the Class Representative have sought and received funding and an indemnity in this Action from the Law Foundation of Ontario’s Class Proceedings Fund (“CPF”). As such, the CPF shall be paid a levy of 10% out of the Settlement Class Member Payments that are made pursuant to this Settlement, in accordance with Class Counsel’s agreement with the CPF and the applicable law. No part of the levy will be paid by Mercedes-Benz. **All Settlement Class Member Payments described in this notice are subject to a reduction of 10% in favour of the CPF.**

Impact of Class Representative Honorarium

Subject to Court approval, the Class Representative will receive a payment of up to \$15,000, to reward his efforts in advancing the Action to Settlement on behalf of the Settlement Class Members (the “Honorarium”). The Honorarium will be paid out of the settlement payments that Settlement Class Members receive pursuant to this settlement, on a pro rata basis based on the total estimated number of on-road Eligible Vehicles in Canada, which is 73,185. Accordingly, the pro rata share of the Honorarium for each Eligible Vehicle is up to \$0.20 (the “Pro Rata Honorarium Share”). The Pro Rata Honorarium Share shall be deducted from each Settlement Class Member Payment made, in proportion to the number of Valid Claims made in respect of each Eligible Vehicle in accordance with

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the Claims Program. No part of the Honorarium shall be paid by Mercedes-Benz. **All Settlement Class Member Payments described in this notice are subject to a reduction of up to \$0.20 as contribution towards the Honorarium. Because the amount of the reduction may decrease if there is more than one claim per vehicle, this reduction of up to \$0.20 per claim is not reflected in the Class Member Payment amounts described below.**

Eligible Owners and Eligible Lessees

If you are an **Eligible Owner or Eligible Lessee** who installs the Field Measure in the Eligible Vehicle and timely submits a Valid Claim, you will receive an Owner/Lessee Payment of \$2,925 (\$2,632.50 after the CPF levy), unless an Eligible Former Lessee and/or Eligible Former Owner timely submits a Valid Claim for that same vehicle, in which case the Owner/Lessee Payment you will receive is \$2,090 (\$1,881 after the CPF levy).

Eligible Former Owners and Eligible Former Lessees

If you are an **Eligible Former Owner or Eligible Former Lessee** and timely submit a Valid Claim, you will receive a Former Owner/Lessee Payment.

The Former Owner/Lessee Payment is \$835 (\$751.50 after the CPF levy) per vehicle and shall be divided equally among all Eligible Former Owners and Eligible Former Lessees who timely submit a Valid Claim on the same vehicle.

Eligible Post-Announcement Owners and Eligible Post-Announcement Lessees

If you are an **Eligible Post-Announcement Owner or Eligible Post-Announcement Lessee** who installs the Field Measure in their Eligible Vehicle and timely submits a Valid Claim, you will receive a Post-Announcement Owner/Lessee Payment of \$2,090 (\$1,881 after the CPF levy).

J. HOW CAN I MAKE A CLAIM IN THE SETTLEMENT?

To claim a Settlement Class Member Payment under the Settlement, you must submit a Valid Claim by the applicable deadline (see *Question L*). Claims can be submitted online, at **www.BlueTECSettlement.ca**, or by mail. You can obtain and print Claim Forms for mail submissions by downloading them from **www.BlueTECSettlement.ca**.

Submit claims Online: **www.BlueTECSettlement.ca**

Submit claims via Mail: Mercedes-Benz BlueTEC II Settlement in Canada
c/o JND Legal Administration
PO Box 8111
Vancouver Main
Vancouver, BC V6B 4E2

K. WHEN CAN I SUBMIT A CLAIM?

The Claims Program begins on **January 7, 2022**. Eligible Former Owners/Lessees may submit claims as soon as the Claims Program begins. Eligible Current Owners/Lessees may submit claims after the Claims Program begins and after they have the Field Measure installed in their Eligible Vehicle.

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Information about Field Measure availability will be posted on the Settlement Website, www.BlueTECSettlement.ca. There you can also type in your VIN to check if a Field Measure is available for your Eligible Vehicle.

You can visit the Settlement Website at www.BlueTECSettlement.ca to sign up for e-mail updates about the Settlement. Signing up for e-mail updates on the Settlement Website is not a submission of a claim, and you should check the Settlement Website at www.BlueTECSettlement.ca often, even after you sign up for e-mail updates.

L. WHAT IS THE DEADLINE TO SUBMIT A CLAIM?

The deadline for you to submit a claim depends on whether you are an Eligible Current Owner/Lessee or an Eligible Former Owner/Lessee.

The deadline for Eligible Current Owners/Lessees to have the Field Measure installed in their Eligible Vehicle and submit a Valid Claim is **May 1, 2023**. To ensure that you have adequate time to schedule and complete your Field Measure and complete the Claim Form, you should not wait until the May 1, 2023 deadline approaches to schedule your Field Measure installation and submit your Claim Form.

Note: If a Field Measure for your vehicle is not available by May 1, 2023, you must submit a complete Claim Form by July 1, 2023 to receive a Settlement Class Member Payment; please see Question T for more details. Please see Question Q for information about how to check whether a Field Measure is ready for your Eligible Vehicle.

The deadline for Eligible Former Owners/Lessees to submit a Valid Claim is **March 23, 2022, or the date the Court approves the Settlement (if after March 23, 2022)**. Please visit the Settlement Website at www.BlueTECSettlement.ca for updates about the deadline to submit your claim.

Class Members who do not submit a Valid Claim by the applicable deadline will not receive a Settlement Class Member Payment.

M. WHAT IS THE FIELD MEASURE AND EXTENDED MODIFICATION WARRANTY?

There will be a Field Measure, which will modify the emission control system software calibration and certain related hardware to ensure that the Eligible Vehicles meet the emissions standards to which they were originally certified.

The Field Measure can be obtained at Authorized Service Providers.

In addition, each vehicle that receives the Field Measure will also receive an Extended Modification Warranty on certain components, as described in the Settlement Agreement. Please select from the following links for the terms of the Extended Modification Warranty.

- For passenger cars: BlueTECUpdate.Mercedes-Benz.ca
- For vans: BlueTECUpdate.Mercedes-Benz-Vans.ca

N. IF THE FIELD MEASURE IS MADE AVAILABLE AND INSTALLED PRIOR TO SETTLEMENT APPROVAL, CAN I STILL FILE A CLAIM?

Provided the Settlement is approved by the Court, in the event that Field Measures are made available by the Defendants for Eligible Vehicles before the Claims Program begins, the installation of a Field Measure in an Eligible Vehicle before the commencement of the Claims Program will not disentitle a Settlement Class Member from any Settlement benefits he or she would otherwise be entitled to had the Field Measure been installed after the commencement of the Claims Program.

O. WHAT ADDITIONAL SETTLEMENT CLASS MEMBER PAYMENTS WILL BE AVAILABLE FOR ELIGIBLE OWNERS/LESSEES WHO HAVE A FIELD MEASURE INSTALLED IN THEIR VEHICLES?

In addition to the Owner/Lessee Payment and Post-Announcement Owner/Lessee Payment described in Question I, Eligible Owners, Eligible Lessees, Post-Announcement Eligible Owners and Post-Announcement Eligible Lessees who submit Valid Claims and have a Field Measure installed in their Eligible Vehicles may be eligible for additional payments, as summarized below. Eligible Former Owners and Eligible Former Lessees are not eligible for these additional payments. Such additional payments will be paid at the same time as the Owner/Lessee Payment or Post-Announcement Owner/Lessee Payment, as applicable.

SITUATION	ADDITIONAL PAYMENT
If the proposal for an Approved Emission Modification is scheduled under a settlement among the Daimler AG, MBUSA, and U.S. and California state regulators (the “US-CA Consent Decree”) for submission to the U.S. Environmental Protection Agency and California Air Resources Board more than 60 days after the Court approves the Settlement	\$406.40 (\$365.76 after the CPF levy) Please see Section 5.9 of the Settlement Agreement for more details
If an Eligible Vehicle must be reclassified to a less stringent emissions standard after receiving the Field Measure	\$355.60 (\$320.04 after the CPF levy) Please see Section 5.10 of the Settlement Agreement for more details
If a Field Measure causes a reduction in calculated fuel economy using the EPA formula of more than 3 MPG; a decrease of greater than 5% in peak horsepower; or a decrease of greater than 5% in peak torque.	\$330.20 (\$287.18 after the CPF levy)**
If a Field Measure causes a reduction in calculated fuel economy using the EPA formula of more than 6 MPG, or a decrease of greater than 10% in peak horsepower or peak torque	\$660.40 (\$594.36 after the CPF levy)**

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SITUATION	ADDITIONAL PAYMENT
**These payments cannot be combined; the additional payment would be <u>either</u> \$330.20 (\$287.18 after the CPF levy) <u>or</u> \$660.40 (\$594.36 after the CPF levy), depending on the performance impacts, even if performance is reduced in more than one category. Please see Section 5.15 of the Settlement Agreement for more details.	
If the Field Measure changes the frequency with which consumers need to refill their DEF tank, as indicated in the consumer notifications required by the US-CA Consent Decree.	\$76.20 (\$68.58 after the CPF levy) Please see Section 5.16 of the Settlement Agreement for more details

P. IS THERE A CHARGE TO HAVE A FIELD MEASURE INSTALLED?

No. Field Measures are free of charge to you at an Authorized Service Provider.

Q. HOW DO I SCHEDULE AN APPOINTMENT TO HAVE A FIELD MEASURE INSTALLED IN MY VEHICLE?

Call your preferred Authorized Service Provider to schedule an appointment to have the Field Measure installed. You can check www.mercedes-benz.ca for authorized dealerships in your area.

R. WHAT IF I ALTERED MY VEHICLE'S EMISSION CONTROL SYSTEM?

If you altered the emission control system in your vehicle, you may still be eligible to receive the Field Measure and may still be a Settlement Class Member eligible for a payment under the Settlement. However, if such alterations are likely to substantially affect the operation of the vehicle with the Field Measure or substantially impede installation of the Field Measure, your vehicle will not be considered Operable and will be unable to receive the Field Measure unless and until you have reversed the alterations such that the Field Measure may be installed and vehicle operation not substantially affected.

S. WHAT IF MY VEHICLE IS NOT OPERABLE?

In order for Settlement Class Members to receive a Field Measure, their Eligible Vehicle must be Operable—*i.e.*, is currently capable of being driven under its own engine power.

T. WHAT IF THERE IS NO AVAILABLE FIELD MEASURE FOR MY ELIGIBLE VEHICLE?

Settlement Class Members Who Purchased or Leased the Eligible Vehicle On or Before Settlement Filing Date

If you are a Settlement Class Member who purchased or leased the Eligible Vehicle on or before the Settlement Filing Date and the Field Measure is not made available for your vehicle’s Emission Modification Group by May 1, 2023, you may file a Claim for a Settlement Class Member Payment within sixty (60) days. There are two tiers of payments for these Settlement Class Members who cannot install the Field Measure because it is not made available by May 1, 2023, as follows:

First Tier: If the Field Measure is not made available for your vehicle’s Emissions Modification Group by May 1, 2023, Settlement Class Members who own or lease an affected Eligible Vehicle at that time may file a Claim within sixty (60) days for payment in accordance with the following schedule:

Model Year	If no Eligible Former Owner/Lessee submits a Valid Claim for the same vehicle	If an Eligible Former Owner/Lessee submits a Valid Claim for the same vehicle
2014-2016	\$2,340 (\$2,106 after the CPF levy)	\$1,672 (\$1,504.80 after the CPF levy)
2012-2013	\$1,755 (\$1,579.50 after the CPF levy)	\$1,254 (\$1,128.60 after the CPF levy)
2009-2013	\$877.50 (\$789.50 after the CPF levy)	\$627 (\$564.30 after the CPF levy)

Second Tier: If a Field Measure is not made available by May 1, 2023, and no Eligible Vehicle in that Emission Modification Group can be re-registered in the Settlement Class Members’ province or territory of residence because the Field Measure is unavailable, any Settlement Class Member who owns an affected Eligible Vehicle on May 1, 2023 may at that time file a Claim within sixty (60) days for repurchase of the vehicle. If a Valid Claim is received by the deadline, Mercedes-Benz will offer to repurchase the Eligible Vehicle for an amount equal to the Canadian Black Book Average Value of the vehicle.

Settlement Class Members Who Began Owning or Leasing the Eligible Vehicle After the Settlement Filing Date

If you are a Settlement Class Member who began owning or leasing the Eligible Vehicle after the Settlement Filing Date and the Field Measure is not made available by May 1, 2023, you may file a Claim for a Class Member Payment within sixty (60) days. There are two tiers of payments for these Settlement Class Members who cannot install the Field Measure because it is not available by May 1, 2023, as follows:

First Tier: If the Field Measure is not made available by May 1, 2023, Settlement Class Members who own or lease an Eligible Vehicle at that time may file a Claim within sixty (60) days for payment in accordance with the following schedule:

Model Year	Payment
2014-2016	\$1,672 (\$1,504.80 after the CPF levy)
2012-2013	\$1,254 (\$1,128.60 after the CPF levy)
2009-2013	\$627 (\$564.30 after the CPF levy)

Second Tier: If a Field Measure is not made available by May 1, 2023, and no Eligible Vehicle in that Emissions Modification Group can be re-registered in the Settlement Class Member's province or territory of residence because the Field Measure is unavailable, any Settlement Class Member who owns an affected Eligible Vehicle on May 1, 2023 may at that time file a Claim within sixty (60) days for repurchase of the vehicle. If a Valid Claim is received by the deadline, Mercedes-Benz will offer to repurchase the Eligible Vehicle for an amount equal to the Canadian Black Book Average Value of the vehicle.

SETTLEMENT PROCESS QUESTIONS

U. IF I AM A SETTLEMENT CLASS MEMBER, WHAT RIGHTS AM I GIVING UP?

A settlement is an agreement to resolve legal claims, and usually involves compromises by both sides. This settlement would end this lawsuit while allowing the parties to avoid the costs and risks of a trial. A settlement also allows the parties to avoid the very significant time delays of litigation.

If the Settlement is approved by the Court, you will release Mercedes-Benz from all claims arising from, in whole or in part, or in any way related to the BlueTEC Diesel Matter, as described more fully in Sections 2.5 and 9 of the Settlement Agreement. Releasing someone from a claim means giving up the right to sue them.

All Settlement Class Members are bound by a full and final release that will take effect whether they file any Claim or install a Field Measure (and receive the associated Extended Modification Warranty) on the date the Settlement is approved by the Court (the "**Release**"). Settlement Class Members who wish to participate in the Claims Program must make their claim before the applicable claims submission deadline (depending on whether the Settlement Class Member is an Eligible Former Owner, Eligible Former Lessee, Eligible Owner, Eligible Lessee, Eligible Post-Announcement Owner or Eligible Post-Announcement Lessee).

The above is only a summary of the Release. The Settlement sets out and describes the releases contained in the Release, so read them carefully. If you have any questions, you can talk to Class Counsel (see *Question X*) for free. You can also talk to your own lawyer, at your own expense, if you have questions about what this means. The Settlement Agreement is available at www.BlueTECSettlement.ca.

V. HOW CAN I OBJECT TO THE SETTLEMENT?

Before objecting, it is recommended that you visit www.BlueTECSettlement.ca to get more information about the Settlement. You can talk to Class Counsel (see *Question X*) for free. You can also talk to your own lawyer at your own expense.

If you are a Settlement Class Member and have comments about, or disagree with, any aspect of the Settlement that applies to you, you may express your views to the Court by submitting a personally signed written objection as provided below.

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Your written objection must include:

- Your name, mailing address, telephone number and e-mail address (if available);
- The make, model, model year and VIN of the Eligible Vehicle;
- A brief statement of the nature of and reason for your objection to this Settlement; and
- Whether you intend to appear in person or by counsel at the Settlement Approval Hearing, and if appearing by counsel, the name, address, telephone number, and e-mail address of counsel. (The Court may hold the Settlement Approval Hearing via videoconference or in person.)

Your objection must be received by no later than **February 2, 2022** at:

Mail or Courier to:	Mercedes-Benz BlueTEC II Settlement in Canada c/o JND Legal Administration PO Box 8111 Vancouver Main Vancouver, BC V6B 4E2	E-Mail to:	info@BlueTECSettlement.ca
DO NOT SEND OBJECTIONS DIRECTLY TO THE COURT			

Note: Objecting to the Settlement simply means telling the Court that you do not like something about the Settlement. If the Court approves the Settlement, you will still be a Settlement Class Member, provided you meet the Settlement Class definition, and you will be bound by the terms of the Settlement whether or not you make a Claim or install a Field Measure. Objecting does not disqualify you from making a Claim nor does it make you ineligible to receive Settlement Class Member Payments under the Settlement.

If you deliver a written objection to the Settlement, you do not have to come to Court to talk about it. As long as you submit your written objection on time, the Court will receive it. Should you wish to speak at the Settlement Approval Hearing, you must indicate your wish to do so in your written objection. You can hire a lawyer to appear on your behalf at your own expense or you may appear. As the Settlement was negotiated between Class Counsel and Mercedes-Benz, Class Counsel will not be advocating on behalf of objectors at the hearing.

W. CAN I ATTEND THE SETTLEMENT APPROVAL HEARING?

Yes. Before determining whether to approve the Settlement, the Court will hold the following hearing:

- The Court will hold a Settlement Approval Hearing at **10:00 a.m. (EST) on February 9, 2022;** and

The Settlement Approval Hearing may move to a different date or time. Visit www.BlueTECSettlement.ca or call the Settlement Administrator at **1-855-918-6073** for current information.

At this Settlement Approval Hearing, the Court will consider whether the Settlement is fair, reasonable and in the best interests of the Settlement Class. Class Counsel will answer any questions the Court

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may have about the Settlement. If there are objections, the Court will consider them at that time. After the hearing, the Court will decide whether to approve the Settlement. We do not know how long this decision will take.

You are welcome to attend the Settlement Approval Hearing at your own expense, but you are not required to attend.

X. WHO IS MY LAWYER / CLASS COUNSEL?

The law firms representing all Settlement Class Members are listed below:

<p>Lenczner Slaght Royce Smith Griffin LLP 130 Adelaide St. W, Suite 2600 Toronto, ON M5H 3P5</p>
<p>Koskie Minsky LLP 900-20 Queen St. W., Box 52 Toronto, ON M5H 3R3</p>

You will not be charged for contacting these lawyers. Class Counsel can be reached by telephone at: **1-844-819-8524**.

Y. HOW WILL CLASS COUNSEL BE PAID?

Any reasonable legal fees and costs awarded to Class Counsel by the Court will be paid separately by Mercedes-Benz in addition to the Settlement Class Member Payments and will not reduce benefits to Class Members. The Mercedes Defendants will not pay legal fees and costs to any lawyers other than Class Counsel. If you choose to hire lawyers that have not been appointed as Class Counsel, you may have to pay those lawyers legal fees, subject to your agreement with your personally retained lawyers. No lawyers other than Class Counsel will receive fees or costs from Mercedes-Benz in connection with the Settlement or the Action.

Z. HOW DO I GET MORE INFORMATION?

This Notice is only a summary of some of the terms of the Settlement. If there is a conflict between this Notice and the Settlement, the Settlement applies.

For more information about your legal rights under the Settlement, you may also consult Class Counsel at no charge by calling **1-844-819-8524**

In addition, more information about the options Settlement Class Members may have is available at **www.BlueTECSettlement.ca**, or by calling the Settlement Administrator at **1-855-918-6073**.