

ARCTIC CAT AND YAMAHA NATIONAL CLASS ACTION SETTLEMENT PRE-APPROVAL NOTICE (LONG FORM)

HARVEY V. ARCTIC CAT INC. ET AL. (200-06-000225-188)

www.ArcticCatYamahaNationalClassAction.ca

THIS NOTICE MAY AFFECT YOUR LEGAL RIGHTS. PLEASE READ CAREFULLY.

WHAT IS THIS CLASS ACTION ABOUT

If you purchased or leased a snowmobile with a 7000 or 1049cc engine of the following models, for the **years 2014 to 2018**, your rights could be affected by a proposed national class action settlement:

From Arctic Cat	From Yamaha
ZR 7000 LXR	The Viper series
ZR 7000 Sno Pro	
ZR 7000 Limited	
ZR 7000 El Tigre	
ZR 7000 RR	
Pantera 7000	
Pantera 7000 Limited	
M 7000 Sno Pro	
XF 7000 Cross Country	
XF 7000 Crosstour	
XF 7000 High Country	
XF 7000 Limited	
XF 7000 LXR	
XF 7000 Sno Pro	
XF 7000 Cross Country Sno Pro	

(collectively, the “Affected Snowmobiles”)

A national class action lawsuit was commenced in Québec (the “Class Action”) against Arctic Cat and Yamaha (the “Defendants”) in relation to the Affected Snowmobiles.

The Plaintiff in the Class Action alleges that the starter installed in the Affected Snowmobiles was deficient and seeks damages from the Defendants. The Defendants deny any wrongdoing or liability. Nonetheless, a national settlement has been reached whereby all claims by those who purchased or leased the Affected Snowmobiles will be settled (the “NSA”).

The Class Action has been authorized for the sole purpose of approving the NSA. It provides for the following Settlement Benefits to Settlement Class Members, subject to the terms and conditions stipulated therein. A Settlement Class Member:

- a) **who owns or leases an Affected Snowmobile that has not reached a Maximum Distance Traveled of 30,000 kilometers** may be entitled to have the goods and services defined and offered by Arctic Cat under Service Bulletin BS201810 and by Yamaha under Service Bulletin S18-067 installed, free of charge (Category 1 Claim – Extended Repair Program – Permanent Fix);

- b) **who, prior to September 14, 2020, had the control unit of the starter reprogrammed** by under Arctic Cat's Service Bulletin BS201506 or Service Bulletin BS201706 or under Yamaha's Service Bulletin S15-015 or Service Bulletin S16-080 for any Affected Snowmobile, may be entitled to receive a single Credit of either \$80 CAD or \$160 CAD, as the case may be, irrespective of the number of Affected Snowmobiles owned or leased, redeemable against any in-store or on-line Available Transaction made during the Claims Period (Category 2 Claim – Repair Work Credit);
- c) **who, prior to September 14, 2020, incurred Compensable Out-of-Pocket Expenses as a result of a Starter Deficiency of any Affected Snowmobile**, may be entitled to receive a single Credit of \$200 CAD per Incident, up to a maximum of three (3) Incidents, for a maximum combined Credit value of \$600 CAD, as the case may be, irrespective of the number of Affected Snowmobiles owned or leased, redeemable against any in-store or on-line Available Transaction made during the Claims Period (Category 3 Claim – Out-of-Pocket Expenses);
- d) **who, at the relevant time under the NSA: (1) had the status of Past Owner and (2) sold their Affected Snowmobile on a date which is subsequent to the circumstances for which Credits are offered under the NSA**, may be entitled to recover, on an individual basis, an amount payable in cash equal to the combined value of the Credits he or she would otherwise be entitled to receive and redeem during the Claims Period in conformity with the NSA, in a single payment to be effected by the Claims Administrator (Category 4 Claim – Settlement Benefits to Past Owners).

The above is a summary of the Settlements Benefits. Please consult the NSA at **www.ArcticCatYamahaNationalClassAction.ca** for specific details as to the Settlement Benefits and, more generally, as to your rights and obligations under the NSA. In consideration for these Settlement Benefits, Settlement Class Members will grant the Defendants full and final release for any and all claims against the Defendants and affiliated entities, as provided for in the NSA.

The NSA is subject to the approval of the Québec Superior Court (the "Court"). If the NSA is approved, this will bring an end to the Class Action and Settlement Class Members will not be entitled to seek any remedy or relief from the Defendants other than the Settlement Benefits. If the NSA is approved, SISKINDS, DESMEULES, AVOCATS, acting as Class Counsel, will ask the Court to approve their fees in conformity with Section 10 of the NSA.

RIGHT TO PARTICIPATE AND RIGHT TO OPT OUT

You are a member of the Settlement Class if you purchased or leased an Affected Snowmobile.

If you are a member of the Settlement Class and wish to participate in the NSA, you do not need to do anything at this time. Provided that you comply with the claims process, you will be entitled to share in any of the Settlement Benefits that apply to your situation under the NSA.

If you are a member of the Settlement Class and do not wish to participate in and be bound by the NSA, then you must opt out. By opting out, you are choosing:

- 1) **not** to take part in the NSA; and
- 2) **not** to participate in any of the Settlement Benefits.

In order to validly opt out, you must elect NOT to submit any Claim Form under the NSA AND send a fully completed and signed Opt-Out Form. To be considered timely, this Opt-Out Form must be filed with the Court or postmarked **no later than April 21, 2021** and, if sent by mail or messenger to the Claims Administrator, be received **no later than May 6, 2021**.

For residents of the Province of Québec, the completed and signed Opt-Out Form **must** also be returned directly to the Clerk of Superior Court of Québec at 300 Boulevard Jean Lesage, Québec, QC, G1K 8K6, within the same deadlines as those provided for above.

There will be no further opportunity to opt out of the NSA and of the Class Action.

SETTLEMENT APPROVAL HEARING

The hearing to approve the NSA and the fees of SISKINDS, DESMEULES, AVOCATS is scheduled for **June 18, 2021 at 9am EST** before the Superior Court of Québec (in Québec City) and will be held virtually, on Microsoft TEAMS.

To join the hearing on your computer or mobile device – [click here](#)

To join the hearing on your telephone (audio only): dial 1-833-450-1741, 110273073#.

If you do not opt out of the Class Action and wish to provide written comments on or object to the NSA, you must provide your comments or notice of objection in writing to either addresses below **no later than June 4, 2021, 5pm EST**:

The Clerk of Superior Court of Québec
300 Boulevard Jean Lesage
Québec QC G1K 8K6

OR

SISKINDS, DESMEULES, AVOCATS
Attention: Mtre Karim Diallo
43 Buade Street – Office 320
Québec QC G1R 4A2

Comments or objections will be considered by the Court to determine whether to approve or reject the NSA.

CLAIMING SETTLEMENT BENEFITS

If the NSA is approved by the Court, further information about how to submit a claim will be made available. A further notice to the Settlement Class Members will also be published containing all the relevant information about the claims process at **www.ArcticCatYamahaNationalClassAction.ca**. If you would like to receive direct notice of the claims process and any distribution efforts, please register with Epiq Class Action Services Canada Inc. acting as Claims Administrator at **www.ArcticCatYamahaNationalClassAction.ca** or via the contact information provided below.

AUTHORIZATION AS CLASS PROCEEDINGS FOR SETTLEMENT PURPOSES

In order to implement the NSA, the Court has authorized the Class Action as class proceedings against the Defendants for settlement purposes only. If the Court does not approve the NSA, the Settlements Benefits to the Settlement Class Members will not be available and the litigation between the parties will resume.

DO YOU REQUIRE MORE INFORMATION?

For more information on the status of the Settlement Approval Hearing or on how to opt out of the Class Action, comment on or object to the NSA, or to view the NSA and a list of other definitions that apply to this notice, visit **www.ArcticCatYamahaNationalClassAction.ca**. This website will be periodically updated with information on the NSA approval process and the Class Action.

To communicate with the **Claims Administrator**:

Arctic Cat Yamaha National Class Action Settlement Claims Administrator
P.O. Box 507 STN B
Ottawa ON K1P 5P6
Email: info@ArcticCatYamahaNationalClassAction.ca
Telephone: 1-833-683-5866
Fax: 1-866-262-0816

To communicate with **Class Counsel**, the lawyers who are advancing the Class Action:

SISKINDS, DESMEULES, AVOCATS
Attention: Mtre Karim Diallo
43 Buade Street – Office 320
Québec QC G1R 4A2
Email: karim.diallo@siskinds.com
Tel: 1-418-694-2009
Fax: 1-418-694-0281

This notice is a summary of the NSA. You should consult the NSA for specific details as to your rights and obligations. A full copy of the NSA is available at **www.ArcticCatYamahaNationalClassAction.ca**.

- This notice has been approved by the Court.-