

**MIREILLE ABADIE V. SUBARU CANADA INC.**

**200-06-000195-159**

**NOTICE TO CLASS MEMBERS**

**AUTHORIZATION TO INSTITUTE  
A CLASS ACTION**

**ALLEGED EXCESSIVE CONSUMPTION OF  
MOTOR OIL**

This notice follows the judgment of the Court of Appeal dated September 20, 2018 authorizing the class action against Subaru Canada Inc. and the judgment of the Superior Court dated March 20, 2020 granting plaintiff Mireille Abadie the status of representative of the persons included in the class described hereafter:

*“All consumers residing in Quebec who, between December 1, 2012 and October 31, 2017, own or lease a new Subaru motor vehicle, model year 2012 to 2016, equipped with the motor bearing model numbers FB20 or FB2.5”*

The court identified the principal questions of fact and law to be treated collectively as follows:

- a. Do Subaru vehicles equipped with motor model numbers FB20 or FB2.5 have a manufacturing defect with respect to motor oil consumption?
- b. If so, is Subaru Canada Inc., as the manufacturer, responsible for this manufacturing defect?
- c. Can the improved warranty coverage for oil consumption constitute an admission of the existence of the problem or the manufacturing defect?
- d. Did the representative and the class members suffer any prejudice as a result of this manufacturing defect and the defendant's faults?
- e. Are they entitled to compensatory damages for troubles and inconvenience?
- f. Are class members entitled to reimbursement for the additional oil added in excess of what is provided in the maintenance section of the owner's manuals and resulting from this problem of excessive motor oil consumption?
- g. Are the representations made by Subaru Canada Inc. with respect to the motor oil consumption of the

vehicles involved in this case false? If so, does this constitute misrepresentation?

h. Are class members entitled to punitive damages of \$ 20 million pursuant to the *Consumer Protection Act*?

The court identified the conclusions sought by the class action as follows:

**GRANT** the class action of Ms. Mireille Abadie and the class members against Subaru Canada Inc.;

**CONDEMN** Subaru Canada Inc. to pay the plaintiff and each of the class members the sum of \$1,000.00 as damages for troubles, annoyances and inconveniences and order the collective recovery of these sums;

**CONDEMN** Subaru Canada Inc. to reimburse the plaintiff, Ms. Mireille Abadie, and each of the class members the additional cost that they have incurred and / or that they will incur for the additional motor oil added in excess of what is added during normal maintenance prescribed by the manufacturer as well as other related costs;

**CONDEMN** Subaru Canada Inc. to pay the plaintiff and each of the class members a lump sum of \$ 20 million in punitive damages and order the collective recovery of these amounts;

**CONDEMN** Subaru Canada Inc. to pay the plaintiff and each class member the interest on said sums plus the additional indemnity provided for in article 1619 of the *Civil Code of Quebec* calculated from the date of notification of the application for authorization to bring a collective action;

**RESERVE** the plaintiff's right to choose the type of damages recovery based on the evidence before the court;

**ORDER** the disposal of any remaining balance subject to the rights of the *Fonds d'aide aux actions collectives*;

**APPOINT** an administrator to individually liquidate the amounts owing to each class member pursuant to the judgment to be rendered;

**DETERMINE** the evidentiary and procedural modalities for the liquidation of such amounts;

**THE WHOLE** with legal costs, including notice costs, expert fees and claims administrator fees, if any.

A class member may seek to intervene before the court in this class action. The class member's application for intervention will be granted if it is considered useful. If a class member intervenes or retains counsel for this purpose, he will be responsible for any associated legal costs.

A class member, other than a representative plaintiff or an intervener, may not be required to pay the legal costs of the class action.

The class action will be brought in the District of Quebec.

**A class member may opt out of this class action at the latest by August 26, 2022 at 5:00pm.** The opt-out request must be made in writing to the Civil Registry of the Superior Court of Quebec located at 300 Jean-Lesage Boulevard in Quebec (Quebec) G1K 8K6, with reference to "Class action 200-06-000195-159" indicating, for example, the following text: "I (your name) hereby exclude myself from the Class action bearing file number 200-06-000195-159".

The judgment authorizing the class action is available at the Civil Registry of the Superior Court of the District of Quebec or on the Registry of class actions' website:

<https://www.registredesactionscollectives.quebec/en>

The class members are represented by:

**Adams Avocat Inc.**

9855 Robert-Bourassa Boulevard, Suite 1416  
Montréal (Québec) H3B 3X1  
Telephone: (514) 848-9363  
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Take note that this class action is ongoing and that the final judgment has not yet been rendered.

If you choose not to opt-out and remain a class member, you have nothing to do as there is no claim to be made at this time.

A new notice will be published when the final judgment is rendered.

**THIS NOTICE WAS APPROVED BY THE  
SUPERIOR COURT OF QUÉBEC.**