

## APPENDIX E TO SETTLEMENT AGREEMENT

### SUPERIOR COURT OF QUEBEC

## Notice of Hearing for Approval of Proposed Settlement Hyundai and Kia Class Actions concerning the Horsepower Discrepancies

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

#### TO CLASS MEMBERS:

**TO: All consumers who have ever purchased and/or leased a Hyundai vehicle listed below in the Province of Quebec :**

1997-1998 Sonata 2.0 Litre, 2002 Santa Fe 2.4 Litre, 2001-2002 Sonata 2.4 Litre, 1996 Accent 1.5 Litre DOHC, 2002 Sonata 2.7 Litre, 2003 Tiburon 2.7 Litre, 1997 Accent 1.5 Litre DOHC, 1997 Elantra 1.8 Litre, 2001-2002 Santa Fe 2.7 Litre, 1999 Accent 1.5 Litre, 2003 Tiburon 2.0 Litre, 2001 XG300 3.0 Litre, 2000 Sonata 2.5 Litre, 2001-2002 Elantra 2.0 Litre, 2001-2002 Accent 1.5 Litre, 2001 Sonata 2.5 Litre, 2002 Accent 1.6 Litre, 2000 Elantra 2.0 Litre, 1997-2001 Tiburon 2.0 Litre, 2000 Accent 1.5 Litre, 1995-1997 Accent 1.5 Litre SOHC, 1993-1994 Scoupe 1.5 Litre Turbo, 1998 Elantra 1.8 Litre, 1997 Tiburon 1.8 Litre, 1995-1996 Sonata 2.0 Litre, 1998 Accent 1.5 Litre, 1993-1995 Scoupe 1.5 Litre, 2000 Sonata 2.4 Litre, and/or 1992-1993 Sonata 2.0 Litre.

**AND TO: Every person who has ever purchased and/or leased a KIA vehicle listed below in the Province of Quebec :**

2001-2002 Magentis 2.4 Litre, 2002 Magentis 2.7 Litre V6 and/or 2001 Magentis 2.5 Litre V6.

#### 1. PURPOSE OF THIS NOTICE

On September 9, 2002, Hyundai and KIA announced that there was a discrepancy between previously published horsepower ratings and restated horsepower ratings. At that time, Hyundai offered to owners or lessees of 1999 and earlier model-year vehicles with respect to which the horsepower discrepancy exceeded 4%, a three-year, unlimited kilometers, roadside assistance plan, and to owners or lessees of 2000 and later model-year vehicles with respect to which the horsepower discrepancy exceeded 4%, their choice of (i) an extra three years of roadside assistance, (ii) an extension of the three-year/60,000-kilometre, new vehicle warranty to four years/80,000 kilometers, or (iii) an extension of the five-year/100,000-kilometre power train warranty to six years/120,000 kilometers (the "Hyundai Offer").

Following that announcement, two separate class actions were authorized by the Superior Court of Quebec against Hyundai Motor America and Kia Canada inc. (500-06-000180-022 and 500-06-000196-036).

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A Settlement Agreement has been reached between the Plaintiffs, on one hand, and Hyundai and KIA, on the other, with settlement benefits up to approximately \$5,662,493.00 to be paid to settle the claims of all Class Members. If you would like a copy of the Settlement Agreement, it is available on the web at [www.recourscollectif.info](http://www.recourscollectif.info) or at [www.trudeljohnston.com](http://www.trudeljohnston.com). You can have a hard copy sent to you by contacting Class Counsel.

Hyundai and KIA will pay Class Counsel's legal fees of \$1,250,000.00, plus applicable taxes and their expenses. These legal fees and expenses will be in addition to the total amount of the settlement fund, and therefore will not reduce the fund.

A settlement approval hearing in these Class Actions has been scheduled for **January 30, 2007 at 9:30 am** at the Montreal Courthouse before the Superior Court of Quebec, located at 1 Notre Dame Street East, Montreal, Quebec, Room 6.02. At this hearing, the Court will determine whether the Settlement Agreement is fair, reasonable, and in the best interests of Class Members. All timely filed written submissions from Class Members will be considered at this time.

If you wish to comment on, or make an objection to the Settlement Agreement, you must deliver a written submission to Class Counsel at the address listed below, no later than January 23, 2007. Class Counsel will forward all such submissions to the Court.

If you do not deliver a written submission to Class Counsel by January 23, 2007, you will not be entitled to participate in the hearing and you will have no standing to later file an appeal should the Settlement Agreement be approved. **Should the Settlement Agreement receive final approval from the Court, further notices will be published on the websites listed above, and in such media as are directed by the Court.**

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## **2. DISTRIBUTION PROTOCOL**

If the **Settlement Agreement receives Court approval**, the settlement payments will be made in accordance with the distribution protocol to be approved by the Court. If you owned or leased a vehicle listed in the table below on September 9, 2002, and if you are a Class Member, you will be eligible to make a claim under this settlement, **whether or not you still own or lease the vehicle**. To qualify for a claim, you will be required to submit documents confirming that you were the owner or lessee of the vehicle on September 9, 2002.

Each Class Member who is eligible for compensation and submits a valid and timely claim form will be entitled to receive the compensation set out below. Each Class Member's compensation will be based upon the magnitude of the difference between the published horsepower and the restated horsepower, as announced by Hyundai and KIA on September 9, 2002.

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VEHICLE MODEL AND YEAR	HYUNDAI OFFER <u>NOT</u> ACCEPTED OR NOT AVAILABLE	HYUNDAI OFFER ACCEPTED	<i>The amounts set forth in this table are subject to a 2% reduction in accordance with the Regulation respecting the percentage withheld by the Fonds d'aide aux recours collectifs. No other deduction will be made from these amounts as Hyundai and Kia agreed to pay for Class Counsel's fees and expenses.</i>
Sonata 2.4 litre (2001, 2002) Santa Fe 2.4 litre (2002)	\$285	\$220	
KIA Magentis 2.4 litre (2002)	\$285	N/A	
Accent 1.5 litre DOHC (1996) Sonata 2.0 litre (1997, 1998)	\$180	\$116	
Sonata 2.7 litre (2002) Tiburon 2.7 litre (2003)	\$190	\$135	
KIA Magentis 2.4 (2001)	\$190	N/A	
Accent 1.5 litre (1997)	\$120	\$66	
Santa Fe 2.7 litre (2001, 2002) Sonata 2.5 litre (2000) Tiburon 2.0 litre (2003) XG300 3.0 litre (2001)	\$96	\$50	
KIA Magentis 2.7 litre V6 (2002)	\$95	N/A	
Elantra 1.8 litre (1997) Accent 1.5 litre (1999)	\$60	\$17	
Elantra 2.0 litre (2000, 2001, 2002) Accent 1.5 litre (2001,2002) Accent 1.6 litre (2002) Sonata 2.5 litre (2001) Tiburon 2.0 litre (2000, 2001) KIA Magentis 2.5 litre V6 (2001)	\$50	N/A	
Tiburon 2.0 litre (1997, 1998, 1999)	\$40	N/A	
Accent 1.5 litre (2000) Sonata 2.4 litre (2000)	\$30	N/A	
Accent 1.5 litre (1996)			
Accent 1.5 litre SOHC (1995, 1996, 1997) Scoupe 1.5 litre Turbo (1993, 1994) Scoupe 1.5 litre (1993, 1994, 1995) Elantra 1.8 litre (1998) Tiburon 1.8 litre (1997) Sonata 2.0 litre (1992, 1993, 1995, 1996)	\$20	N/A	

3. **CLASS COUNSEL** TRUDEL & JOHNSTON, 85 de la Commune East, 3<sup>rd</sup> Floor, Montreal, Quebec H2Y 1J1 - 514-871-8385

BELLEAU LAPOINTE, 306, Place D'Youville Suite B-10 Montreal, Quebec H2Y 2B6 - 514-987-6700

4. **INTERPRETATION** If there is a conflict between the provisions of this Notice and the Settlement Agreement, the terms of the Settlement Agreement shall prevail.

PUBLICATION OF THIS NOTICE HAS BEEN AUTHORIZED BY THE SUPERIOR COURT OF QUEBEC.