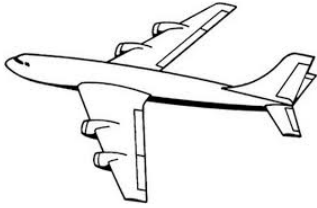


**NOTICE OF SETTLEMENT APPROVAL & CLAIMS PROCESS  
IN CANADIAN AIR CARGO PRICE-FIXING CLASS ACTIONS**



**This Notice applies to persons who purchased Airfreight Shipping Services to or from Canada (except shipments between the United States and Canada) between January 1, 2000 and September 11, 2006.**

**Claims Deadline: July 4, 2022**

**I. BACKGROUND**

Class actions were commenced in Ontario, British Columbia and Quebec alleging an unlawful conspiracy to fix prices for airfreight shipping services between January 2000 and September 2006.

Previous settlements were reached with twelve groups of defendants and the related settlement funds were distributed to Settlement Class Members in 2019. For information about those settlements, visit [www.aircargosettlement2.com](http://www.aircargosettlement2.com).

Additional settlements totaling CDN\$16 million were reached with British Airways and Air Canada. Both settlements were approved by the Ontario Court. The Air Canada settlement was also approved by the British Columbia and Quebec Courts. With these settlements, the class actions have been resolved against all defendants.

The settlements represent a resolution of disputed claims and are not an admission of liability or wrongdoing. British Airways and Air Canada expressly deny any liability or wrongdoing.

**II. DISTRIBUTION OF THE SETTLEMENT FUNDS**

The Ontario, British Columbia and Quebec Courts approved a second protocol for distributing the Net Settlement Funds to Settlement Class Members. A copy of the distribution protocol is available at [www.aircargosettlement2.com](http://www.aircargosettlement2.com).

The Net Settlement Funds include (i) the British Airways and Air Canada settlement amounts, less approved legal fees and expenses; (ii) costs awards (net of any amounts applied by Class Counsel against disbursements) (iii) residual settlement funds from the first distribution; and (iv) the remainder of the litigation reserve fund from the first distribution. The Net Settlement Funds equals approximately \$13.5 million.

The Net Settlement Funds will be distributed in the same manner as in the first distribution.

### Persons Eligible to Claim

For the purpose of the distribution of settlement funds, Airfreight Shipping Services means airfreight cargo shipping services for shipments to or from Canada, but specifically excluding:

- (a) airfreight cargo shipping services for shipments between Canada and the United States; and
- (b) airfreight cargo shipping services provided by integrated air cargo shippers, such as FedEx, UPS, DHL, and TNT, on their own aircraft.

For certainty, Airfreight Shipping Services includes airfreight cargo shipping services in which the freight:

- (a) travelled by truck from Canada to the United States, and then by air from the United States to a third country on a through airway bill;
- (b) travelled by air from a third country to the United States, and then by truck from the United States to Canada on a through airway bill; or
- (c) the shipping arrangement was made with an integrated air cargo shipper, but the freight was shipped on an air cargo carrier (not on the integrated shipper's own aircraft), including any of the Defendants in the litigation.

For the purpose of distribution of settlement funds, Settlement Class Members means all persons who purchased Airfreight Shipping Services between January 1, 2000 and September 11, 2006, except for the following persons who are excluded:

- (a) the Defendants and their respective parents, employees, subsidiaries, affiliates, officers and directors;
- (b) the alleged unnamed co-conspirators: Aerolineas Brasileiras S.A (d/b/a Absa Cargo Airline), Air China Cargo Company Ltd. (d/b/a Air China Cargo), Air China Ltd. (d/b/a Air China), Air Mauritius Ltd., Airways Corporation of New Zealand Ltd. (d/b/a Airways New Zealand), Alitalia Linee Aeree Italiane S.p.A., All Nippon Airways Co., Ltd., DAS Air Ltd. (d/b/a Das Air Cargo), El Al Israel Airlines, Emirates Airlines (d/b/a Emirates), Ethiopian Airlines Corp., EVA Air, Kenya Airways Ltd., Malaysia Airlines, Nippon Cargo Airlines Co., Ltd., Saudi Arabian Airlines, Ltd., South African Airways (Proprietary), Ltd., Thai Airways International Public Co., Ltd., and Viação Aérea Rio-Grandense, S.A., and their respective parents, employees, subsidiaries, affiliates, officers and directors; and
- (c) persons who opted out of the proceedings.

Settlement Class Members can claim with respect to all Airfreight Shipping Services purchases between January 1, 2000 and September 11, 2006, regardless of the air cargo carrier, except for shipments on an integrated air cargo shipper (such as FedEx, UPS, DHL and TNT) on their own aircraft.

### Distribution of Settlement Funds

The settlement funds will be distributed on a *pro rata* (proportional) basis, based on the value of a Settlement Class Member's Eligible Airfreight Shipping Services Purchases as against the value of all claimants' Eligible Airfreight Shipping Services Purchases.

To calculate Eligible Airfreight Shipping Services Purchases, Settlement Class Members will be categorized based on their position in the distribution chain and the following percentages will be applied their Airfreight Shipping Services Purchases. Settlement Class Members may fall into more than one category.

Purchaser Type	Description	Percentage
Direct Purchaser Shippers	Settlement Class Members who purchased Airfreight Shipping Services direct from an air cargo carrier, for shipments by that Settlement Class Member.	100%
Shippers	Settlement Class Members who purchased Airfreight Shipping Services from a Freight Forwarder.	75%
Freight Forwarders	Settlement Class Members who purchased Airfreight Shipping Services direct from an air cargo carrier, for resale to Shippers.	25%
Freight Forwarders who provided customer information in the first distribution		35%

For the purposes of calculating settlement benefits, the value of Settlement Class Members' purchases will be converted to CDN from the original currency, at the average Bank of Canada rate for that currency between January 1, 2000 and September 11, 2006.

### Sample Calculation

If a Settlement Class Member purchased \$10,000 of Airfreight Shipping Services directly from an air cargo carrier and \$20,000 of Airfreight Shipping Services from a Freight Forwarder, its Eligible Airfreight Shipping Services Purchases for the purposes of determining its *pro rata* share of the Net Settlement Funds would be calculated as follows:

- $\$10,000 \times 1.00$  (representing the categorization of the purchaser as a Direct Purchaser Shipper) = \$10,000;
- $\$20,000 \times .75$  (representing the categorization of the purchaser as a Shipper) = \$15,000;
- $\$10,000 + \$15,000 = \$25,000$ .

Assuming all valid claims totalled \$100 million, this Settlement Class Member would be entitled to 0.025% of the Net Settlement Funds.

### **Minimum Payments**

All valid Claims will be assigned a minimum value of \$20. However, if the *pro rata* distribution would result in a payment of less than \$10 to an Original Claimant (as defined below), no additional payment will be issued to that claimant.

Original Claimants who were issued a minimum payment of \$20 in the first distribution, notwithstanding that their *pro rata* entitlement was less than \$20, will have to account for the excess payment in this distribution.

### **III. FILING A CLAIM**

**Claims must be filed no later than July 4, 2022.** Subject to further order of the Ontario court, claims filed after the deadline will not be eligible for compensation.

Claims can be filed online at [www.aircargosettlement2.com](http://www.aircargosettlement2.com). If you do not have Internet access, please contact the claims administrator at 1-888-291-9655 (U.S. and Canada) or 1-614-553-1296 (International).

### **Original Claimants**

If your claim was approved in the first distribution (“Original Claimants”), you must file an abbreviated claim that confirms your contact information and provides a statement of release. Your claim will be valued based on the information provided in the first distribution.

### **New Claimants**

If you did not file a claim in the first distribution (“New Claimants”), you must file a complete claim to be eligible for payment. Where available, New Claimants will be able to rely on sales information provided by the Defendants, International Air Transport Association (“IATA”), and/or Freight Forwarders to establish their purchases. New Claimants may also rely on their own purchase records. See the distribution protocol or FAQ # 7 (online at [www.aircargosettlement2.com](http://www.aircargosettlement2.com)) for more information.

### **Litigation in Other Jurisdictions**

Settlement Class Members who have commenced litigation in other jurisdictions against the Released Parties (as defined in the Settlement Agreements) relating to the Released Claims (as defined in the Settlement Agreements – e.g. claims resulting from or relating to the purchase of Airfreight Shipping Services) or if such litigation has been commenced on their behalf, must either discontinue or amend that litigation to exclude the Released Claims before filing a Claim, or expressly consent to a dismissal of such litigation when filing a Claim.

#### **IV. REVIEW OF CLAIMS**

The courts appointed Epiq Class Action and Claims Solutions, Inc. (an independent third-party) to receive and review claims, make determination in respect of entitlement to direct payment of settlement benefits, and issue payments to eligible Settlement Class Members.

Accurate processing takes time. Depending on the number of claims filed, it could be up to one year before you receive compensation. Please check [www.aircargosettlement2.com](http://www.aircargosettlement2.com) for regular updates.

#### **V. QUESTIONS ABOUT THE CLAIMS PROCESS**

Questions about the claims process should be directed to Epiq Class Action and Claims Solutions, Inc.:

- online at [www.aircargosettlement2.com](http://www.aircargosettlement2.com)
- by email [administrator@aircargosettlement2.com](mailto:administrator@aircargosettlement2.com)
- by telephone at 1-888-291-9655 (U.S. and Canada) or 1-614-553-1296 (International).

#### **VI. CLASS COUNSEL & LEGAL FEES**

The law firm of Siskinds LLP represents Settlement Class Members outside of British Columbia and Quebec. Siskinds LLP can be reached at: 1-800-461-6166 or [aircargo@siskinds.com](mailto:aircargo@siskinds.com) or Siskinds LLP, 275 Dundas Street, Unit 1, P.O. Box 2520, London, ON, N6B 3L1, Attn: Charles Wright or Linda J. Visser.

The law firm of Camp Fiorante Matthews Mogergerman (“CFM”) represents Settlement Class Members in British Columbia. CFM can be reached at: (604) 689-7555 or [djones@cfmlawyers.ca](mailto:djones@cfmlawyers.ca) or Camp Fiorante Matthews Mogergerman, #400 - 856 Homer Street, Vancouver, BC, V6B 2W5, Attn: David Jones.

The law firm of Liebman Legal Inc. represents Settlement Class Members in Quebec. Liebman Legal Inc. can be reached at: (514) 846-0666 or [moe@liebmanlegal.com](mailto:moe@liebmanlegal.com) or Liebman Legal Inc., 1 Westmount Square #350, Montreal, QC, H3Z 2P9, Attn: Moe F. Liebman.

You do not need to pay out-of-pocket for the lawyers working on the class action. The lawyers will be paid from the settlement funds in an amount approved by the courts.

#### **VII. INTERPRETATION**

This notice contains a summary of some of the terms of the Settlement Agreements and the distribution protocol. If there is a conflict between the provisions of this notice and the Settlement Agreements and/or the distribution protocol, the terms of the Settlement Agreements and/or distribution protocol shall prevail.

This notice has been approved by the Ontario, British Columbia and Quebec courts.