

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE  
JUSTICE PERELL

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)  
)

THURSDAY, THE 7<sup>TH</sup>

DAY OF APRIL, 2022



BETWEEN:

**STEPHEN MARCINKIEWICZ and ROBIN SURCESS**

Plaintiffs

- and -

**GENERAL MOTORS OF CANADA COMPANY, GENERAL MOTORS LLC, GREG  
GARDNER MOTORS LTD., ROBERT BOSCH GMBH, ROBERT BOSCH LLC, and  
ROBERT BOSCH INC.**

Defendants

**ORDER**

**THESE MOTIONS**, made by the Plaintiffs for an Order certifying this action as a class proceeding (the "**Certification Motion**"), and made by the Defendants, General Motors of Canada Company and General Motors LLC, for an Order striking the Amended Second Fresh as Amended Statement of Claim (the "**Motion to Strike**"), were heard by videoconference in Toronto, Ontario on February 9, 2022 and February 10, 2022.

**ON READING** the pleadings, motion records, transcript brief, facta and books of authorities of the Plaintiffs and the Defendants, and a Bill of Sale dated February 29, 2012, the Amended Notice of Motion of the Plaintiffs and email correspondence between counsel ending

*M*  
*Sealed / Entered*  
*July 20, 2022*

February 8, 2022 (Caselines pages B-1-12008 – B-1-12010), and on hearing the submissions of counsel for the Plaintiffs and Defendants:

1. **THIS COURT ORDERS** that the Certification Motion is dismissed, without costs.
  
2. **THIS COURT ORDERS** that the Motion to Strike is granted, without leave to amend and without costs, and the action is hereby dismissed in its entirety, as against all defendants, without costs.
  
3. **THIS COURT ORDERS** that the amount of \$150,000, posted as security for costs by the plaintiff pursuant to the order of Justice Glustein dated April 19, 2018, plus any accrued interest, be paid out of court to Siskinds LLP, in Trust.

*Perrell, J.*

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STEPHEN MARCINKIEWICZ et al.  
Plaintiffs

-and-

GENERAL MOTORS OF CANADA COMPANY et al.  
Defendants

Court File No. CV-17-576146-00CP

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**

PROCEEDING COMMENCED AT  
TORONTO

Proceeding under the *Class Proceedings Act, 1992*

**ORDER**

**BENNETT JONES LLP**

3400 One First Canadian Place  
P.O. Box 130  
Toronto, ON M5X 1A4

**Cheryl M. Woodin (#40720P)**

Email: woodinc@bennettjones.com

**Michael C. Smith (#41037Q)**

Email: smithmc@bennettjones.com

**Ethan Z. Schiff (#70448W))**

Email: schiffe@bennettjones.com

Telephone: (416) 777-5513

Facsimile: (416) 863-1716

Lawyers for the Defendants General Motors of Canada  
Company and General Motors LLC