

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE
MR. JUSTICE PERELL

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MONDAY, THE 7th
DAY OF DECEMBER, 2009

**RHONDA TETEFISKY, DAVID BAIN, HARVEY ERLICH, AKIVA MEDJUK, DANIEL
BERKOVITS, ALEXANDER SACSON**

Plaintiffs

-and-

**GENERAL MOTORS CORPORATION, GENERAL MOTORS OF CANADA, LTD.,
HONDA MOTOR COMPANY, INC., HONDA CANADA, INC. CHRYSLER
CANADA INC., CHRYSLER LLC, NISSAN NORTH AMERICA INC., NISSAN
CANADA INC., CANADIAN AUTOMOBILE DEALERS ASSOCIATION, BMW
CANADA INC., BMW OF NORTH AMERICA LLC, FORD CANADA INC., FORD
MOTOR COMPANY**

Defendants

Proceeding under the *Class Proceedings Act, 1992*

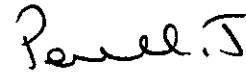
ORDER

THIS MOTION, made by the Plaintiffs for an Order discontinuing the action with prejudice and without costs as against the Defendants BMW Canada Inc. and BMW of North America, LLC was heard this day, at the Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

ON READING the Notice of Motion dated December 2, 2009, the affidavit of Eliezer Karp sworn December 2nd 2009, and on hearing the submissions of counsel for the parties;

1. THIS COURT ORDERS that the action as against the BMW Canada Inc. and BMW of North America, LLC be and the same is hereby discontinued with prejudice and without costs.

2. THE COURT ORDERS that Plaintiffs' counsel shall, by December 11, 2009, provide notice of the herein with prejudice discontinuance by way of the following:
- a. An update posted on the website www.jrclassactions.com stating that this action has been discontinued with prejudice as against BMW Canada Inc. and BMW of North America, LLC and attaching this Order;
 - b. An e-mail delivery to all persons that have signed up with Plaintiffs' counsel to receive email updates regarding this action in the form attached as Schedule "A" to this Order; and
 - c. A press release issued by Plaintiffs' counsel substantially in the form attached as Schedule "B" to this Order.
3. THIS COURT ORDERS that there shall be no costs of this motion.



The Honourable Justice Mr. Paul Perell

ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

DEC 08 2009

AS DOCUMENT NO.:
À TITRE DE DOCUMENT NO.:
PER / PAR:



SCHEDULE "A"

E-MAIL

To:

Dear Sir or Madam:

The Ontario Superior Court of Justice approved today the discontinuance of all claims alleged against BMW Canada Inc. ("BMW Canada") and BMW of North America, LLC ("BMW NA"), with prejudice, in the Class Action styled *Tetefsky et al v GM et al* (formerly *Bester et al v. GM et al*) (Ontario court file no: 07-CV-340633CP).

Justice Perell approved the Plaintiffs' motion for discontinuance after hearing evidence that Plaintiffs' counsel had seen evidence that BMW Canada and BMW NA did not participate in the activities alleged in the Statement of Claim filed in the lawsuit.

The lawsuit is still ongoing against the other Defendants. To see the Amended Fresh as Amended Statement of Claim click here (www.jrclassactions.com/XXXYYY).

Periodic updates about the status of the lawsuit will be posted at www.jrclassactions.com/xxyyyy

For additional detail and to see the Notice of Discontinuance please go to www.jrclassactions.com/XXXXXXYYYY.

Persons that have questions may contact the Plaintiffs' counsel via email to info@jruslaw.com and indicate BMW Discontinuance in the subject line.

SCHEDULE "B"

PRESS RELEASE

Ontario Superior Court Approves Discontinuance of Class Action Against BMW of North America, LLC and BMW Canada Inc. With Prejudice

December 7, 2009

The Ontario Superior Court of Justice approved today the discontinuance of all claims alleged against BMW Canada Inc. ("BMW Canada") and BMW of North America, LLC ("BMW NA"), with prejudice, in the Class Action styled *Tetefsky et al v GM et al* (formerly *Bester et al v. GM et al*) (Ontario court file no: 07-CV-340633CP).

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For additional detail and to see the Notice of Discontinuance please go to www.jrclassactions.com/XXXXXYYYYY.

Persons that have questions may contact the Plaintiffs' counsel via email to info@jrslaw.com and indicate BMW Discontinuance in the subject line.

Rhonda Tetelsky, et. al. v. General Motors Corporation, et. al.
Plaintiff Defendant

Court File No: 07-CV-340633CP

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

ORDER

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