

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL
NO: 500-06-000344-065

(Class Action)
SUPERIOR COURT

PRESIDING: THE HONOURABLE MR. JUSTICE
PAUL-MARCEL BELLAVANCE

CARTISE SPORTS INC.

Plaintiff

v.

AC CARGO LIMITED PARTNERSHIP
-and-
AIR CANADA
-and-
ASIANA AIRLINES INC
-and-
ATLAS AIR WORLDWIDE HOLDINGS INC.
-and-
BRITISH AIRWAYS PLC
-and-
CARGOLUX AIRLINE INTERNATIONAL
-and-
CATHAY PACIFIC AIRWAYS LTD.
-and-
DEUTSCHE LUFTHANSA AG
-and-
LUFTHANSA CARGO AG
-and-
JAPAN AIRLINES INTERNATIONAL CO., LTD.
-and-
**KONINKLIJKE LUCHTV AART MAATSCHAPPIJ
N.V. dba KLM, ROYAL DUTCH AIRLINES**
-and-
KOREAN AIR LINES CO., LTD.
-and-
LAN AIRLINES S.A.
-and-
LAN CARGO, S.A.
-and-
POLAR AIR CARGO INC.
-and-
SCANDANAVIAN AIRLINES SYSTEM



-and-
SINGAPORE AIRLINES CARGO PTE LTD.
-and-
SINGAPORE AIRLINES, LTD.
-and-
SOCIÉTÉ AIR FRANCE
-and-
SWISS INTERNATIONAL AIR LINES LTD.

Defendants

ORDER

THIS MOTION made by Plaintiff for a Judgment, *inter alia*, authorizing the bringing of the present class action for the purpose of settlement only (the "**Québec Action**"), against certain Defendants only, pursuant to the Multi-Jurisdictional Settlement Agreement (the "**Settlement Agreement**") entered into between Plaintiff and Defendants, Deutsche Lufthansa AG, Lufthansa Cargo AG and Swiss International Airlines Ltd. (collectively "**Lufthansa**"), and for an Order approving the Summary Notice and Notice of Proposed Settlement to class members and approving the method of dissemination of the said notices, was heard this day.

ON READING the materials filed, including the Settlement Agreement, and on hearing the submissions of counsel for Plaintiff and counsel for Lufthansa:

1. **THIS COURT ORDERS AND DECLARES** that for the purposes of this Order, the definitions set out in the Settlement Agreement apply and are incorporated into this Order except for the definition of Non-Settling Defendants which shall be as set out in this paragraph:
 - (a) "**Non-Settling Defendants**" means Air Canada, AC Cargo Limited Partnership, Societe Air France, Koninklijke Luchvaart Maatschappij N.V. dba KLM, Royal Dutch Airlines, Asiana Airlines Inc., British Airways PLC, Cathay Pacific Airways Ltd., Japan Airlines International Co., Ltd., Scandinavian Airlines System, Korean Air Lines Co., Ltd., Cargolux Airline International, LAN Airlines S.A, LAN Cargo S.A., Atlas Air Worldwide Holdings Inc., Polar Air Cargo Inc., Singapore Airlines Ltd., and Singapore Airlines Cargo PTE Ltd.
2. **THIS COURT ORDERS** that the bringing of the Québec Action as a class action be authorized for the purpose of settlement only as against Lufthansa only.

3. **THIS COURT ORDERS** that the Québec Settlement Class be defined as:

"All individuals resident in the Province of Québec and all legal persons established for a private interest, partnership or association in the province of Québec which, at all times between May 5, 2005 and May 5, 2006, had under its direction or control no more than 50 persons bound to it by a contract of employment, who purchased Airfreight Shipping Services during the Purchase Period (January 1, 2000 unto September 11, 2006), including those legal persons who purchased Airfreight Shipping Services* through freight forwarders, from any air cargo carrier, including without limitation, the Defendants and specifically including Lufthansa, during the Purchase Period. Excluded from the Québec Settlement Class are the Defendants and their respective parents, employees, subsidiaries, affiliates, officers and directors";

* Airfreight shipping services are defined as airfreight cargo shipping services for shipments within, to, or from Canada, but specifically excluding airfreight cargo shipping services for shipments to and from the United States.

4. **THIS COURT ORDERS** this Order, including, without limiting the generality of the foregoing, the authorization of this action against Lufthansa and the definitions of Settlement Class, Purchase Period and Common Issue, is without prejudice to any position a Non-Settling Defendant may take in this or any subsequent proceeding on any issue, including the issue of whether this action should be authorized as a class proceeding. No person may rely, cite or refer to all or any part of this Order or any reasons given by the Court in support of the Order as authority against any of the Non-Settling Defendants in this or any other proceeding. For greater certainty, this Order, the Court's reasons in support of the Order and the authorization of this action for settlement purposes is not binding on and shall have no effect on this Court's ruling in this or any other proceedings as against the Non-Settling Defendants.

5. **THIS COURT ORDERS** that Cartise Sports Inc. is hereby appointed as the Representative Plaintiff for the Québec Settlement Class.

6. **THIS COURT ORDERS** that the following issue is common to the Quebec Settlement Class:

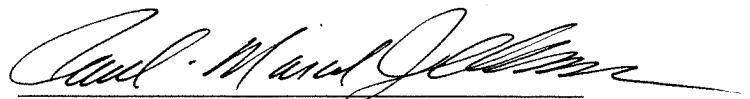
Did Lufthansa agree to fix, raise, maintain or stabilize the price of airfreight cargo shipping services, including surcharges, during the period of January 1, 2000 to September 11, 2006? If so, what damages did the Quebec Settling Class Members suffer?

7. **THIS COURT ORDERS** that each Québec Settlement Class Member who elects to opt out of the Québec Settlement Class must do so by giving notice (the "**Québec Notice**") to the Clerk of the Superior Court of Québec, in the manner prescribed by the Québec *Code of Civil Procedure* by the Opt Out Deadline, on or before the date which is thirty (30) days in advance of the date of the U.S. Fairness Hearing, which date shall be inserted in the Summary Notice and long form Notice of Proposed Settlement prior to publication.
8. **THIS COURT ORDERS** that all opt-out requests include the following information:
 - a) Name, address, phone number and e-mail address of the person(s) seeking to opt out of the Actions;
 - b) All trade names or business names and addresses the persons(s) seeking to opt out has/have used, as well as any parents, subsidiaries or affiliates that have purchased Airfreight Shipping Services at any time during the relevant period and are also requesting to be excluded from the Actions and the Settlement Classes;
 - c) The name of the Action (*Canadian Air Cargo Shipping Services Class Action*);
 - d) To the extent such information may be available, the value of all Airfreight Shipping Services the person(s) seeking to opt out has/have purchased between January 1, 2000 and September 11, 2006; and
 - e) A signed statement that "I/we hereby request that I/we be excluded from the Actions and the Settlement Classes in the *Canadian Air Cargo Shipping Services Class Actions*."
9. **THIS COURT ORDERS** that Québec Settlement Class Members who validly opt out shall be excluded from the Québec Settlement Class and the continuing Québec Action against the Non-Settling Defendants, including any future settlements or judgments, shall have no rights with respect to the Settlement Agreement entered into with Lufthansa and shall receive no payments as provided in the Settlement Agreement entered into with Lufthansa.
10. **THIS COURT ORDERS** that any Québec Settlement Class Member who does not validly opt out in the manner and time prescribed above, shall be deemed to have elected to participate in the Settlement Agreement entered into with Lufthansa, and in the remainder of the Québec Action.



11. **THIS COURT ORDERS** that the Summary Notice and the long form Notice of Proposed Settlement are approved substantially in the form attached hereto as Schedule "A" and "B";
12. **THIS COURT ORDERS** that notice be given to the class at least thirty days in advance of the Settlement Approval Hearing as follows:
 - a) The long form Notice of Proposed Settlement, in substantially the form attached hereto as Schedule "B", be sent by first class mail to each potential class member whose address has been obtained from any Defendant, including Lufthansa, and to any potential class member who requests a copy of the notice;
 - b) The Summary Notice, is substantially the form attached hereto as Schedule "A", be published in accordance with the plan described in the Affidavit of Jeanne Finnegan, attached hereto as Schedule "C"; and
 - c) The long form Notice of Proposed Settlement be posted at www.aircargosettlement.com;
14. **THIS COURT ORDERS** that the Garden City Group be appointed to disseminate the Summary Notice and the Notice of Proposed Settlement in accordance with the terms of this Order.

April 14th 2008
Date


Paul-Marcel Bellavance, H.J.C.S.

