

## SUPREME COURT OF VICTORIA



### ABRIDGED NOTICE OF PROPOSED SETTLEMENT

#### HINO CLASS ACTION

*McCoy v Hino Motors Ltd & Ors* (S ECI 2023 01521)

#### WHAT IS THIS?

The Supreme Court of Victoria has ordered that this abridged notice be published to let persons who may be Group Members in a class action against Hino Motor Sales Australia and Hino Motors Ltd (together, **Hino**) know about a proposed settlement of the class actions.

**IMPORTANT: There is a Notice of Proposed Settlement which you should read. You can access the Notice of Proposed Settlement on Maurice Blackburn's website at [www.mauriceblackburn.com.au/hino](http://www.mauriceblackburn.com.au/hino). This is an abridged version of that Notice.**

#### AM I PART OF THE CLASS ACTION?

You may be a "**Group Member**" in the Hino Class Action if by 17 April 2023 you purchased, leased, or otherwise acquired an interest in Australia in a Hino branded vehicle fitted with a diesel engine that was manufactured during the period from 1 January 2003 to 22 August 2022 (**Affected Vehicles**).

#### WHAT ARE THE CLASS ACTIONS ABOUT?

The Hino Class Action concerns allegations of misreporting and misrepresenting of fuel efficiency and emissions performance of certain Hino diesel vehicles. In early 2022, Hino identified misconduct concerning falsification of engine performance data in certain applications for vehicle certification to the 2016 emissions regulations in Japan. In mid-August 2022, a committee composed of independent experts concluded that Hino had falsified engine

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performance data in certain applications for vehicle certification in Japan dating back to the early 2000s.

The Hino Class Action alleges that because of the misconduct, Affected Vehicles had greater emissions and worse fuel economy than had been certified, and that Hino breached, among other things, certain provisions of the Australian Consumer Law. Hino denies the claims made against it in the Hino Class Action.

### THE PROPOSED SETTLEMENT

The parties to the class action have agreed to a proposed settlement of the class action, where Hino will pay (without admission of liability or loss), a total of \$87 million (inclusive of legal, administration and other costs) (**Settlement Sum**) to settle the claims of the plaintiff and Group Members. The proposed settlement is subject to the approval of the Supreme Court of Victoria. If the Court approves the settlement, then:

- a) some of the Settlement Sum will be used to pay legal costs (\$21.45 million or 24.66% of the Settlement Sum), a reimbursement payment to the lead plaintiff, and the costs of distributing the Settlement Sum to eligible group members, which will all need to be approved by the Court;
- b) the balance of the Settlement Sum will then be distributed to eligible group members in accordance with a 'formula' or method to be approved by the Court;
- c) all group members (regardless of whether they are registered) will 'bound' by the settlement and will not be permitted to take any other legal action against Hino for issues arising from, in connection with, in respect of, or related to the claims against Hino in the class action.

Further information about the legal costs, funding costs and reimbursement payments to be deducted from the Settlement Sum can be found in the Settlement Notice which is available online at [www.mauriceblackburn.com.au/hino](http://www.mauriceblackburn.com.au/hino).

### WHAT ARE MY OPTIONS?

**OPTION 1 - REGISTER:** if you wish to participate in the settlement and be eligible to receive a distribution from the Settlement Sum if it is approved by the Court, you must register your claim with Maurice Blackburn by 4.00PM (AEST) on 2 May 2025.

**OPTION 2 – OPT OUT:** If you do not want your rights determined by the Hino Class Action or to participate in the settlement, you must opt out of the Hino Class Action by 4.00PM (AEST) on 2 May 2025. You will cease to be a group member and you will not be bound by the settlement.

**OPTION 3 – DO NOTHING:** If you do not register by 4.00PM (AEST) on 2 May 2025 and the proposed settlement is approved by the Court, you will not be entitled to any compensation, but you will still be bound by the settlement.

If you do not opt out and remain a group member, you can also object to the proposed settlement if you think it should not be approved. You can object to the proposed settlement even if you decide to register your claim. If you decide to object, you must do so by 4.00PM

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(AEST) on 30 May 2025 - Objection Deadline. Information about how to register a claim, how to opt out and how to object to the proposed settlement is contained in the Notice of Proposed Settlement.

**IMPORTANT:** You can access the full Notice of Proposed Settlement with more detail about the above at [www.mauriceblackburn.com.au/hino](http://www.mauriceblackburn.com.au/hino). You should read the Notice of Proposed Settlement before deciding what to do. This notice is not a substitute for the Notice of Proposed Settlement, and you should read the Notice of Proposed Settlement on Maurice Blackburn's website carefully as it may affect your legal rights.

### WHO SHOULD I CONTACT FOR MORE INFORMATION?

If you have any questions, you may contact Maurice Blackburn on 1800 161 343 or by email to [hino@mauriceblackburn.com.au](mailto:hino@mauriceblackburn.com.au). If you have any questions and you do not want to speak to Maurice Blackburn, you may get independent legal advice.

Please do not ask any questions to the Supreme Court. The Court staff are not permitted to give you legal advice

**ANNEXURE E**  
**CORRESPONDENCE TO POTENTIAL GROUP MEMBERS**

**Email correspondence**

Dear [Name]

You are receiving this email by order of the Supreme Court of Victoria.

This email has been sent to you because you have been identified as someone who may be a group member in a class action against Hino Motors. A proposed settlement has been reached in the class action and is subject to Court approval.

The Supreme Court of Victoria has ordered that the attached notices (an abridged and a full version) be sent to you to inform you about the proposed settlement of the Hino class action. The abridged notice is a short form notice that provides you with high-level information about the proposed settlement and is designed to make the full version of the notice easier to understand. Both are important legal documents which contain information that may affect your legal rights.

Please note, there is an important deadline of 4.00PM (AEST) on 2 May 2025 by which you **must** act if you wish to participate in the settlement or opt out of the class action.

You can read more information, as well as access copies of these notices, on Maurice Blackburn's website [www.mauriceblackburn.com.au/hino](http://www.mauriceblackburn.com.au/hino)

Alternatively, you can search for the notices and proposed settlement online: Maurice Blackburn + Hino Class Action).

Please note: at this stage we cannot answer any questions about potential individual compensation amounts. If the settlement is approved by the Court and you register to participate by 4.00PM (AEST) on 2 May 2025, you will be contacted at a later stage.

Kind regards

**SMS**

You are receiving this SMS by order of the Supreme Court of Victoria.

This SMS has been sent to you because you have been identified as someone who may be a group member in a class action against Hino Motors. A proposed settlement has been reached in the class action and is subject to Court approval.

Please note that there is an important deadline of 4.00PM (AEST) on 2 May 2025 by which you **must** act if you wish to participate in the settlement or opt out of the class action. Details are contained in a Court approved notice that can be viewed at the following link: [www.mauriceblackburn.com.au/hino](http://www.mauriceblackburn.com.au/hino)

Alternatively, you can also search for the notices and proposed settlement online: Maurice Blackburn + Hino Class Action.

## ANNEXURE E

### Postal correspondence

Dear [Name]

You are receiving this correspondence by order of the Supreme Court of Victoria.

This correspondence has been sent to you because you have been identified as someone who may be a group member in a class action against Hino Motors. A proposed settlement has been reached in the class action and is subject to Court approval.

The Supreme Court of Victoria has ordered that the enclosed abridged notice be sent to you to inform you about the proposed settlement of the Hino class action. The abridged notice is a short form notice that provides you with high-level information about the proposed settlement. There is also a full version of the notice setting out more information about the proposed settlement.

Both notices are important legal documents which contain information that may affect your legal rights.

Please note, there is an important deadline of 4.00PM (AEST) on 2 May 2025 by which you **must** act if you wish to participate in the settlement or opt out of the class action.

You can read more information, as well as access copies of the full version of the notice, on Maurice Blackburn's website [www.mauriceblackburn.com.au/hino](http://www.mauriceblackburn.com.au/hino).

Alternatively, you can search for the notices and proposed settlement online: Maurice Blackburn + Hino Class Action.

Please note: at this stage we cannot answer any questions about potential individual compensation amounts. If the settlement is approved by the Court and you register to participate by 4.00PM (AEST) on 2 May 2025, you will be contacted at a later stage.

Kind regards