

Annexure 1: Notice of Proposed Settlement

NOTICE OF PROPOSED SETTLEMENT

HINO CLASS ACTION

Sillsco Ltd & Ors v Hino Motors Ltd & Ors (CIV-2025-454-20)

THIS NOTICE IS SENT BY ORDER OF THE HIGH COURT OF NEW ZEALAND

PLEASE READ CAREFULLY

This notice contains important information about the proposed settlement of a class action against Hino Motors Ltd and Hino Distributors (NZ) Ltd brought on behalf of persons who:

(a) during the period from (and including) 4 March 2010 until (and including) 3 March 2025, acquired (including by way of purchase, exchange or taking on lease, or on hire-purchase) any Hino vehicles fitted with a diesel engine, with a build date from (and including) 1 January 2010 to (and including) 22 August 2022 (Relevant Vehicle); and

(b) either:

(i) acquired the Relevant Vehicle for use in New Zealand:

A from Hino Motors Ltd or Hino Distributors (NZ) Ltd, or other person in trade in New Zealand or overseas selling Relevant Vehicles, including used car dealers; and

B other than for the purpose of re-supply; or

(ii) acquired the Relevant Vehicle from a person who acquired the Relevant Vehicle in the circumstances described in subparagraph 2(a) above, other than for the purpose of re-supply.

This is an important legal document which contains information that may affect your legal rights.

A. WHY DID I RECEIVE THIS NOTICE?

1. The High Court of New Zealand has ordered that this notice be published and sent to persons who may be class members in the class action *Sillsco Ltd & Ors v Hino Motors Ltd & Ors* (**Hino Class Action**) to let them know about the class action and a proposed settlement of it.

2. You have received this notice because you have been identified as someone who may be a class member in the Hino Class Action.

B. WHAT IS A CLASS ACTION?

3. A class action is a legal case where one or more plaintiffs bring a claim for themselves and on behalf of other people. The people make a claim together because their claims arise out of the same, similar, or related circumstances. The group of people are referred to as 'class members.'

C. HOW DO I KNOW IF I AM A CLASS MEMBER?

4. You may be a "Class Member" in the Hino Class Action if you meet the following criteria:

- (a) during the period from (and including) 4 March 2010 until (and including) 3 March 2025, you acquired (including by way of purchase, exchange or taking on lease, or on hire-purchase) any Hino vehicles fitted with a diesel engine, with a build date from (and including) 1 January 2010 to (and including) 22 August 2022 (**Relevant Vehicle**); and

- (b) you either:

- (i) acquired the Relevant Vehicle for use in New Zealand:

- A from Hino Motors Ltd or Hino Distributors (NZ) Ltd, or other person in trade in New Zealand and overseas selling Relevant Vehicles, including used car dealers; and

- B other than for the purpose of re-supply; or

- (ii) acquired the Relevant Vehicle from a person who acquired the Relevant Vehicle in the circumstances described in subparagraph 2(a) above, other than for the purpose of re-supply.

5. If you do not fit the description in paragraph 4, you may disregard this Notice.

6. If you believe that you may be a Class Member because you meet the above description, you should read this Notice carefully as it might affect your rights. If there is anything in this Notice that you do not understand, you should seek legal advice.

D. INFORMATION ABOUT THE HINO CLASS ACTION

7. The Hino Class Action concerns allegations of misreporting and misrepresenting of fuel efficiency and emissions performance of certain Hino diesel vehicles.

8. On 4 March 2022, in a press release, Hino Motors Ltd identified misconduct concerning falsification of engine performance data in certain applications for vehicle certification to the 2016 emissions regulations in Japan.

9. On 11 March 2022, Hino Motors Ltd announced that a Special Investigation Committee (SIC), composed of independent experts, would be commissioned to investigate the misconduct, and, on 2 August 2022, Hino Motors Ltd published the SIC's findings. The SIC concluded that Hino Motors Ltd had falsified engine performance data in certain applications for vehicle certification in Japan dating back to the early 2000s.
10. The Hino Class Action alleges that as a result of the misconduct, Relevant Vehicles had greater emissions and worse fuel economy than had been certified, and that Hino Motors Ltd and Hino Distributors (NZ) Ltd breached, among other things, certain provisions of the Fair Trading Act 1986.
11. Hino Motors Ltd and Hino Distributors (NZ) Ltd deny the allegations and make no admission of liability in respect of any claims made against them in the Hino Class Action.
12. On 9 February 2026, the parties entered into a Settlement Deed which conditionally settles the Hino Class Action without any admission as to liability or loss (**Proposed Settlement**). The Proposed Settlement is subject to Court approval which has not yet been granted. This Notice provides information about the Proposed Settlement and explains the rights that Class Members have regarding the Proposed Settlement.

E. INFORMATION ABOUT THE PROPOSED SETTLEMENT

What are the key terms of the Proposed Settlement?

13. Some of the key terms of the Proposed Settlement are:
 - (a) Hino Motors Ltd will pay a sum of NZD\$10.9 million (**Settlement Sum**), inclusive of legal, administration and other costs to settle the Hino Class Action.
 - (b) The Proposed Settlement will only take effect if it is approved by the Court.
 - (c) The plaintiffs have applied to the Court for approval of the amounts incurred for legal costs, reimbursement payments (to compensate the lead plaintiff for the time and responsibility of representing Class Members in the proceedings), settlement approval costs and settlement administration costs. More information about deductions can be found in Part F below.
 - (d) The balance of the Settlement Sum after deduction of those Court-approved costs will be distributed to Class Members who are eligible to participate (as explained below).
 - (e) All Class Members (other than those who choose to opt out – explained below) will be bound by the terms of the Proposed Settlement if it is approved by the Court, and will not be permitted to take any other legal action against Hino Motors Ltd or Hino Distributors (NZ) Ltd in relation to the matters alleged in the Hino Class Action.

- (f) If the Proposed Settlement is not approved by the Court, the Hino Class Action will continue and there will be no distribution of payments to Class Members unless and until the plaintiff is successful in the proceeding, or a further settlement is reached and approved by the Court.
- (g) The Proposed Settlement is without any admission as to liability.

Are all class members eligible to participate in the Proposed Settlement?

- 14. In accordance with orders made by the High Court on 23 March 2026, Class Members who are eligible to participate in the Proposed Settlement are those who, by 5.00PM on 18 May 2026, have both:
 - (a) Not opted out of the Hino Class Action; and
 - (b) Registered with Shine Lawyers NZ to participate in the Hino Class Action, those persons being “**Registered Class Members**”.
- 15. If you do not register your claim with Shine Lawyers NZ by 5pm 18 May 2026, you will not receive any further correspondence about the Proposed Settlement beyond this notice. Further information about the options available to Class Members can be found at Part H below.

How much will Class members receive under the settlement?

- 16. At this stage it is not possible to provide any precise indication as to how much Registered Class Members will receive from the settlement. This is because:
 - (a) It is not yet known how much the Court will approve to be deducted from the Settlement Sum for legal costs, settlement approval costs, settlement administration costs and reimbursement payments to the lead plaintiffs. More information about these deductions can be found at Part F below; and
 - (b) It is not yet known how many Class Members will come forward and register their claims with Shine Lawyers NZ by 5pm 18 May 2026.
- 17. However, as a general indication only based on assumptions as to those matters, it is likely (but not certain) that the compensation payable per Relevant Vehicle will be in the range of approximately \$700 for lower value Relevant Vehicles to \$1,500 for higher value Relevant Vehicles. Where a Relevant Vehicle was owned or leased by more than one Registered Class Member over the relevant period (i.e. 4 March 2010 to 3 March 2025), the compensation figure for that Relevant Vehicle will be allocated between those Registered Class Members based on their respective periods of ownership (or lease).

F. DEDUCTIONS FROM THE SETTLEMENT SUM

- 18. The Court has been asked to approve certain deductions from the Settlement Sum. The balance of the Settlement Sum will then be

distributed to Registered Class Members in accordance with the settlement distribution scheme that is approved by the Court.

Legal costs (plaintiffs' legal fees and disbursements)

19. Court approval will be sought for the legal costs which have been incurred by the plaintiffs' lawyers to be deducted from the Settlement Sum. The legal costs are comprised of the plaintiffs' legal fees and disbursements, together with a 25% premium on the professional legal fees charged by the plaintiffs' lawyers (**Premium Fee**).
20. The purpose of the Premium Fee is to compensate Shine Lawyers NZ for the risks of non-payment and for the delay in payment. The Premium Fee is strictly calculated on the professional legal fees charged by Shine Lawyers NZ and excludes any expenses or disbursements which otherwise comprise the total legal costs. The Premium Fee is **not** a percentage of the Settlement Sum.
21. The Court has the power to adjust the Premium Fee percentage at the settlement approval hearing if it considers the adjustment to be appropriate.

Reimbursement payments

22. The Court will also be asked to approve an amount be deducted from the Settlement Sum for reimbursement payments to the plaintiffs. The reimbursement payment is to compensate the plaintiffs for the time they have spent representing Class Members in the proceedings including in the negotiation of the Proposed Settlement. The proposed reimbursement payment will be set out in the settlement distribution scheme that will be made available online at www.shinelawyers.co.nz/services/hino-motors-action/ from 15 April 2026.

Settlement approval costs

23. The Court will be asked to approve an amount to be deducted from the Settlement Sum for the estimated legal costs (professional legal fees and disbursements) to be incurred by the plaintiffs after the date of the plaintiffs' application for representative and ancillary orders made to the court. These costs relate to such anticipated work including, but not limited to, finalising the settlement documentation, notifying Class Members and obtaining court approval of the settlement.

Settlement administration costs

24. The Court will be asked to appoint Shine Lawyers NZ as the Administrator to implement the distribution process set out in the settlement distribution scheme.
25. Regardless of who is appointed as the Administrator, there will be costs associated with the implementation of the settlement distribution scheme. The Court will be asked to authorise those costs to be paid from the Settlement Sum before the balance is shared among eligible Registered Class Members.

26. The settlement administration costs are difficult to estimate at this stage given it will depend upon factors which are presently unknown such as the number of class members who ultimately register to participate in the settlement and the settlement distribution scheme. In any case, the Court will ultimately have to approve any settlement administration costs that are sought by the Administrator.

G. WHAT IS THE PROCESS FOR SETTLEMENT APPROVAL?

27. As noted at paragraph 13 above, the Proposed Settlement will only take effect if it is approved by the Court. In deciding whether to approve the Proposed Settlement, the Court will consider whether the Proposed Settlement is fair and reasonable and in the interests of Class Members.
28. The Court will have a hearing on 2 June 2026 to determine whether to approve the Proposed Settlement (**Settlement Approval Hearing**). Class Members are entitled to attend the Settlement Approval Hearing.
29. All Class Members (excluding persons who opt out) have the right to object to the Proposed Settlement. If you are a Registered Class Member, exercising that right will not affect your eligibility to participate in the Proposed Settlement in the event it is approved.

Objecting to the Proposed Settlement

30. **If you wish to object to the Proposed Settlement**, you must complete the Notice of Objection (Annexure 2 of this document) and submit it to the plaintiffs' solicitors, Shine Lawyers NZ, by **5pm on 18 May 2026**.
31. **You can submit your Notice of Objection by:**
- (a) completing and submitting Notice of Objection through the www.shinelawyers.co.nz/services/hino-motors-action/ website; or
 - (b) completing the Notice of Objection form attached to this notice and sending it to Shine Lawyers NZ:
 - (i) by email to **hinomotors@shinelawyers.co.nz** (with the words "Settlement Objection" in the subject line); or
 - (ii) by post to **Shine Lawyers, PO Box 273, Shortland Street, Auckland 1140**.
32. In addition to submitting a Notice of Objection, you may (but do not need to) appear in the High Court on **2 June 2026** in opposition to the application for approval of the Proposed Settlement (or instruct lawyers to appear on your behalf). If you wish to do this, you must file in the High Court at Auckland and serve on Shine Lawyers the following documents:
- (a) A notice of opposition and affidavit(s) in support, to be filed and served by **21 May 2026**; and

- (b) Submissions in opposition to the application for approval of the Proposed Settlement, to be filed and served by **29 May 2026**.

H. WHAT ACTIONS CAN I TAKE?

- 33. Class Members who are eligible to participate in the Proposed Settlement are those Class Members who, by 5pm on 18 May 2026, have both:
 - (a) Not opted out of the proceeding; and
 - (b) Registered with Shine Lawyers NZ to participate in the Hino Class Action.
- 34. If you think you might be a Class Member, you have three options which are explained further below:
 - (a) **Option 1** - Register your interest to receive compensation;
 - (b) **Option 2** – Opt out and cease to be a class member;
 - (c) **Option 3** – Do nothing. If you do nothing, you will be bound by the Proposed Settlement (if it is approved by the Court) but will **not** be eligible to receive any compensation.

OPTION 1 – REGISTER YOUR INTEREST TO RECEIVE COMPENSATION

- 35. You must register by 5pm on 18 May 2026 if you wish to be eligible to claim money from the Proposed Settlement of the Hino Class Action if it is approved by the Court.

What is Registration?

- 36. You may register your claim online with Shine Lawyers NZ Lawyers (who are acting for the lead plaintiffs in the Hino Class Action) at:
 - (a) www.shinelawyers.co.nz/services/hino-motors-action/ ; or
 - (b) By downloading and completing a registration form from www.shinelawyers.co.nz/services/hino-motors-action/ and sending it by post to:
 - (i) **Shine Lawyers, PO Box 273, Shortland Street, Auckland 1140.**
- 37. You must register your claim by 5pm on 18 May 2026 to be eligible to participate in the Proposed Settlement.
- 38. If you choose to register a claim as a class member and become a Registered Class Member, you will be required to provide information including:
 - (a) Your name and contact details; and

- (b) Information in relation to your vehicle, including your vehicle identification number (**VIN**) and ownership information such as when you acquired or disposed of the vehicle.
39. Registered Class Members will be provided with updates about the Hino Class Action and Proposed Settlement by Shine Lawyers NZ. Registering will ensure that your specific claim will be considered in the Proposed Settlement.
40. If you have **already registered**, you do not need to register again. You have already registered if you have already:
- (a) Provided your name and information about your claim in the Hino Class Action to Shine Lawyers NZ; and
 - (b) Received an email from Shine Lawyers NZ confirming receipt of your registration.
41. If you are unsure whether you have already registered your claim, you may contact Shine Lawyers NZ by emailing hinomotors@shinelawyers.co.nz or calling 0800 450 130.

What are the consequences of not registering?

42. If you are a Class member and do not register with Shine Lawyers NZ by 5pm on 18 May 2026, you will be bound by the terms of the Proposed Settlement if it is approved by the Court, but you will not be entitled to receive any compensation.
43. This means that should the Court approve the Proposed Settlement and you have not registered with Shine Lawyers NZ by the deadline, you will not be permitted to take any other legal action against Hino Motors Ltd or Hino Distributors (NZ) Ltd in relation to the claims in the proceeding, and you will not receive any money pursuant to the terms of the Proposed Settlement.

OPTION 2 – OPT OUT AND CEASE TO BE A CLASS MEMBER

44. If you do not want your rights determined by the Hino Class Action, you must opt out of the Hino Class Action.

What is opting out?

45. If you are a Class Member and you **decide to opt out**, you will:
- (a) cease to be a Class member in the Hino Class Action;
 - (b) not be bound by the outcome of the Hino Class Action (regardless of if the Proposed Settlement is approved by the Court);
 - (c) not receive any money from the Hino Class Action, including from the Proposed Settlement if approved by the Court, or in the event the Proposed Settlement is not approved, if the case

succeeds at trial or reaches another agreed settlement that is approved by the Court; and

- (d) be able to commence your own court proceedings against Hino Motors Ltd or Hino Distributors (NZ) Ltd if you wish, provided you commence that proceeding within the time limits applicable to your claim.

46. If you are unsure how opting out will affect your rights, you should seek legal advice before opting out.

How can you opt out?

47. **If you wish to opt-out of the Proposed Settlement**, you must complete the 'Opt-Out Notice' (Annexure 3 of this document) and submit it to the plaintiffs' solicitors, Shine Lawyers NZ, by **5pm on 18 May 2026**.

48. **You can submit your Opt-Out Notice by:**

- (a) completing and submitting an Opt-Out Notice through the www.shinelawyers.co.nz/services/hino-motors-action/ website; or
- (b) completing the Opt-Out Notice attached to this notice and sending it to Shine Lawyers NZ:
 - (i) by email to **hinomotors@shinelawyers.co.nz** (with the words "Opt-Out Notice" in the subject line); or
 - (ii) by post to **Shine Lawyers, PO Box 273, Shortland Street, Auckland 1140**.

49. If you do not opt out before **5pm on 18 May 2026**, you will remain a Class Member and will be bound by the settlement if it is approved. Opt out notices received after **5pm on 18 May 2026** will not be effective, unless the Court makes a further order.

OPTION 3 – DO NOTHING

50. If you are a Class member and you decide **not to opt out and you do not register** by 5pm on **18 May 2026**:

- (a) if the Proposed Settlement is approved by the Court, you will not be entitled to any compensation pursuant to the terms of the Proposed Settlement but you will be bound by the terms of the settlement; or
- (b) if the Proposed Settlement is not approved, you will remain a Class Member and will be bound by the outcome of the trial.

I. WHERE CAN I GET FURTHER INFORMATION?

51. Further information regarding the Proposed Settlement including copies of relevant documents such as pleadings and court judgments

can be obtained from Shine Lawyers NZ's website:
www.shinelawyers.co.nz/services/hino-motors-action/.

52. If you have any questions about the Proposed Settlement or your status as a Class Member, you may also contact Shine Lawyers NZ by:
 - (a) Phone: 0800 450 130; or
 - (b) Email: hinomotors@shinelawyers.co.nz.
53. If there is anything of which you are unsure and you do not want to speak with Shine Lawyers NZ (or you want to understand their involvement better), you may get legal advice from another lawyer of your choice (at your cost).

Annexure 2: Notice of Objection

NOTICE OF OBJECTION

HINO CLASS ACTION
Sillsco Ltd & Ors v Hino Motors Ltd & Ors (CIV-2025-454-20)

ONLY COMPLETE THIS NOTICE IF YOU DO NOT WANT THE COURT TO APPROVE THE PROPOSED SETTLEMENT OF THE HINO CLASS ACTION

All notices of objection must be returned by 5pm on 18 May 2026.

You can object to the Proposed Settlement even if you also wish to participate in settlement.

You are unable to object to the Proposed Settlement if you 'opt out' of the Hino Class Action.

To: Shine Lawyers NZ at:

Shine Lawyers
PO Box 273
Shortland Street
Auckland, 1140
hinomotors@shinelawyers.co.nz

A. DETAILS OF OBJECTING CLASS MEMBER

Name of Class Member OR contact name (if different from name of Class Member)	
Capacity of person completing Notice of Objection (select one)	<input type="checkbox"/> Class member;
	<input type="checkbox"/> Director of [company name]
	<input type="checkbox"/> Executor for the estate of [name]
	<input type="checkbox"/> Power of attorney for [name]

	<input type="checkbox"/> Solicitor acting for [name]
Postal address	
Email address	
Telephone number	

B. REASONS

C. EVIDENCE OR SUBMISSIONS

- I attach evidence and/or submissions in support of my objection (limited to 2 pages)
- I do not attach any evidence and/or submissions in support of my objection, but wish for my objection to be considered based on my submission set out above

(please tick one of the above two options)

D. SIGNING OF NOTICE

.....
Please sign notice here

Date:

Annexure 3: Opt Out Notice

OPT-OUT NOTICE

HINO CLASS ACTION
Sillsco Ltd & Ors v Hino Motors Ltd & Ors (CIV-2025-454-20)

To: Shine Lawyers NZ at:

Shine Lawyers
PO Box 273
Shortland Street
Auckland 1140
hinomotors@shinelawyers.co.nz

I, *[print name]*, am

(select **one** option only)

- a class member;
- a director of *[company]* which is a class member;
- an Executor for the Estate of *[print name]* who is a class member;
- a power of attorney for *[print name]* who is a class member; or
- a solicitor acting for *[print name]* who is a class member.

in the above class action proceeding and give notice that the class member identified is **opting out** of this proceeding.

Class member details

Address of class member:	
Email address of class member:	
Telephone number of class member:	
VIN/s (if known)	
Signature of class member, director of class member, Executor, power of attorney	

or solicitor for class member:	
Dated:	