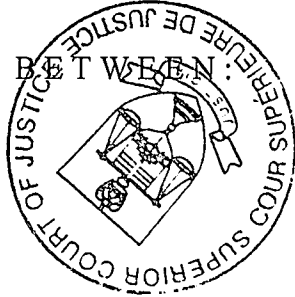


**ONTARIO  
SUPERIOR COURT OF JUSTICE**

The Honourable Mr. Justice Perell

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)  
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**MONDAY, THE 5<sup>TH</sup> DAY OF JUNE,  
2017**



**JOYCE BERNSTEIN**

Plaintiff/Moving Party

- and -

**PEOPLES TRUST COMPANY and PEOPLES CARD SERVICES LLP.**

Defendants/Respondents

Proceeding under the *Class Proceedings Act, 1992*

**ORDER**

THIS MOTION by the plaintiff for an order approving a Notice of Certification, and the method of dissemination of the said Notice, was heard this day, at the Court House, 130 Queen Street West, Toronto Ontario,

ON READING the draft Notice of Certification, on hearing submissions of counsel for the plaintiff and counsel for the defendants, and on being advised of the consent of the parties;

***Notice of Certification***

1. **THIS COURT ORDERS** that the Notice of Certification (the "Notice") attached hereto as Schedule "A" to this Order is approved, and shall be published in accordance with the Notice Plan specified in paragraph 2 of this Order, subject to the right of the parties to make minor, non-material amendments to the form of the Notice by mutual agreement, as may be necessary or desirable.

2. **THIS COURT ORDERS** that on or before June 30, 2017, the Notice shall be published as follows:

- (a) by publication of advertisements on “Google Display” and “Facebook Advertising” with links to the Notice;
- (b) by publication of copies of and/or links to the Notice on each of, [www.goldblattpartners.com](http://www.goldblattpartners.com), and [www.sotosllp.com](http://www.sotosllp.com).

3. **THIS COURT ORDERS** that the costs associated with the Notice and the Notice Plan set out in paragraphs 2 of this Order shall be in the cause.

***Opting Out***

4. **THIS COURT ORDERS** that a Class Member may opt out of this class proceeding by contacting Class Counsel by way of telephone, fax, email or regular mail, and confirming their decision to opt out and providing their name and mailing address, by no later than 45 days after the date the first notice of certification is published. Class Counsel will confirm a Class Member’s decision to opt out, in writing, within 14 days of a request to opt out.

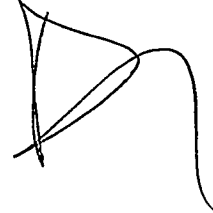
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JUN 6 2017

PER / PAR:



SCHEDULE "A"

Court File No. CV-13-493837CP

ONTARIO  
SUPERIOR COURT OF JUSTICE

BETWEEN:

**JOYCE BERNSTEIN**

Plaintiff

- and -

**PEOPLES TRUST COMPANY and  
PEOPLES CARD SERVICES LLP**

Defendants

Proceeding under the *Class Proceedings Act, 1992*

**NOTICE OF CERTIFICATION OF A CLASS PROCEEDING**

TO:

All "consumers" within the meaning of the *Consumer Protection Act, 2002*, SO 2002, c. 30, Sch A ("CPA") in Ontario, who were Cardholders, between November 29, 2011 and April 30, 2014, of Prepaid Cards sold and/or issued by Peoples Trust Company ("the Class Period").

**This Notice is published by order of the Ontario Superior Court of Justice**

The Ontario Superior Court of Justice has allowed a class action lawsuit to proceed, which seeks compensation for certain fees and/or penalties paid in relation to your prepaid VISA or Mastercard.

You are being provided with this notice because you may be a member of the class described below. If you do not want to participate in the lawsuit, you must choose to "opt out" of the lawsuit as described below.

The lawsuit alleges that the certain fees charged and expiry of unused funds in relation to prepaid cards issued by Peoples Trust contravene Ontario's *Consumer Protection*

*Act, 2002*, and in particular, the regulation under that Act as it pertains to “gift cards.”

Joyce Bernstein has been appointed the representative plaintiff, and the law firms of Sotos LLP and Goldblatt Partners LLP (“Class Counsel”) have been approved by the Ontario Superior Court of Justice to act for the Class Members.

Please contact Class Counsel with any questions about this class action:

Goldblatt Partners LLP  
ATTN: Tanya Atherfold-Desilva  
20 Dundas Street West, Suite 1039  
Toronto, ON M5G 2C2  
tatherfold@goldblattpartners.com

More information is available at [www.goldblattpartners.com](http://www.goldblattpartners.com) and [www.sotosllp.com](http://www.sotosllp.com).

This Notice is published by order of the Ontario Superior Court of Justice and explains:

1. The lawsuit
2. Who might benefit from the lawsuit
3. Your right to choose whether to participate in the lawsuit
4. Financial consequences for you
5. Fees and Funding
6. Other matters

## **1. The Lawsuit**

On May 26 2014, Joyce Bernstein commenced this lawsuit against Peoples Trust Company and Peoples Card Services LLP on behalf of a class of consumers in Ontario. The lawsuit alleges that the defendants breached the Ontario *Consumer Protection Act* by charging unauthorized and illegal fees and expiry penalties from prepaid credit cards they sold. The allegations have not been proven but will be determined at a later date. The Defendants deny these allegations.

## **2. Who Might Benefit from the Class Action**

All Ontario consumers (i.e. persons who were not acting for a business purpose) who were Cardholders between November 29, 2011 and April 30, 2014 of the following cards:

- Vanilla Prepaid Visa
- Vanilla Prepaid MasterCard

- Shell Non-Reloadable MasterCard
- Choice MasterCard
- Give and Go Prepaid Visa
- Nextwave Titanium +, Mastercard
- Shell Reloadable Mastercard
- EPIC MasterCard
- Evolve Visa
- Horizon Plus Mastercard
- Peoples Trust US Dollar Visa
- YesCard Visa

### **3. Your Right to Choose Whether or Not to Be Part of the Lawsuit**

**(a) *You have a right to take part in this class action lawsuit***

**DO NOTHING IF YOU WISH TO TAKE PART IN THIS LAWSUIT.** If you are a person falling within the Class definition described above, you will automatically be included in the Class unless you opt out of this proceeding. This means that you will be bound by the result in the lawsuit, win or lose.

**(b) *How to be excluded from the Class:***

**IF YOU DO NOT WANT TO BE PART OF THIS LAWSUIT,**

To exclude yourself from this proceeding you must contact Goldblatt Partners LLP by telephone, fax, email or regular mail at the address above and provide them with your name and mailing address. Class Counsel will confirm your decision to exclude yourself from this action in writing. The deadline for excluding yourself from this class action is August 15, 2017. If you decide to exclude yourself from this class action, you will be excluded from any settlement or award of damages awarded by the Court. Once you exclude yourself from this class action, you will receive no further communications regarding this action from Class Counsel.

### **4. Financial consequences for you**

If the lawsuit is successful, the Court may award compensation to the Class as a whole or some portion of the Class. In the alternative, the Court may also establish a process, including individual hearings, to review the amount of damages each individual Class Member may claim and to assess the amount of damages each individual Class Member may be entitled to receive.

If the class action lawsuit is not successful, the Class will not be awarded damages and

you will not receive any money. The members of the Class will NOT be responsible for any legal costs of the class action lawsuit and will NOT have any other financial obligations because of the class action lawsuit.

Whether or not the class action lawsuit is successful, all members of the Class who do not opt out of the class action will be bound by the judgment of the Court. This means, for example, that after this lawsuit is over, if you remain a class member in this proceeding you could not start your own lawsuit against in relation to the matters at issue in the lawsuit.

This case has been scheduled for summary trial in September 2018.

## **5. Fees/Funding**

Ms. Bernstein has retained Sotos LLP and Goldblatt Partners LLP to represent her and the Class in the lawsuit. Class counsel will be paid legal fees only if the lawsuit is successful. These legal fees and costs must be approved by the Court.

Ms. Bernstein has received indemnification and funding from the Class Proceedings Fund ("CPF"). The CPF was established by the Law Foundation of Ontario to provide financial support to class action plaintiffs. In the event that Ms. Bernstein is successful at trial, the CPF will receive a levy in the amount of 10% of any awards or settlements in favour of the plaintiff and any other class member, together with a return of any funded disbursements.

## **6. Other matters**

If you wish to participate personally in the lawsuit, you may apply to the Court for permission to do so.

The Court papers in this lawsuit are available for inspection at the office of the Superior Court of Justice, Courthouse, 393 University Ave., Toronto, Ontario, Court File CV-13-493837CP.

**PLEASE DO NOT CONTACT BELL OR THE COURTHOUSE ABOUT THIS CLASS ACTION. THEY WILL NOT BE ABLE TO ANSWER YOUR QUESTIONS ABOUT THE LAWSUIT.**

*This notice is published pursuant to section 17 of the Class Proceedings Act, 1992 and was approved by the court.*

**JOYCE BERNSTEIN**  
Plaintiff

**-and- PEOPLES TRUST COMPANY et al.**  
Defendant

Court File No. CV-13-493837CP

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**PROCEEDING COMMENCED AT TORONTO**

*Proceeding under the Class Proceedings Act, 1992*

**ORDER**

**SOTOS LLP**  
Barristers and Solicitors  
180 Dundas Street West, Suite 1200  
Toronto, ON M5G 1Z8

Louis Sokolov (LSUC # 34483L)  
Tel : 416-977-0007  
Fax: 416-977-0717

**GOLDBLATT PARTNERS LLP**  
Barristers and Solicitors  
20 Dundas Street West, Suite 1039  
Toronto, ON M5G 2C2

Nadine Blum (LSUC # 52772G)  
Tel: 416-977-6070  
Fax: 416-591-7333

Lawyers for the Plaintiff

**JOYCE BERNSTEIN**  
Plaintiff

**PEOPLES TRUST COMPANY et al.**  
Defendant

Court File No. CV-13-493837CP

**ONTARIO  
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**PROCEEDING COMMENCED AT TORONTO**

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Lawyers for the Plaintiff