

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THURSDAY ³⁶
~~TUESDAY~~, THE

THE HONOURABLE)
JUSTICE GLUSTEIN)
)
)

~~18th~~ DAY OF JANUARY, 2022
20th

BETWEEN:

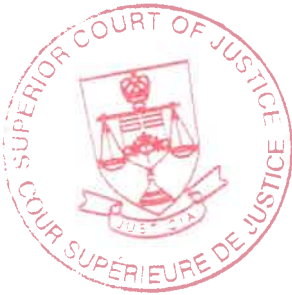
LINDA CRAWLEY AND JUDY BRADACS

Plaintiffs

- and -

AVON CANADA INC. AND NEW AVON LLC

Defendants



Proceeding under the *Class Proceedings Act, 1992*

**ORDER
(CERTIFICATION)**

THIS MOTION, made by the plaintiffs for an order certifying this action as a class proceeding pursuant to the *Class Proceedings Act*, S.O. 1992, c.6, was heard this day by the Honourable Justice Glustein, the parties appearing by video.

ON READING the Motion Record and Factum of the plaintiffs and the Responding Motion Record of the Defendants,

AND ON BEING ADVISED that the parties consent to this Order,

Certification

1. **THIS COURT ORDERS** that this action is certified as a class proceeding.

Class Definition and Representative Plaintiff

2. **THIS COURT ORDERS** that the “Class” is defined as:

(a) all retirees of Avon Canada Inc. who were at least 55 years of age at the time of retirement and had 15 years of credited service under the Retirement Plan for Employees of Avon Canada Inc. at the time of retirement, or who were otherwise in receipt of post-retirement benefits, up to the date of certification, and who were alive as of December 16, 2017; and

(b) all surviving spouses and dependent children of the persons described in (a)

3. **THIS COURT ORDERS** that this order is without prejudice to the plaintiffs’ rights to move to amend the definition of the Class to replace the word “certification” with the word “adjudication” and without prejudice to the defendants’ defences and rights to oppose any such motion.

4. **THIS COURT ORDERS** that Linda Crawley and Judy Bradacs are appointed as the representative plaintiffs of the class, and Goldblatt Partners LLP is appointed as counsel for the class.

Nature of the Claims and Common Issues

5. **THIS COURT DECLARES** that the causes of action certified are breach of contract and unjust enrichment.

6. **THIS COURT DECLARES** that the certified common issues are those set out in Schedule “A” attached hereto.

Notice of Certification and Opting Out

7. **THIS COURT ORDERS** that pursuant to section 17 of the *CPA*, the form of notice of certification, the manner of giving notice, the manner by which class members can opt out, and all other matters related to notice of certification shall be determined by further order of the Court.

Costs of the Motion

8. **THIS COURT ORDERS** that costs of the certification motion will be determined in the cause.



The Honourable Justice Glustein

APPENDIX "A": LIST OF COMMON ISSUES

1. Breach of Contract

- (a) Did one or both of the Defendants contract to provide some or all of the Class with post-retirement benefits?
- (b) In eliminating the post-retirement benefits, did one or both of the Defendants breach its contract(s) with some or all of the Class?

2. Unjust Enrichment

- (a) Were one or both of the Defendants unjustly enriched by the termination of the Class' post-retirement benefits?

3. Remedies

- (a) Are one or both of the Defendants required to reinstate the post-retirement benefits?
- (b) Is it appropriate for damages to be considered in the aggregate, in whole or in part, or should questions regarding damages be determined on an individual basis, in whole or in part?
- (c) If the answer to (b) is that damages, whether whole or in part, may be assessed in the aggregate, then:
 - (i) is the Class entitled to damages on an aggregate basis equivalent to the total savings realized by one or both the Defendants?
 - (ii) what is the quantum of aggregate damages owed to the Class?
 - (iii) what is the appropriate method or procedure for distributing the aggregate damages award to the Class?

CRAWLEY, et al.
Plaintiffs

-and-

AVON CANADA INC., et al.
Defendants

Court File No. CV-19-00632937-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT TORONTO

ORDER
(CERTIFICATION)

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