

**NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL, DISTRIBUTION
APPROVAL, AND FEE APPROVAL HEARING**

APS V. FLIGHT CENTRE TRAVEL GROUP (CANADA) INC.

Court File No.: CV-19-00614755-00CP

THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ IT CAREFULLY.

TO: All current or former Travel Consultants employed by Flight Centre Travel Group (Canada) Inc. in the Provinces of Ontario, British Columbia, Alberta, Saskatchewan, Manitoba, Nova Scotia and Newfoundland, for the period from December 2008 to the date of certification (the “Class” and “Class Members”).

PURPOSE OF THIS NOTICE

On February 21, 2019, a class action lawsuit was commenced in the Ontario Superior Court of Justice by Stephen Aps (“Mr. Aps”) against Flight Centre Travel Group (Canada) Inc. (“Flight Centre”). The lawsuit asserts claims made on Mr. Aps’ own behalf and on behalf of the Class and primarily alleges that Flight Centre owes compensation to members of the Class for unpaid hours of work, including overtime hours (the “Class Action”).

Following a mediation in July 2020, Mr. Aps and Flight Centre reached an agreement to certify and settle the Class Action, subject to approval of the Ontario Superior Court of Justice (the “Proposed Settlement”).

This notice describes the Proposed Settlement in greater detail, including who it applies to, the details of the settlement, and the process by which Class Members will be compensated.

The settlement must be approved by the Court before it is finalized. As a Class Member, you have a right to take part in the approval hearing if you wish. The process for taking part in the approval hearing is set out below.

MOTION FOR CERTIFICATION AND APPROVAL OF PROPOSED SETTLEMENT

The motion to approve the Proposed Settlement will be heard on November 9, 2020 at 10:00 A.M. (EST). If the hearing is held by remote technology, instructions for viewing the hearing remotely will be posted on the Class Action website (flightcentreclassaction.com) and the website of Class Counsel (goldblattpartners.com) and the Claims Administrator (www.flightcentresettlement.com).

At the hearing of the motion, the Court will determine whether the terms of the Proposed Settlement are fair and reasonable and in the best interests of the Class. Mr. Aps and the Defendant believe that the Proposed Settlement is fair, reasonable and in the best interests of the Class. If the Court is satisfied with the fairness of the Proposed Settlement, it will be approved.

Members of the Class and the public may attend the approval motion hearing, but are not required to do so. Class members are entitled, but not obligated, to express their opinions about the Proposed Settlement and whether or not it should be approved at the motion hearing. If Class members wish to make a written submission to the Court, they must deliver written submissions to Goldblatt

Partners LLP (“Class Counsel”), at the address below (see page 4), no later than October 30, 2020, so that it can be brought to the attention of the Court and the Parties in advance. Any written submissions must include:

- The Class Member’s name;
- A brief statement of the reasons that the Class Member supports or opposes the Proposed Settlement; and
- Confirmation of whether the Class Member intends to attend the hearing to approve the Proposed Settlement.

Please note that any written submissions will NOT be confidential, and they will be shared with the Defendant and filed publicly with the Court.

TERMS OF THE PROPOSED SETTLEMENT

The detailed terms of the settlement are set out in the settlement agreement between the parties. A copy of it can be found at goldblattpartners.com or flightcentreclassaction.com. A copy can also be obtained by contacting Class Counsel (see page 4). This notice contains a summary of some of the terms of the Settlement Agreement. If there is a conflict between this notice and the Settlement Agreement, the terms of the Settlement Agreement shall prevail.

Pursuant to the settlement, the Defendant will pay \$7 million (the “Settlement Fund”). Payments will be made from the Settlement Fund for Class Counsel Fees (subject to court approval), disbursements and a representative plaintiff honorarium (subject to court approval). There will also be holdbacks for administrative expenses and taxes. The remaining amount (the “Claim Fund”) will be distributed to Class Members through a claims process overseen by a Claims Administrator, Trilogy Class Action Services. It is estimated that the remaining amount will be approximately \$4,620,000.00.

Class Members will make a claim to the Claims Administrator. The Claims Administrator will determine how many Class Members claimed and will divide the amounts among Class Members based on their weeks of service within the Class Period and the province they are/were employed at Flight Centre. Time worked in the Class Period prior to more than two years before to the commencement of the Class Action (i.e. prior to February 21, 2017) will be subject to a 75% discount to account for the fact that claims made more than two years before the losses occurred are usually subject to a “limitation period” and disallowed, subject to certain exceptions.

For example, if 3,500 Class Members submit a timely claim they would receive an average of \$1,320.00. These funds are taxable and subject to employment-related deductions such as CPP/EI. Amounts payable to individual Class Members will vary based on their length of service within the Class Period, the Province(s) in which they worked during the Class Period, and whether some or all of their time worked during the Class Period was prior to February 21, 2017.

MAKING A CLAIM

To receive a payment under the Proposed Settlement you must complete an Administration Form and submit it to the Claims Administrator by the deadline (90 days from Final Approval of the Proposed Settlement).

If your name is on the Class list provided by the Defendant, you will be considered a member of the Class. If your name is not on the Class List, you may be required to submit documents proving your membership in the Class. If the Claims Administrator determines you are not a Class member, you may appeal to a referee, provided you pay a fee.

The Administration Form may be completed online or a hard copy can be downloaded and submitted by email, fax, or mail.

The Administration Form will require you to indicate dates of employment with Flight Centre, including start date(s) and end date(s), the province(s) of employment and confirm that you were employed as a Travel Consultant at all relevant times during the Class Period.

The Claims Administrator will provide a Notification Letter describing your payment, and if you do not agree with the amount, you may appeal to a referee, provided you pay a fee.

You will receive payment by your choice of EFT, e-transfer, or cheque.

LEGAL FEES / HONORARIUM

Pursuant to the Settlement Agreement, and subject to the Court's approval, Class Counsel (the lawyers for the Class Members) will receive legal fees of 25% of the Settlement Fund, plus HST and disbursements. This is consistent with the retainer agreement between the representative plaintiff and Class Counsel.

Pursuant to the Settlement Agreement, and subject to the Court's approval, the representative plaintiff will receive \$10,000, which recognizes his efforts and time in advancing this class proceeding.

OPT-OUT PROCESS

Members of the Class will be bound by the terms of the Proposed Settlement, if approved by the Court, unless they opt out. This means that, unless you opt out, you will not be able to start or continue with any other claim or legal proceeding against the Defendant in relation to the matters alleged in the class action lawsuit. If a Class member opts out they will NOT be eligible to participate in or receive ANY compensation pursuant to the Proposed Settlement. The deadline to opt out is October 30, 2020.

If you do not want to be part of this settlement you may opt out by filling out the attached "opt out" form and sending it to the following address:

Goldblatt Partners LLP
Attention: Tanya Atherfold-Desilva

20 Dundas Street West, Suite 1039
Toronto, Ontario
M5G 2C2
Tel: 416-979-4233
Fax: 416-591-7333
Email: tatherfold@goldblattpartners.com

It is a term of the proposed settlement that if the number of Class Members that opt out exceeds a threshold provided for in the Settlement Agreement, the Defendant has the discretion to terminate the settlement. If this occurs, the Defendant would not make the payments under the Settlement Agreement and the litigation would continue in the normal course. Any Class Member who has concerns about the Settlement Agreement, or is considering opting out should contact Class Counsel to discuss their concerns.

MORE INFORMATION AND CLASS COUNSEL

For more information, or if you have any questions, please contact Class Counsel at the address below:

Goldblatt Partners LLP
Attention: Tanya Atherfold-Desilva
20 Dundas Street West, Suite 1039
Toronto, Ontario, M5G 2C2
Tel: 416-979-4233
Fax: 416-591-7333
Email: tatherfold@goldblattpartners.com

THIS NOTICE WAS APPROVED BY THE ONTARIO SUPERIOR COURT OF JUSTICE.

APS V. FLIGHT CENTRE TRAVEL GROUP (CANADA) INC. OPT OUT FORM

TO: Goldblatt Partners LLP
Attention: Tanya Atherfold-Desilva,
20 Dundas Street West, Suite 1039
Toronto, Ontario
M5G 2C2
Fax: 416-591-7333
Phone: 416-979-4233
[Email: tatherfold@goldblattpartners.com](mailto:tatherfold@goldblattpartners.com)

This is **NOT** a claim form. Completing this form will exclude you from receiving any compensation arising out of any settlement or judgment in this class proceeding.

Note: To opt out, this form must be properly completed and sent to the above address, postmarked no later than October 30, 2020.

- By submitting this form, I confirm that I **do not** wish to be a Class Member in the class action lawsuit *Aps v. Flight Centre Travel Group (Canada) Inc.* I understand that by opting out I will not be entitled to the benefits of the Settlement, including any monetary payment. I confirm that having chosen to opt-out of this class, I will receive no further communications from class counsel regarding this class action.

Name:

Address:

Postal Code:

Email Address:

Phone Number:

Date:

Signature: