

NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL HEARING

GRIGORYEV v RUSSELL SECURITY SERVICES INC.

Court File No.: CV-21-00658741-00CP

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

TO: All Security Guards employed by Russell Security in the Province of Ontario, for the period from January 1, 2017 to August 13, 2021, save and except for those employed under a collective agreement (the “Class” and “Class Members”)

This Notice is being provided by email and text based on the records of Russell Security Services Inc. We encourage all Class Members to ensure the Settlement Administrator, RicePoint Administration Inc., has your complete and updated contact information, so that you receive updates about this class action, and so that any payment for which you may be eligible under the proposed settlement is sent to the correct address.

PURPOSE OF THIS NOTICE

On March 12, 2021, a class action lawsuit was commenced in the Ontario Superior Court of Justice by Maxim Grigoryev (“Grigoryev” and “Plaintiff”) against Russell Security Services Inc. (“Russell Security” and “Defendant”).

The lawsuit alleged that Russell Security failed to pay wages for pre-shift off the clock time owing to Class Members (“Class Action”). The claim alleged Class Members were directed to attend work 15 minutes before their scheduled shift without being paid.

Following a mediation in August 2021, Grigoryev and Russell Security 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.

WHO DOES THE SETTLEMENT APPLY TO?

All Security Guards employed by Russell Security in the Province of Ontario, for the period from January 1, 2017 to August 13, 2021, save and except for those employed under a collective agreement.

The occupational titles that fall within the class of Security Guards are:

Alarm Response Standdown Guards, Arnell Guards (Bay Adelaide Centre only), Communications Centre Guards, Concierges, Console Guards, Contractor Watch Guards, Corporate Hosts, Couriers, Dock Masters, Elevator Guards, Emergency Constables (North Bay Regional Health Centre only), Fire Watch Guards, Flagperson Guards, Forensic Constables (North Bay Regional Health Centre only), Forensic Operators (North Bay Regional Health Centre only), Gate Guards, Labour Dispute Guards, Loading Dock Guards, Loss Prevention Guards/Operatives, Main Operators (North Bay Regional Health Centre only), Mobile Guards, Parking guards, Passcard Administrators, Patient Watch Guards, Patrol Constables (North Bay Regional Health Centre only), Patrol Guards, Plainclothes Guards, Plant Guards, Probationary Guards, Reception Guards, Security Escorts, Security Guards, Security Operations Centre (SOC) Guards, Senior Guards, Special Events Guards, Traffic Signaller Guards, and Trailer Control Guards.

Some Class Members worked at both unionized sites and non-unionized sites. The class action only relates to the work performed at non-unionized sites, and Class Members are only eligible for compensation for any shifts worked at non-unionized sites.

MOTION FOR CERTIFICATION AND APPROVAL OF PROPOSED SETTLEMENT

The motion to certify the proposed class action and approve the Proposed Settlement will be heard on **December 20, 2021 at 10:00 a.m.** If the hearing is held by remote technology, instructions for viewing the hearing remotely will be posted on the class action settlement website and the website of Class Counsel (goldblattpartners.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. Grigoryev 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 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 approval 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 December 6, 2021, so that it can be brought to the attention of the Court and the Parties in advance. Any written submissions must include:

- Name;
- Brief reasons why the Class Member supports or opposes the Proposed Settlement; and
- 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 Proposed Settlement are set out in the Settlement Agreement between the parties. A copy can be viewed on the class action settlement website and at goldblattpartners.com. A copy can also be obtained by contacting Class Counsel (see page 4). This Notice contains a summary of some of the key 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 Proposed Settlement, the Defendant updated its Security Guard Handbook effective August 13, 2021 to clarify its expectations on a go-forward basis with respect to shift transfer duties, including confirming that employees will be paid for additional time spent performing these duties outside of their scheduled hours if it is determined by the Defendant that this time was worked. Pursuant to the Proposed Settlement, the Defendant was required to communicate these changes to its employees forthwith following the changes. In light of these changes, the settlement provides that the Class Period ends as of August 13, 2021.

Pursuant to the Proposed Settlement, the Defendant will also pay \$725,000 (the "Settlement Fund") to compensate for pre-shift duties worked by the Class Members during the Class Period. 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) (see more information below). There will also be holdbacks for administrative expenses and taxes (approximately \$125,000). The remaining amount (the "Claim Fund") will be distributed to Class Members through a claims process overseen by a Claims Settlement Administrator, RicePoint Administration Inc. based on the number of weeks worked in the Class during the Class Period. It is estimated that the Claim Fund will be approximately \$362,402.92. It is estimated that the payments to Class Members will average \$151.00, less applicable statutory payroll deductions. Class members may receive more or less than this amount depending on their number of weeks worked in the Class during the Class Period.

RECEIVING A PAYMENT

If the Proposed Settlement is approved, Class Members will receive a Notice of Settlement Approval, which will include information about the distribution of payments from the Claim Fund.

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 Settlement Administrator determines you are not a Class Member, you may appeal to a referee, provided you pay a fee.

The Claim Fund will be distributed to Class Members on the basis of the Defendant's records of the weeks worked by each Class Member in the Class Period. Following settlement approval, the Settlement Administrator will distribute a notification letter to each Class Member setting out the amount of their share of the Claim Fund based on the Defendant's records. If you do not agree with the information of the number of weeks you worked in the Class Period, you may appeal to the Settlement Administrator with any records (such as paystubs, schedules) to support your position. If you do not agree with the Settlement Administrator's determination, you may appeal to a referee, provided you pay a fee.

Class Members do not need to do anything to receive a cheque other than ensure their updated address and contact information is provided to the Settlement Administrator. The settlement payments are taxable and subject to employment-related deductions such as CPP/EI. Cheques not cashed within six months will be treated as stale and any such amounts may be donated to charity in accordance with the terms of the Proposed Settlement.

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 amount, \$181,250, plus HST of \$23,562.50, and disbursements of \$28,429.44 plus HST of \$3,695.83. 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 \$2,000.00 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 December 17, 2021.

If you do not want to be part of this Settlement, you may opt out by filling out the enclosed "opt-out" form and sending it to RicePoint Administration Inc. at the following address:

Russell Security Services Inc. Class Action
P.O. Box 4454, Toronto Station A
25 The Esplanade
Toronto, ON M5W 4B1
Tel: 1-866-714-9373/ Fax: 866-749-1441

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.

OPT OUT NOTICE

Grigoryev v. Russell Security Services Inc

You may opt out of this settlement by mailing this “opt out” form to RicePoint Administration Inc. at the following address before December 17, 2021:

Russell Security Services Inc. Class Action

P.O. Box 4454, Toronto Station A
25 The Esplanade
Toronto, ON M5W 4B1
Tel: 1-866-714-9373/ Fax: 866-749-1441

Name: _____

Email: _____

Address: _____

Postal Code: _____

Telephone: _____

By submitting this form, I confirm that I **do not** wish to be a Class Member in the class action lawsuit *Grigoryev v. Russell Security Services 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 or the Administrator regarding this class action.