
NOTICE OF SETTLEMENT APPROVAL HEARING

Read this notice carefully as it may affect your legal rights.

Christian Barbeau and Marie-Eve Barbeau (“**Applicants**”) and Cogeco Connexion Inc. (“**Cogeco**”) have come to a Settlement Agreement (“**Settlement**”) regarding the class action instituted by the Applicants on behalf of all clients who’ve had billing errors and/or were deprived of Cogeco’s Internet, television and/or residential telephone services between April 1st, 2018, and October 22nd, 2019, following the implementation of Cogeco’s new customer management system.

I. PURPOSE OF THIS NOTICE

The purpose of this notice is to advise you that the Applicants and Cogeco have reached a Settlement putting an end to this class action. The parties believe that the Settlement is the best solution to resolve the conflict in a fair and reasonable manner and will be asking the Court for its approval.

The Superior Court will be holding a hearing to decide whether it will approve the settlement and authorize the class action for this sole purpose. You may attend the settlement hearing that will be held on **June 2nd, 2020, at 9:30 AM, in room 1.156, at the Montreal Courthouse**, situated at 1, Notre-Dame Street East, in Montreal.

The principal issue to be dealt with collectively for the only purpose of the settlement will be the following:

Did the defendant commit a fault in violation of the *Civil Code of Québec* or the *Consumer Protection Act* and can the members ask for compensation?

II. WHAT IS THE PURPOSE OF THE CLASS ACTION?

The Applicants allege that in April 2018, Cogeco implemented a new customer management system and that this transition caused billing errors and service delivery problems, causing a prejudice to many of Cogeco’s clients.

Those allegations have not been proven in Court and are contested by Cogeco.

III. WHO ARE THE CLASS MEMBERS?

You are a class member if:

- (i) You are an individual and are a client of Cogeco receiving a residential service;
- (ii) You had billing errors, for the period between April 1st, 2018, and October 22nd, 2019;
- (iii) And/or were deprived of Cogeco's Internet, television and/or residential telephone services for the period between April 1st, 2018, and October 22nd, 2019.

IV. WHAT DOES THE SETTLEMENT PROVIDE?

Without any admission of liability whatsoever, Cogeco accepts to reimburse to every individual who had billing errors or was deprived of Cogeco's Internet, television and/or residential telephone services between April 1st, 2018, and October 22nd, 2019, following the implementation of their new customer management system, an amount equivalent to the financial damage suffered by every individual, for a total sum of \$1,846,166, from which will be deducted the Class counsel's fees which represent 25% of all sums paid by Cogeco, plus applicable taxes and disbursements incurred by the Applicants to this date ("**Legal Fees**").

For the members who had service interruptions for which the financial damage is of one dollar (\$1) and more, Cogeco will pay, in addition to the amount equivalent of the financial damage suffered by each person, an additional amount determined in accordance with the following chart in compensation for the troubles and inconveniences suffered, from which will be deducted the Legal Fees:

Value of the financial damage	Ontario	Québec	Consolidated	Amount per member	Total amounts
1-\$1.99	4 481	2 874	7 355	\$10	\$73,550
2-\$4.99	7 790	3 166	10 956	\$10	\$109,560
5-\$9.99	6 067	2 278	8 345	\$10	\$83,450
10-\$19.99	4 974	2 041	7 015	\$10	\$70,150
20-\$49.99	3 678	1 448	5 126	\$20	\$102,520
50-\$99.99	1 014	361	1 375	\$30	\$41,250
>=\$100	282	66	348	\$30	\$10,440
	28 286	12 234	40 520		\$490,920

For the members who had billing errors for which the financial damage is of \$100 and more, Cogeco will pay, in addition to the amount equivalent of the financial damage suffered by each person, an additional amount of five dollars (\$5) per person, for a total sum of \$14,860, in compensation for the troubles and inconveniences suffered, from which will be deducted the Legal Fees.

For the members who are still Cogeco's clients, these amounts will be credited by Cogeco in their account.

For the members who are no longer Cogeco's clients, a claim handling process will be put in place.

V. WHAT ARE YOUR RIGHTS AND OPTIONS?

1. Not do anything: If you don't do anything, you will be compensated as provided for in the Settlement following its approval by the court. You will be bound by all the terms and conditions of the Settlement and will not be able to bring any claims against Cogeco arising out of, or related to, this class action.

2. Opt out: However, if you do not wish to be bound by the Settlement for any reason, you need to take the steps to opt out of the class, which will result in your exclusion from the Settlement. By doing so, you will not be eligible for any of the benefits of the Settlement. You will not be bound by the class action and can bring any claims that you have or may have against Cogeco arising out of, or related to the class action. By opting out, you assume full responsibility for taking all necessary legal steps to make your own claim.

If you wish to opt out, you must send a signed request for exclusion to the Clerk of the Superior Court in which you must include the following information:

- (i) The file number of the class action: *Barbeau vs. Cogeco Connexion Inc.* C.S.M. 500-06-000969-192;
- (ii) Your personal details (full name, current address, e-mail and phone number);
- (iii) That you are a class member;
- (iv) That you wish to opt out;
- (v) The reason for opting out.

You may also send, as a request to opt out, the form attached to this notice, duly completed and signed.

You must send your signed request by registered or certified mail, at the latest on **April 30th, 2020**, to the following address:

Clerk of the Superior Court of Québec
Montreal Courthouse
1, Notre-Dame Street East
Office 1.120
Montreal (Québec) H2Y 185

A copy of your request to opt out must also be sent to:

Class counsel:

Lambert Avocat Inc.
a/s Me Jimmy Ernst Jr. Laguë Lambert
1111, St-Urbain, suite 204
Montréal (Québec) H2Z 1Y6
E-mail: jlambert@lambertavocatinc.com
Phone: (514) 526-2378
Fax: (514) 878-2378

And Cogeco's counsel:

Woods s.e.n.c.r.l.
a/s Éloïse Noiseux
2000, Avenue McGill College, office 1700
Montréal, Québec, H3A 3H3
E-mail: enoiseux@woods.qc.ca
Phone: (514) 982-4545
Fax: (514) 284-2046

3. Object: All of the terms and conditions of the Settlement were negotiated in good faith between the Applicants, the Applicants' and the class members' counsel, Cogeco and its counsel. Furthermore, the Applicants and their counsel acknowledge that the Settlement is in the best interest of the class members. Although your presence is not required at the settlement hearing, you have the right to make representations at the hearing, if you do not agree with the Settlement.

If you wish to make an objection to the Settlement, you must send a duly signed written objection to the Clerk of the Superior Court, in which you must include the following information:

- (i) The file number of the class action: *Barbeau vs. Cogeco Connexion Inc.* C.S.M. 500-06-000969-192;
- (ii) Your personal details (full name, current address, e-mail and phone number);

- (iii) A written submission stating that you wish to make an objection to the Settlement and the grounds for objection, including copies of all supporting documents;
- (iv) A statement whether you intend to appear and make declarations at the hearing, either in person or through counsel, and, if so, the name of said counsel.

You must send your written objection by registered or certified mail, at the latest on **April 30th, 2020**, to the Clerk of the Superior Court of Québec at the above-mentioned address. A copy of the objection must also be sent to class counsel and Cogeco's counsel at their respective addresses mentioned above.

VI. ARE YOU REPRESENTED BY COUNSEL?

Yes. Lambert Avocat Inc. represents the class members. Their contact details are provided above. These lawyers will not charge you the legal costs arising from the class action.

Lambert Avocat Inc. will receive 25% of the amount received as part of the Settlement, in addition to applicable taxes and disbursements as Legal Fees, which will be deducted from the amounts paid to the applicants and the members of the group, according to the fee agreement between class counsel and the Applicants, subject to its approval by the Superior Court.

VII. ADDITIONAL INFORMATION

You can consult the Settlement agreement on class counsel's website: www.lambertavocatinc.com/class-action-cogeco.

In case of conflict between this notice and the Settlement agreement, the Settlement agreement will prevail.

This notice and its publication have been authorized by the Superior Court of Québec.