

DETAILED NOTICE AUTHORIZATION TO INSTITUTE A CLASS ACTION

No: 500-06-000588-117

CLASS ACTION FOR THE REIMBURSEMENT OF ADDITIONAL CHARGES PAID FOR A FLIGHT ON WESTJET

for the seat of the attendant of a person with a disability and/or for a seat adapted for a person functionally disabled

This notice concerns a class action authorized to be instituted on October 29, 2013 by judgment of the Superior Court of Quebec (District of Montreal) against WestJet (hereafter the "Defendant") on behalf of the following groups:

"All persons with a disability or determined to be functionally disabled by obesity, residing in Quebec who, for a flight operated by WestJet or one of its agents, have paid WestJet or one of its agents an additional charge for the seat of an Attendant and/or seating specially adapted for their condition, since December 5, 2005."

and

"All natural persons in Quebec who, since December 5, 2005, have paid WestJet or one of its agents charges for a seat on a flight operated by WestJet or one of its agents while they were acting as an Attendant for a person with a disability."

(hereafter the "Class")

The status of representative for this class action has been ascribed to **Nicole Chabot** and **Nicole Chabot *ès qualité*** (hereafter the "Representatives").

ARE YOU A MEMBER OF THE CLASS?

You are a member of the Class covered by this class action if, since December 5, 2005, in relation to a flight operated by WestJet or one of its agents, you meet the three following conditions:

- You are a natural person with a disability (handicapped) or functionally disabled by obesity, or you have been the attendant of such a person;
- You have paid additional charges for the seat of an attendant and/or for a seat adapted to the condition of a person with a functional disability; and
- You were residing in Quebec.

WHAT IS THE PURPOSE OF THE CLASS ACTION?

The class action is a claim for compensatory, moral and punitive damages against the Defendant WestJet to sanction a practice and a fare policy that the Representatives allege to be discriminatory, abusive and faulty towards persons with a disability and/or functionally disabled by obesity.

The Superior Court will have to decide if WestJet committed a fault and if the members of the Class must be indemnified.

The main issues that will be addressed in this class action can be summarized as follows:

- Is the Defendant's fare policy discriminatory?*
- Is the Defendant's fare policy abusive?*
- In the affirmative, did the Representatives and the members of the Class suffer damages as a result of the Defendant's fare policy?*
- Are the Representatives and the members of the Class entitled to moral damages?*
- Are the Representatives and the members of the Class entitled to punitive damages?*

WHAT ARE THE CONCLUSIONS SOUGHT BY THE CLASS ACTION?

The main **conclusions sought** can be summarized as follows:

GRANT the Representatives' Motion to Institute Proceedings;

CONDEMN the Defendant to pay the Representatives an amount equivalent to the charges paid for the boarding of an Attendant;

CONDEMN the Defendant to pay the Representative X Chabot an amount of \$1,000 as moral damages;

CONDEMN the Defendant to pay each of the Representatives an amount of \$500 as punitive damages;

CONDEMN the Defendant to pay each member of the Class an amount equivalent to the charges paid for the boarding of an attendant and/or for a seat adapted to their condition on a WestJet aircraft;

CONDEMN the Defendant to pay each member of the Class an amount equivalent to the boarding charges paid while accompanying a person with a disability on a domestic flight in Canada;

CONDEMN the Defendant to pay each member of the Class an amount of \$1,000 as moral damages;

CONDEMN the Defendant to pay each member of the Class with a disability and/or suffering from a functional disability by obesity an amount of \$500 as punitive damages;

ORDERS the collective recovery of the moral and punitive damages;

ORDERS that, to the extent possible, the compensatory damages be the subject of individual and direct indemnification in accordance with Articles 1037 to 1040 of the Code of Civil Procedure

The whole with costs, including the cost of exhibits, experts, expert reports and the publication of notices.

WHAT ARE YOUR RIGHTS?

To participate in the class action

You have nothing to do to become a member of this class action. You are automatically part of the Class. Any member of the Class that has not requested his exclusion from the Class by **March 21, 2014** at 4:30 pm in the manner indicated below will be bound by any judgment to be rendered on the class action.

Other than the Representatives, The members of the Class cannot be required to pay the costs of the class action if the action is dismissed.

A member of the Class may intervene in the class action if it is considered by the Court useful to the Class.

TO REQUEST YOUR EXCLUSION (OPT-OUT) FROM THE CLASS ACTION?

Opting-out of the class action will allow you to sue WestJet on your own to invoke your rights, if any, outside the class action. If you opt-out, you will not be entitled to any benefit or advantage if the class action is granted or if a settlement occurs.

The deadline to opt-out is **March 21, 2014** at 4:30 pm.

To opt-out, you must inform in writing the clerk of the Superior Court for the District of Montreal by **registered or certified mail** before the opt-out deadline at the following address:

**Greffe civil de la Cour supérieure
Palais de justice de Montréal
Opt-out Notice
Chabot v. WestJet.
No : 500-06-000588-117
1, Notre-Dame Street East
Montreal (Quebec) H2Y 1B6**

Suggested statement:

"I (name and address) wish to definitively opt-out of the class action 500-06-000588-117, for which I confirm waiving any possibility of compensation that may arise.

FOR MORE INFORMATION ABOUT THIS CLASS ACTION

For any question or additional information, the members of the Class may contact: **BGA AVOCATS LLP:**

Email: info@bga-law.com Website: www.bga-law.com/westjet
Phone: 1-866-327-0123 Facsimile: 1-866-616-0120

THE PUBLICATION OF THIS NOTICE HAS BEEN ORDERED BY THE COURT