

**ANNEX A: DETAILED NOTICE**  
**OF AUTHORIZATION OF A CLASS ACTION**  
**AUTHORIZED BY THE QUÉBEC SUPERIOR COURT**  
**500-06-000557-112**

CANCELLATION FEES  
CELL PHONE AND DATA PLANS  
ROGERS COMMUNICATIONS

This notice concerns a **class action** authorized on **May 24, 2012** by the Honorable Pierre Nolle, S.C.J. against **Rogers Communications** on behalf of a class of persons comprising the group described hereinbelow:

*"All natural persons and legal persons (having no more than 50 employees at all times during the 12 month period preceding the Motion for Authorization), who reside or have resided in Québec and subscribed to wireless telephone or data plans from Rogers, and who were invoiced and paid contract cancellation fees since February 21, 2008 in virtue of a written contract entered into before (i) February 1, 2007 and which included a termination clause requiring the payment of cancellation fees of \$20 per month remaining on the contract up to a maximum of \$200 or (ii) a contract entered into between February 1, 2007 and June 30, 2010 containing a termination clause requiring payment of cancellation fees of the greater of \$100 or \$20 per month remaining on the contract up to a maximum of \$400, or in the case of a data plan the greater of \$25 or \$5 per month remaining on the contract up to a maximum of \$100"*

**Mr. Mario Brière** has been granted the status of representative of the group for the purpose of instituting a class action.

**WHO IS A MEMBER OF THE CLASS**

You are a member of the class on behalf of which a class action has been instituted if:

- You are a **natural person** or a **business** (having no more than 50 employees during the twelve months preceding the motion for authorization (February 21, 2011)), and who is a resident or has resided in Québec;
  - **AND**
- You subscribed to **cellular telephone service** and/ or **data services** from Rogers Communications
  - **AND**
- Rogers Communications invoiced you and you paid **cancellation fees** since **February 21, 2008** (hereinafter identified as the "Fees"), pursuant to a written contract entered into:
  - Before **February 1, 2007** which contain a termination clause requiring payment of cancellation fees of \$20 per month remaining on the contract to a maximum of \$200or
  - Between **February 1, 2007** and **June 30, 2010** which contain a termination clause requiring payment of cancellation fees of the greater of \$100 or \$20 per month remaining on the contract up to a maximum of \$400, or in the case of a data plan the greater of \$25 or \$5 per month remaining on the contract up to a maximum of \$100.

**WHAT IS THE OBJECTIVE OF THIS CLASS ACTION?**

The Plaintiff alleges that Rogers Communications imposed Fees on the termination of the contract (cellular telephone and/or data transmission), that are abusive and disproportionate. It is alleged that this manner of proceeding contravenes the consumer's right to unilaterally resiliate a contract provided under the *Civil Code of Québec* and the *Consumer Protection Act*.

The Superior Court will decide whether Rogers Communications committed a fault and if the members are entitled to compensation.

The principal questions that will be dealt with in the class action are the following:

- Are the cancellation fees invoiced by the Respondent to the members of the group excessive or abusive?
- Do the cancellation fees invoices to the Plaintiff and to class members exceed the amount of the prejudiced actually suffered by the Respondent?
- If necessary, how should the amount of compensation be established for the Plaintiff and members of the class?
- Did the Respondent contravene the *Consumer Protection Act*?
  - If so, is the Respondent obliged to pay punitive damages?

The conclusions sought by the Plaintiff are the following:

- CONDEMN THE RESPONDENT TO PAY EACH MEMBER OF THE CLASS AN AMOUNT EQUIVALENT TO THE CANCELLATION FEES PAID SINCE FEBRUARY 21, 2008.
- ALTERNATIVELY, CONDEMN THE RESPONDENT TO PAY EACH OF THE MEMBERS OF THE GROUP AN AMOUNT EQUIVALENT TO THE CANCELLATION FEES THAT WERE PAID THAT EXCEED THE PREJUDICE ACTUALLY SUFFERED BY THE RESPONDENT.
- CONDEMN RESPONDENT TO PAY A GLOBAL AMOUNT TO BE DETERMINED IN RESPECT OF PUNITIVE DAMAGES.

**WHAT ARE YOUR RIGHTS?**

**To participate in the class action**

It is not necessary to undertake any action to become a member of the class. You are automatically included in the group.

Every member of the group who does not exclude themselves by or before **September 14, 2012** at 5:00 pm in the manner indicated hereinbelow will be bound by the judgment on the merits of the class action.

No member of the group other than the Representative may be called upon to pay costs in respect of the class action if the action is dismissed.

**HOW DO I EXCLUDE MYSELF FROM THE CLASS ACTION?**

Excluding yourself from the class action allows you to pursue Rogers Communications yourself for the reimbursement of the cancellation Fees invoiced by it since February 21, 2008 pursuant to a contract entered into before June 30, 2010.

If you exclude yourself from the class, you will not receive any payment if the action is granted or if there is a settlement.

The deadline for excluding yourself from the class action is **September 14, 2012** at 5:00 pm.

In order to exclude yourself from the class action you must contact the clerk of the Superior Court for the District of Montréal by **registered mail** or **certified mail** prior to the expiration of the delay for exclusion, at the following address:

**Clerk for the Superior Court of Québec, Montréal Court House,**  
1 Notre-Dame Street East  
Montréal, Québec H2Y 1B6

*Subject:*  
*Notice of exclusion from class action*  
*Brière v Rogers Communications*  
*No.: 500-06-000557-11*

**IN ORDER TO LEARN MORE ABOUT THIS CLASS ACTION**

The attorneys for the class members are BGA AVOCATS S.E.N.C.R.L.:

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**IN MONTRÉAL:**

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Members of the class should address themselves to these attorneys with any questions they may have.

**PUBLICATION OF THIS NOTICE HAS BEEN ORDERED BY THE SUPERIOR COURT OF QUÉBEC**