

## DETAILED NOTICE TO MEMBERS

AUTHORIZATION TO INSTITUTE A CLASS ACTION  
AUTHORIZED BY THE COURT  
200-06-000126-105

### EARLY TERMINATION FEES

WIRELESS SERVICES and/or RESIDENTIAL (LANDLINE) TELEPHONE SERVICES and/or INTERNET SERVICES

**TELUS MOBILITY & TELUS COMMUNICATIONS COMPANY**

This detailed notice concerns the judgment dated July 30, 2012 by the Honourable Normand Gosselin, S.C.J. authorizing the institution of an action for restitution and damages in the form of a class action against **TELUS Mobility** and **TELUS Communications Company** on behalf of the persons belonging to the group described as follows:

#### WIRELESS SERVICES:

*"All natural persons domiciled or formerly domiciled in Québec who, since October 1, 2007, were charged cancellation fees by the respondent TELUS Mobility pursuant to a contract entered into before June 30, 2010."*

AND

#### RESIDENTIAL (LANDLINE) TELEPHONE SERVICES and/or INTERNET SERVICES

*"All natural persons domiciled or formerly domiciled in Québec who, since October 1, 2007, were charged early termination fees by the respondent TELUS Communications Company pursuant to a residential (landline) telephone contract or internet service, or a combination thereof, entered into before June 30, 2010."*

The status of representative for prosecuting this class action has been granted to **Éric Masson and Claude Gauthier**.

### WHO IS A MEMBER?

You are a member of the group bringing the class action if:

(a) You are a natural person residing or formerly residing in Québec;

AND

(b) You subscribed to one or more of the following services of TELUS MOBILITY and/or TELUS COMMUNICATIONS COMPANY (defendants): **Wireless** services and/or **residential (landline) telephone** services and/or **Internet** services;

AND

(c) One of the defendants charged you **early termination fees** after **October 1, 2007** (hereinafter referred to as the "Fees") pursuant to a contract **entered into or renewed before June 30, 2010**.

## WHAT IS THE OBJECTIVE OF THE CLASS ACTION?

The representatives allege that the defendants charged Fees upon the early termination of a contract that the representatives consider abusive and disproportionate, contrary to the law governing the right of unilateral cancellation of contract as set out in the *Civil Code of Québec* and the *Consumer Protection Act*.

The Superior Court will decide if the defendants were at fault and if the class members should be compensated.

The principal questions that will be decided in connection with this class action can be summarized as follows:

(1) Did TELUS Communications Company notify the Members in advance of the exact amount of the early termination fees it charged them? If not, can those fees be recovered?

(2) Are the early termination fees charged by the defendants to the Members abusive within the meaning of Article 1437 C.C.Q. or tantamount to exploitation of the consumer within the meaning of Section 8 of the *Consumer Protection Act*?

(3) Does the amount of the early termination fees charged to Members exceed the actual harm incurred by the defendants?

(4) Do the early termination fees charged by the defendants to the Members contravene the law governing the unilateral cancellation of a contract?

(5) Are the Members entitled to punitive damages?

The essence of the conclusions sought by the applicants can, in particular, be summarized as follows:

***ORDER*** TELUS Communications Company to refund to the members any early termination fees that were paid by a member while they were not notified of this clause in the contract, with interest and the additional indemnity calculated as of July 4, 2011.

***ORDER*** the defendants to pay the members who were notified of the early termination clause an amount equal to the amount by which the cancellation fees paid by them exceeds the harm actually incurred by the defendants, with interest at the legal rate plus the additional indemnity under Article 1619 of the Civil Code of Québec, calculated as of July 4, 2011 for TELUS Communications Company and as of October 5, 2010 for TELUS Mobility.

***ORDER*** the defendants to pay a lump sum, to be determined, as punitive damages, with interest at the legal rate plus the additional indemnity under Article 1619 of the Civil Code of Québec, calculated as of February 21, 2012.

***ORDER*** that the above damages be the object of individual claims and that punitive damages be subject to collective recovery, the whole in accordance with articles 1037 to 1040 of the Code of Civil Procedures.

***ORDER*** the defendants to provide such further and other relief as is considered fair and reasonable."

## WHAT ARE YOUR RIGHTS?

**To participate in the class action**

You don't have to do anything to become a member of the group covered by this class action.

Any member of the group who has not excluded himself or herself from the group by 5:00 p.m. on **May 17, 2013** in the manner indicated below will be bound by any judgment rendered in the class action.

No member, other than the representatives, can be required to pay the expenses of the class action if it is dismissed.

### HOW TO EXCLUDE YOURSELF FROM THE CLASS ACTION

Excluding yourself from the class action will allow you to sue TELUS MOBILITY and/or TELUS COMMUNICATIONS COMPANY yourself for the reimbursement of cancellation fees charged by them since October 1, 2007 pursuant to a contract entered into or renewed before June 30, 2010.

If you exclude yourself, you will not be entitled to any benefit if the class action is successful or if a settlement is reached.

The deadline for excluding yourself has been set at **May 17, 2013** at 5:00 p.m.

In order to exclude yourself, you must send a notice in writing to the Clerk of the Québec City District of the Superior Court by registered or certified mail before the exclusion deadline, to the following address:

**Civil Court Clerk of the Superior Court**  
**Québec City Courthouse**  
*Notice of exclusion*  
*Masson et al. c. Telus Mobilité et al.*  
No. 200-06-000126-105  
300 Jean Lesage Blvd.  
Québec City, QC  
G1K 8K6

*Suggested text for notice:*

"I, (name and address), wish to definitively exclude myself from class action no. 200-06-000126-105 and I accordingly hereby waive any right to compensation that may ensue therefrom."

### TO LEARN MORE ABOUT THE CLASS ACTION

The lawyers for the Members are: BGA AVOCATS S.E.N.C.R.L.

Email: [info@bga-law.com/fr](mailto:info@bga-law.com/fr)  
Telephone: 1-866-327-0123

Website: [www.bga-law.com/fr](http://www.bga-law.com/fr)  
Telecopier: 1-866-616-0120

Members can contact the above lawyers regarding any question or request for information.

**THE PUBLICATION OF THIS NOTICE WAS ORDERED BY THE COURT**