

**NOTICE OF SETTLEMENT APPROVAL HEARING IN  
ONTARIO PREPAID PAYMENT CARD CLASS ACTION**

**TO: All Ontario consumers who purchased or received a prepaid payment card sold or issued by Peoples Trust between November 29, 2011 and April 30, 2014**

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

**A. What is this class action about?**

This case alleges that Peoples Trust Company and Peoples Card Services LLP (“Peoples Trust”) breached Ontario’s gift card regulations by charging certain fees and seizing unused balances on prepaid payment cards.

The class action covers reloadable and non-reloadable payment cards.

In May 2019 the Superior Court of Justice allowed the plaintiff’s claim, in part, and awarded damages of \$16.8 million, plus interest and costs to the class. The Court dismissed the balance of the plaintiff’s claim.

An appeal and cross-appeal of the Court’s judgment was scheduled to be heard in June of this year. Prior to the hearing of the appeal, the plaintiff and Peoples Trust reached an agreement to settle this case. For more information about the class action, visit [www.prepaidclassaction.ca](http://www.prepaidclassaction.ca).

**B. What settlement has been reached in this class action?**

Peoples Trust has agreed to settle the class action for a total payment of \$17,000,000.

The settlement is subject to the approval of the Court. The Court will hold a hearing to decide whether to approve the settlement in the Ontario Superior Court of Justice via video conference on September 25, 2020 at 10:00am. The Court will decide whether the settlement is fair, reasonable, and in the best interests of the settlement class members.

**C. Who is affected by the settlement?**

You are affected by the class action and/or are a “member” of the settlement class if you are an Ontario resident who purchased or received a Peoples Trust prepaid payment card, as a consumer, between November 29, 2011 and April 30, 2014 (the “Class Period”).

Note: You will be considered to be a consumer if the payment card was purchased for personal, family or household purposes. Prepaid card purchases for business purposes are excluded from the class.

The following payment cards are at issue (the “Prepaid Cards”):

| Non-reloadable Prepaid Cards  | Reloadable Prepaid Cards  |
|---|---|
| <ul style="list-style-type: none"><li>• Vanilla Prepaid Visa;</li><li>• Vanilla Prepaid MasterCard;</li><li>• Shell Non-Reloadable MasterCard;</li><li>• The Ideal Choice/Online Payment Card MasterCard;</li><li>• House Points; and</li><li>• Give and Go Prepaid Visa.</li></ul> | <ul style="list-style-type: none"><li>• Nextwave Titanium+ Prepaid Visa;</li><li>• Shell Prepaid Reloadable MasterCard;</li><li>• EPIC Prepaid MasterCard;</li><li>• Evolve Prepaid Visa;</li><li>• HorizonPlus Prepaid MasterCard;</li><li>• PTC Company US Dollar Prepaid MasterCard; and</li><li>• YesCard Prepaid Visa.</li></ul> |

**D. What steps should I take now?**

If you are an Ontario consumer who purchased or received a Peoples Trust Prepaid Card between November 29, 2011 and April 30, 2014, you may be entitled to a share of the settlement.

You should register online at [www.prepaidclassaction.ca](http://www.prepaidclassaction.ca) to receive updates about this case.

Settlement class members who do not oppose the proposed settlement need not appear at the settlement approval hearing or take any other action at this time.

If you want to tell the Court what you think about the proposed settlement or speak to the Court at the hearing listed above, you must send your written submissions to Class Counsel at the address listed below, postmarked no later than Friday, September 11, 2020. Class Counsel will forward such submissions to the Court. All filed written submissions will be considered by the Court. If you do not file a written submission by September 11, 2020, you may not be entitled to participate in the settlement approval hearing.

The Court will decide whether to approve or reject the settlement. It is not able to unilaterally change the material terms of the settlement. If the settlement is rejected, the lawsuit will continue.

If you want to appear at the hearing, please contact Class Counsel for additional details.

**E. What happens to the money paid under the settlement?**

The settlement with Peoples Trust, if approved, will conclude the class action.

The Court will hold a hearing to decide whether to approve a protocol for distributing the aggregate settlement funds, plus accrued interest, less court approved legal fees and other expenses (the “Distribution Protocol”). The hearing will be held following the settlement approval hearing, via videoconference on September 25, 2020 at 10:00am.

A copy of the proposed Distribution Protocol is available at [www.prepaidclassaction.ca](http://www.prepaidclassaction.ca).

Settlement class members who purchased or received a Prepaid Card(s) during the Class Period will be able to complete a claim form and submit the claim form. A further notice will be published with the details and deadline for filing a claim under the Distribution Protocol.

The proposed Distribution Protocol provides that the settlement funds will be allocated into two pools as follows:

- 29.2% will be payable to Class Members who possessed Reloadable Prepaid Cards; and
- 70.8% will be payable to Class Members who possessed Non-reloadable Prepaid Cards.

To value a claim, the claims administrator will:

1. Review the settlement class member's claim form; and
2. Pay each claimant with a valid claim, on a *per capita* basis, up to the average amount of fees and expired balances incurred by Class Members who held either reloadable or non-reloadable Prepaid Cards, from the respective pools.

The Distribution Protocol must be approved by the Court.

This notice only summarizes the Distribution Protocol. More information about the Distribution Protocol, including the rationale for dividing the money in this way, is available at [www.prepaidclassaction.ca](http://www.prepaidclassaction.ca). Questions about the Distribution Protocol or any other matters contained in this notice may be directed to Class Counsel at [tatherfold@goldblattpartners.com](mailto:tatherfold@goldblattpartners.com) or [salleyne@sotosllp.com](mailto:salleyne@sotosllp.com).

#### **F. What if I don't want to be in the class action?**

The deadline to opt out of this class action was August 15, 2017. There is no further right to opt out of this class action.

As a result:

- you will be eligible to participate in the ongoing class action, and
- you may receive money from the class action, but
- you cannot start or continue your own case against Peoples Trust regarding the claims at issue in this action.

#### **G. Who are the lawyers working on this class action and how are they paid?**

The law firms of Sotos LLP and Goldblatt Partners LLP represent members of this class action. The law firms can be reached at:

| <b>Sotos LLP</b>   | <b>Goldblatt Partners LLP</b>   |
|--|---|
| Telephone (toll free): 1-888-977-9806  | Telephone (toll free): 1-800-387-5422   |
| Email: <a href="mailto:salleyne@sotosllp.com">salleyne@sotosllp.com</a>                    | Email: <a href="mailto:tatherfold@goldblattpartners.com">tatherfold@goldblattpartners.com</a>       |
| Mail: 180 Dundas Street West, Suite 1200<br>Toronto ON M5G 1Z8<br>Attention: Sarah Alleyne | Mail: 20 Dundas Street West, Suite 1039<br>Toronto ON M5G 2C2<br>Attention: Tanya Atherfold-Desilva |

**As an individual, you do not have to pay the lawyers working on this class action any money.** The lawyers will be paid from the money collected in the class action. The Court will be asked to decide how much the lawyers will be paid.

The lawyers will be asking that the Court approve legal fees of up to 30% of the settlement funds, plus disbursements and applicable taxes. Any approved legal fees will be paid out of the settlement funds. All amounts paid to Class Members will be subject to a 10% statutory levy to be paid to the Class Proceedings Fund.<sup>1</sup>

#### **H. Where can I ask more questions?**

For more information, please visit [www.prepaidclassaction.ca](http://www.prepaidclassaction.ca). If you have questions that are not answered online, please contact class counsel at the numbers listed above.

To receive future notices and updates regarding the class action, register online at [www.prepaidclassaction.ca](http://www.prepaidclassaction.ca).

#### **I. Interpretation**

This notice contains a summary of some of the terms of the settlement agreement and the Distribution Protocol. If there is a conflict between the provisions of this notice and the settlement agreement or Distribution Protocol, the terms of the settlement agreement or Distribution Protocol, as applicable, shall prevail.

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<sup>1</sup> The Class Proceedings Fund (“CPF”) was established by the Law Foundation of Ontario to provide financial support to class action plaintiffs for disbursements (including faxes, filing fees, expert reports, etc.) The CPF is entitled by law to receive a levy in the amount of 10% in any awards or settlements in favour of the plaintiff, together with a return of any funded disbursements.