

CLASS ACTION NOTICE

RÉAL MARCOTTE and BERNARD LAPARÉ v. TORONTO-DOMINION BANK (TD)
(500-06-000197-034)

WERE YOU THE CARDHOLDER OF A **PERSONAL TD VISA CREDIT CARD**
BETWEEN **APRIL 17 2000** AND **AUGUST 31 2001** AND USED IT FOR
TRANSACTIONS IN FOREIGN CURRENCY?

THIS NOTICE MAY CONCERN YOU

THE JUDGMENT

By judgment, the Supreme Court of Canada ordered Toronto-Dominion Bank (TD) to reimburse the conversion fees that were charged to consumers between April 17, 2000 and August 31, 2001 inclusively, while using a personal TD VISA credit card. These fees were not disclosed in the credit card agreement. TD must also pay \$25 of punitive damages per member. The parties have reached an agreement (**the Agreement**) seeking, amongst other things, the payment and distribution of these amounts.

WHO IS A CLASS MEMBER?

You are a class member if, while residing in Quebec, you made at least one transaction in a foreign currency with a personal TD VISA credit card and this transaction was charged to your account between April 17, 2000 and August 31, 2001 inclusively;

DISTRIBUTION OF THE INDEMNITY

TD and the Plaintiffs Marcotte and Laparé have entered into an Agreement following which TD will pay a global amount of \$7 250 000 to reimburse the conversion fees and pay punitive damages to eligible class members. This amount includes judicial costs, fees related to the administration of the distribution protocol and Class Counsel's legal fees and disbursements.

This Agreement will be subject to an approval

CLASS COUNSEL LEGAL FEES

On **April 1, 2015** the Superior Court will also hear a motion seeking the approval of Class Counsel's legal fees. Class Counsel, Trudel & Johnston, will ask that 25% (plus taxes) be deducted from the amount to be paid by TD. Class Counsel will also ask to be reimbursed their disbursements amounting to approximately \$885 000, which include a portion of the class action financing costs.

APPROVAL BY THE COURT

On **April 1, 2015**, a hearing will take place regarding the approval of the Agreement with TD and the motion seeking approval of Class Counsel's fees.

The hearing will be held on April 1, 2015, at 9:30 a.m. in room 2.08 of the Montreal Courthouse, located at 1, Notre-Dame Street East, Montreal.

You may read the motion and the Agreement in their entirety on the Class Counsel's website: www.trudeljohnston.com.

OBJECTING TO THE MOTIONS

Counsel for the Plaintiffs will present a motion to the Court seeking approval of the Agreement.

You may also, if you desire, make representations in person at the hearing on April 1, 2015 or by sending a letter to Class

hearing by the Court on **April 1, 2015**.

WHAT MUST YOU DO TO RECEIVE AN INDEMNITY?

The indemnity will be equally divided amongst all eligible class members.

Current personal TD VISA cardholders will automatically receive their share of the indemnity via a credit to their TD VISA account, without having to do anything.

Former personal TD VISA cardholders must complete and send the individual claim form available from the Claims Administrator, online or by mail, to obtain their share of the indemnity. The Court will designate the Claims Administrator.

Another notice containing the requirements and dates of the distribution, the distribution protocol and the individual claim form will be published when the Court approves the Agreement, as the case may be.

Counsel by **March 21, 2015**. If you make written representations, Class Counsel will file them at the Court.

NEED MORE INFORMATION?

Register yourself as a class member at **www.trudeljohnston.com** where you can also consult a version of this notice and the motion seeking approval of class counsel's fees. To obtain more information about this notice, please contact Class Counsel:

CLASS COUNSEL

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This notice was approved by the Superior Court of Quebec