

DID YOU PAY INTERNATIONAL DATA ROAMING FEES AT A RATE HIGHER THAN \$5.00 PER MEGABYTE TO FIDO, ROGERS, BELL MOBILITY OR TELUS AFTER JANUARY 8, 2010?

On August 10, 2016, the Court of Appeal of Quebec authorized Inga Sibiga to bring a class action in damages against *Fido Solutions Inc.*, *Rogers Communications Partnership* (or *Chatr Wireless*), *Bell Mobility Inc.* (or *Virgin Mobile* and *Solo Mobile*), and *Telus Communication Company* (or *Koodo Mobile*) (together, the “Defendants”) on behalf of the following persons:

All consumers residing in Quebec who were charged international mobile data roaming fees by the Defendants at a rate higher than \$5.00 per megabyte after January 8, 2010.
(the “members”)

The class action alleges that these wireless service providers charged Quebec consumers exploitative and excessive data roaming fees while using mobile devices outside Canada.

HOW DO I BENEFIT FROM THE CLASS ACTION IF IT SUCCEEDS?

If you are a Quebec consumer and were charged more than \$5.00 per megabyte by one of the Defendants to use the internet with your device outside of Canada after January 8, 2010, you are a member of the class action and will automatically benefit from any favourable judgment.

WHAT CAN YOU GET?

The class action seeks a reduction of the fees paid by class members as well as punitive damages.

YOUR RIGHT TO OPT OUT OF THE CLASS ACTION

If you want to opt out of the class action, you must do so by the latest **(60 days from the publication of the notice)** by sending a letter with the court number 500-06-000636-130 to the clerk of the Superior Court of Quebec, at 1, rue Notre-Dame Est, Montréal (Québec), H2Y 1B6. Please send a copy of this letter to the Class Counsel at the address below.

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Class Action Notice-short version

Inga Sibiga v. Fido et al.

C.S.M. 500-06-000636-130

**FOR MORE INFORMATION PLEASE CONTACT THE CLASS
COUNSEL:**

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*This notice is only a summary of the full notice to members, which can
be found on Class Counsel's website at www.tjl.quebec.*

CLASS ACTION NOTICE
(S.C.M. N° 500-06-000636-130)

***Did you pay International Data Roaming Fees at a rate higher than
\$5,00 per megabyte
to Fido, Rogers, Bell Mobility or Telus after January 8, 2010?***

On August 10, 2016, the Court of Appeal of Quebec authorized Inga Sibiga to bring a class action in damages against *Fido Solutions Inc.*, *Rogers Communications Partnership* (or *Chatr Wireless*), *Bell Mobility Inc.* (or *Virgin Mobile* and *Solo Mobile*), and *Telus Communication Company* (or *Koodo Mobile*) (together, the “Defendants”) on behalf of the following persons:

All consumers residing in Quebec who were charged international mobile data roaming fees by the Defendants at a rate higher than \$5.00 per megabyte after January 8, 2010.

(“class members”)

The class action alleges that the Defendants charged Quebec consumers exploitative and excessive data roaming fees while using mobile devices outside Canada.

The class action seeks a reduction of these fees as damages to compensate class members and punitive damages.

If you are a Class member, you do not need to do anything to benefit from any favourable judgment rendered on the class action.

THE PRINCIPAL ISSUES TO BE DEALT WITH COLLECTIVELY

The authorization decision identified the following questions of fact and law to be treated collectively for the benefit of class members:

- a) Does the disproportion between the international mobile data roaming fees charged to the class members and the value of the service provided by the respondents constitute exploitation and objective lesion under section 8 of the *Consumer Protection Act* (the “CPA”)?
- b) Are the respondents’ international mobile data roaming fees excessively and unreasonably detrimental to consumers such

that the contractual clauses allowing them to charge such fees are abusive under article 1437 C.C.Q.?

- c) Must the class member's obligations be reduced and if so, by how much?
- d) Are the class members entitled to punitive damages, and if so, what amount must the respondents pay?

THE CONCLUSIONS SOUGHT

The authorization decision identified the following conclusions:

- a) **DECLARE** that the international mobile data roaming fees charged by respondents amount to exploitation under section 8 of the CPA;
- b) **DECLARE** that the international mobile data roaming fees charged by the respondents are excessively and unreasonably detrimental to consumers or adhering parties and are therefore not in good faith under article 1437 C.C.Q.;
- c) **REDUCE** the obligations of the petitioner and class members to pay the respondents for the international mobile data roaming services charged to their fair market value;
- d) **ORDER** respondent Fido to compensate the petitioner for the amount overcharged;
- e) **ORDER** the collective recovery of all damages owed to the class members for the amount overcharged;
- f) **ORDER** the collective recovery of all the punitive damages to be paid to all the class members;
- g) **ORDER** the respondents to pay each member of the class their respective claims, plus interest at the legal rate as well as the additional indemnity provided for by law in accordance with article 1619 C.C.Q.;

YOUR RIGHT TO OPT OUT OF THE CLASS ACTION

Class members can exclude themselves from the class action by sending a letter with the court number 500-06-000636-130 to the clerk of the Superior Court of Quebec, at 1, rue Notre-Dame Est, Montréal (Québec)

H2Y 1B6, by the latest **(60 days from the publication of the notice)**. Please send a copy of this letter to the Class Counsel at the address below.

A class member who does not discontinue a legal proceeding having the same subject matter as the class action before the time for opting out has expired, is deemed to have opted out of the class action.

INTERVENTIONS AND LEGAL COSTS

The class action will be heard in the judicial district of Montreal.

A class member can make interventions in the class action before the Court if they are helpful to the other class members.

No class member other than the representative plaintiff or an intervenor may be required to pay legal costs arising from the class action.

FOR MORE INFORMATION

If you are a class member and would like to receive updates on the progress of the class action, you can sign up by completing the form on Class Counsel's website:

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