

YOU WERE A CUSTOMER OF ROGERS OR FIDO AND PAID LATE FEES? YOU COULD BE A MEMBER OF A CLASS ACTION

The Superior Court has authorized a class action against Rogers Communications Canada Inc. ("**Rogers**") for imposing late fees on its customers for outstanding invoices at an annual interest rate of 42.58%.

Mr. Christopher Zakem has obtained the status of representative for the members in this class action.

WHO IS ELIGIBLE?

You are a member of the class action if you meet **all of the following criteria**:

1. You have been or are currently a customer of **ROGERS** or **FIDO**;
2. Your service contract was governed by the **following terms and conditions**:
 - Rogers Terms of Service and Other Important Information;
 - Rogers Small Business Terms of Service and Other Important Information; or
 - Fido Terms of Service;
3. You paid late payment fees at the annual rate of **42.58% between March 1, 2019, and February 26, 2021**; and
4. You were **residing in Quebec** when you paid these late fees.

All persons who meet the criteria may be entitled for a compensation if the class action is successful.

WHAT COULD YOU GET?

You may be entitled to a reduction and a partial refund of the late fees you paid to Rogers.

You may also be entitled to an additional amount to be determined by the court as punitive damages.

LAWYER'S FEES will be paid only if the claim is successful and according to a percentage of the compensation paid to group members that will be approved by the Court. Therefore, you do not have **to pay anything** unless you obtain compensation.

YOU CAN OPT OUT UNTIL APRIL 12, 2021.

If you do nothing, you will be a member of the class action and will be bound by any judgment in this action.

If you do not want to participate in the class action, you can opt out from the group. You may wish to opt out if, for example, you prefer to pursue your own legal action at your own expense against Rogers.

If you opt out, you will not be entitled to any compensation if a favourable judgment or settlement is reached in this class action.

You have until April 12, 2021 to opt out of the class action.

To opt out, you must send a **letter to the clerk of the Superior Court of Quebec** with a copy to Mr. Zakem's lawyers, indicating court number 500-06-001045-208 :

Clerk's Office of the Superior Court of Quebec
1, Notre-Dame Street East
Montreal (QC) H2Y 1B6

Trudel Johnston & Lespérance
750, Place d'Armes, Suite 90
Montreal (QC) H2Y 2X8
info@tjl.quebec

THE NEXT STEPS

The authorization judgment is a preliminary step that allows the class action to begin. This judgment does not decide over Rogers' liability and Rogers will be able to assert its defenses at trial. Following this trial, which will take place in the district of Montreal, the Superior Court will decide whether the Defendant, Rogers, should be ordered to compensate the members and, if so, what amount will be paid.

To do so, the Superior Court will answer the following questions:

1. Did the Defendant violate the rules of law applicable in Quebec, including those set out in the *Consumer Protection Act*, by charging late payment fees to its customers at an annual interest rate of 42.58%?
2. Did the actions alleged against the Defendant cause damages to the Members?

3. Is the Defendant liable for damages suffered by the Plaintiff and the Members under the *Civil Code of Québec*?
4. Is the Defendant liable for damages suffered by the Plaintiff and the Members by virtue of the objective lesion under the *CPA*?
5. Are the Plaintiff and Members entitled to punitive damages under the *CPA*?
6. Can the claims be subject to a collective recovery order?

THE CONCLUSIONS SOUGHT

Here is what the plaintiff is asking the Court for the group members:

GRANT the class action on behalf of all Members;

ORDER the Defendant to pay to the Plaintiff and to each of the Members an amount equivalent to the reduction of the interest rate from 42.58% to 15%, applicable on the late fees paid as damages for the material prejudice, the whole with interest at the legal rate and the additional indemnity from the date of filing of the Application for Authorization to Institute a Class Action and **ORDER** the collective recovery of these sums;

ORDER the Defendant to pay to the Plaintiff and to each of the Members an amount of punitive damages, to be determined according to the evidence, with interest at the legal rate and additional indemnity from the judgment to be pronounced and **ORDER** the collective recovery of these sums;

THE WHOLE with full legal cost including the cost of expertise and the cost of publishing notices to members.

YOU CAN ASK TO INTERVENE

A member may ask the Court to intervene in the class action. The Court will allow the intervention if it is of the opinion that it is useful to the group.

STAY INFORMED

If you wish to receive information on the progress of the case, you can **subscribe to the mailing list for this class action with Trudel Johnston & Lespérance** by completing the form at: <https://tj.quebec/recours-collectifs/frais-de-retard-factures-par-rogers/>.

CAUTION. Your subscription to the newsletter is not a claim for compensation! If the class action is successful, you will have to submit your claim by following the procedure determined by the court.

You can also consult the Central Registry of Class Actions where all proceedings must be published: <https://www.registredesactionscollectives.quebec/>.

You can contact Mr. Zakem's attorneys at the following coordinates:



TRUDEL JOHNSTON & LESPÉRANCE
750, Côte de la Place d'Armes, suite 90
Montreal (Quebec) H2Y 2X8
Toll-free line: 1 844-588-8385
info@tjl.quebec



PAQUETTE GADLER INC.
353 Saint-Nicolas, Suite 200
Montreal (Quebec) H2Y 2P1
(514) 849-0771
recours@paquettegadler.com