

## **NOTICE OF AUTHORIZATION OF A CLASS ACTION RELATED TO FEES CHARGED BY BONJOUR-SANTÉ**

The Superior Court has authorized a class action against Innovation Tootelo Inc., the company behind the "Bonjour-Santé" service. The class action alleges that Bonjour-Santé improperly billed users fees for medical appointments for which an insured act was paid by the RAMQ. The class action seeks restitution of these fees.

Ms. Josie-Anne Huard has been designated as the representative of the class members.

The authorization judgment is a preliminary step that allows the class action to begin. This judgment does not determine whether the defendant, who will be able to present its defences at trial, is in fact liable. Following the trial, which will take place in the district of Montreal, the Superior Court will decide whether the defendant, Innovation Tootelo Inc. should be ordered to restore fees to the class members and, if so, in what amount.

### **WHO IS AFFECTED?**

You are included in the class action if you meet **all of the following criteria**:

1. You paid **a fee to Bonjour-Santé** to obtain a medical appointment;
2. The **doctor's fees were covered by the RAMQ** (the services were insured by the RAMQ) during this appointment; and
3. You paid the fee at some point **since September 20, 2015**.

All individuals who meet these criteria might be entitled to restitution of fees if the class action is successful.

### **WHAT CAN YOU OBTAIN?**

The class action seeks restitution of all fees paid to Bonjour-Santé that the plaintiff claims were improperly charged, including taxes.

**THE LAWYER'S FEES** will be paid only in the event that the class action is successful, according to a percentage of the compensation paid to the class members that must be approved by the Court. **As a result, you do not have to pay anything** unless you obtain compensation.

### **YOU CAN CHOOSE TO OPT OUT UNTIL MARCH 7<sup>TH</sup>, 2022.**

If you do not take any action, you will be a member of the class action and will be bound by any judgment rendered in this action.

If you do not wish to be a member of the class for any reason, you may opt out from the class.

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

You have until **March 7<sup>th</sup>, 2022** to opt out of the class.

To opt out, you must send a letter to this effect to the clerk of the Superior Court of Quebec, indicating the court number 500-06-000943-189 :

**Grefe de la Cour supérieure du Québec**  
1, rue Notre-Dame Est  
Montréal (Québec) H2Y 1B6

Although not required, counsel for the plaintiff suggests that a copy of this letter also be sent to the following address:

**Trudel Johnston & Lespérance**  
750, Côte de la Place d'Armes, bureau 90  
Montréal (Québec) H2Y 2X8

## **THE NEXT STEPS**

**To determine whether the class action will succeed, a trial will be held in the District of Montreal. The Superior Court will answer the following questions:**

1. Does the defendant's billing of an amount of money to a person to obtain an appointment for which an insured act was paid by the Régie de l'assurance maladie du Québec contravene the *Health Insurance Act*?
2. Are the members of the class entitled to the restitution of the amounts illegally billed, plus the payment of legal interest and the additional indemnity provided for in article 1619 of the Civil Code of Quebec, as of the date of the filing of the application for authorization to institute a class action?
3. Can the restituted amounts be recovered collectively?

[*translation*]

## **THE CONCLUSIONS SOUGHT**

**GRANT** the class action on behalf of the representative and the members of the class against the defendant;

**CONDEMN** the defendant to restore the amount illegally charged to class members, including taxes, plus legal interest and the additional indemnity provided

for in the Civil Code of Québec, and **ORDER** the collective recovery of these sums, with interest running from the date of service of the application for authorization to institute a class action;

**ORDER** the Defendant to deposit in the Registry of the [Superior Court] all of the amounts subject to a collective recovery order, together with interest and the additional indemnity;

**TAKE** all other actions that the Court considers necessary to safeguard the rights of the parties;

**THE WHOLE**, with costs including expert and opinion fees;

## **YOU MAY APPLY TO INTERVENE**

A member may apply to the Court to intervene in the class action. The Court will allow the intervention if it believes it is helpful to the class.

## **STAY INFORMED**

If you wish to receive information on the progress of the case, you can **subscribe to the mailing list for this case** on Trudel Johnston & Lespérance's website by filling out the form at <https://tjl.quebec/en/class-actions/managing-fees-billed-by-bonjour-sante/> .


**IMPORTANT. Your subscription to the newsletter is not a claim!** If the class action is successful, you will have to file your claim following the procedure determined by the court.

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

If you have any questions, you can contact Ms. Huard's lawyers using the information below:



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750, Côte de la Place d'Armes, bureau 90  
Montréal (Québec) H2Y 2X8  
Ligne sans frais : 1 844-588-8385  
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