

SUPERIOR COURT

(Class Actions)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

N° : 500-06-000756-151

DATE : September 10, 2019

PRESENT : THE HONOURABLE PIERRE-C. GAGNON, J.S.C.

DAVID HURST

Plaintiff

v.

AIR CANADA

Defendant

JUDGMENT ON A REQUEST FOR APPROVAL OF NOTICES IN THE CONTEXT OF APPROVAL OF THE SETTLEMENT AGREEMENT

[1] **SEEING** that the parties are involved in litigation of the nature of a class action already authorized by the Court on January 27, 2017 and that the hearing on the merits took place on February 18 to 20, 25 and 26, 2019 at the Montréal Courthouse, but that judgment on the merits of the class action has not been rendered;

[2] **SEEING** that a Settlement Agreement has been achieved between the Plaintiff, David Hurst, and the Defendant, Air Canada (hereinafter the “**Transaction**”) (Appendix "A");

[3] **SEEING** that the parties are jointly requesting the Court:

(a) To approve notices to members to inform them of the Transaction and the approval hearing (Schedules A-D of the Settlement Agreement in Appendix “A”);

(b) To approve the mode of circulation and publication of the notices;

[4] **CONSIDERING** that the purpose of notices to members at this stage is to inform them of the existence of a negotiated settlement between the parties, the need for it to be approved by the Court and their right to challenge it;

[5] **CONSIDERING** that the Court must protect the interests of members;

FOR THESE REASONS, THE COURT: POUR CES MOTIFS, LE TRIBUNAL :

[6] **GRANTS** the Plaintiff’s motion to approve notices;

[6] **ACCUEILLE** la demande du demandeur pour approuver les avis;

[7] **ORDERS** that the settlement approval in this proceeding shall be heard on October 28, 2019 at 9:30 a.m., at the Montréal Courthouse, Québec, in room 2.08 (the “Approval Hearing”);

[7] **ORDONNE** que l’audience sur l’approbation de la transaction dans la présente affaire se tiendra le 28 octobre 2019, à 9 h 30, au Palais de justice de Montréal (au Québec), en salle 2.08 (l’ « Audience d’approbation »);

[8] **ORDERS** that the Plaintiff shall file their materials for the settlement approval hearing by no later than thirty days before the date for Approval Hearing;

[8] **ORDONNE** que le demandeur dépose sa documentation en vue de telle audience au plus tard 30 jours avant l’Audience d’approbation;

[9] **APPROVES** the form and content of the French and English Notices of Approval Hearing in the form attached as Schedules A-D to the Settlement Agreement;

[9] **APPROUVE** la forme et la teneur des Avis de la tenue de l’Audience d’approbation en français et en anglais, tels que formulés aux Annexes A à D de l’Entente de règlement;

[10] **APPROVES** the plan for dissemination of notices to the class members, as provided in the proposed Settlement Agreement;

[10] **APPROUVE** le programme de dissémination des avis aux membres, tel que stipulé au projet d’Entente de règlement;

[11] **DECLARES** that the Notices of Approval Hearing and dissemination thereof through e-mail constitute fair and reasonable notice to the class members of the Approval Hearing;

[11] **DÉCLARE** que tels avis et telle dissémination procurent aux membres une notification équitable et raisonnable de la tenue de l’Audience d’approbation;

[12] **DECLARES** that a class member who objects to the Settlement Agreement

[12] **DÉCLARE** qu’un membre qui objecte à l’Entente de règlement doit notifier

may send his objection to Class Counsel
by no later than fifteen days before the
date for Approval Hearing;

les avocats du groupe de son objection au
plus tard 15 jours avant la date de
l'Audience d'approbation;

[13] **THE WHOLE** without costs.

[13] **LE TOUT** sans frais de justice.

HONOURABLE PIERRE-C. GAGNON, J.S.C.

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