

**NOTICE OF COURT APPROVAL OF A TRANSACTION
IN THE CLASS ACTION FOR COMPENSATORY DAMAGES FOR COSTS
FOR EDUCATIONAL SERVICES AND FOR THE PURCHASE OF SCHOOL MATERIALS
150-06-000007-138**

Please read this notice carefully as it may affect your rights. You must act without delay in order to meet the deadlines indicated below.

TAKE NOTICE that, by a judgment rendered on July 30, 2018 (the “**Judgment**”), the Superior Court of Québec approved the transaction entered into (the “**Transaction**”) between the parties in the class action filed by Ms. Daisye Marcil against 68 school boards (the “**Class Action**”) on behalf of the following class:

“All persons who have paid, as parents, tutors, or assignees, for their children registered in one of the schools forming part of the educational institutions of the respondents, costs for educational services (...) and for the purchase of textbooks or instructional materials, mandatory or optional, required for the teaching of programs of studies of elementary and secondary education, as well as costs for reference and reading material, from the 2009-2010 school year, except for the ten (10) school boards listed at paragraphs 20. i., ii, iii, iv, v, vi, x, xii, xiii, and xv, from the 2008-2009 school year, until the judgment date, that are not subject to the exception contemplated by section 7 of the *Education Act* (CQLR c I-13.3), subject to certain reservations with respect to the Commission scolaire des Samares for which the following clarifications should be made:

- ◆ With respect to the Commission scolaire des Samares, all of the matters that were the subject of the discontinuance recorded in the minutes of the hearing dated February 27, 2012 in the court record 705-06-000005-109 of the Superior Court of the district of Joliette will be excluded from the claim;”

(the “**Class Members**”)

The present notice is issued pursuant to article 10.4 of the Transaction.

THE JUDGMENT AND THE TRANSACTION

The Court held that the Transaction is valid, fair, reasonable and in the best interests of the Class Members and ordered that the Transaction be implemented in accordance with the terms contained therein with respect to the distribution of the net individual indemnities to the Class Members.

The Transaction provides that the 68 defendant school boards agree to collectively pay a total amount of \$153,507,134.00 in capital, interests, costs and additional indemnity (the “**Settlement Fund**”), including the fees of counsel for the Class Members (and the applicable taxes), as well as the disbursements (including financing costs) and legal costs incurred by them (together, the “**Fees**”). The distribution costs and the publication costs for the notices are assumed directly by the defendants and not from the Settlement Fund. The Transaction was entered into without admission of liability by the defendants and subject to their rights and remedies against their liability insurers.

The school years indemnified by the Settlement Fund are the 2009-2010 to 2016-2017 school years in the case of the following 10 school boards:

- Commission scolaire de la Capitale
- Commission scolaire du Chemin-du-Roy
- Commission scolaire des Découvreurs
- Commission scolaire de l'Énergie
- Commission scolaire De La Jonquière
- Commission scolaire du Lac-Saint-Jean
- Commission scolaire des Navigateurs
- Commission scolaire du Pays-des-Bleuets
- Commission scolaire des Premières-Seigneuries
- Commission scolaire des Rives-du-Saguenay

For the other defendant school boards, the school years indemnified by the Settlement Fund are the 2010-2011 to 2016-2017 school years.

For the 2017-2018 and 2018-2019 school years, the Transaction provides that the Class Members have been compensated by the *Supplement for the purchase of school supplies* paid by the Government of Québec, being annual financial assistance of \$100 per child aged 4 to 16 as of September 30 of each year. Further information on the *Supplement for the purchase of school supplies* can be obtained online at: <https://www.rrq.gouv.qc.ca/en/enfants/Pages/supplement-achat-fouritures-scolaires.aspx>.

The Settlement Fund will allow for the payment to each Class Member entitled to them of net individual indemnities of \$24.09 per student per indemnified school year (the “**Net Individual Indemnities**”). In particular, the Transaction provides for the payment of a compensatory lump sum of \$28.49 per student per indemnified school year, from which the Fees, which amount to approximately \$4.40 per student per indemnified school year, have been deducted.

The Judgment provides that any Class Member who has not opted out of the Class Action in accordance with section 580 of the *Code of Civil Procedure* of Quebec has given full and final release for any dispute arising directly or indirectly from the facts and costs mentioned in the proceedings instituted in the context of the Class Action, for the school years 2008-2009 to 2018-2019 inclusively.

The defendants have undertaken not to substantially increase the fees charged to parents for the 2018-2019 school year, except in accordance with the directive on free education issued by the Minister of Education, Recreation and Sports on June 7, 2018. You may consult this directive online at: http://www.education.gouv.qc.ca/fileadmin/site_web/documents/nouvelles/Directive_gratuite_scolaire.pdf.

The Transaction provides for the automatic distribution of the Net Individual Indemnities, which is the subject of the following section of this notice.

THE AUTOMATIC DISTRIBUTION OF THE NET INDIVIDUAL INDEMNITIES

The distribution of the Net Individual Indemnities has been entrusted to Collectiva Class Action Services Inc. (“**Collectiva**”), a specialized external administrator.

The Net Individual Indemnities will be automatically distributed to the Class Members entitled to them. **You do not need to register for the Class Action or to make a claim in order to receive the Net Individual Indemnities to which you are entitled, if any.**

Collectiva will send to each Class Member entitled to it a cheque corresponding to the amount of the Net Individual Indemnities relating to the student(s) concerned, calculated over all the indemnified school years (the “**Cheque(s)**”) applicable to such student(s). The Cheque will be accompanied by a confirmation of the identity of the student(s) concerned, by explanations as to the calculation of the Net Individual Indemnities paid to the Class Member and by explanations as to the maximum delay for cashing the Cheque.

The Cheques will be issued to the order of the last persons in charge registered in the files of the students concerned with the defendant school boards or their schools (the “Person(s) in Charge”). This way of identifying the recipients of the Cheques has been specifically approved by the Superior Court of Québec on November 16, 2018.

If multiple Persons in Charge are on file, the Cheque will be issued jointly to them. **In this case, the Cheque must be signed by each of the identified recipients before being cashed.**

If you are not the Person in Charge for a student, you will not receive any Cheque from Collectiva. In this case, if you have paid fees for educational services and for the purchase of school materials during the indemnified school years, you must submit your claim to the Person in Charge who received the Cheque for your child. In the vast majority of cases, this person will be the other parent of your child.

Collectiva will send the Cheque by mail to the last known principal address of the **Person(s) in Charge**, as recorded in the files of the school boards. The defendant school boards have guaranteed that they hold contact information for the vast majority of Persons in Charge. They have also undertaken to take all steps which are reasonably necessary to find contact information for Class Members for whom they do not have such information.

However, in the event of a change of address, all Class Members must notify Collectiva in accordance with the process and time limits set out in the following section of this notice. The Cheque will then be sent to the new address.

It is currently planned that the Cheques will be gradually mailed from February 2019 to June 20, 2019, and possibly beyond if necessary.

Persons in Charge must cash the Cheques within 180 days of the date of issue. If not, they will lose their right to the automatic distribution and the uncashed Cheques will be cancelled by Collectiva.

HOW TO NOTIFY COLLECTIVA OF A CHANGE OF ADDRESS?

If you need to notify Collectiva of a change of address, **you must, no later than January 21, 2019**, complete the form available on the Class Action web site, online at:

<https://ententefraisscolaires.collectiva.ca/AddressChangeForm>

TO LEARN MORE

This notice contains only a summary of the Judgment and of certain provisions of the Transaction. For further information, you may consult the Class Action website, which contains a complete copy of the Transaction, the main court documents including the Judgment and answers to frequently asked questions, online at:

<https://ententefraisscolaires.collectiva.ca>

You may also contact Collectiva by phone at 514-448-6428 (local number) or 1-833-448-6428 (toll-free number in Canada and the United States) or by e-mail at ententefraisscolaires@collectiva.ca.

Finally, you may also contact counsel for the Class Members, who are:

Mtre Manon Lechasseur
Mtre Yves Laperrière
Justitia Cabinet d'Avocats
138, Racine Street E
Chicoutimi (Québec) G7H 1R7

Email: m.lechasseur@justitiaavocats.com

Email: y.laperriere@justitiaavocats.com

-and-

Mtre Lucien Bouchard
Mtre Jean-Philippe Groleau
Mtre Guillaume Charlebois
Davies Ward Phillips & Vineberg, s.e.n.c.r.l., s.r.l./LLP
1501 McGill College Avenue, Suite 2600
Montréal (Québec) H3A 3N9

Email: lbouchard@dwpv.com

Email: jpgroleau@dwpv.com

Email: gcharlebois@dwpv.com

Counsel for the defendants (the 68 school boards, except for the five 5 Montreal school boards) are:

Mtre Bernard Jacob
Mtre Jonathan Desjardins Mallette
Mtre Marie-Andrée Gagnon
Mtre Marianne Lefrançois
Morency, société d'avocats
Édifice Le Delta 3
2875 Laurier Boulevard, Suite 200
Québec (Québec) G1V 2M2

Email: jdmallette@morencyavocats.com

Counsel for the other defendants (the five 5 Montreal school boards) are:

Mtre Malaythip Phommasak
Meagher Phommasak, avocates
500 Crémazie Boulevard E
Montréal (Québec) H2P 1E7

Email: malaythip.phommasak@cgtsim.qc.ca

INTERPRETATION

This notice contains only a summary of certain provisions of the Transaction. In the event of a conflict between the content of this notice and the content of the Judgment or the provisions of the Transaction, the content of the Judgment and the provisions of the Transaction will prevail.

THE PUBLICATION OF THIS NOTICE HAS BEEN ORDERED BY THE COURT.