

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**Proceeding under the *Class Proceedings Act, 1992***

THE HONOURABLE ) FRIDAY, THE 19<sup>TH</sup> DAY  
JUSTICE BELOBABA ) OF FEBRUARY, 2016

**BETWEEN:**

NIZARALI LALANI

Plaintiff

-and -

EDWARD REEVES

Defendant

**ORDER**

**THIS MOTION** made by the Plaintiff for an order approving the form of notice of certification pursuant to s. 17 of the *Class Proceedings Act, 1992*, S.O. 1992, c. 6, (“CPA”) was heard this day in chambers at Toronto, Ontario.

**ON READING** the draft form of notice of certification prepared by the Plaintiff, and on being advised of the Parties’ consent:

1. **THIS COURT ORDERS** that the form of Notice of Certification attached hereto as Schedule “A” is approved;



2. **THIS COURT ORDERS** that paragraph 11 of the Certification Order of Justice Belobaba dated January 26, 2016, be and the shall be varied to read:

11. **THIS COURT ORDERS** that any member of the Class may opt-out of this Class Action by mailing or faxing to Landy Marr Kats LLP and/or Solmon Rothbart Goodman LLP a signed and dated Notice of Opting-Out, which must be postmarked if sent by mail or received if sent by fax by no later than March 21, 2016. No Class Member may opt-out of the Class Action after the expiration of the opt-out period.



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THE HONOURABLE JUSTICE E. BELOBABA

ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

FEB 19 2016

PER / PAR:



## SCHEDULE "A"

### NOTICE

**To: All Individuals who were victims of Salim Damji's Tooth Whitening Fraud between January 1, 2000 and March 31, 2002**

#### NOTICE OF CERTIFICATION AS A CLASS ACTION

This Notice may affect your rights. Please read it carefully.

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| <b>PURPOSE OF THIS NOTICE:</b> | A nation-wide class proceeding has been certified by the Ontario Superior Court of Justice. |
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On January 29, 2016, *Lalani v. Reeves*, Court File No. 07-CV-338183CP was certified as a class proceeding, and Nizarali Lalani was appointed as the representative plaintiff on behalf of the Class (the "Class Action").

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| <b>Who this Notice is for:</b> | You are a member of the Class if you fit this description: |
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| <b>THE CLASS</b> | All persons who gave money to or for Salim Damji on account of a fraudulent tooth whitening product/process/promotion perpetrated by Salim Damji and variously known as STS Instant White and other STS related names and whose monies were deposited into the bank accounts of 1096166 Ontario Ltd, o/a Cash Plus Services ("Cash Plus") located at the Bank of Montreal's Brown's Line and Evans bank branch in the City of Toronto, between January 1, 200, and March 31, 2002. |
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| <b>What the Action is About:</b> | The Class Action alleges, among other things, that the Defendant, through a numbered company owned and operated Cash Plus Services, a cheque-cashing facility that processed some \$54 million of money given by victims of Damji's fraud and used its BMO bank account to transfer the monies at Damji's direction. The claim alleges that Reeves is personally liable. The claim alleges that Class Members are entitled to damages from Reeves for the total amount of the money related to Damji's fraud that flowed through the numbered company. |
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Reeves denies all the allegations made against him in the action and that the Class Members are entitled to any compensation. By certifying this action as a class proceeding, the Court has not determined the merits of the Plaintiff's claims or the Defendant's defences. The Plaintiff will be required to prove his allegations at a trial in order to obtain the relief that he seeks for the Class.

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A copy of the Statement of Claim and the Order certifying this action as a class proceeding can be reviewed the following websites: [www.thetorontolawyers.ca](http://www.thetorontolawyers.ca) or <http://www.srglegal.com>

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**The Defendant:** The Defendant is Edward Reeves.

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**HOW THIS CLASS ACTION AFFECTS YOU:** If you are a Class member, and you wish to participate in the proceeding, then you do not need to do anything more at this stage. You are automatically included in the Class.

**No Cost to You**

There is no cost to you to participate in the class action. You will have no responsibility to pay any legal fees. Class Counsel will only be paid in the event that the action succeeds at trial or there is a settlement. Class Counsel have entered into a contingency fee agreement with the representative plaintiff. The agreement provides for a contingency fee of 33% of the amount recovered in the Class Action to be paid to Class Counsel, along with reimbursement of all disbursements and taxes. The court must first approve Class Counsel's legal fees before they will be paid.

**You will be Bound by a Judgment or Settlement in the Action**

Each Class member who does not opt out of the Class Action will be bound by the terms of any judgment or any settlement approved by the Court. Each Class member may be entitled to share in the amount of any judgment awarded or settlement reached in the Class Action.

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**HOW TO OPT OUT OF THE CLASS ACTION**

If you DO NOT WANT TO PARTICIPATE in this proceeding, then you must say so in writing by delivering a letter to Class Counsel, including your full name and address on or before March 21, 2016 at 5:00 pm EST to the following address:

**If you do not want to participate in the Action**

**Address for Sending Your Notice of Opt Out:**

Reeves Class Action  
Landy Marr Kats LLP  
900 – 2 Sheppard Avenue East  
Toronto, ON M2N 5Y7  
Fax: 416-221-8928

OR

Solmon Rothbart Goodman LLP  
701 – 375 University Avenue  
Toronto, Ontario, M5G 2J5  
Fax: (416) 947-0079

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**Opt Out Deadline:**

If you decide to opt out, you will not be bound by the terms of any judgment or settlement. However, you also will not be eligible for any of the benefits of any settlement or judgment if the action is successful.

No Class member will be permitted to opt out after March 21, 2016.

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**ADDITIONAL  
INFORMATION**

Any questions about the matters in this notice should be addressed to Class Counsel.

The certification order and other information regarding the Class Action is available on the following websites:

[www.thetorontolawyers.ca](http://www.thetorontolawyers.ca) or <http://www.srglegal.com>

or may be obtained by calling: **416-221-9343** or **416-947-1093**.

Requests for information or questions for Class Counsel should be directed to:

Reeves Class Action  
Landy Marr Kats LLP  
900 – 2 Sheppard Avenue East  
Toronto, Ontario M2N 5Y7  
e-mail: [smarr@lmklawyers.com](mailto:smarr@lmklawyers.com)

Or

Reeves Class Action  
Solmon Rothbart Goodman LLP  
701 – 375 University Avenue  
Toronto, Ontario, M5G 2J5  
e-mail: [ntourgis@srglegal.com](mailto:ntourgis@srglegal.com)

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**INTERPRETATION**

This notice is a summary of the terms of the certification order. If there is a conflict between the provisions of this notice and the terms of the certification order, the certification order prevails. The certification order can be viewed at the web addresses referenced above.

This notice was approved by the Ontario Superior Court of Justice

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**NIZARALI LALANI**

Plaintiff

-and-

**EDWARD REEVES**

Defendant

Court File No. 07-CV-338183 CP

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
PROCEEDING COMMENCED AT  
TORONTO**

**ORDER**

**LANDY MARR KATS LLP**  
Barristers & Solicitors  
2 Sheppard Avenue East - Suite 900  
Toronto, Ontario M2N 5Y7

**Samuel Marr / Keith M. Landy / David Fogel**  
Tel: 416-221-9343  
Fax: 416-221-8928

**AND**

**SOLMON ROTHBART GOODMAN LLP**  
Barristers & Solicitors  
375 University Avenue - Suite 701  
Toronto, Ontario M5G 2J5

**Melvyn L. Solmon / Nancy Tourgis**  
Tel: (416) 947-1093  
Fax: (416) 947-0079

Lawyers for the Plaintiff/Class Counsel