

**NOTICE OF COURT HEARING FOR SETTLEMENT APPROVAL IN ANDERSON et al. v. BELL MOBILITY INC.**

**READ THIS NOTICE CAREFULLY. IT MAY AFFECT YOUR RIGHTS.**

**Who this Notice is For**

This notice is for all persons resident in Northwest Territories, Nunavut, and Yukon (excluding Whitehorse) who entered into an agreement with Bell Mobility to receive cellular phone service, were charged 911 fees, and have no 911 live operator where they reside or associated with their telephone number.

**What the Action is About**

The Court has found the Defendant liable for damages arising from charging 911 fees when no 911 live operator services were available to those persons in Northwest Territories, Yukon (excluding Whitehorse), and Nunavut. The outstanding issue is to quantify the value of the damages.

**Proposed Settlement with the Defendant**

On May 27, 2011, the Court certified the action *Anderson et al. v. Bell Mobility Inc.* Court File No. SICV2007000247 (the "Action") as a class proceeding.

The Plaintiffs have now entered into a settlement with the Defendant. The settlement requires court approval before it will become effective. The settlement will end the action against the Defendant.

**The Terms of the Proposed Settlement**

The settlement resolves the value of the damages owed by the Defendant. Under the settlement, the Defendant will pay to the class members and, as set out below, to Class Counsel and the Representative Plaintiffs the all-inclusive sum of \$1,016,336.57 including interest and court costs (the "Settlement Amount").

The Plaintiffs recommend the settlement to the class. Class Counsel recommends the settlement as fair and reasonable. In reaching the Settlement, Class Counsel considered the estimated total damages suffered by the Class.

A more complete explanation of the settlement and why Class Counsel recommends the settlement will be provided to the Court. The materials Class Counsel will file with the Court for the purposes of seeking approval of the settlement will be available to Class Members, on request, after May 20, 2016.

The settlement agreement and other information regarding the Action, including a copy of the Statement of Claim, are available on Class Counsel's website at: [www.thetorontolawyers.ca](http://www.thetorontolawyers.ca) or may be obtained by calling 1-855-556-5529.

**Next Step – Settlement Approval Hearing will be held in Yellowknife, NT**

The settlement must be approved by the Court before it can come into effect.

Class Members may, but are not required to, attend the Settlement Approval Hearing that will be held on June 6, 2016, at 10:00 a.m., at the Court House, 5103 – 49<sup>th</sup> Street, Third Floor Courthouse, Yellowknife, NT.

At the same time, Class Counsel will request that the Court approve their retainer agreement with the Plaintiffs, approve that their legal fees be paid out of the Settlement Amount, and request that a stipend of \$5,000 be paid to the Representative Plaintiffs (the "Stipend"). The legal fees will not exceed 40% of

the Settlement Amount, plus disbursements and applicable taxes ("Class Counsel Fees"). Class Counsel Fees and the Stipend will be deducted from the Settlement Amount, before the balance is distributed to Class Members in the manner set out in the settlement agreement.

Each customer of Bell Mobility will get their share of the Settlement Amount, after deduction of Class Counsel Fees and the Stipend, either by way of a credit on their monthly bill if they are still a Bell Mobility customer or, if not, by refund cheque to their last known address. Any refund not cashed within six (6) months will be paid out to Stanton Territorial Health Authority.

Class Members that approve of or do not oppose the settlement agreement do not need to appear at the Settlement Approval Hearing or take any other action at this time.

### **CLASS MEMBERS MAY OBJECT**

Class Members have the right to object to the proposed settlement, and/or the application that Class Counsel's legal fees be paid out of the Settlement Amount, and/or the distribution of any remaining balance of funds.

Class Members who wish to object should do so in writing. **All comments or objections should be received by Class Counsel (at the address listed below) no later than June 1, 2016.** Class Counsel will file any and all such submissions with the Court. Class Members may attend the Approval Hearing whether or not an objection was delivered. The Court may permit Class Members to participate in the Approval Hearing whether or not an objection was made.

A written objection should include:

- (i) the Class Member's name, address, telephone number, fax number (where applicable) and email address;
- (ii) a brief statement outlining why they object to the proposed settlement, to the application for fees, or to the distribution of any remaining balance of funds; and
- (iii) a statement as to whether the objector intends to appear at the Approval Hearing in person or through a lawyer, and, if through a lawyer, the name, address, telephone number, fax number, and email address of the lawyer.

### **In the Event of Approval, Notice of Approval and the Claims Process will be Delivered**

If the settlement is approved by the Court, another notice will be given to the Class along with their credit (for active subscribers) or refund cheque (for former subscribers).

For questions relating to the Action, for further information about the settlement, or to deliver an objection please contact Class Counsel:

Anderson Class Action  
Landy Marr Kats LLP  
Suite 900 – 2 Sheppard Avenue East.  
Toronto, ON, M2N 5Y7

e-mail: [smarr@lmklawyers.com](mailto:smarr@lmklawyers.com)

(t): 1-855-556-5529

The Supreme Court of the Northwest Territories cannot answer any questions about the matters in this notice, please do not contact the Court regarding this notice.