

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.

PURPOSE OF THIS NOTICE: A nation-wide class proceeding has been certified by the Ontario Superior Court of Justice.

On February 29, 2016, *Mirshahi v. Musa Suleman and 1501747 Ontario Inc.*, Court File No. CV-08-0035323-00CP was certified as a class proceeding, and Amir Mirshahi was appointed as the representative plaintiff on behalf of the Class (the “Class Action”).

Who this Notice is for: You are a member of the Class if you fit this description:

THE CLASS 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 in any way given to, received by or dealt with by Musa Suleman and 1501747 Ontario Inc. or either of them, between January 1, 2000 and April 27, 2002, on account of Salim Damji’s fraudulent tooth whitening process promotion, variously known as STS Instant White and other related STS names and who have not recovered all of their said monies.

What the Action is About: The Class Action alleges, among other things, that the Defendants, from approximately 2000 through to April 26, 2002, hundreds, if not more than a thousand, members of the Ismaili community gave cheques to Musa Suleman, payable at the request and direction of Musa Suleman to 1501747 Ontario Inc. Musa Suleman, at all material times, controlled the bank account of 1501747 Ontario Inc. Ultimately, more than \$5,000,000 came to be deposited in the trust account of 1501747 Ontario Inc.

It is pleaded that Mr. Suleman actively contacted, spoke to, represented to and solicited the Damji victims, including the

Plaintiffs, and made representations that, inter alia, he had personally undertaken, performed and completed due diligence with respect to Damji, the STS Product, the STS Enterprise and STS Inc.

Musa Suleman and 1501747 Ontario Inc. deny all the allegations made against them in the action and that the Class Members are entitled to any compensation. They have pleaded, among other things, that the plaintiff and class members did not commence the action on time; that they released the defendants; that they themselves caused or contributed to any losses; that they took an investment risk and failed to request a refund when they had an opportunity to do so; and, that they failed to mitigate their damages, if any.

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.

A copy of the Statement of Claim, the Order certifying this action as a class proceeding and the Statement of Defence can be reviewed the following websites: www.thetorontolawyers.ca or www.srglegal.com

The Defendant:

The Defendants are Musa Suleman and 1501747 Ontario Inc.

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.

HOW TO OPT OUT OF THE CLASS ACTION if you do not want to participate in the 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 August 23, 2016 at 5:00 pm EST to the following address:

Address for Sending Your Notice of Opt Out:

Mirshahi 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

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 August 23, 2016 at 5:00 pm EST.

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 or 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:

Mirshahi Class Action
Landy Marr Kats LLP
900 – 2 Sheppard Avenue East
Toronto, Ontario M2N 5Y7
e-mail: smarr@lmklawyers.com

OR

Mirshahi Class Action
Solmon Rothbart Goodman LLP
701 – 375 University Avenue
Toronto, Ontario, M5G 2J5
e-mail: ntourgis@srglegal.com

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
