

## James Anderson to get \$5K from 10-year legal battle with Bell over 911 fees

Anderson will split the money with his son, judge says other customers will each get 'less than \$100'

By Katherine Barton, [CBC News](#) Posted: Jun 29, 2016 6:00 AM CT Last Updated: Jul 03, 2016 4:00 PM CT



James Anderson and his son launched a lawsuit against Bell Mobility in 2007 over its 911 fees. The two will split \$5,000 as a 'token award,' Anderson said. (CBC)

### **Katherine Barton**

Katherine Barton is part of the award-winning digital team with CBC North. She's worked in the Yellowknife newsroom for more than four years as a TV producer, court reporter and newsreader.

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David's battle with Goliath is over — and he'll get \$5,000 for his trouble.

Bell Mobility has agreed to pay a \$1 million settlement after losing a 10-year class action lawsuit filed by James Anderson and his son Samuel. The Andersons were awarded \$5,000 of that money. Now the question is how much the thousands of other northerners affected by the class action suit will get.

It was in 2005 that Anderson signed a contract for a new cell phone with Bell Mobility — at the time, the only cellular phone service provider in Yellowknife — and learned of the 75 cent fee the company charged for 911 service.

That service does not exist in any of the territories, except in the city of Whitehorse.

According to his lawyers, Anderson's lawsuit is the first class action in all three territories to ever see the light of day. Reflecting this week, Anderson says he always knew the case had merits.

"It defies logic to pay for a service that you don't receive and can't receive."

The case has now finally come to a close. After losing at trial, and exhausting every appeal, Bell has agreed to pay \$1,016,336.57. But it's unclear how much of that will go to northerners.

Any Bell Mobility customer in the North with a contract prior to April 13, 2010 paid \$9 a year for the 911 fee and was automatically included in the class action. The lawsuit estimated that could be up to 20,000 customers across the North.

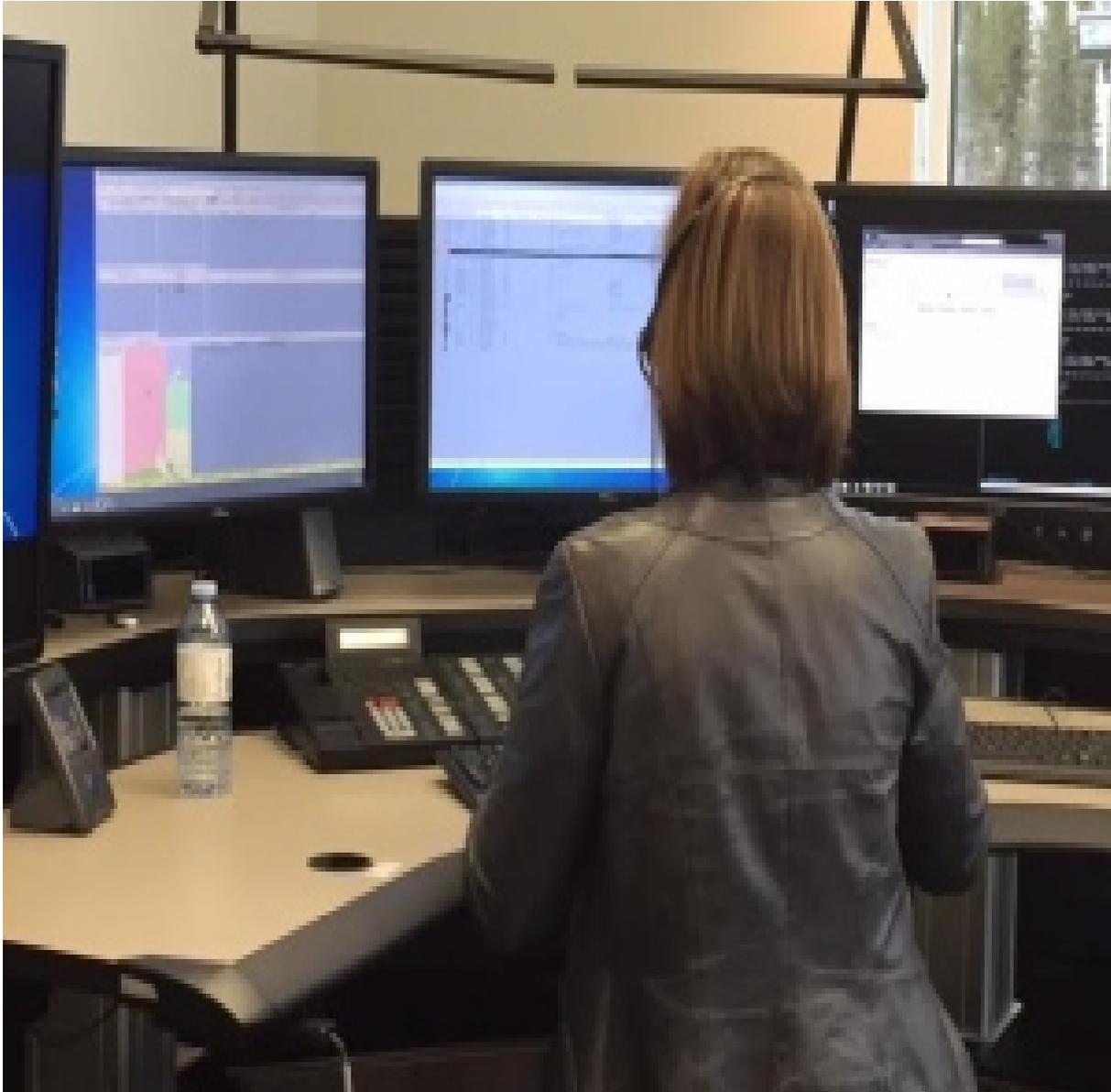
## **'Less than \$100' each**

"We're a bit in the dark," said Keith Landy, one of Anderson's lawyers.

"All of this information is in the records of Bell Mobility. We certainly don't know as someone outside that process."

Bell is tasked with doing the math, so to speak. The company has 90 days to credit accounts of people who are still Bell Mobility customers. It will refund others by cheque to their last known address.

Justice Ron Veale noted that the maximum each customer could receive is "less than \$100."



The Yukon's 911 call centre. Whitehorse is still the only jurisdiction in the three territories with 911 service.

Though a small amount, the judge voiced concerns at a hearing earlier this month that affected customers, many of whom may have moved or are no longer a Bell customer, may not get their compensation.

"[That's] why the judge imposed a reporting condition," Landy said. "Bell has to advise the court exactly who's been paid, when they've been paid, and how much they've been paid."

Bell must file an affidavit with that information in court by April 2017. Any money leftover that doesn't make it to customers will be donated to the Stanton Territorial Hospital Foundation.

At the hearing, a lawyer for Bell couldn't specify how many northern customers are included, but agreed that the 20,000 figure is in the ballpark.

"I'm comfortable saying, Your Honour, that the significant majority of class members remain Bell Mobility subscribers," Robert Dean said.

## Half going to lawyers

More than half of the \$1 million settlement, almost \$516,000, will go to Anderson's lawyers — something Justice Veale said is far from a windfall.

"I don't have any question but that [the lawyers] have earned their money in this particular case. It's been a long slog," he said in court.



Keith Landy, the lawyer representing the Andersons, says his clients were tenacious during the almost decade-long legal battle against Bell Mobility. (CBC)

Anderson agrees, saying the risk of the case always fell on his legal team.

"The cost to my son and myself was just a cost in time because the lawyers take all the risk in a class action suit. They run the chance of gaining nothing."

Landy said the costs being paid to them is slightly more than half of the actual costs to litigate the case for about nine years.

The judge also commended the Andersons for the service they provided for northerners.

"You've been along for a long ride," Veale said. "I think you've done a very admirable job, and I thank you for bringing it forward."

Veale also said the \$5,000 awarded to Anderson was "well earned."

Anderson says he'll split the "token award" with his son. He says he only ever expected to be reimbursed the "unfair and illegal fee," but says the award is "nice nevertheless."

For him, the lawsuit was never about the money, but about corporations nickel and diming customers.

## **What does Bell have to say?**

Anderson calls the win a "hollow victory," saying Bell's insistence on dragging out the case might dissuade the average Joe from taking on corporations.

"I think it might be discouraging to others," he said. "Corporations have such deep pockets."



Bell has always refused to comment on the case because it was before the courts. (CBC)

Now he wants to know what Bell has to say for itself, and how deep those pockets were. Anderson would like to know how much the company paid to fight the case at every juncture, even when it was repeatedly losing.

"I was a Bell shareholder at one time... certainly shareholders deserve an explanation and a true accounting."

Through the years, Bell has always refused to comment on the case because it was before the courts.

CBC requested an interview with Bell.

The company responded with an emailed statement: "We've reached an agreement that the plaintiffs [the Andersons] consider fair and reasonable."

Anderson's lawyer says anyone who believes they should receive a refund and has not heard from Bell, can contact [his office](#).