

StreetBeat

You'll see Richard Sajecki's name in your latest bill from Bell. He was the plaintiff in a \$10-million class action, but won't see a cent himself.

The man in the mail who beat Ma Bell



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He hasn't made any headlines, but you may have seen his name anyway. Your latest bill from Bell came with a legal notice on shiny white paper. At the top it listed Richard Sajecki as plaintiff, Bell as defendant.

It explained there had been a class action over two things Bell did a few years ago.

It coaxed customers into something called the FirstRate plan. For \$20 a month, people could have unlimited long distance calling within Canada on weekends and between 6 p.m. and 8 a.m. during the week.

Then, with just a small-print notice along the bottom of the bill, Bell cut unlimited calling to 800 minutes and narrowed the window for eligible weekday calls by two hours.

The class action said Bell hadn't provided adequate notice of these changes. In the settlement, Bell agreed to rebates. It affects 750,000 customers and could cost Bell \$10 million.

So who is Richard Sajecki? He turns out to be easy to find. Type that surname into Canada 411 and only nine come up. He's the R.M. Sajecki in London.

He is 58, retired structural engineer,

marine division of the federal public works department. He now lives on his own. In his video library is one of his favourites, Network. In that 1976 picture, a washed-up anchorman tells his viewers to stick their head out the nearest window and shout: "I'm mad as hell and I'm not going to take this anymore!"

Sajecki dislikes "the contempt of business" and writes a lot of letters. Confusing utility bills are a pet peeve. "You're only buying one thing," he says, "but they find 15 ways to charge you for it." Network charges, surcharges, equipment rentals, connection fees.

Late in 2001, one of Sajecki's letters of complaint concerned Bell. He copied that letter to the Public Interest Advocacy Centre (PIAC) in Ottawa, which then asked if he'd be willing to put his name on a class action against Bell over those changes to the FirstRate plan.

Sajecki was out a total of 60 cents but there was a principle here. He'd do it.

PIAC put him in touch with David Thompson of Scarfone Hawkins, a downtown Hamilton law firm. Thompson and team have developed

a reputation on the class-action front. A recent win involved Canada Post and the 150,000 CD-ROMs it sold with a promise of "absolutely free Internet and unlimited e-mail access for life."

There is class-action legislation in half of Canada's provinces. It arrived in Ontario 12 years ago. Lawyers can work on such cases on a contingency basis. If they win, they get a percentage of the value of the settlement, often 25 per cent. Lose and they get nothing.

Thompson looked over the Bell case. He got his friends, neighbours and relatives to check their Bell bills, just to be sure there was indeed a class involved. And he talked to Sajecki.

In the statement of claim, Bell Canada was accused of demonstrating "a cavalier and inconsistent approach in dealing with complaints of customers in respect of the changes to the plan."

As often happens, the matter was settled without a trial and without Bell admitting liability.

That settlement provides a rebate for anyone caught by the rate changes in the first 60 days. Thompson had to tell Sajecki he wouldn't be covered, as

his extra charges came a little after that.

No matter. Sajecki still fully supported the settlement.

Legal fees were set at \$2.5 million, which Scarfone Hawkins splits with a Quebec firm handling the case there.

And the settlement ensures Bell doesn't get to keep rebates that would have gone to people who can't be traced anymore. The lawyers came up with a plan that will see Bell pay up to \$1.7 million to charity, either United Way or the Kids Help Line.

Citizen Sajecki downplays his role in all this. "All I did was sign some papers."

He didn't know he'd be appearing in the envelopes of seven million Bell customers until he got a call from his daughter, a teacher in London: "Guess what, Dad. Your name's in the mail."

No one's organized a parade for Sajecki. "But I did get a call from one Bell customer," he says. "They said thanks."

*StreetBeat appears Tuesday,
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Bell Canada is public enemy No. 1 around here right now. It wants the city to change the names of 220 streets that appear more than once across the new Greater Hamilton.

Council voted this week to tell Bell to shove it. But the company has been successful in getting duplicate street names changed in other amalgamated communities — Ottawa, for instance.

While we wait to see who wins this one, you might be entertained by the story of one man — represented by a Hamilton law firm — who's just managed to ding Bell for millions. The man won't see one penny of that himself. Richard Sajecki did this for you and me.