

407 ETR PLATE DENIAL/BANKRUPTCY CLASS ACTION SETTLEMENT

FREQUENTLY ASKED QUESTIONS (FAQ'S)

THE CLASS ACTION

1. What is the lawsuit all about?

A class action lawsuit was issued in the Ontario Superior Court of Justice in Toronto on April 27, 2012.

The lawsuit was brought on behalf of all persons who incurred tolls and/or additional charges to 407 ETR, who subsequently became insolvent and who were subject to Plate Denial for pre-insolvency debt.

The complaint is that insolvency stays all proceedings against insolvent persons and 407 ETR is not entitled to use Plate Denial against those individuals for pre-insolvency debts.

THE CLASS

2. How do I know if I am a Class Member?

The Class definition proposed to be accepted by the Court as follows:

“All Persons who, prior to the Court Approval Date, incurred tolls and/or additional charges to 407 ETR, who subsequently became Insolvent, and who were subject to exercise of the Plate Denial remedy by 407 ETR for those tolls and/or additional charges through the delivery of notices pursuant to section 22(4) of the 407 Act”

THE SETTLEMENT

3. What is the settlement?

The settlement has to be approved by the court. A hearing will take place on November 15, 2016 at 2:00 p.m. at Osgoode Hall, Toronto.

407 ETR has agreed to pay approximately \$8 million dollars into a settlement fund. 407 ETR did not admit liability. The settlement reflects a compromise of disputed claims.

The settlement fund will be distributed to Eligible Class Members after payment of class counsel fees, disbursements, costs of notice and taxes, administration fees, disbursements and taxes and representative plaintiff's compensation.

Eligible Class Members are entitled to receive a base payment of \$200.00 plus additional compensation based on the period of time in Plate Denial after insolvency, and based on any amounts paid to 407 ETR or the Registrar of Motor Vehicles towards pre-Insolvency debt.

The amount paid to each Eligible Class Member will depend upon the number of Eligible Class Members who make claims.

4. Where do the settlement proceeds come from?

Settlement proceeds are being paid by 407 ETR.

DISTRIBUTION OF MONETARY SETTLEMENT BENEFITS

5. How do I receive a Monetary Settlement Benefit?

The Monetary Settlement Benefit Notice and Claim Form will be sent to Eligible Class Members, and will be available on our website at www.classactionlaw.ca.

LEGAL FEES, COSTS

6. Do I have to pay legal fees or costs to participate in the settlement?

No, there is no cost to you to participate in the settlement. The Court will be asked to approve payment of legal fees/costs to class counsel out of the settlement fund. You will not be asked to pay any further fees or costs.

OPTING-OUT OF THE CLASS ACTION/INDIVIDUAL LEGAL ACTION

7. Can I proceed with a legal claim against 407 ETR on my own?

Any Class Member who wishes to pursue individual legal action against 407 ETR for the same claims should opt-out of the class action and settlement in order to preserve the right to pursue individual legal action.

Class Members who opt-out will not be entitled to receive any Monetary Settlement Benefit or be bound by the final order and release.

Further, individual legal action might be barred as a result of passage of time and expiry of applicable limitation periods. We urge you to consult a lawyer for independent legal advice.

Class Members who do not wish to receive a Monetary Settlement Benefit, or be subject to the terms of the settlement, must complete and submit an Opt-Out Form by March 6, 2017. Again, doing so means you will not receive a Monetary Settlement Benefit.

MISCELLANEOUS

8. When will I receive my money?

The Monetary Settlement Benefit claims deadline is March 27, 2017.

Payment of Monetary Settlement Benefits to Eligible Class Members will be completed by July 25, 2017.

9. Is the Monetary Settlement Benefit taxable?

In our view, receipt of a Monetary Settlement Benefit is not taxable. The Monetary Settlement Benefit is payment of damages in a legal action arising from claims against 407 ETR. We are not tax lawyers, however, and are not providing tax advice to Class Members. You should consult your own tax advisor for advice.

10. I am still in Plate Denial. How do I get released?

Your first follow-up should be with 407 ETR to request release from Plate Denial based on Insolvency. You might have to provide documents to 407 ETR proving an assignment in/discharge from bankruptcy, or a proposal proceeding under the BIA. Request an explanation from 407 ETR in writing.

FURTHER INFORMATION

11. If I have further questions or need additional information, what should I do?

You can send us your question in writing by mail to:

SCARFONE HAWKINS LLP

David Thompson/Matthew G. Moloci
1 James Street South
14th Floor
Hamilton, Ontario
L8P 4R5

You can fax us at: 905-523-5878.

Email us at: 407@shlaw.ca

It is most efficient for us to respond to written questions sent by mail, fax or email.

If you prefer to telephone us, you can do so at: 905-526-4395.

More information is available by reading all of the updates and documentation on our website, www.classactionlaw.ca.