

**CLASS ACTION REGARDING 407 ETR PLATE DENIAL AND BANKRUPTCY**

**MONETARY SETTLEMENT BENEFIT NOTICE AND CLAIM FORM**

**YOU MAY BE ELIGIBLE TO RECEIVE A MONETARY SETTLEMENT BENEFIT IN THIS CLASS ACTION. IF YOU WANT TO RECEIVE A MONETARY SETTLEMENT BENEFIT, YOU MUST COMPLETE THIS FORM AND SUBMIT IT AS DIRECTED BELOW.**

**INSTRUCTIONS**

*Time*

This claim form must be submitted on or before **May 15, 2017**. If not submitted by that date, you lose your right to make a claim.

*Completing the Form*

Complete or correct the Class Member Information set out below.

Complete the Statement below and date, sign and have the statement witnessed.

Follow the specific instructions for completion of the Statement.

You do not complete or submit an Opt-Out Form. The Opt-Out Form is completed and submitted only if you want to opt-out of the Settlement.

**We may require further information or documents in order to complete our administration of your claim.**

**CLASS MEMBER INFORMATION**

CLAIM NO.	
ESTATE NO.	
NAME	
ADDRESS 1	
ADDRESS 2	
CITY/PROVINCE/POSTAL CODE	
HOME TELEPHONE NO.	
BUSINESS TELEPHONE NO.	
CELL TELEPHONE NO.	
EMAIL ADDRESS 1	
EMAIL ADDRESS 2	

**(Please complete or correct the above information, if required)**

Review the below Statement carefully, complete your answers, date, sign and have witnessed as provided. The capitalized terms below are defined on page 3.

### STATEMENT

I, «Given\_Name» «Family\_Name», was a 407 customer and was subject to Plate Denial while Insolvent for a Pre-Insolvency Debt, and:

1. I commenced an Insolvency proceeding under the *BIA* on: \_\_\_\_\_  
(Enter the date on which you commenced an Insolvency proceeding under the *BIA*)
2. I received a Section 22 Notice relating to Pre-Insolvency Debt from 407 ETR on: \_\_\_\_\_  
(Enter the date on which you received your first Section 22 Notice)
3. I was subject to Plate Denial in respect of a Pre-Insolvency Debt from: \_\_\_\_\_  
(Enter the later of the date of your Insolvency or the date you received a Section 22 Notice from 407 ETR following the date of your Insolvency)
4. I was released from Plate Denial by 407 ETR in respect of a Pre-Insolvency Debt on: \_\_\_\_\_  
(Enter the date on which 407 ETR removed you from Plate Denial for a Pre-Insolvency Debt)
5. I was subject to Plate Denial while Insolvent for a Pre-Insolvency Debt for approximately (number of months from No. 3 to 4 above): \_\_\_\_\_  
(Enter the number of months you were in Plate Denial while Insolvent)
6. After the date of my Insolvency, I paid the 407 ETR or the Registrar toward payment of a Pre-Insolvency Debt the amount of: \_\_\_\_\_  
(Enter the total amount you paid to 407 ETR or the Registrar after your Insolvency toward a Pre-Insolvency Debt)

I ACKNOWLEDGE AND ACCEPT that, if I am an Eligible Class Member, I will receive a payment of \$200.00, plus a pro-rated share of the Net Settlement Fund based upon consideration of the period of time that I was subject to Plate Denial while Insolvent, and the amount I paid to 407 ETR or the Registrar toward Pre-Insolvency Debt.

I AFFIRM that the above information is true to the best of my knowledge, information and belief.

\_\_\_\_\_  
CLASS MEMBER SIGNATURE

\_\_\_\_\_  
WITNESS SIGNATURE

\_\_\_\_\_  
DATE

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

#### *Submitting the Claim Form*

**YOU MUST SUBMIT THIS CLAIM FORM ON OR BEFORE MAY 15, 2017 by one of the following:**

- **BY MAIL TO SCARFONE HAWKINS LLP, 1 JAMES STREET SOUTH, 14<sup>th</sup> FLOOR, HAMILTON, ONTARIO, L8P 4R5**
- **BY FAX TO 905-523-5878**
- **BY EMAIL TO [407@SHLAW.CA](mailto:407@SHLAW.CA)**

## DEFINED TERMS

1. “**407 ETR**” means, together, 407 ETR Concession Company Limited and 407 International Inc., Ontario corporations with their head offices in Woodbridge, Ontario;
2. “**BIA**” means the *Bankruptcy and Insolvency Act*, R.S.C., 1985, c. B.3, as amended;
3. “**Insolvent**”/“**Insolvency**” means when a Person: (i) makes an assignment under s. 42 of the *BIA*; (ii) is the subject of a bankruptcy order under ss. 43 or 44 of the *BIA*; (iii) files a Division I proposal under s. 50 of the *BIA*; or (iv) files a Division II proposal under s. 66.13 of the *BIA*;
4. “**Monetary Settlement Benefit**” means the share of the Net Settlement Fund each Class Member will receive based upon a minimum amount of \$200.00 plus a possible pro-rata share of the remainder of the Net Settlement Fund as calculated with all Class Members;
5. “**Net Settlement Fund**” means the Settlement Fund, less amounts paid to Class Counsel for Class Counsel Fees, to the Administrator for Administration Fees and to the Representative Plaintiffs for Representative Plaintiff Compensation which shall comprise the “Net Settlement Fund”;
6. “**Plate Denial**” means the process under s. 22 of the *407 Act* pursuant to which 407 ETR can cause the Registrar to refuse to validate a person’s vehicle permit and refuse to issue a vehicle permit to the Person;
7. “**Pre-Insolvency Debt**” means debt incurred to 407 ETR before the Class Member became Insolvent, including any interest or other accrued charges levied upon that debt;
8. “**Registrar**” means the Registrar of Motor Vehicles; and,
9. “**Section 22 Notice**” means a notice sent by 407 ETR pursuant to section 22 of the *407 Act* to the Registrar where a person’s debt to the 407 ETR remains unpaid for a minimum of 90 days following receipt of the notice of failure to pay.