

## LONG-FORM NOTICE

### NOTICE OF AUTHORIZATION OF A CLASS ACTION AND SETTLEMENT APPROVAL HEARING

**This notice is intended for all consumers who purchased a 2019-2020 “Tonik” ski pass for Station Mont Tremblant**

#### THE CLASS ACTION AGAINST STATION MONT TREMBLANT

##### **1. What is this class action about?**

The Representative Plaintiff instituted a class action against Station Mont Tremblant regarding the unused portion of the 2019-2020 “Tonik” ski pass and, if purchased with a 2019-2020 Tonik ski pass, the “Tonik Forfait de privilèges” add-on during the COVID-19 pandemic. The Representative Plaintiff argued that Station Mont Tremblant contravened the *Consumer Protection Act* by failing to reimburse “Tonik Pass” holders because the ski resort was closed for the end of the 2019-2020 ski season after the beginning of the pandemic. Station Mont Tremblant denies any wrongdoing, and no court has concluded to any wrongdoing on the merits by Station Mont Tremblant.

This class action sought to obtain a judgment ordering the payment of compensatory damages corresponding to the unused portion of the “Tonik Pass” as well as punitive damages.

##### **2. Why are you receiving this notice?**

On March 23, 2022, the Court of Appeal of Quebec authorized the class action against Station Mont Tremblant and designated Mr. Barry Nashen as the Representative Plaintiff of the following class:

“All consumers who purchased a 2019-2020 “Tonik” ski pass for Mont-Tremblant, including persons who also purchased the “Tonik Privilege Bundle” / “Tonik Forfait de privilèges” add-on.

The parties have agreed to settle the class action and you have been identified as a class member.

##### **3. What is a class action?**

It is a legal procedure instituted by an individual called the “Representative Plaintiff” on behalf of everyone who faces a similar problem, called the “class”. A class action allows the Court to rule on the dispute regarding all class members, except for those who choose to opt out.

#### THE CLASS MEMBERS

##### **4. Who is a class member?**

You are a class member if you are a consumer, within the meaning of the *Consumer Protection Act*, who purchased a 2019-2020 “Tonik” ski pass for Mont-Tremblant, including persons who also purchased the “Privilege Bundle” / “Tonik Forfait de privilèges” add-on.

## 5. How do I participate in this class action?

If you are a class member and agree with this class action and the proposed settlement, you have nothing to do to participate in this class action.

## **TERMS OF SETTLEMENT & SETTLEMENT APPROVAL HEARING**

## 6. How much money will I receive under the proposed settlement?

The Settlement Agreement provides for the following monetary compensation to class members, subject to Court approval:

**Station Mont Tremblant shall pay to each Settlement Class Member a compensation amount of 12% of the amount they paid for their 2019-2020 “Tonik Pass”, net of all fees and expenses.**

**The amount already received by class members as a reimbursement or credit for the 2019-2020 “Tonik” ski pass, for the purchase of 2020-2021 ski passes offered by Station Mont Tremblant, including 2020-2021 Ikon passes, will be taken into account and deducted from the compensation amount**

On top of the compensation to Settlement Class Members, Station Mont Tremblant agrees to pay class counsel \$69,952.42 plus GST & QST for their extrajudicial fees (totaling \$82,272.78), as well as \$15,000 for disbursements, expenses and judicial costs including GST & QST. Station Mont Tremblant also agrees that the Representative Plaintiff may be entitled to receive a disbursement of up to \$500. All these amounts are subject to Court approval.

If there is a remaining balance, the parties will recommend that the remaining funds be allocated to the Fondation québécoise de la relève en tourisme.

The Settlement Agreement and documents pertaining to this class action are available at: <https://lpclex.com/tonik/>.

## 7. What is the next step regarding the proposed settlement?

The Superior Court of Quebec must approve the Settlement Agreement before it can take effect. The Court will review the terms of the Settlement Agreement to ensure that they are fair, reasonable and in the best interests of the class members.

The Settlement Approval Hearing will take place on **June 20, 2023, at 9:30 a.m.**, before the Superior Court of Québec, at the Montreal Courthouse, 1 Notre-Dame Street East, in Montreal, Quebec, in courtroom **16.06** and by TEAMS (hyperlink will be posted on Class Counsel’s website). At this hearing, the Court will hear any objection filed by class members regarding the proposed Settlement Agreement, in accordance with the deadlines and procedure set forth below. Class members who do not oppose the proposed settlement are not required to attend this hearing or to take any action to indicate that they intend to be bound by it. The date and time of the settlement approval hearing may be subject to adjournment by the Court without further publication notice to the Class Members, other than such notice which will be posted on Class Counsel’s website <https://lpclex.com/tonik/>.

## **OPTING OUT**

### **This is your only chance to opt out from the class action.**

#### **8. What happens if I opt out?**

If you decide to opt out of the class action, you retain your right to institute your own lawsuit against Station Mont Tremblant regarding the issues raised in the class action and you will not be bound by the judgments rendered by the Court in this class action. Also, you will **not** be entitled to receive a payment if the Settlement Agreement is approved by the Court.

#### **9. What happens if I do not opt out or if I do nothing?**

If you do not opt out of the class action or if you do nothing, you may be entitled to receive a payment if the Settlement Agreement is approved by the Court. As such, you give up your right to institute your own lawsuit against Station Mont Tremblant regarding the 2019-2020 “Tonik Pass” and will be bound by the judgments rendered by the Court in this class action.

If you are eligible, the reimbursement will be provided by Interac e-transfer directly to the email address in Station Mont Tremblant’s files. If you already received an amount as a reimbursement or credit for the 2019-2020 “Tonik” ski pass, for the purchase of 2020-2021 ski passes offered by Station Mont Tremblant (including for the purchase of 2020-2021 Ikon passes), it will be taken into account and deducted from the compensation amount.

Once the settlement is approved you will receive an email from the Claim Administrator confirming said approval. If you are eligible and wish to receive the payment by Interac e-transfer, you do not have to do anything.

If you wish to modify the email address on file, or prefer to receive payment by cheque via postal mail, after receiving the email from the Claim Administrator, you will have 30 days to notify him.

All relevant settlement documents and the process to follow will be posted on the Claims Administrator’s website at [www.kpmg.com/ca/actioncollectivetonik](http://www.kpmg.com/ca/actioncollectivetonik) and [www.kpmg.com/ca/classactiontonik](http://www.kpmg.com/ca/classactiontonik).

#### **10. How do I opt out?**

If you do not wish to be part of this class action, you can opt out by sending to the clerk of the Superior Court a signed letter containing the following information:

- The class action file number and name: 500-06-001075-205 (*Nashen v. Station Mont Tremblant Société en Commandite and Alterra Mountain Company*).
- Your name, current address and telephone number.
- Your statement: “I am a class member and I wish to opt out of the class action”.
- Your signature.

**You must send your letter by mail, with a copy by email to Class Counsel by email ([jzukran@lpclex.com](mailto:jzukran@lpclex.com)), by June 16, 2023 at the following address:**

Montreal Courthouse  
Clerk of the Superior Court of Québec  
File: 500-06-001075-205 (*Nashen v. Station Mont Tremblant Société en Commandite and Alterra Mountain Company*)  
1, Notre-Dame East Street, Suite 1.120  
Montréal (Québec) H2Y 1B6

## **OBJECTING TO THE PROPOSED SETTLEMENT**

### **11. What should I do if I disagree with the proposed settlement?**

If you disagree with the Settlement Agreement but you do not wish to opt out of the class action, you can object to the Settlement Agreement by delivering a written submission on or before **June 16, 2023**, filed with the Court and Class Counsel and containing the following information:

- A heading referring to this proceeding (*Barry Nashen v. Station Mont Tremblant Société en Commandite and Alterra Mountain Company*, SCM no. 500-06-001075-205).
- Your name, current address, and telephone number and, if represented by counsel, the name of your counsel.
- A statement that you had purchased a 2019-2020 “Tonik” ski pass for Station Mont Tremblant.
- A statement whether you intend to appear at the Settlement Approval Hearing on **June 20, 2023**, either in person or through counsel.
- A statement of the objection and the grounds supporting the objection.
- Copies of any papers, briefs, or other documents upon which the objection is based.
- Your signature.

**You must send your letter by registered mail, with a copy by email to Class Counsel (see contact information below), at the following address:**

Clerk of the Superior Court of Québec  
File: 500-06-001075-205  
Montreal Courthouse  
1, Notre-Dame East Street, Suite 1.120  
Montréal (Québec) H2Y 1B6

Please note that the Court cannot change the terms of the settlement. Any objections will be used by the Court to consider whether to approve the settlement or not.

## **CLASS COUNSEL**

### **12. Who are the lawyers working on this class action?**

The law firm LPC Avocat Inc. represents the Representative Plaintiff, and therefore, the class members. You may contact LPC Avocat Inc. using the contact information found at the end of this notice.

### **13. Are there fees for the class members?**

You do not have to pay the lawyers working on this class action.

**FOR MORE INFORMATION**

If you have questions, you can contact the Claims Administrator, by email at [reglementtonik@kpmg.ca](mailto:reglementtonik@kpmg.ca) or [settlementtonik@kpmg.ca](mailto:settlementtonik@kpmg.ca). Your name and any information provided will be kept confidential. Please do not contact Mont Tremblant, nor any of the judges of the Superior Court.

**Mtre Joey Zukran**  
**LPC Avocat Inc.**  
276, rue Saint-Jacques, Suite 801  
Montréal, Québec, H2Y 1N3  
Telephone: 514-379-1572  
Email: [jzukran@lpclex.com](mailto:jzukran@lpclex.com)

This notice has been approved by the Superior Court of Quebec.