

CANADA

SUPERIOR COURT
(Class Action)

PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

No 500-06-001247-234

NATASHA PERRY-FAGANT

Applicant

-vs-

FEDERAL EXPRESS CANADA
CORPORATION

Defendant

AFFIDAVIT OF CATHERINE VENTURA

I undersigned, CATHERINE VENTURA, having my professional address at 1000 Fedex Dr, Moon Twp, PA 15108, United States, AFFIRM:

1. I am the Manager, Trade and Supply Chain Compliance at FedEx Ground Package System, Inc.
2. FedEx Ground Package System, Inc. and FedEx Ground Package System, Ltd. (collectively "**FedEx Ground**") are part of a network of independent operating companies, which are ultimately subsidiaries of FedEx Corporation.
3. I understand that these proceedings are filed against Federal Express Canada Corporation ("**FedEx Canada**") about the fees and duties charged to consignees in connection with customs clearance for goods imported into Canada.

FedEx Ground's Business and Operations

4. The shipment of goods from the U.S. to Canada is a regulated activity that primarily involves the consignee, the consignor, the carrier, the Canada Border Services Agency (the "**CBSA**"), the importer of record, and the customs broker.

5. The **consignee** is the person to whom goods must be delivered and the **consignor**, also known as the shipper, is the party that arranges for the shipment of the goods, on behalf of the consignee. The **carrier** undertakes to carry the goods to the consignee's address.

6. M. David Jerrold Friedman ("**Jerrold**") was the consignor who retained FedEx Ground as carrier to deliver a package to the consignee Ms. Perry-Fagant at her address in Quebec.

7. Ground shipments from the U.S. to Canada must be "cleared" through Canadian customs, as managed by the CBSA. Generally, for a shipment to clear Canadian customs, it must be reported to the CBSA, accounted for, and released by the CBSA.

8. The **importer of record** is the party designated as responsible for paying the applicable duties and taxes owed on a shipment. It can be the consignee, the consignor or a third party. The designation is usually made on a shipment's Commercial Invoice, prepared by the consignor, which is used for import control, valuation, and duty and tax determination.

9. M. Jerrold submitted a Commercial Invoice to FedEx (included in Exhibit R-4) which designated the consignee (Ms. Perry-Fagant) as the payor of duties and taxes. Therefore, Ms. Perry-Fagant was the shipment's importer of record.

The Carriage at issue

10. M. Jerrold contracted for transportation services at FedEx Ground's office in Northridge, California, on November 11, 2022, as appears from Exhibit R-4. The package received final

customs clearance from CBSA at FedEx's warehouse in Woodbridge, Ontario, and it was delivered on November 16, 2022, as per the tracking information, attached as **Exhibit D-1**.

Customs Clearance and Invoice

11. FedEx Ground is a Courier Low Value Shipment Program member. Only such couriers may release and then arrange accounting (pay duties and taxes) for casual shipments.

12. This procedure allows low value casual goods to proceed without interruption to the consignees, pending the accounting for and payment of duty and taxes, done by FTN on a consolidated Canada-wide basis in the month following release.

13. After delivery of the shipment, FedEx Canada issues an invoice on behalf of FedEx Ground to the designated payor of duties and/or taxes (i.e., the importer of record) for Broker Inclusive FedEx Ground shipments, if the payor is in Canada.

14. The invoice includes the applicable duties and taxes, a Clearance Entry Fee ("*Frais de déclaration en douane*"), a Disbursement Fee ("*Frais de débours*"), and taxes on these fees. The Service Guide sets out the amount and nature of these ancillary clearance service fee.

15. The duties and taxes on the invoice are those associated with each type of commodity in the shipment, which FTN determines and pays to the CBSA on the importer of record's behalf.

16. All the facts stated in this declaration are true.

SOLEMNLY AFFIRMED before me by
videoconference, this 7th day of March, 2024



Commissioner of Oaths for Quebec



CATHERINE VENTURA





Sign Up or Log In



FedEx® Tracking



DELIVERED

Wednesday

2022-11-16 at 2:49 pm

Signed for by: Signature not required

Left at front door

[↓ Obtain proof of delivery](#)

DELIVERY STATUS

Delivered



TRACKING ID

390532640392

FROM

Northridge, CA US

Label Created

2022-11-11 1:09 PM

WE HAVE YOUR PACKAGE

PACOIMA, CA

2022-11-11 2:52 PM

IN TRANSIT

DORVAL, QC

2022-11-16 5:20 AM

OUT FOR DELIVERY

DORVAL, QC

2022-11-16 5:30 AM

DELIVERED

Montreal, QC CA

Delivered

2022-11-16 at 2:49 PM


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Plus, sign up for [FedEx® Delivery Manager](#) to receive updates on all of your future packages.

[Shipment facts](#) [Shipment overview](#)**TRACKING NUMBER** 390532640392**SHIP DATE**  11/11/22**STANDARD TRANSIT**  11/18/22**ACTUAL DELIVERY**  11/16/22 at 2:49 pm [Services](#)**SERVICE** FedEx International Ground**TERMS** Shipper**BILLING NOTE** The payor of duties, taxes and fees will be responsible for any applicable Clearance Entry Fees (CEF) and other import fees. [Package details](#)**WEIGHT** 2.4 lbs / 1.09 kgs**DIMENSIONS** 15x11x5 in.**TOTAL PIECES** 1



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Travel history 

Ascending 

Local Scan Time 

Friday, 2022-11-11

- 12:55 PM
In FedEx possession
Tendered at FedEx location
NORTHRIDGE, CA
- 1:09 PM
Shipment information sent to FedEx
- 2:52 PM
Picked up
PACOIMA, CA
- 5:25 PM
Arrived at FedEx location
PACOIMA, CA
- 5:41 PM
Shipment arriving On-Time
PACOIMA, CA
- 8:26 PM
Left FedEx origin facility
PACOIMA, CA



- 12:34 AM
Arrived at FedEx location
CHINO, CA
- 4:26 AM
Departed FedEx location
CHINO, CA
- 4:40 AM
Shipment arriving early
CHINO, CA
- 6:18 AM
Arrived at FedEx location
CHINO, CA
- 1:23 PM
Departed FedEx location
CHINO, CA
- 1:36 PM
Shipment arriving early
CHINO, CA

Sunday, 2022-11-13

- 2:24 AM
In transit
CONTINENTAL DIVIDE, NM
- 3:25 PM
In transit
LUTHER, OK

Monday, 2022-11-14

- 4:26 AM
In transit
BRAZIL, IN
- 4:28 PM
In transit
PERRYSBURG, OH



- 4:34 AM
In transit
VAUGHAN, ON
- 1:19 PM
International shipment release
WOODBIDGE, ON
- 1:19 PM
Arrived at FedEx location
WOODBIDGE, ON
- 8:05 PM
Departed FedEx location
WOODBIDGE, ON

Wednesday, 2022-11-16

- 5:20 AM
At local FedEx facility
DORVAL, QC
- 5:30 AM
On FedEx vehicle for delivery
DORVAL, QC
- ☑ 2:49 PM
Delivered
Left at front door. Signature Service not requested.
Montreal, QC

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**SUPERIOR COURT
(Actions collectives)**

N°. 500-06-001247-234

**CANADA
PROVINCE DE QUEBEC
DISTRICT OF MONTREAL**

NATASHA PERRY-FAGANT

Applicant

- C. -

FEDERAL EXPRESS CANADA CORPORATION

Defendant

BS0350

Our file: 117651-1004

**AFFIDAVIT OF CATHERINE VENTURA and
EXHIBIT D-1**

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Me Simon Ledsham**

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