

(Class Actions)
SUPERIOR COURT
CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
N° : 500-06-000749-156

INDEPENDENT COMMUNITY TELEVISION MONTREAL
Plaintiff
v.
VIDEOTRON LTD.
Defendant

NOTICE TO MEMBERS
(arts 576 al. 2 and 579 C.C.P.)

1. TAKE NOTICE that a class action was authorized on April 5, 2018 against Videotron, on behalf of all persons who are part of the following class:

All the subscribers of Videotron Ltd.'s cable television service within the seven service zones of the greater Montreal licenced area having an active contract between July 13, 2012 and February 4, 2015.

However, a legal person established for a private interest, partnership or association is a member of the group only if, at all times since July 13, 2014, not more than 50 persons bound to it by contract of employment were under its direction or control and if it is dealing at arm's length with the representative of the group.

2. The class action authorized by this judgment will be brought in the district of Montreal.
3. The status of representative for this class action was attributed to INDEPENDENT COMMUNITY TELEVISION MONTREAL, who, for the purposes of this class action, has elected domicile at the offices of its attorneys GRENIER VERBAUWHEDE AVOCATS, 5215, rue Berri, bureau 102, Montreal (Quebec) H2J 2S4.
4. The following principal questions of fact and law will be collectively decided:
 - Did the Defendant infringe its contractual obligations to the class members to provide local and access programming reflecting the population of the greater Montreal licenced area, and notably its Indigenous populations, giving them the right to a corresponding reduction of their obligations, as well as moral and punitive damages under the *Civil Code of Quebec* and the *Consumer Protection Act*, and if so, to what extent?
 - Is the description of the MATv/VOX channel as being a “community” channel non-conform, false or deceptive under the *Consumer Protection Act* and contrary to the *Civil Code of Quebec*, giving the right to a corresponding reduction of the class members' obligations, as well as moral and punitive damages, and if so, to what extent?

- Do certain sub-groups, notably Indigenous groups, have the right to punitive damages under articles 3, 10 and 49 of the *Charter of Human Rights and Freedoms*, and if so, to what extent?
5. The following conclusions are sought in relation to these questions:
- **GRANT** the class action of the Plaintiff and the class members against the Defendant;
 - **DECLARE** that the Defendant infringed its contractual obligations to the class members to provide local and access programming reflecting the population of the greater Montreal licenced area, and notably its Indigenous populations, giving them the right to a corresponding reduction of their obligations, as well as moral and punitive damages under the *Civil Code of Quebec* and the *Consumer Protection Act*;
 - **DECLARE** that the descriptions, by the Defendant, of the MATv/VOX channel as being a “community” channel are non-conform, false or deceptive under the *Consumer Protection Act* and contrary to the *Civil Code of Quebec*;
 - **DECLARE** that certain sub-groups, and notably Indigenous groups, have the right to punitive damages under articles 3, 10 and 49 of the *Charter of Human Rights and Freedoms*;
 - **CONDEMN** the Defendant to pay to each class member the amount of the pecuniary and moral damages to which he or she has a right, plus interest and the additional indemnity provided by article 1619 of the *Civil Code of Quebec*, as of the date of filing of the Application for Authorization to Institute a Class Action, and **ORDER** the collective recovery thereof;
 - **CONDEMN** the Defendant to pay to each class member their *pro rata* share of 2 000 000 \$, amount to be adjusted, in punitive damages under the *Consumer Protection Act* and the *Charter of Human Rights and Freedoms* and **ORDER** the collective recovery of these amounts;
 - **ORDER** the Defendant to deposit in the office of this Court the totality of the sums which form part of the collective recovery, with interest and the additional indemnity;
 - **ORDER** that the claim of each class member be individually liquidated;
 - **TAKE** any other measure that the Court deems necessary to safeguard the rights of the parties;
 - **THE WHOLE** with costs, including expert and notice fees.
6. The class action brought by the representative on behalf of the class members will be an action in civil liability, with punitive damages, based on the *Civil Code of Quebec*, the *Consumer Protection Act* and, for certain persons, the *Charter of Human Rights and Freedoms*.
7. Any class member who does not opt out in the manner hereinafter indicated shall be bound by any judgment to be rendered on the class action.
8. The date after which a member can no longer opt out without special permission has been set as October 21, 2020

9. Any class member who has not already brought a suit in their own name may opt out of the class by advising the office of the Superior Court of the district of Montréal (1, rue Notre-Dame Est, Montréal, Québec H2Y 1B6) by registered or certified mail, before the time limit for opting out.
10. Any class member who has brought a suit that would be decided by the final judgment on the class action is deemed to have opted out of the class if they do not discontinue their suit before the time limit for opting out.
11. Any class member other than a representative or an intervener cannot be ordered to pay the costs of the class action.
12. A member may voluntarily intervene in the class action only to assist the representative, support their suit, or defend their allegations. The Court may permit a member to intervene if it considers such intervention useful to the class. A party may not submit a member, other than the representative or an intervener, to an examination for discovery.
13. More information can be found at www.grenierverbauwhede.ca or by contacting GRENIER VERBAUWHEDE AVOCATS at 514-866-5599, ext. 1.

The publication of this notice was ordered by the Superior Court.

September 4, 2020