

IF YOU ARE A NATURAL PERSON AND HAVE PURCHASED, BETWEEN FEBRUARY 24, 2014 AND DECEMBER 31, 2017 A CHICKEN SANDWICH FROM A SUBWAY RESTAURANT IN THE PROVINCE OF QUEBEC, THIS CONCERNS YOU.

**CANADA
PROVINCE DE QUEBEC
DISTRICT OF MONTREAL
No: 500-06-000849-170**

**(CLASS ACTION)
*SUPÉRIOR COURT***

STEPHANE DURAND,

Plaintiff

v.

**SUBWAY FRANCHISE SYSTEMS OF
CANADA, ULC,
-and-
DOCTOR'S ASSOCIATES LLC,**

Defendants

NOTICE TO THE MEMBERS

PLEASE CIRCULATE TO WHOM IT MAY CONCERN.

1. TAKE NOTICE that on December 4, 2020, the filing of a class action against **SUBWAY FRANCHISE SYSTEMS OF CANADA, ULC** - and - **DOCTOR'S ASSOCIATES LLC** (500-06-000849-170) was authorized by the judgement of the Court of Appeal of Quebec, in favour of a class whose members are described below :

“All natural persons who have purchased between February 24, 2014 and December 31, 2017 a chicken sandwich from a Subway restaurant in the Province of Quebec.”

2. The Court determined that the class action, the filing of which was authorized by the said judgement, should be instituted in the Judicial District of Montreal;

3. Stéphane DURAND has been appointed as the representative plaintiff;

The name and the contact information of **the lawyer** for the representative plaintiff and the class are:

James Reza NAZEM, Esq.

1010 de la Gauchetière Street West, Suite 950

Montreal (Ville-Marie), Quebec, H3B 2N2

Telephone : (514) 392-0000

Fax : 1 (855) 821-7904

E-mail : jrnazem@actioncollective.com

Skype : jrnazem

4. The principal issues in the class action to be dealt with collectively are the following :

- a. Did the defendants accurately describe the content of their Subway chicken sandwiches to the Class members?
- b. Did the defendants misinform, mislead or deceive the Class members in their description of their Subway chicken sandwiches?
- c. Are the defendants at fault towards the plaintiff and other Class members, and did they misrepresent the specifications of their Subway chicken sandwiches?
- d. Did the defendants fail in their duties and obligations under contract, the Consumer Protection Act, civil law or any statutory law respecting sale of food products to the Class members?
- e. Were the products sold to the plaintiff and other Class members affected by any hidden defect?
- f. Are Class members, including the plaintiff, entitled to restitution or reduction of the purchase price of their Subway chicken sandwiches?
- g. Are the defendants liable towards the plaintiff and other Class members for punitive damages?
- h. Are the defendants jointly and severally (solidarily) liable towards the plaintiff and the Class members?

5. The conclusions sought in relation to those issues are the following :

GRANT the plaintiff and the Class members' class action against the defendants Subway Franchise Systems of Canada, ULC and Doctor's Associates, LLC;

CONDEMN the defendants jointly and severally (solidarily) to reimburse (restitute) all the members of the Class, including the plaintiff the full amount of the purchase price paid for the chicken sandwiches purchased or **SUBSIDIARILY, REDUCE** the purchase price and **CONDEMN** the defendants solidarily to reimburse the plaintiff and other Class members to an equivalent amount;

CONDEMN the defendants solidarily to pay to the plaintiff and the Class members punitive damages equivalent to the previous amount;

THE WHOLE with court costs.

6. The class action instituted by the representative in favour of the class shall consist of a lawsuit in reimbursement, restitution or reduction of the sales price as well as punitive damages against the defendants for alleged contractual breach and misrepresentation;
7. Every class member that has not excluded himself/herself from the class in the manner indicated below, will be bound by a judgement to be rendered on the class action;
8. The date after which a class member, who has not excluded himself/herself (except for special leave), can exclude himself/herself has been set at 90 days following the publication of this notice;
9. A class member who has not already filed a personal lawsuit, can exclude himself/herself from the class by informing the clerk of the Superior Court for the district of Montreal, by mail, before the time limit for doing so has expired;
10. Any class member who has already filed a lawsuit having the same subject matter as the class action will be deemed to have opted out if he/she does not discontinue the lawsuit before the time limit for opting out has expired;
11. No class member other than the representative plaintiff or an intervenor may be required to pay legal costs arising from the class action;
12. A class member may intervene in the class action if the court considers it useful to the class action. An intervening member is required to submit himself/herself to a pre-trial examination upon the defendant's request. No class member other than the representative plaintiff or an intervenor may be required to be submitted to a pre-trial examination except with leave of court, if it considers it useful.
13. To be a class member :

If you wish to be included in the class action, you don't have to do

anything. In fact, save for a special leave, the judgement to be rendered in the class action will be binding upon all class members who have not opted out.

If you wish **to opt out** of the class action, you have to inform so the clerk of the Superior Court for the district of Montreal, by mail at:

1 Notre Dame Street E.
Montreal, Quebec, H2Y 1B6
Canada

RE : Stéphane DURAND v. **SUBWAY FRANCHISE SYSTEMS OF CANADA,
ULC** -and- **DOCTOR'S ASSOCIATES LLC**
Court file no. : 500-06-000849-170

Such a notice should be transmitted **at the latest 90 days after the publication of this notice.**

(CLASS ACTION)

No: 500-06-000849-170

Court: Superior

District: of Montreal

STÉPHANE DURAND,

Plaintiff

v.

**SUBWAY FRANCHISE SYSTEMS OF
CANADA, UCL,**

-and-

DOCTOR'S ASSOCIATES LLC,

Defendants

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