

SUPERIOR COURT

(Class Action)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No: 500-06-000491-098

DATE: June 28, 2013

**IN THE PRESENCE OF: THE HONOURABLE MR. JUSTICE YVES POIRIER,
J.S.C.**

ELAD BEN-ELI
Petitioner

v.

TOSHIBA OF CANADA LIMITED

and

**TOSHIBA AMERICA INFORMATION SYSTEMS INC., formerly "*Toshiba America
Consumer Products, L.L.C.*"**

Respondents

JUDGMENT ON PETITIONER'S MOTION FOR APPROVAL OF A NOTICE TO CLASS MEMBERS

[1] **ON READING** Petitioner's Amended Motion for Approval of a Notice to be Published with Respect to the Approval Hearing of a Settlement Agreement (Article 1025 C.C.P.) [called the "Motion for Approval of a Notice to Class Members"], which seeks approval of a form of notice to be published in accordance with a proposed dissemination plan to the attention of class members announcing the date, time, place, and nature of the approval hearing, as well as, the manner, type of compensation given, and the deadline to file a claim under the terms of the Settlement Agreement (**Exhibit R-2**) [called the "Short-Form Notice of Settlement

Approval Hearing” and the “Long-Form Notice of Settlement Approval Hearing”, collectively called the “Notice”];

[2] **THE COURT:**

[3] **GRANTS** the Motion for Approval of a Notice to Class Members;


[4] **ORDERS** that the Notice to Class Members, substantially in the form of **Exhibit R-2** be disseminated on or before August 11, 2013 in the following manner:

- a) Publication of the Short-Form Notice once in the Globe & Mail, once in *La Presse*, once in the National Post and once in the Montreal Gazette;
- b) Publication of the Long-Form Notice through a settlement website, which will be made available through a link on www.CanadianDLPsettlement.com;

[5] **ORDERS** that the costs of disseminating the Notice will be paid by Respondents in accordance with the Settlement Agreement (**Exhibit R-1**);

[6] **FIXES** the hearing date of the Motion to Authorize the Bringing of a Class Action for Settlement Purposes Only and for Approval of the Settlement Agreement for September 11, 2013 at the Montreal Courthouse located at 1, Notre-Dame Street East, in the city of Montreal, Quebec, in courtroom 2.08 at 10:00 A.M. (or any other courtroom, which will be indicated by the posting of a sign outside of courtroom 2.08);

[7] **WITHOUT COSTS.**



THE HONOURABLE YVES POIRIER,
J.S.C.

Me Jeff Orenstein
Consumer Law Group Inc.
Attorneys for the Petitioner

Me Robert Charbonneau
Borden Ladner Gervais LLP
Attorneys for the Respondents

Date of hearing: May 22, 2013