

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
JUSTICE P. PERELL) *Monday, THE 7th DAY*
) *OF April, 2014.*

BETWEEN

BOB BRIGAITIS and CINDY RUPERT

Plaintiffs

- and -

IQT, LTD. c.o.b. as IQT SOLUTIONS, IQT CANADA, LTD., JDA PARTNERS LLC,
IQT, INC., ALEX MORTMAN, DAVID MORTMAN, JOHN FELLOWS and
RENAE MARSHALL

Defendants

Proceeding under the *Class Proceedings Act, 1992*, S.O. 1992, c.6

ORDER AND JUDGMENT

THIS MOTION, made by the plaintiffs for an Order approving the notice of certification and opt-out procedure and partial default judgment as against the defendant John Fellows, was heard this day at Toronto, Ontario.

ON READING the motion record, the supplementary motion record and further supplementary motion of the plaintiffs, filed, and on hearing the submissions of counsel,



1. FOR THE PURPOSES OF THE ORDER, the following definitions apply:

- (a) **“CJA”** means the *Courts of Justice Act*, R.S.O., 1990 c.C.43, as amended;
- (b) **“Class”** and **“Class Members”** means:

Those persons who were employees of IQT, Ltd., exclusive of its directors and officers, whose employment in Oshawa, Ontario, was terminated on July 15, 2011.
- (c) **“Class Counsel”** means the law firm of Charney Lawyers;
- (d) **“Fellows”** means John Fellows;
- (e) **“Notice”** means the notice attached to this Order as Schedule “A”; and
- (f) **“Opt-out Date”** means Friday August 29, 2014 at 5:00 p.m. eastern time.

2. THIS COURT ORDERS that a Class Member may only opt out of this action by sending an election to opt out by regular mail, fax, email or courier on or before the Opt-Out Date, and signed by the Class Member, or their authorized representative, to:

Charney Lawyers,
151 Bloor St. W., Suite 890
Toronto, ON M5S 1P7
Attention: IQT CLASS ACTION
Fax to: 416-964-7416
Email to: classaction@charneylawyers.com

3. THIS COURT ORDERS that no Class Member may opt out of this class proceeding after the Opt-Out Date.

4. THIS COURT ORDERS that no person may opt out a minor or a mentally incapable member of the Class from this action without the permission of the Court after notice

to The Children's Lawyer and/or the Public Guardian and Trustee, as the case may be.

5. THIS COURT ORDERS that by Monday, October 20, 2014, Class Counsel shall report to the Court and to the parties by affidavit listing the names and addresses of the persons, if any, who have opted out of this action.
6. THIS COURT ORDERS that the Notice, attached herein as Schedule "A", is hereby approved.
7. THIS COURT ORDERS that the Class be given notice, on or before June 16, 2014, of the certification of this action in the following manner:
 - a. By Class Counsel:
 - i. Publishing the Notice once in a half page advertisement in the *Oshawa This Week* newspaper.
 - ii. Posting the Notice on the www.charneylawyers.com/iqtsolutions website;
 - iii. Emailing the Notice to any person who registered with Class Counsel and provided a valid email address;
 - iv. Mailing the Notice to any person who registered with Class Counsel and provided a valid mailing address but no valid email address; and
 - v. Sending a message to all members of the Facebook Group entitled "IQT ACTION" directing Class Members to the Notice posted on the website.
8. THIS COURT ORDERS that, on or before Monday, October 20, 2014, Class Counsel shall file an affidavit with the Court confirming their compliance with paragraph 7(a).

9. THIS COURT ORDERS THAT upon Class Counsel reporting to the Court pursuant to paragraph 5 of this Order, judgment against Fellows shall be signed for all Class Members who have not opted out of this action:

- a. for all Class Members who have not made a claim to the Ministry of Labour (“MOL”) under s. 97 of the *Employment Standards Act, 2000* (“ESA”) for outstanding wages and vacation pay pursuant to section 81 of the ESA;
- b. for all Class Members who made a claim to the MOL under s. 97 of the ESA for damages in an amount equivalent to outstanding wages and vacation pay;
- c. for all Class Members for damages in an amount equivalent to termination and severance pay as calculated under the ESA.

10. THIS COURT ORDERS THAT Fellows pay prejudgment interest upon the damages in paragraph 9 of this Order.

11. THIS COURT ORDERS THAT any and all funds collected from Fellows pursuant to this Order be held in trust by Class Counsel until such time as directed by the court.

12. THIS COURT ORDERS THAT the costs of the aforesaid default judgment against Fellows are hereby fixed at \$20,907.11, including fees, costs, disbursements, and all taxes thereon.

13. THIS COURT ORDERS THAT the aforesaid default judgment against Fellows shall bear post-judgment interest at a rate of 3.0%.

ENTERED AT / INSCRIT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

JUN 10 2014

PER / PAR:




JUSTICE PERELL

BRIGATIS, et al.
Plaintiffs

v.

IQT, et al.
Defendants

Court File No.: CV-11-43291900CP

Ontario
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

ORDER AND JUDGMENT

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