

NOTICE OF CERTIFICATION OF ONTARIO HOCKEY LEAGUE CLASS ACTION

PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS

The representative Plaintiff, Samuel Berg, is a former player with the Ontario Hockey League (“OHL”). He has sued the Canadian Hockey League (“CHL”), the OHL, and the owners of the Canadian OHL clubs,¹ alleging that the Class Members are employees of their clubs and/or of the OHL and CHL, and are therefore entitled to employment benefits including minimum wage and overtime pay. This lawsuit was certified to proceed as a Class Action by the Ontario Superior Court (the “Court”) on April 27, 2017 and the class of people the lawsuit covered was expanded by a Court order on January 20, 2020. There has been no determination by the Ontario Courts regarding the merits of the Plaintiff’s claims, which are disputed by the Defendants. The Ontario Courts have concluded that the claim cannot proceed against the U.S. OHL clubs.²

You are receiving this notice because you may be included in the expanded class ordered on January 20, 2020. You are now able to choose whether you wish to opt out of this Class Action. If you opt out, you will be unable to receive any benefits from a settlement that has been reached between the parties (subject to approval by the Court). Details of the Settlement are contained in the notice of settlement and fee approval hearing you have, or will, also receive. If you wish to opt out of this Class Action and receive nothing from the Settlement, if it is approved, you can opt out by following the steps listed below.

You are a Class Member if you were a player for an OHL team located in Ontario at some point between October 17, 2012 and November 15, 2018, or you were a player under the age of 18 on October 17, 2012. If you fall within this definition, you will be included in the Class Action unless you choose to opt out of the Class Action by following the steps listed below.

WHAT IS THE CLASS ACTION LAWSUIT ABOUT?

The Plaintiff’s lawsuit asked the Court to declare that the Class Members are, or were, employees of the Canadian OHL clubs. The Defendants do not agree with the Plaintiff that there is an employment relationship between major junior hockey league players and their teams. As a result of the Settlement, the Plaintiff will be asking the Court to approve the Settlement. The Settlement is not an admission of liability.

A copy of the Fresh as Amended Statement of Claim, a list of the common issues, and other materials filed to date by the Plaintiff, can be viewed at www.CHLClassAction.com.

Copies of the Statements of Defence, as well as other materials filed to date by the Defendants and the Plaintiff, can be viewed at www.CHLDefence.com.

Copies of the Settlement documents, including information on the monetary compensation that could become available to some Class Members under the terms of the Settlement, can be viewed at www.CHLClassAction.com and www.CHLDefence.com.

WHAT ARE MY OPTIONS?

You do not have to do anything to participate in the Class Action. If you are a Class Member based on the definition above, you are automatically included in the Class Action and you will be bound by a proposed settlement if the Settlement is approved by the Court, unless you choose to opt out by following the steps listed below.

If you do not want to be part of the Class Action lawsuit, you must complete and send a copy of the Opt-Out Form to CHLClassAction@ricepoint.com, the administrator appointed by the Court to receive the forms and collect the opt-out information, by **September 10, 2020**. A copy of the Opt-Out Form can be found at www.CHLClassAction.com. If you submit a completed Opt-Out Form by the deadline, you will not be a Class Member and you will not be eligible to participate in any settlement approved by the Court.

¹ The Barrie Colts, Belleville Bulls/Hamilton Bulldogs, Brampton/North Bay Battalion, Guelph Storm, Kingston Frontenacs, Kitchener Rangers, London Knights, Mississauga Steelheads, Niagara IceDogs, Oshawa Generals, Ottawa 67’s, Owen Sound Attack, Peterborough Petes, Sarnia Sting, Sault Ste. Marie Greyhounds, Sudbury Wolves, and Windsor Spitfires.

² The Erie Otters, Flint Firebirds, and Plymouth Whalers/Saginaw Spirit.

WHAT HAPPENS NEXT?

The Plaintiff is going to Court to seek approval of the Settlement of the Class Action. You have, or will, receive a separate notice detailing the Settlement. If the Settlement is not approved, this case will proceed toward a common issues trial.

WHAT ARE THE FINANCIAL CONSEQUENCES OF THE CLASS ACTION?

There is no cost to you to participate in the Class Action.

You will need to pay legal fees only if the Class Action settlement is approved. The legal fees will be paid directly from that compensation. You will not need to pay any legal fees out of your own pocket. Any fee paid to the lawyers must be approved by the Court as being fair and reasonable. Any settlement must also be approved by the Court as being fair, reasonable, and in the best interests of the Class Members.

The representative Plaintiff has entered into a fee agreement with Class Counsel. There is a third-party funding agreement with the Law Foundation of Ontario's Class Proceedings Fund (the "CPF"). The fee agreements provide for Class Counsel to request fees of 25—30 percent of any amounts recovered, plus applicable taxes and disbursements. The third-party funding agreement provides for the CPF to recover the funds it has advanced to Class Counsel for disbursements, together with interest and 10 per cent of the amounts recovered.

FOR FURTHER INFORMATION

For questions regarding this notice or the Class Action, please contact Class Counsel as follows:

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THIS NOTICE HAS BEEN AUTHORIZED BY THE ONTARIO SUPERIOR COURT OF JUSTICE.