

NOTICE TO CLASS MEMBERS - AUTHORIZED CLASS ACTION

BENAMOR V. AIR CANADA

500-06-000883-179

PROCEEDINGS

On November 27, 2020, the Québec Court of Appeal authorized a class action brought by the Plaintiff against Air Canada on behalf of all Canadian consumers who, between August 16, 2013 and July 5, 2021, purchased, received, and/or acquired one or more Air Canada Consumer Flight Pass(es) with a specified number of flight credits.

Air Canada imposes expiry dates and charges various fees for those flight passes to extend the expiration date of a Flight Pass or to change the designation of the travel companion who may use a flight credit for these Flight Passes, and the Plaintiff claims that this conduct contravenes the Quebec *Consumer Protection Act* and the Alberta *Gift Card Regulation*.

WHO IS A CLASS MEMBER?

The class action includes all consumers in Canada who between August 16, 2013 and July 5, 2021, purchased, received, and/or acquired one or more Air Canada Consumer Flight Pass(es) with a specified number of flight credits.

WHAT ISSUES DOES THIS CLASS ACTION RAISE?

The class action seeks to determine whether Air Canada contravened the provisions of the Quebec *Consumer Protection Act* and the Alberta *Gift Card Regulation* against expiry of prepaid cards and the charging of extra fees for the use of prepaid cards.

WHAT CAN YOU GET?

The class action to be exercised by the representative on behalf of the members of the Class is an action for one or more of the following remedies: (i) compensatory damages; (ii) reduction of the Class Member's obligations, (iii) rescinding, setting aside or annulling the Class Member's Consumer Flight Pass purchase; (iv) moral damages; and (v) punitive and/or exemplary damages.

A member of the class other than a Representative or an Intervenor may not be required to pay the legal costs arising from the class action.

HOW DO YOU OPT OUT OF THE CLASS ACTION?

YOU CAN OPT OUT UNTIL AUGUST 31, 2021.

If you do nothing, you will be a member of the class action and will be bound by any judgment in this action.

If you do not want to participate in the class action, you can opt out from the class. You may wish to opt out if, for example, you prefer to pursue your own legal action at your own expense against Air Canada.

If you opt out, you will not be entitled to any compensation if a favourable judgment or settlement is reached in this class action.

If you have brought (prior to the expiration of the deadline to opt-out) an action having the same subject matter as the class action, you are deemed to have opted out from the class if you do not discontinue your personal action before the expiration of the deadline to opt-out.

If you have not brought a personal action having the same subject matter as the class action, you have until August 31, 2021 to opt-out from the class action.

To opt out, you must send a letter to the clerk of the Superior Court of Québec, with a copy to the representative's attorneys, indicating court number 500-06-000883-179:

Clerk of the Superior Court of Québec
1 Notre-Dame Street East
Montréal, Québec, H2Y 1B6

Champlain avocats
1434 Saint-Catherine Street West, Office 200
Montréal, Québec, H3G 1R4
spaquette@champlainavocats.com

WHO REPRESENTS THE MEMBERS?

Mr. Joseph Benamor has been designated by the Court to represent the members of the class. Class members have the right to seek intervenor status in the class action. No class member other than the representative or an intervenor may be required to pay legal costs arising from the class action.

YOU CAN ASK TO INTERVENE

A member may ask the Court to intervene in the class action. The Court will allow the intervention if it is of the opinion that it is useful to the class.

FOR FURTHER INFORMATION

This notice is only a summary of the notice to members, the complete text of which may be found on the website identified below. The judgment authorizing the class action and the application to institute proceedings can also be found on the same website. You may also contact the representative's attorneys:

Me Sébastien A. Paquette

Me Jeremie John Martin

<https://champlainlawyers.com/class-action/air-canada-flight-pass-expiry-and-fees/spaquette@champlainavocats.com>

Fax: (514) 800-2286

Telephone: (514) 944-7344

Registry of Class Actions

<https://www.registredesactionscollectives.quebec/en>

THE TEXT OF THIS NOTICE HAS BEEN AUTHORIZED BY THE SUPERIOR COURT OF QUEBEC. IN THE EVENT OF A DISCREPANCY BETWEEN THIS ABBREVIATED NOTICE AND THE DETAILED NOTICE, THE LATTER SHALL PREVAIL.