

UPS BROKERAGE FEES CLASS ACTION

NOTICE OF CERTIFICATION AND HEARING TO APPROVE PROPOSED SETTLEMENT

READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR RIGHTS

This notice is directed to Ontario Consumers who received a shipment from UPS using UPS' Standard Service and utilizing a UPS Waybill or International Parcel Shipping Order, originating from an international destination, and who, during the period July 24, 2005 to August 27, 2011, paid Additional Fees to UPS upon delivery.

“Additional Fees” means fees paid to UPS by Ontario Consumers in respect of shipments originating from outside of Canada, which include Customs Brokerage Fees, Disbursement Fees (also known as Bond Fees), and C.O.D. fees.

WHAT IS THIS CLASS ACTION ABOUT?	<p>A class action lawsuit was commenced against United Parcel Service Canada, Ltd., (“UPS”) in connection with the charging of Additional Fees to Ontario Consumers in respect of standard service shipments originating from outside of Canada.</p> <p>The class action alleges that UPS committed various breaches of the <i>Consumer Protection Act, 2002</i>, S.O. 2002, c.30, Sched. A, when it charged Additional Fees upon delivery of parcels to Ontario Consumers that were shipped using UPS’ standard shipping option using a Waybill or International Parcel Shipping Order, from July 24, 2005 through August 27, 2011 (the “Class Period”).</p> <p>The class action seeks to recover damages for individuals acting for personal, family or household purposes and not for business purposes (“Ontario Consumers”) who paid Additional Fees to UPS during the Class Period, and a change to UPS’ practices so that Consumers are informed of the requirement to pay Additional Fees, and the amount of such fees prior to shipping using UPS’ standard shipping option.</p>
WHO IS AFFECTED BY THE CLASS ACTION?	<p>All Consumers resident in Ontario who have paid UPS fees which included Customs Brokerage Fees, Disbursement Fees (also known as Bond Fees) and C.O.D. Fees and where a Waybill or International Parcel Shipping Order was used in shipping the parcel during the Class Period.</p>
WHAT SETTLEMENT HAS BEEN REACHED?	<p>UPS denies any wrongdoing and has contested the litigation against it since the action was commenced in 2007. Without admitting liability, UPS has agreed to settle the litigation against it for \$6,800,000.00, and to make changes to its Waybill and International Parcel Shipping Order (IPSO) and website to more prominently indicate that brokerage will be charged for standard service parcels. The Settlement must be approved by the Ontario Superior Court of Justice. If you would like a copy of the settlement agreement, contact Class Counsel, who will send it to you at no cost.</p>
WHAT HAPPENS NEXT?	<p>A hearing to have the Settlement approved has been scheduled for October 16, 2018. Any Class Member may attend the hearing, but no Class Member is required to attend the hearing to be eligible for compensation if the Settlement is approved.</p> <p>At the settlement approval hearing, Class Counsel will seek approval of a Distribution Protocol, which sets out how the settlement funds will be distributed. If it is approved, compensation cheques will be mailed to eligible Consumers. If you would like a copy of the Distribution Protocol, contact Class Counsel, who will send it to you at no cost.</p> <p>No Class Member will have to pay for any expenses or legal costs. Class Counsel pay for all disbursements. A costs indemnity was provided by the Class Proceedings Fund. The retainer agreement provides that Class Counsel will be paid by a</p>

	<p>contingency fee of 25% plus applicable taxes and disbursements, subject to Court approval. Class Members will receive a further notice by mail if the Settlement is approved by the Court together with a cheque for their share of the settlement amount.</p> <p>You may “object” to the Settlement, the Distribution Protocol and/or the amount of Class Counsel’s fees if you do not think they are appropriate, as set out below.</p>
WHAT DO I NEED TO DO?	<p>If you want to be a member of the class action, you do not need to do anything. UPS has name and address information for any Class Member that paid Additional Fees during the Class Period. If the Settlement is approved by the Court, each Class Member will be notified directly by mail of their entitlement to settlement benefits, the amount, if any, they are entitled to and be sent a cheque for that amount.</p> <p>If you want to object to the Settlement, the settlement amount, or Class Counsel fees, you may do so in writing and/or speak to the Court at the hearing listed above. To do so, you must send your written objections to Class Counsel at the address listed below, postmarked no later than October 8, 2018. Class Counsel will forward all such objections to the Court. All filed written objections will be considered by the Court. If you do not file a written objection by October 8, 2018, you may not be entitled to participate in the settlement approval hearing. If you want to attend the hearing, please contact Class Counsel for additional details</p>
WHAT IF I DON’T WANT TO BE PART OF THE CLASS ACTION?	<p>If you do not want to be part of the class action, you can exclude yourself from the class action (“Opt-Out”) by downloading and completing a copy of the Opt-Out Form at [www.siskinds.com/UPS], and returning it to Class Counsel at:</p> <p>SISKINDS LLP, 680 Waterloo Street , P.O. Box 2520, London, ON, N6A 3V8</p> <p>Daniel Bach Elizabeth deBoer Karen Martel</p> <p>(800) 461-6166 x2278 (519) 672-2121 x2278</p> <p>Requests to Opt-Out of the proceedings must be submitted by August 20, 2018.</p> <p>If you exclude yourself or Opt-Out you will not be able to receive money as part of the Settlement or participate in the class action, but you will be able to start your own case against UPS regarding the claims at issue in the class action, although there may be some time limits for doing so. You should consult your own lawyer about those time limits.</p> <p>If you do nothing, and do not exclude yourself or Opt-Out you may be eligible to receive money as part of the Settlement but you will not be able to start your own case against UPS regarding the claims at issue in the class action.</p>
WHERE CAN I ASK MORE QUESTIONS?	<p>For information on the UPS class action or to view a copy of the settlement agreement, contact Class Counsel by telephone: 1-800-461-6166 x2278 or by email at ups@siskinds.com. There is no charge to speak with Class Counsel to discuss the class action, to have your questions answered, or to retrieve a copy of the Opt-Out Form, the settlement agreement, or related documents.</p>