

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)
)
JUSTICE GLUSTEIN)
) 30th DAY OF October, 2024

B E T W E E N :

MICHAEL HORNBROOK

Plaintiff

- and -

BELL CANADA, BELL MOBILITY INC., and BELL EXPRESSVU LIMITED
PARTNERSHIP

Defendants

Proceeding under the *Class Proceedings Act, 1992*

**ORDER
(DISCONTINUANCE)**

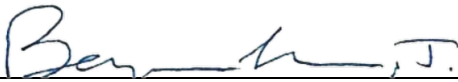
THIS MOTION, made by the Plaintiff for an Order discontinuing the within action (the “**Proceeding**”) was read this day at the Court House, 361 University Avenue, Toronto, Ontario.

ON READING the Motion Record of the Plaintiff, including the Consent of the parties through their respective counsel, filed;

AND ON NOTING that the Settlement Agreement approved by the Superior Court of Québec on October 28, 2024 in the Québec proceeding under Court File No. 500-06-000572-111 contemplates the discontinuance of this Proceeding on a without costs basis;

1. **THIS COURT ORDERS** that the within Proceeding is hereby discontinued without costs.

2. **THIS COURT ORDERS** that notice under sections 19 and 29 of the *Class Proceedings Act, 1992*, S.O. 1992, c.6 is not required.



Justice Glustein

MICHAEL HORNbrook BELL CANADA *et al.*
Plaintiff and Defendants

Court File No.: CV-11-435664-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceeding commenced at Toronto

Proceeding under the *Class Proceedings Act, 1992*

ORDER
(DISCONTINUANCE)

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FILE/DIRECTION/ORDER

BEFORE
JUDGE

Glustein ACTION # cu-11-435664-00CP

Hornbrook
Plaintiff

-v-

Bell Canada
Defendant(s)

CASE MANAGEMENT: YES NO

COUNSEL: D. Bach EMAIL: daniel.^{bach}~~bach~~@siskinds.com

COUNSEL: E. Payant ID: Peebles EMAIL: epayant@mcCarthy.ca
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ORDER DIRECTION TO REGISTRAR

Nature of motion and overview

The plaintiff brings a motion on usage to and in writing for an order that (i)
the proposed class action be dismissed without costs and (ii) no notice be given 19 and 29
of the Class Proceeding Act, 2002, s. 20(2), c. 6 (CPA) is required. For the reasons that
follow, I grant the relief requested.

Facts

I summarize the facts as follows:

October 30, 2024
DATE

Bruce J

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(i) The Ontario Class Action was commenced by September 22, 2011. The claim alleges that between December 2007 and June 2011, the Life Lab (Red) Products and sold certain series of or affected same not available to consumers.

(ii) On or about the year for the Ontario Class Action commenced, a similar class action was commenced in Quebec (the Quebec Class Action).

(iii) Counsel to the Ontario Class Action was at large during which counsel to the Quebec Class Action to present his/their own evidence in Quebec.

(iv) On June 9, 2014, the Quebec Court authorized a related class to the Quebec Class Action.

(v) On April 4, 2024, the parties to the Quebec Class Action reached a settlement agreement (the "Settlement Agreement") which will (a) \$27 million to be paid to the benefit of each of the class members, (b) ^{and} class counsel to receive \$550,000 will be paid.

DATE: October 30, 2024


JUDGE'S SIGNATURE

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(vi) On October 28, 2024, the Bank has given the Settlement Agreement

(vii) The ^{Bank} court granted notice of the settlement leaving closed all class
actions & for a 16 to 20 day to the Settlement Agreement.

(viii) The Settlement Agreement is to be placed into effect (60 days) after
to describe the action. The parties and to the substance of the parties
have agreed that the determination is a central case basis.

Analysis

The applicable law

I set out the following principles from the Settlement Law:

(i) An administrative class is determined ^{by} with regard to the court or
rule terms as the court can do so pursuant to 29 CFR (1) (CPA) (last updated on July 4, 2021)

(ii) The fundamental question is whether the court should determine if the
the interests of the putative class members will not be prejudiced or that of any person
is not held: Konyoung Jap - Tuberosi, 2020 WL 1548 (Apr. 23)
Center v. Ch. B. Ind. 2005 (3532) d. p. 4

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Application to the Court in the present case

I appear in the description for the following reasons:

(i) The published documents will not be published since they are not relevant to the actual matters.

(ii) The Order has been given to Settlement Agreement (as far as possible).

Notice

As required under s 27(4) of the CPD, ~~the~~ ^{was} last issued on July 4, 2021. I have considered whether notice of the description should be printed.

Notice to the court and to the parties in a case is given by the Under Court, which states that a copy of the Settlement Agreement is that used for the ^{case} and that the court has agreed to discontinue that notice. Consequently, the published documents received through the court to the court and the court will be the only ones.

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JUDGE'S SIGNATURE

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Order

For the reasons stated, I grant the said request in the nature of a writ of habeas corpus, or other writ, or other relief, as may be just and proper.

Counsel may provide me with a transcript of the proceedings for my review, if they desire to do so.

DATE: October 30, 2024


JUDGE'S SIGNATURE