

NOTICE OF CERTIFICATION OF CLASS ACTION

Monckton v. Canadian Business College et al.

Summary & Purpose of Notice

A Court-ordered review of the Canadian Business College's records indicates that you were enrolled in the Dental Hygiene Program at the Canadian Business College ("CBC") after July 30, 2005 and that you are a class member in this proceeding. As such this notice will be important to you.

The Ontario Superior Court of Justice has allowed a class action lawsuit to proceed, which may make it possible for you to obtain money arising from your enrollment in CBC's Dental Hygiene Program.

This class action lawsuit alleges that the CBC, its Dean and President Mazher Jaffery ("Jaffery"), and its General Manager Roselyn Calapini ("Calapini") engaged in unfair or unconscionable business practices contrary to section 18 of the *Consumer Protection Act, 2002* and that as a result, you and other CBC Dental Hygiene Program students suffered financial damages.

The law firm of Roy Elliott O'Connor LLP ("REO") has been approved by the Ontario Superior Court of Justice to act for the Class Members. Should you have any questions about this class action or wish to receive information about this class action, you should contact REO at:

Tel: (416) 362-1989

Email: info@canadianbusinesscollegeclassaction.com

Web: www.canadianbusinesscollegeclassaction.com

This notice has been published and delivered by order of the Ontario Superior Court of Justice and explains:

1. The lawsuit;
2. Who might benefit from the case;
3. Your right to choose whether or not to be part of the case;
4. Financial consequences for you; and
5. Other matters

1. The Lawsuit

Theadoshia Monckton has sued the CBC, Mazher Jaffery and Roselyn Calapini for damages arising from her enrollment in the Dental Hygiene Program at CBC.

Ms. Monckton's statement of claim alleges that, among other things, the CBC, Jaffery and Calapini engaged in unfair or unconscionable business practices contrary to Part III of Ontario's *Consumer Protection Act* by, among other things, misrepresenting or failing to disclose material facts regarding:

- a. the accreditation status of the CBC's Dental Hygiene Program;
- b. the timing of your ability to write the National Dental Hygiene Certification Board Exam; or,
- c. the timing of your ability to become a registered dental hygienist.

In particular, but without limiting the generality of the foregoing, the statement of claim alleges that Defendants failed to advise the Class Members that, due to the CBC's Dental Hygiene Program's lack of accreditation by the Commission on Dental Accreditation of Canada, the Class Members may not be automatically entitled to write the National Dental Hygiene Certification Board Exam following their graduation from the Program. Successfully writing that exam is a necessary step in becoming a Registered Dental Hygienist.

The lawsuit claims \$17.5 million in compensatory and punitive damages from the defendants, on behalf of all persons who were enrolled in a number of sessions of the CBC's Dental Hygiene Program after July 30, 2005. Some students who signed a certain waiver, received a refund from CBC or turned down the offer a refund from CBC were excluded from this proceeding.

A complete copy of the Fresh as Amended Statement of Claim may be found at:
www.canadianbusinesscollegeclassaction.com

The court has not yet determined whether the lawsuit will be successful.

2. Who might benefit from the case

In this lawsuit Ms. Monckton asked the Court to allow her represent the students who were enrolled in the CBC's Dental Hygiene Program since July 30, 2005. On August 29, 2008 the Ontario Superior Court of Justice allowed Ms. Monckton to represent the Class Members people in what is known as a "class action". The class is defined as follows:

All persons who, after July 30, 2005 and prior to the earlier of: (i) Canadian Business College's ("CBC") dental hygiene program (the "Program") being accredited by the Commission on Dental Accreditation of Canada and (ii) the date notice of certification is given to Class Members, entered into contracts for enrolment in the Program ("Contracts"), other than persons who:

- i. signed waivers substantially in the form attached hereto as schedule "A" (the "Waiver") at or prior to the time they entered into the Contracts and prior to the time they paid any monies to CBC;
- ii. refused to sign the Waiver after they entered into the Contracts or paid any monies to CBC, withdrew from the Program, and were reimbursed by CBC for all costs incurred by them in relation to their enrolment in the Program; and,
- iii. signed the Waiver after they entered into the Contracts or paid any monies to CBC, received an offer from CBC at the time that they were presented with the Waiver to reimburse them for their costs in relation to their enrolment in the program should they wish to withdraw from the Program and declined such offer.

3. Your right to choose whether or not to be part of the case

(a) *How to be included in the class.*

Do nothing if you wish to be included in this class action lawsuit. As a review of the CBC' records indicates that you are a Class Member in this proceeding, you will automatically be included in the

class unless you choose to opt out of the class. You do not have to contact REO or do anything to confirm that you wish to be included in this class.

(b) How to be excluded from the class.

To opt out of the class, you must fill out the enclosed opt-out coupon and send it to REO at the address specified below. The deadline for opting out is April 5, 2010. If your written request to opt out is not received by that date, you will remain a member of the class.

By opting out of this class, you are confirming that you do not wish to participate in this class action. If you decide to opt-out of this class action, you will be excluded from any settlement or award of damages awarded by the Court.

Once you opt-out of this class action, you will receive no further communications regarding this action from REO. If you opt-out of this action and then subsequently reconsider your decision and wish to be included in the class action, you will have to apply to the Court for permission to opt back into this class action.

4. Financial consequences for you

In the event that Ms. Monckton's lawsuit is successful at the common issues trial, or any subsequent appeal, and the Court awards damages to the class as a whole, the Court may establish a process, including individual hearings, to review the amount of damages each individual Class Member may claim and to assess the amount of damages each individual Class Member is entitled to receive.

If the Court directs that individual assessment hearings take place, you will have the opportunity to decide whether to take part in a hearing to have your individual claim reviewed and assessed. You will receive an official notice from the Court regarding any individual process.

If the class action lawsuit is not successful at the common issues trial, or any subsequent appeal, the Class Members will not be awarded damages and you will not receive any money. The members of the class, other than Ms. Monckton, will NOT be responsible for any legal costs of the class action lawsuit and will NOT have any other financial obligations because of the class action lawsuit.

Whether or not the class action lawsuit is successful, all members of the class who do not opt out of the class action will be bound by the judgment of the Court. This means, for example, that after this lawsuit is over, you could not start your own lawsuit against the Defendants for claims under Ontario's *Consumer Protection Act*.

Ms. Monckton has been granted financial assistance by the Class Proceeding Committee of the Law Foundation of Ontario to assist in the prosecution of this proceeding. As such, pursuant to Ontario Regulation 771/92, in the event this action is successful the Law Foundation is entitled to 10 per cent of any award or settlement recovered in this proceeding.

5. Other Matters

Ms. Monckton has retained the law firm of REO to represent her and the class in the lawsuit. REO will be paid legal fees only if the lawsuit is successful. If the lawsuit is successful, the court will approve the amount of legal fees payable to REO.

If you wish to participate personally in the lawsuit, you may apply to the court for permission to do so.

The court papers in this lawsuit are available for inspection at the office of the Superior Court of Justice, Court House, 393 University Ave., Toronto, Ontario, court file no.: 03-CV-259655CP

If you have any questions about this class action, please do not hesitate to contact Laura Carey of REO at info@canadianbusinesscollegeclassaction.com or at:

REO LLP

200 Front Street West
23rd Floor
P.O. Box #45
Toronto, ON M5V 3K2

Attention: Laura Carey

Tel: (416) 362-1989

Fax: (416) 362-6204

Email: info@canadianbusinesscollegeclassaction.com

Web: www.canadianbusinesscollegeclassaction.com

Please do not contact the CBC about this class action.

PLEASE DO NOT CONTACT THE COURT ABOUT THIS CLASS PROCEEDING.

This notice is published pursuant to section 17 of the Ontario *Class Proceedings Act* and was approved by the Ontario Superior Court of Justice.

February 18, 2010

Enclosure

OPT-OUT COUPON

MONCKTON v. CANADIAN BUSINESS SCHOOLS et al

To:

REO LLP
200 Front Street West
23rd Floor
P.O. Box #45
Toronto, ON M5V 3K2

Attention: J. Adam Dewar

Tel: (416) 362-1989

Fax: (416) 362-6204

- I confirm that I **do not** wish be Class Member in the class action lawsuit *Monckton v. Canadian Business Schools et al.*
- I confirm that I haven chosen to opt-out of this class and understand that I will receive no further communications from REO regarding this class action.
- I confirm that, after I opt-out of this class action, if I subsequently decide to rejoin this class action, I may only do so with the permission of the Court.

Name [please print]: _____

Mailing Address _____

City _____ Province _____

Postal code: _____

Telephone: _____

Email: _____

DATE

SIGNATURE

Note! To opt-out of this class action, this coupon, or a signed and dated letter, must be completed and received at the above address before April 5, 2010.