

## **SCHEDULE B**

### **NOTICE OF HEARING (SHORT FORM)**

**For Class Action Certification, Settlement Approval, and Counsel Fee Approval**

***HAIKOLA v. THE PERSONAL INSURANCE COMPANY CLASS ACTION***

**PLEASE READ THIS NOTICE CAREFULLY. IT MAY AFFECT YOUR RIGHTS.**

#### **IF YOU:**

(1) Were insured by The Personal Insurance Company (“The Personal”) under a valid automobile insurance policy between January 2012 and May 2019; (2) made an automobile insurance claim under that policy with The Personal during that time; and (3) consented to the collection and/or use of your credit score by The Personal or its agents as part of the fraud prevention and detection needs of The Personal’s claims management process, this notice is for you.

You have received this notice because The Personal has ascertained from its records that you are among those persons who fall within the class definition of the proposed Class Action.

#### **MOTION FOR CERTIFICATION FOR SETTLEMENT PURPOSES**

The Plaintiff will make a motion in the Ontario Superior Court of Justice on \_\_\_\_\_, **2019** at the **Osgoode Hall Courthouse, 130 Queen St W, Toronto, ON, at 10:00 am EST**, to certify this action as a class action in order to effect a settlement with the Defendants and to approve the proposed Settlement. Under the proposed Settlement, the defendants will pay \$2,250,000.00 (the “Settlement Amount”) to the class in full and final settlement of all claims against them in return for a release and a dismissal of the Class Action.

At the hearing, Class Counsel will ask the Court to approve their fees for the Class Action in the amount of \$500,000, plus Class Counsel’s disbursements and taxes. The Plaintiff and Class Counsel will also ask that Mr. Haikola receive an honorarium in the amount of \$15,000. Both amounts will be deducted from the Settlement Fund.

The Plaintiff and Class Counsel will ask the Court to approve Class Counsel’s fees in the amount of \$50,000, inclusive of tax and disbursements, for the Related Proceedings. This will be taken out of the Settlement Amount, with the remaining \$2,200,000 comprising the “Settlement Fund”.

The Settlement is a compromise of disputed claims in order to achieve an early full and final resolution of the Class Action and without any admission or findings of liability or wrongdoing against The Personal or Desjardins. The defendants deny any liability and deny the truth of the allegations made against them. If the Settlement is not approved, they will defend the Class Action and oppose certification of the action as a class proceeding.

#### **WHAT THE CLASS ACTION IS ABOUT**

This action is known as *Haikola v. The Personal Insurance Company et al*, Ontario Superior Court File No. \_\_\_\_\_ (the “Class Action”). The Class Action was commenced as a Federal Court action under Federal Court file number T-382-18 and has been recommenced in the Ontario Superior Court for settlement purposes. The Federal Court action will be discontinued as part of the settlement.

Starting in January 2012, The Personal requested consent from insureds to collect and/or use their credit score in order to assist in the detection and prevention of fraud as part of its automobile insurance claims management process. If it obtained the insured's consent to do so, The Personal collected and/or used that insured's credit score information.

Further to a complaint brought by Kalevi Haikola, the Office of the Privacy Commissioner (the "OPC") delivered a report in March 2017. It concluded that The Personal breached certain principles of PIPEDA. The OPC made recommendations. The Personal changed its procedures so that it no longer collects and/or uses its insureds' credit score as part of the fraud prevention and detection needs of The Personal's automobile insurance claims management process.

Mr. Haikola (the "Plaintiff") commenced the Class Action against The Personal and its parent company Desjardins General Insurance Group Inc. ("Desjardins"), alleging that the defendants had breached the privacy rights of the Class, and sought damages for the Class. The defendants deny any liability and deny the truth of the allegations made against them.

The Plaintiff also brought an access to information request to the OPC. This was the subject of a separate court proceeding in which The Personal sought judicial review of the Commissioner's decision to release documents to the Plaintiff (the "Related Proceedings").

Please note that this Class Action is unrelated to the disclosure of personal information outside Desjardins without authorization that was announced on June 20, 2019. That matter impacted Desjardins caisse members only.

The Settlement is a compromise of disputed claims in order to achieve an early full and final resolution of the Class Action and without any admission or findings of liability or wrongdoing against the defendants. The defendants deny any liability and deny the truth of the allegations made against them. If the Settlement is not approved, they will defend the Class Action and oppose certification of the action as a class proceeding.

Further information, including a long form notice setting out your rights as a proposed class member, may be obtained from this action's website at <http://personalprivacyclassaction.ca>.

If you have questions about the settlement, or your potential entitlement under the settlement, please contact the Claims Administrator. If you have questions about this action, please contact Class Counsel.

**CLAIMS ADMINISTRATOR**

CA2 Inc.  
9 Prince Arthur Avenue  
Toronto, ON M5R 1B2  
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Tel: 1-800-\*\*\*-\*\*\*\*

Attn: Personal Privacy Class Action

**CLASS COUNSEL**

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Attn: Personal Privacy Class Action

\*\*\* Please note that the Court offices cannot answer any questions about the matters in this notice. Please do not contact the Court regarding this notice. \*\*\*