

**ONTARIO
SUPERIOR COURT OF JUSTICE**

**THE HONOURABLE
MR. JUSTICE BELOBABA**

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**THURSDAY, THE 31
DAY OF MARCH, 2022**

B E T W E E N:

GEORGE EAGAN GINTHER

Plaintiff

- and -

BELL MOBILITY INC. and BELL CANADA INC.

Defendants

PROCEEDING UNDER THE *CLASS PROCEEDINGS ACT, 1992*

**ORDER
(Motion to Dismiss)**

THIS MOTION made by the proposed representative Plaintiff for an Order that the within proposed class proceeding be dismissed, without costs, against the Defendants, Bell Mobility Inc. and Bell Canada Inc. (collectively, "Bell"), was read this day at the Court House, 130 Queen Street West, Toronto, Ontario.

ON READING the affidavit of George Ginther, sworn March 29, 2022, wherein Mr. Ginther deposed that, among other things, Bell provided evidence confirming that the majority of its customers who were eligible for the WI-5 Plan Internet service at issue in this proceeding had in

fact been able to sign up for same, certain allegations underlying this proposed Class Action do not appear sustainable in fact and may not be certifiable, this proposed Class Action was not publicized and that no potential Class Members have contacted the proposed Class Counsel about it, and that Mr. Ginther and the proposed Class Counsel support the relief set out herein; and

ON BEING ADVISED of the consent of the parties, hearing submissions from counsel for all parties at a case conference on February 7, 2022, and on finding that no potential Class Members are prejudiced by this Order,

1. **THIS COURT ORDERS** that this action be and is hereby dismissed.
2. **THIS COURT ORDERS** that, within 7 days of the date of this Order, Roy O'Connor LLP shall post, for 90 days on the current class action cases section of their website (www.royoconnor.ca), a link to a copy of this Order as well as the following notice:

“Notice of Consent Dismissal

Please be advised that the proposed Class Action of *Ginther v. Bell Mobility Inc. and Bell Canada Inc.* has, in accordance with the Order of the Class Action Case Management Judge dated [INSERT DATE] and, on the consent of the parties, been dismissed. The Court found that no potential Class Members are prejudiced by this dismissal. The effect of the Court's Order means that:

- i) This former proposed Class Action will not proceed to a certification hearing or a merits determination;
- ii) Any limitation period stayed by section 28 of the *Class Proceedings Act, 1992* has re-started as of [INSERT DATE OF DISMISSAL ORDER]; and,
- iii) Potential Class Members will receive no additional information from proposed Class Counsel about this former proposed Class Action.”

3. **THIS COURT ORDERS** that there be no costs of this action or this motion.

Signed: *Justice Edward Belobaba*

Notwithstanding Rule 59.05, this Judgment [Order] is effective and binding from the date it is made and is enforceable without any need for entry and filing. Any party to this Judgment [Order] may submit a formal Judgment [Order] for original signing, entry and filing when the Court returns to regular operations.