

**NOTICE OF SETTLEMENT APPROVAL HEARING AND DISTRIBUTION  
PROTOCOL APPROVAL HEARING IN LIVINGSTON UNPAID OVERTIME  
CLASS ACTION**

**TO:** All current or former non-management employees of the Defendant in its offices across Canada, who are or were employed, at any time between August 15, 2007 to April 28, 2017 in administrative, clerical, technical, and supervisory job classifications or who were otherwise subject to the Defendant’s overtime policy or policies, who have not opted-out of this Proceeding.

**A SETTLEMENT HAS BEEN REACHED IN THIS CASE, SUBJECT TO  
COURT APPROVAL**

**PLEASE READ THIS NOTICE CAREFULLY. IT DESCRIBES THE SETTLEMENT  
AND HOW IT MAY AFFECT YOUR LEGAL RIGHTS.**

**A. What is this class action about?**

This class action alleges that Livingston International Inc. (“Livingston”) failed to properly compensate Class Members for overtime. This notice summarizes the settlement and the settlement approval process.

For more information about this class action and the settlement (including the terms of the Settlement Agreement), please visit the following website: [www.livingstonclassaction.ca](http://www.livingstonclassaction.ca). If you have further questions, you can also contact Class Counsel as set out below.

**B. What settlement has been reached in this class action?**

Livingston and the Representative Plaintiff have agreed to settle the class action for a total all-inclusive payment of \$19 million. The settlement was reached following negotiations before an independent mediator. Livingston does not admit any liability, wrongdoing or fault in this matter, and the agreement to settle this matter does not imply any such liability, wrongdoing or fault on the part of Livingston.

If the settlement is approved by the Court, the \$19 million will cover all compensation to the Class Members for all unpaid potential overtime or hours of work up to February 1, 2019 (the date of the Settlement Agreement), as well as withholding taxes, legal fees and related disbursements (including taxes), the costs of administration and distribution of money to Class Members, and a 10% statutory levy (as discussed further below). In exchange for its \$19 million payment, Livingston will receive a full release of all claims.

The Representative Plaintiff and Class Counsel recommend the settlement because it will provide significant monetary compensation to Class Members in the near future, weighed against the further delays, risks and unknown results, and a potential unfavorable finding, if the case

proceeds to a contested trial. The reasons in support of the settlement will be further explained and set out in materials to be filed with the Court and posted on [www.livingstonclassaction.ca](http://www.livingstonclassaction.ca).

The settlement is subject to the approval of the Court, which will decide whether the settlement is fair, reasonable, and in the best interests of Class Members.

The Court will hold a hearing to decide whether to approve the settlement in the Ontario Superior Court of Justice in Milton, Ontario on June 21, 2019 at 10:00 a.m.

### **C. Who is affected by the settlement?**

Class Members will be affected by the settlement.

You are a Class Member if you are a current or former non-management Livingston employee in any of its offices across Canada at any time between August 15, 2007 to April 28, 2017 in administrative, clerical, technical and supervisory job classifications or otherwise subject to Livingston's overtime policy or policies, who has not opted-out of this Proceeding.

### **D. What will happen if the settlement is rejected by the Court?**

The Court will decide whether to approve or reject the settlement. It does not have the authority to unilaterally change the material terms of the settlement. If the Court does not approve the settlement, the lawsuit will continue.

If the settlement is rejected by the Court, the class action will continue. It may take several more years to complete the pre-trial procedures, trial and possible appeals. The Class may not be successful at trial and, even if successful, Class Members may not necessarily receive more compensation than under this proposed settlement.

### **E. What steps should I take now?**

Class Members and members of the public may attend the settlement approval hearing on June 21, 2019, but are not required to do so. Class Members are entitled, but not obligated, to express their opinions about the settlement and whether it should be approved. If you wish to make a submission to the Court supporting or objecting to the proposed settlement, you must send the submissions in writing (by mail or email) to Class Counsel, at the address below, and ensure they are received no later than June 3, 2019. Class Counsel will provide all submissions to the Court and the Defendant in advance of the hearing.

The written submissions should include:

- a. Your name, address and telephone number;
- b. A brief statement of the reasons that you support or oppose the proposed settlement terms; and
- c. Whether you plan to attend at the settlement approval hearing.

## **F. What happens to the money paid under the settlement?**

The compensation paid to Class members will be paid from the amount of money remaining after deducting the Court-approved legal fees and disbursements (including taxes) as well as the costs of administering and distributing the money to Class Members, from the \$19 million. The amount that individual Class Members receive will be calculated on the basis of a Distribution Protocol that will take into account factors including length of employment, wage rate and the number of former employee Class members who file claim administration forms.

All amounts paid to Class Members will be subject to any relevant deductions (including deduction and remittance to the Canada Revenue Agency), and a 10% statutory levy to be paid to the Class Proceedings Fund.<sup>1</sup>

Class Members who currently work for Livingston will not need to do anything to receive compensation. Class Members who are former employees will need to complete a claim administration form in order to receive compensation. This claim administration form is necessary to ensure that the claims administrator has, among other things, the former employee's current address.

You can read the full Distribution Protocol at [www.livingstonclassaction.ca](http://www.livingstonclassaction.ca).

If the settlement is approved, further notice will be given with the details and deadline for filing a claim form, if required.

## **G. When and Where will the Hearing Be?**

The hearing will be held in the Ontario Superior Court of Justice in Milton, Ontario on June 21, 2019 at 10:00 am.

The Court will be asked to (1) approve the Settlement Agreement, (2) approve the Distribution Protocol and (3) approve Class Counsel's legal fees.

## **H. Who are the lawyers working on this class action and how are they paid?**

The law firms of **Sotos LLP**, **Roy O'Connor LLP**, and **Goldblatt Partners LLP** are Class Counsel and represent members of this class action in Canada.

Sotos LLP can be reached at:

Telephone (toll free): 1-888-977-9806  
Email: [info@sotosclassactions.com](mailto:info@sotosclassactions.com)

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<sup>1</sup> The Class Proceedings Fund ("CPF") was established by the Law Foundation of Ontario to provide financial support to class action plaintiffs for disbursements (including taxes, filing fees, expert reports, etc.) The CPF is entitled by law to receive a levy in the amount of 10% in any awards or settlements in favour of the plaintiff, together with a return of any funded disbursements.

Mail: 180 Dundas Street West, Suite 1200, Toronto ON M5G 1Z8, Attention: Sabrina Callaway

Roy O'Connor LLP can be reached at:

Telephone: 416-362-1989

Email: [info@royoconnor.ca](mailto:info@royoconnor.ca)

Mail: 200 Front Street West, Suite 2300, Toronto ON M5V 3K2, Attention: Adam Dewar

Goldblatt Partners LLP can be reached at:

Telephone: 416-979-4233

Email: [tatherfold@goldblattpartners.com](mailto:tatherfold@goldblattpartners.com)

Mail: 20 Dundas Street West, Suite 1039, Toronto ON M5G 2C2, Attention: Jody Brown

Class members will not have to personally pay Class Counsel for the work that they have done or for the disbursements that they have carried over the past four years since this case began. The Representative Plaintiff entered into a contingency fee agreement with Class Counsel at the outset of the case, providing that Class Counsel are to be paid only in the event of a successful settlement or trial judgment. As provided for in that contingency fee agreement, Class Counsel will be asking that the Court approve legal fees of 33% of the settlement funds, plus disbursements and applicable taxes. Approval of the Settlement Agreement and Distribution Protocol *will not* be contingent upon the court approval of legal fees. Any approved legal fees and disbursements will be paid out of the \$19 million settlement funds.

#### **I. Where can I ask more questions?**

For more information, please visit [www.livingstonclassaction.ca](http://www.livingstonclassaction.ca). If you have questions that are not answered online or by email, please contact Class Counsel at the numbers listed above.

To receive future notices and updates regarding the class action, register online at [www.livingstonclassaction.ca](http://www.livingstonclassaction.ca).

#### **J. Interpretation**

This notice contains a summary of some of the terms of the Settlement Agreement and the Distribution Protocol. If there is a conflict between the provisions of this notice and the Settlement Agreement or Distribution Protocol, the terms of the Settlement Agreement or Distribution Protocol, as applicable, shall prevail.

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**PLEASE DO NOT CALL LIVINGSTON, THE COURTHOUSE, OR THE REGISTRAR OF THE COURT ABOUT THIS ACTION.**

This notice was approved by the Ontario Superior Court of Justice.