

# IMPORTANT NOTICE FOR PAYDAY LOANS CUSTOMERS OF CASH MONEY CHEQUE CASHING INC.

*Please Read This Notice Carefully As It May Affect Your Legal Rights*

## WHO THIS NOTICE IS FOR (THE CLASS)

All payday loan customers of Cash Money Cheque Cashing Inc., who obtained payday loans in the following provinces during the times set out below:

- Manitoba: from June 16, 2009 up to and including October 17, 2010;
- New Brunswick: from June 16, 2009 up to and including December 15, 2011;
- Nova Scotia: from June 16, 2009 up to and including July 31, 2009; or
- Ontario: from June 16, 2009 up to and including December 14, 2009;

(the "Class Members"). There are approximately 41,000 Class Members.

## PURPOSE OF THIS NOTICE

To inform the Class Members that an action commenced in the Ontario Superior Court of Justice by Brad Moyle against Cash Money Cheque Cashing Inc. and Joseph P. Genova (together, referred to as "Cash Money") has been certified as a class proceeding, and a settlement of that class action has been approved by the Court.

### The Claim

The claim alleges that, during the above time periods, Cash Money charged and received interest at an effective annual rate in excess of 60%, which exceeded the maximum interest rate permitted at law, and therefore Cash Money has been unjustly enriched, and should repay to the Class Members the excess interest it received.

### The Settlement

A Settlement has been reached between the Plaintiff and Cash Money, and has been approved by the Court.

Under the terms of the Settlement Agreement, Cash Money will pay \$1,350,000 into a Settlement Fund, which will be distributed pro rata among all Class Members who complete a valid claim form. The amount of the payment to any Class Member will depend upon the total number of claims received by the claims administrator, as well as any outstanding principal and/or legal interest owing to Cash Money by the claiming Class Member. The maximum amount payable to any Class Member will be \$250.

Cash Money will also provide each Class Member with a \$35 voucher, that will be redeemable against any outstanding amounts owing to Cash Money, or that may be applied towards future services from Cash Money. If redeemed, the vouchers have a combined value of approximately \$1,470,000.

The Settlement Agreement is not an admission of liability on the part of Cash Money. If the action was to proceed, Cash Money would raise defences about whether the interest was excessive, and would claim set-offs for overdue loans owing to it.

A \$35 voucher and a claim form will be mailed to all Class Members.

### How to Participate

In order to participate in the cash portion of the settlement, you must fill out the claim form and submit it to the address on the form no later than July 16, 2012.

**If you do not submit a claim form, you will not receive a payment. No claim forms will be accepted after July 16, 2012.**

If you do not receive a claim form in the mail and you believe you are part of the class, or if you received a claim form but prefer to submit your application online, you may fill out the form online at [www.cashmoneyclassaction.com](http://www.cashmoneyclassaction.com).

### Class Counsel's Fees

The Court has approved Class Counsel's fees in the total amount of \$125,000 plus HST, and \$3,713.22 for disbursements and applicable taxes. The fees are to be paid from the cash portion of the Settlement Fund. Class Members are not responsible for paying any part of Class Counsel's fees directly. These amounts will compensate Class Counsel for their efforts in prosecuting this case and for their out-of-pocket expenses.

## RELEASE OF CLAIMS AND EFFECT ON OTHER PROCEEDINGS

All Class Members will be bound by the terms of the Certification and Settlement Approval Order, unless they “opt out”.

If a class member does not opt out, he or she will not be able to bring or maintain or participate in any other claim or legal proceeding against Cash Money or any other person released by the Settlement Agreement in relation to the matters alleged in the Ontario proceedings, including another proposed class action pending in Alberta in which the plaintiff is requesting that the class action be certified on behalf of all the proposed Class members in the Ontario Action.

If you decide to opt out, you will not be bound by the terms of the Settlement Agreement, but you will not be eligible for any of the benefits of the Settlement Agreement.

### How to Opt Out

**If you do not wish to be bound** by the certification of this action as a class proceeding, and do not wish to participate in the settlement, you must send a written opt out notice to:

Moyle v. Cash Money  
Settlement Administrator  
PO Box 4175  
Toronto Station A  
Toronto, Ontario M5W-0E6

Your opt out notice must be received by the Claims Administrator by no later than March 15, 2012, or it will not be valid, and you will be bound by the terms of the Settlement Agreement.

**Do Not Opt Out if you want to Participate in the Settlement.**

### Class Counsel

Class Counsel can be reached at:

Suite 501, 250 University Ave.,  
Toronto, ON,  
M5H 2E5  
Telephone: 416-646-4300

A copy of the Statement of Claim, the Settlement Agreement and the Claim Form will be posted on the website at [www.paliarerland.com/cashmoney.asp](http://www.paliarerland.com/cashmoney.asp).

### Claims Administrator

Inquiries about your claim should be made to the Claims Administrator at 1-888-266-9419.

Moyle v. Cash Money  
Settlement Administrator  
PO Box 4175  
Toronto Station A  
Toronto, Ontario M5W-0E6

**Inquiries about the status of your claim should NOT be directed to Class Counsel.**

### Related Action

An action has been brought in Alberta which seeks to certify a class action including the same class members, and seeks damages for the same class period: Efthimiou v. Cash Money Cheque Cashing Inc. and Joseph P. Genova. That action has not been certified, and is being defended by Cash Money.

### Interpretation

If there is a conflict between the provisions of this Notice and the Settlement Agreement, the terms of the Settlement Agreement will prevail.

PUBLICATION OF THIS NOTICE HAS BEEN AUTHORIZED BY THE ONTARIO SUPERIOR COURT OF JUSTICE