

## Attention All Current and Former Shoppers Drug Mart Associates

### NOTICE OF CERTIFICATION OF A CLASS PROCEEDING

This Notice may affect your rights. Please read carefully.

#### THE CLASS ACTION

A class proceeding has been certified by the Ontario Superior Court of Justice against Shoppers Drug Mart Inc. and Shoppers Drug Mart (London) Limited (together, "Shoppers") on behalf of the following Class:

*All current or former Shoppers Drug Mart Associates resident in Canada (save for Associates with franchised businesses located in Quebec) who entered into an Associate Agreement with Shoppers Drug Mart Inc. and/or Shoppers Drug Mart (London) Limited dated between January 1, 2002 and January 1, 2010 (the "2002 Agreement Class"), and*

*All current or former Shoppers Drug Mart Associates resident in Canada (save for Associates with franchised businesses located in Quebec) who entered into an Associate Agreement with Shoppers Drug Mart Inc. and/or Shoppers Drug Mart (London) Limited dated between January 1, 2010 and July 9, 2013 (the "2010 Agreement Class").*

In addition, the class proceeding has been certified on behalf of the following Ontario sub-class:

*All current or former Shoppers Drug Mart Associates who performed direct patient care services (as defined in both the Drug Interchangeability and Dispensing Fee Act, R.S.O. 1990, c. P.23, R.R.O. 1990, reg. 935, s. 2(1) and the Ontario Drug Benefit Act, R.S.O. 1990, c. O.10, O. Reg. 201/96, s. 1(8) for the period since October 1, 2006 ("Professional Allowance Class").*

The plaintiffs claim compensation for the Class for losses they are alleged to have suffered because Shoppers allegedly breached the Associate Agreements in the way it has carried out its inventory practices, and by charging allegedly excessive cost recovery fees. The action also seeks compensation for the Professional Allowance Class for losses suffered by them because Shoppers' has not paid professional allowances that it allegedly received on behalf of the Professional Allowance Class.

Shoppers denies all the claims made against it. By certifying this action as a class proceeding, the court has not decided if any of the allegations are true. The plaintiffs will be required to prove their claims at a trial.

#### THE CERTIFICATION ORDER

On July 9, 2013, the Ontario Superior Court of Justice certified an action (Court file No. CV-10-414774-00CP) as a class proceeding and appointed Giovanni Spina, John Spina Drugs Ltd., Romeo Vandenburg and Romeo Vandenburg Drugs Ltd. as the representative plaintiffs on behalf of the Class and Professional Allowance Class (the "Class Action").

If you are a member of the Class or Professional Allowance Class, your rights will be affected.

Each Class Member who does not opt out of the Class Action will be bound by the terms of any settlement, or any judgment, whether favourable or not. Each Class Member who does not opt out may be entitled to share in the amount of any monetary settlement reached in the Class Action.

#### LEGAL FEES AND DISBURSEMENTS

Class Members do not have to pay any court costs for the common issues phase of the Class Action. This action has received funding from the Ontario Class Proceedings Fund. The Class Proceedings Fund will pay any adverse costs awards. It will also pay some of the expenses that will be incurred to prosecute the Class Action. In return, it will receive 10% of any monetary settlement or any monetary judgment made in favour of the Class.

Class Members will not have to pay any legal fees directly in connection with the common issues phase of the Class Action. The Lawyers for the Class ("Class counsel") have entered into a contingency fee agreement with the representative plaintiffs. Class counsel and the Class Proceedings Fund will pay for the expenses incurred in prosecuting the Class Action. Class counsel will not be paid for their work unless the Class Action is successful either by a judgment against Shoppers, or by completing a settlement with Shoppers that is approved by the court. Any court costs received from the defendants will be used to pay part of Class counsel's fees and to pay for expenses. The contingency fee agreement provides for Class counsel to be paid a contingency fee of 33 1/3% of the amount recovered in the Class Action, if any. Before Class Counsel are paid any fees, the fees must be approved by the court.

**CLASS MEMBERS WHO WISH TO PARTICIPATE IN THE CLASS ACTION: You do not need to do anything at this time. You are automatically included in the Class Action.**

**CLASS MEMBERS WHO DO NOT WISH TO PARTICIPATE IN THE CLASS ACTION:** If you do not want to be a part of the Class Action, and do not want to be bound by any judgment or settlement, then you must send either of

the following to Class Counsel at the address below, on or before 5:00 pm E.S.T. on **February 21, 2014** - (a) a written and signed letter indicating your election to opt-out, including your full name and address, and the name and address of your professional corporation, OR (b) a completed and signed opt out form which can be downloaded from [http://www.paliareroland.com/docs/default-source/class-actions/opt-out-form\\_001.pdf](http://www.paliareroland.com/docs/default-source/class-actions/opt-out-form_001.pdf)

No Class Member will be permitted to opt out after **5:00 pm E.S.T. on February 21, 2014** without the consent of the representative plaintiffs and Shoppers or with leave of the court.

#### **ADDITIONAL INFORMATION**

Any questions about this notice or requests for more information about the Class Action should be directed to:

Shoppers Drug Mart Class Action - Paliare Roland Rosenberg Rothstein LLP  
155 Wellington St. W., 35<sup>th</sup> Floor  
Toronto, ON, M5V 3H1  
Fax: 416-646-4301  
Email: [info@Shoppersclassaction.com](mailto:info@Shoppersclassaction.com)

The certification order and other information are available to be viewed on the website <http://www.paliareroland.com/Shoppers-Drug-Mart-Class-Action.asp> or may be obtained by calling **1-877-203-2866**.

#### **INTERPRETATION**

This notice is a summary of the terms of the certification order. If there is a conflict between the provisions of this notice and the terms of the certification order, the certification order prevails.

This notice was approved by the Ontario Superior Court of Justice. Please do not contact the Court about this notice. Inquiries should be directed to Class Counsel.