

UNPAID OVERTIME CLASS ACTION – BOSZIK v LIVINGSTON INTERNATIONAL

NOTICE OF CERTIFICATION

THIS NOTICE MAY AFFECT YOUR LEGAL RIGHTS – PLEASE READ IT CAREFULLY

You are receiving this notice because a review of the records of the Defendant, Livingston International Inc. (“Livingston”), indicates that you are a Class Member (as described below) in this unpaid overtime class action lawsuit. You do not have to do anything to participate in this class action.

For more information about this class action please see: www.livingstonclassaction.ca or contact Class Counsel as set out below.

Summary

The lawsuit of *Boszik v Livingston International* alleges that Livingston failed to properly compensate Class Members for overtime, in breach of its legal obligations to do so. As a result of this alleged failure, Class Members are alleged to have suffered financial damages in the form of lost overtime compensation. If the Plaintiff is successful in his lawsuit, Class Members may be eligible to receive compensation from Livingston for any overtime work for which they have not been compensated already.

On November 17, 2016, the Ontario Superior Court of Justice ordered that the lawsuit be certified as a class action and appointed Michael Bozsik as the representative plaintiff for the class.

The Court has not yet determined whether the lawsuit will be successful and it will now proceed to a common issues trial. A common issues trial date has not yet been set by the Court.

The law firms **Roy O’Connor LLP**, **Goldblatt Partners LLP** and **Sotos LLP** have been appointed by the Court to represent the Class Members.

For more information about how this class action may affect your legal rights please visit www.livingstonintlclassaction.ca or please contact:

Goldblatt Partners LLP
Attention: Tanya Atherfold-Desilva
20 Dundas Street W., Suite 1039
Toronto, ON, M5G 2C2

Tel: 416-979-4233

Fax: 416-591-7333

Email: tatherfold@goldblattpartners.com

1. What The Lawsuit is About

The Representative Plaintiff, Mr. Michael Boszik, has sued Livingston alleging that Livingston failed to compensate Class Members for overtime. The core of Mr. Boszik's claim is that Livingston failed to properly pay the Class Members overtime for all hours worked. Mr. Boszik alleges, among other things, that Livingston:

1. breached the minimum standards for overtime compensation provided for by a number of provincial employment standards statutes;
2. breached its contracts of employment with the Class Members;
3. failed to properly track, approve, monitor, record and pay Class Members for their overtime hours of work; and,
4. was unjustly enriched by keeping money for itself that should have been paid to the Class Members as wages.

The lawsuit asks the Court to award monetary compensation to Class Members and to make orders requiring Livingston to change its policies and practices relating to overtime compensation.

A copy of the Statement of Claim and other legal documents associated with this case can be viewed at www.livingstonclassaction.ca.

2. How to be part of the Class Action

PLEASE NOTE: DO NOTHING IF YOU WISH TO BE A CLASS MEMBER IN THIS ACTION!

Under Ontario law, if you are a person falling within the Class definition, you will automatically be included in the Class unless you choose to be excluded from this proceeding. This includes Class Members who reside anywhere in Canada, not just in Ontario.

By order of the Ontario Superior Court of Justice dated November 17, 2016, the following persons are automatically included in this class action lawsuit:

All current or former non-management employees of the Defendant in its offices across Canada, who are or were employed, at any time on or after August 15, 2007, in administrative, clerical, technical and supervisory job classifications or otherwise subject to the Defendant's overtime policy or policies (collectively referred to as the "**Class Members**" or the "**Class**").

3. How to be Excluded from the Class Action

To exclude yourself from this proceeding you must contact **Goldblatt Partners LLP** by telephone, fax, email or regular mail at the address below and provide them with your full legal name and mailing address. Class Counsel will confirm your decision to exclude yourself from this action in writing. The deadline for excluding yourself from this class action is July 27, 2017.

If you decide to exclude yourself from this class action, you will be excluded from any settlement or award of damages awarded by the Court. Once you exclude yourself from this class action, you will receive no further communications regarding this action from Class Counsel.

4. What are the Financial Consequences of the Lawsuit?

There is no cost to you to participate in the lawsuit.

If the lawsuit is successful at the common issues trial, or any subsequent appeal, the Court may award compensation to the Class as a whole (of which you may receive a portion). Alternatively, the Court may establish a process, including individual hearings, in order to determine the amount of compensation, if any, each individual Class Member may be entitled to receive.

If the class action is successful, legal fees and disbursements incurred by the lawyers for the Class will be deducted from the total amounts recovered on behalf of the Class. The amount of such legal fees and disbursements must be approved by the Court.

In this case, the Plaintiff has received financial support from the Class Proceedings Fund (the "Fund"), which is a body created by statute and designed to allow access to the courts through class actions in Ontario. The Fund has agreed to reimburse the Plaintiff for some disbursements incurred in pursuing this action. The Fund will also be responsible for costs that may be awarded against the Plaintiff in this case. In exchange, the Fund will be entitled to recover from any court award or settlement in favour of the class the amount of its funded disbursements (except amounts repaid by the Plaintiff or ordered paid by the Defendants). The Fund is also entitled to 10% of any amounts that may be payable to class members.

If the class action is unsuccessful, Class Members will not be awarded compensation. If the class action is unsuccessful, you and other Class Members will not have any financial obligations in respect of the lawsuit.

Whether or not the class action lawsuit is successful, all Class Members who do not exclude themselves from the class action will be bound by the final judgment of the Court

5. Class Counsel & Other Matters

The law firms of **Roy O'Connor LLP**, **Goldblatt Partners LLP** and **Sotos LLP** have been appointed as Class Counsel by the Court.

Class Counsel will be paid legal fees only if the lawsuit is successful. These legal fees will have to be approved by the Court prior to being paid.

If you wish to participate personally in the lawsuit, please contact class counsel or you may apply directly to the Court for permission to do so.

The Court filings in this lawsuit are available for inspection at the office of the Superior Court of Justice, at the Milton Court House located at 491 Steeles Avenue East in Milton, Ontario, Court File No. 5270/14.

6. More Information

For further information about the class proceeding lawsuit please see: www.livingstonclassaction.ca or contact Class Counsel at:

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Attention: Tanya Atherfold-Desilva
20 Dundas Street W., Suite 1039
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PLEASE DO NOT CALL LIVINGSTON, THE COURTHOUSE, OR THE REGISTRAR OF THE COURT ABOUT THIS ACTION. ALL QUESTIONS ABOUT THE LAWSUIT SHOULD BE DIRECTED TO CLASS COUNSEL.

This notice is published pursuant to the section 17 of the Ontario *Class Proceedings Act, 1992* and was approved by the Ontario Superior Court of Justice.