

**C A N A D A
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL**

**SUPERIOR COURT
(Class actions)**

No: 500-06-000373-064

OPTION CONSOMMATEURS

Petitioner

-and-

MARYLOU CORRIVEAU

JUSTIN CHAUVETTE

VIVIAN MALLAY

MICHELLE GRIFFITH

PIERRE CANTARA

SYLVAIN JOUVET

JACQUES GAGNÉ

BENOÎT NADEAU

JEAN-FRANÇOIS TREMBLAY

YVON DESROSIERS

Designated persons

v.

AMEX BANK OF CANADA

CANADIAN IMPERIAL BANK OF

COMMERCE

NATIONAL BANK OF CANADA

ROYAL BANK OF CANADA

SCOTIABANK

LAURENTIAN BANK

PRÉSIDENT'S CHOICE BANK

TORONTO-DOMINION BANK

BANK OF MONTREAL

CITIBANK CANADA

FÉDÉRATION DES CAISSES

DESJARDINS DU QUÉBEC

MBNA CANADA

Respondents

NOTICE OF THE INSTITUTION OF A CLASS ACTION

(Summary Notice)

1. **TAKE NOTICE** that the bringing of a class action was authorized on October 25, 2007 by judgment of the Honourable Mr. Justice Clément Gascon of the Superior Court, who attributed representative status to **OPTION CONSOMMATEURS** and *designated person* status to Marylou Corriveau, Justin Chauvette, Vivian Mallay, Michelle Griffith, Pierre cantara, Sylvain Jovet, Jacques Gagné, Benoît Nadeau, Jean-François

Tremblay and Yvon Desrosiers, as for the benefit of the natural persons forming part of the group hereinafter described, namely:

“All natural persons who entered into a variable credit contract with the following respondents, these being Amex Bank of Canada, Canadian Imperial Bank of Commerce, Royal Bank of Canada, National Bank of Canada, Scotiabank, Laurentian Bank, President’s Choice Bank, Toronto-Dominion Bank, Bank of Montreal, Citibank Canada, Fédération des Caisses Desjardins du Québec and MBNA Canada in Quebec for purposes other than the operation of a business and who have paid, since October 4, 2001, fees for cash advances for transactions within Canada and abroad.”

This class action aims at recovering fees and exemplary damages, and will be instituted in the District of Montreal.

2. Summary of the Class Action

- 2.1 The consumers, who conduct transactions for cash advances in Canada or abroad by way of credit cards issued by the respondents, pay “fixed” fees on cash advances in addition to the amounts already claimed as interest.
- 2.2 Option consommateurs alleges that by charging these fees on cash advances, the respondents has contravened the imperative provisions of the *Consumer Protection Act* as they relate to the calculation of credit fees according to the actuarial method.
- 2.3 Via this class action, Option consommateurs asks that the respondents be condemned and pay each of their customers who are members of the group:
 - a) All the cash advances fees since the time of their introduction;
 - b) The payment of an amount of \$200 in exemplary damages;
 - c) The interest and additional indemnity provided under the *Civil Code of Quebec*.

3. How to Become a Group Member?

- 3.1 If you wish to be included in the class action, you do not have to do anything. In effect, unless special permission is granted, all members who are part of the group will be bound by the judgment rendered on the class action unless he or she asks to be excluded.
- 3.2 If you wish to be excluded from the class action, you must advise the Clerk of the Superior Court, District of Montreal, by courier or registered

mail. The Clerk's address is 1, Notre-Dame Street East, Suite 1.01, Montreal (Quebec) H2Y 1B6, and he must be informed no later than **December 27th, 2007** that you are a member of the group described in the class action bearing docket number 500-06-000373-064 and that you wish to be excluded from these proceedings.

3.3 Nevertheless, any member of the group who has already instituted an individual action involving an issue which would be decided by the final judgment on the class action is deemed to have excluded himself from the group unless he discontinues his suit no later than **December 27th, 2007**.

4. **No Liability For Costs**

No member of the group, other than the representative or an intervenant, can be ordered to pay the costs of the class action. In other words, the respondents cannot bring a claim against you merely because you are a member of the group.

5. **Additional Information**

- 5.1 The members of the group are invited, although not obliged, to provide their names, addresses and telephone numbers to OPTION CONSOMMATEURS or to the group's Attorneys, whose contact information is included below. Given the number of persons involved, it would be preferable to communicate by way of Internet, e-mail or fax. Please do not forget to advise of a change of address. We obviously recommend that you hold onto your account statements with your respective financial institutions.

This notice is only a summary of the Notice of class action proceedings. Members of the group who wish to consult the full Notice may do so by visiting the website of OPTION CONSOMMATEURS at www.option-consommateurs.org.

MONTREAL, NOVEMBER 22, 2007

ATTORNEYS FOR THE GROUP	PETITIONER
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PUBLICATION OF THIS NOTICE HAS BEEN ORDERED BY THE COURT

