

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

S U P E R I O R C O U R T
(CLASS ACTION)

No: 500-06-000411-070

UNION DES CONSOMMATEURS

Applicant

and

FERNAND SAVOIE

"Designated Person"

v.

VIDEOTRON GP

Respondent

*In Re Videotron's
"Extreme High-Speed" Internet Service*

**NOTICE TO MEMBERS
(SHORT VERSION)**

1. **TAKE NOTICE** that the bringing of a class action was authorized May 30, 2011 by judgment rendered by the Honourable Pepita G. Capriolo, Justice of the Superior Court of Québec, on behalf of the natural persons forming part of the following group:

"Sub-group 1: Any natural person residing in Québec who, as of October 1, 2007 was a subscriber of Videotron's **"Extreme High-Speed Internet"** Service pursuant to a contract for a term of twelve months entered into prior to August 14, 2007.

Sub-group 2: Any natural person residing in Québec who, for the first time, subscribed, pursuant to a contract for a term of 12 months, to the "**Extreme High-Speed Internet**" Service between August 14 and September 30, 2007 and who had not been advised at the time he or she subscribed to the service that use of the bandwidth would be capped at 100Gb/month (upload and download) and that thereafter the subscriber would have to pay an extra \$1.50 /Gb".

The aforementioned class action will be brought in the District of Montréal.

2. To summarize, the class action will consist in deciding, inter alia, the following issues:

- 2.1 Before the expiry of the 12-month term of its contract respecting "*Extreme High-Speed Internet*" unlimited service, could Videotron cap the downloading capacity to 100 Gb/month and thereafter charge an additional \$1.50 per extra Gb?
- 2.2 In the circumstances, did clause 3.9 of the Videotron contract in effect at that time allow Videotron to modify that feature of the service upon 30 days' notice or was it contravening the provisions of the *Consumer Protection Act* and/or was it abusive within the meaning of the *Civil Code of Québec*? If should be the case, should that clause, in the circumstances, be declared void or unenforceable as regards the members of Sub-groups 1 and 2,
- 2.3 In the event that the class action is granted, determining the remedies to which the members of Sub-groups 1 and 2 would be entitled, specifically: a reduction in the price of the subscription and/or reimbursement of the charges for exceeding the limit of 100Gb/month and/or damages and/or punitive damages, etc.

3. TO BE A MEMBER OF THE GROUP

If you wish to be included in the class action, you do not need to do anything. Without special permission, any member who is part of the group will be bound by the judgment to be rendered on the class action unless he or she requests exclusion.

If you wish to be excluded from the class action, you must send notice of your decision by registered or certified mail to the Clerk of the Superior Court of the District of Montréal, 1 Notre-Dame Street East, Room 1.120, Montréal, Québec

H2Y 1B6, stating therein that you are a member of the "CLASS ACTIONS – VIDEOTRON – EXTREME HIGH-SPEED INTERNET SERVICE" group (500-06-000411-070) and that you wish to be excluded from the class action. This notice must be sent not later than July 29, 2011.

4. ADDITIONAL INFORMATION

Without being required to do so, members of the group are asked to provide their name, address, telephone number and e-mail address to UNION DES CONSOMMATEURS or to the Attorneys for the group at the addresses indicated below. Given the number of persons involved, contact by Internet, e-mail or fax is preferred. You are responsible for advising the UNION DES CONSOMMATEURS or the aforementioned Attorneys of any future change in address.

This notice is merely a summary of the Notice to Members. The judgment authorizing the bringing of the class action and the full text of the Notice to Members is available online at the Union des consommateurs website at www.consommateur.qc.ca/union or at that of the Attorneys for the group at www.recours-collectifs.ca.

A new notice will be published when final judgment on the aforementioned applications is rendered.

Montréal, June 29, 2011

ATTORNEYS FOR THE REPRESENTATIVE AND FOR THE GROUP

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PUBLICATION OF THIS NOTICE HAS BEEN ORDERED BY THE COURT