

## NOTICE OF CERTIFICATION OF WESTERN HOCKEY LEAGUE CLASS ACTION

### PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS

The representative plaintiffs, Travis McEvoy and Kyle O'Connor, are former players with the Western Hockey League ("WHL"). They have sued the Canadian Hockey League ("CHL"), the WHL, and the owners of the Canadian WHL clubs,<sup>i</sup> alleging that the class members are employees of their clubs and/or of the WHL and CHL, and are therefore entitled to employment benefits including minimum wage and overtime pay. This lawsuit has now been certified to proceed as a class action by the Alberta courts. There has been no determination by the Alberta courts regarding the merits of the plaintiffs' claims, which are disputed by the defendants. The Alberta courts have concluded that the claim cannot proceed against the US WHL clubs.<sup>ii</sup>

#### You are a class member if:

- you were or are a player for a team located in British Columbia at some point between October 30, 2012 and February 14, 2016, or you were a player under the age of 19 on October 30, 2012; or
- you were or are a player for a team located in Alberta or Manitoba at some point between October 30, 2012 and April 18, 2017, or you were a player under the age of 18 on October 30, 2012; or
- you were or are a player for a team located in Saskatchewan at some point between October 30, 2012 and April 29, 2014, or you were a player under the age of 18 on October 30, 2012.

If you fall within one or more of these definitions, you will be included in the class action unless you choose to opt out of the class action by following the steps listed below.

#### WHAT IS THE CLASS ACTION LAWSUIT ABOUT?

The plaintiffs are asking the Court to declare that the class members are, or were, employees of the Canadian WHL clubs and that there exists a contract of employment between each class member and his WHL club. The defendants do not agree with the plaintiffs that there is an employment relationship between major junior hockey league players and their teams.

The plaintiffs allege that the defendants:

- breached the contract with each class member and the contractual duties of honesty, good faith and fair dealing;
- breached employment standards legislation in British Columbia, Alberta, Saskatchewan, and Manitoba;
- committed a conspiracy or alternatively were negligent in failing to pay the class members minimum wage and to meet the obligations owed to employees under employment standards legislation; and
- were unjustly enriched by keeping money that should have been paid to the class members as wages and employment benefits.

A copy of the Fresh as Amended Statement of Claim, a list of the common issues, and other materials filed to date by the plaintiffs, can be viewed at [www.chlclassaction.com](http://www.chlclassaction.com).

Copies of the Statements of Defence, as well as other materials filed to date by the defendants and the plaintiffs, can viewed at [www.chldefence.com](http://www.chldefence.com).

#### WHAT ARE MY OPTIONS?

You do not have to do anything to participate in the class action. If you are a class member based on the definition on page one of this notice, you are automatically included in the class action and you will be bound by the result of the common issues trial unless you choose to opt out by following the steps listed below.

If you do not want to be part of the class action lawsuit, you must complete and send a copy of the opt-out form to [CHLClassAction@ricepoint.com](mailto:CHLClassAction@ricepoint.com), the administrator appointed by the Court to receive the forms and collect the opt-out information, by July 14, 2019. A copy of the opt-out form can be found at [www.chlclassaction.com](http://www.chlclassaction.com), [www.chldefence.com](http://www.chldefence.com), and at [www.whl.ca](http://www.whl.ca). If you submit a complete opt-out form by July 14, 2019, you will not be a class member and you will not be eligible to participate in compensation arising out of any judgment or settlement of the class action.

## **WHAT HAPPENS NEXT?**

There will be a trial to determine the issues in the class action, unless the matter is resolved in advance of trial by some other court-approved process or settlement.

## **WHAT ARE THE FINANCIAL CONSEQUENCES OF THE CLASS ACTION?**

There is no cost to you to participate in the class action.

You will only need to pay legal fees if the class action is successful or is settled and the class is awarded compensation. The legal fees will be paid directly from that compensation. You will not need to pay any legal fees out of your own pocket. Any fee paid to the lawyers must be approved by the Court as being fair and reasonable. Any settlement must also be approved by the Court as being fair, reasonable, and in the best interests of the class members.

The representative plaintiffs have entered into fee agreements with class counsel. There is a Court-approved third party funding agreement with Bridgepoint Financial Services. The fee agreements provide for class counsel to request fees of 25-30 per cent of any amounts recovered, plus applicable taxes and disbursements. The third party funding agreement provides for Bridgepoint Financial Services to recover the funds it has advanced to class counsel for disbursements, together with interest and a percentage of the amounts recovered, estimated to be in the range of 5-10 per cent of the compensation. If the class action is successful and the class is awarded compensation, class counsel will apply to the Court for fee approval.

If the class action is unsuccessful at the common issues trial, you will not pay any legal fees.

## **FOR FURTHER INFORMATION**

For questions regarding this notice or the class action, please contact class counsel as follows:

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THIS NOTICE HAS BEEN AUTHORIZED BY THE ALBERTA COURT OF QUEEN'S BENCH.

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<sup>i</sup> The Brandon Wheat Kings, the Swift Current Broncos, the Regina Pats, the Moose Jaw Warriors, the Saskatoon Blades, the Prince Albert Raiders, the Lethbridge Hurricanes, the Medicine Hat Tigers, the Calgary Hitmen, the Edmonton Oil Kings, the Red Deer Rebels, the Kootenay Ice, the Kamloops Blazers, the Vancouver Giants, the Prince George Cougars, the Victoria Royals, and the Kelowna Rockets.

<sup>ii</sup> The Tri-City Americans, the Spokane Chiefs, the Seattle Thunderbirds, the Portland Winterhawks, and the Everett Silvertips.