

**Schedule A**

(to implementation order - long form notice to Plaintiff Class)

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Notice under the Ontario *Class Proceedings Act*

**TO ALL CUSTOMERS OF  
TORONTO HYDRO AND ALL OTHER  
LOCAL MUNICIPAL ELECTRICITY  
DISTRIBUTION COMPANIES IN  
ONTARIO**

If you were a customer of Toronto Hydro or any other local municipal electricity distribution company (“LDC”) in Ontario and paid late payment penalties at any time after April 1, 1981, this notice will be important to you. A settlement of the class action by Jonathan Griffiths and Tamar Pichette against Toronto Hydro representing itself and all other local municipal electricity distribution companies in Ontario, has been reached.

This notice is published by order of the Honourable Justice Cumming of the Ontario Superior Court of Justice and explains:

1. The lawsuit;
2. The description of the Plaintiff Class;
3. The description of the Defendant Class;
4. Your right to choose whether or not to be part of the case;
5. The settlement terms of the lawsuit; and
6. Other Matters

**1. THE LAWSUIT**

Jonathan Griffiths of Toronto and Tamar Pichette, formerly of Toronto, each have sued Toronto Hydro for damages arising from allegedly excessive late payment penalties received by Toronto Hydro, at any time after April 1, 1981.

The lawsuits claimed \$564 million in compensatory damages from Toronto Hydro and all other local municipal electricity distribution companies in Ontario on behalf of their customers who paid late payment penalties at any time after April 1, 1981.

## **2. THE DESCRIPTION OF THE PLAINTIFF CLASS**

The class of customers on whose behalf the lawsuit was brought consists of:

All persons who:

- (a) are, or were, customers of:
  - (i) Toronto Hydro at any time after April 1, 1981, or
  - (ii) any other local municipal electricity distribution company in Ontario at any time after April 1, 1981, and
- (b) paid any Late Payment Penalties to Toronto Hydro or any other local municipal electricity distribution company in Ontario after April 1, 1981.

## **3. THE DESCRIPTION OF THE DEFENDANT CLASS**

The class of utilities against whom the lawsuit was brought consists of:

Toronto Hydro and all other local municipal electricity distribution companies (or their successor corporations) in Ontario which have charged Late Payment Penalties on overdue utility bills at any time after April 1, 1981.

For greater certainty, if a municipality sold the assets of a local municipal electricity distribution utility to Hydro One and the municipality retained liability for claims relating to late payment penalties, then the municipality is a member of the defendant class.

## **4. YOUR RIGHT TO CHOOSE WHETHER OR NOT TO BE PART OF THE CASE.**

(a) *How to be included in the class.*

If you fall within the Plaintiff Class definition stated above, then you will automatically be included in the class unless you opt out of the class.

(b) *How to be excluded from the class re claims*

To opt out of the plaintiff class regarding claims against the defendant class you must fill out the coupon below and send it to Theall Group LLP, one of the lawyers for the plaintiff class. The deadline for opting out is September 23, 2010. If your written request to opt out is not received by that date you will remain a member of the plaintiff class. If you opt out you would be entitled to start your own individual lawsuit.

## 5. THE SETTLEMENT TERMS OF THE LAWSUIT

The settlement provides for a payment of \$17,037,500 comprised of \$16,250,000 for claim and pre-judgment interest, \$750,000 for partial indemnity costs and \$37,500 for GST on such costs from Toronto Hydro, and all participating LDCs (or their successor corporations) in Ontario.

After deduction of court approved legal fees and disbursements, determined by the court to be \$4,862,500 and all applicable GST/HST the balance of the \$17,037,500 will be distributed to, or for the benefit of, the plaintiff class by means of low-income energy assistance programs in the service areas of the defendant class members. For example, in Toronto the share of the settlement contributed by Toronto Hydro will be distributed through the Winter Warmth Fund, a program administered by the United Way of Greater Toronto.

The settlement provides that Plaintiff Class Members may opt out of this lawsuit and sue their utility separately, or not sue at all. If more than 10,000 Plaintiff Class Members opt out, then the defendant will have the option of cancelling the entire settlement.

## 6. OTHER MATTERS

The plaintiffs retained the law firms of Theall Group LLP and Fraser Milner Casgrain LLP, to represent them and the class in the lawsuit, on the basis the law firms would be paid legal fees only if the lawsuit were successful. The lawsuit has now been successful and the court has determined the plaintiffs' lawyers' legal fees and disbursements will be \$4,862,500 plus GST/HST.

The court papers in this lawsuit are available for inspection at the office of the Superior Court of Justice, Court House, 361 University Ave., Toronto, Ontario, court file numbers 98-CV-158062 and 94-CQ-50878.

For further information you may contact one of the lawyers for the Plaintiff Class:

**THEALL GROUP LLP**  
Barristers and Solicitors  
Suite 1410  
4 King Street West  
Toronto, Ontario  
M5H 1B6

Dorothy Fong  
Tel: (416) 304-0115  
email: [dfong@theallgroup.com](mailto:dfong@theallgroup.com)

Please DO NOT CALL Justice Cumming or the registrar of the court. They will not be able to answer your questions about the case.

August 24, 2010

**PLAINTIFF OPT OUT COUPON**

To:

**THEALL GROUP LLP**  
Barristers and Solicitors  
Suite 1410  
4 King Street West  
Toronto, Ontario  
M5H 1B6

Dorothy Fong  
Tel: (416) 304-0115  
Fax: (416) 304-1395

I wish to opt out of the *Griffiths v. Toronto Hydro-Electric System Limited* class action.

\_\_\_\_\_  
Signature

Name:

*please print*

Address:

Postal code:

Telephone:

*Note: To opt out this coupon must be completed and received at the above address by September 23, 2010.*

