

NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL MOTION REGARDING THE NIAGARA COLLEGE CLASS ACTION

This Court Approved Notice is directed to all potential Class Members as described below. This Notice may affect your rights. Please read it carefully.

THE CLASS ACTION

You are receiving this Notice because you have been identified as an international student who graduated from the GAS Program at Niagara College of Applied Arts and Technology between September 1, 2013 and August 31, 2016 and were denied a 3 year post-graduation work permit due to distance learning (the “Class” or “Class Members”).

The Ontario Superior Court of Justice has ordered that all Class Members be sent this Notice for the purpose of providing information about this class proceeding and your legal rights.

THE CONSENT CERTIFICATION & SETTLEMENT MOTION

Thomson, Rogers (“Class Counsel”) and counsel for the Defendants have reached a settlement agreement in relation to this class proceeding, subject to Court approval. Details of the next steps and the settlement agreement are set out below. The Consent Certification and Settlement Motion is scheduled to be heard on **February 6, 2020 at 10:00 a.m.** at Osgoode Hall, 130 Queen Street West, Toronto, Ontario (Courtroom 5 or 6).

The Defendants have consented to a motion, subject to Court approval, certifying the action titled *Goyal and Zankat v Niagara College of Applied Arts and Technology*, Court file No. CV-15-534310-CP, as a class proceeding and appointing Anish Goyal and Chintan Zankat as the representative plaintiffs.

The certification of this class proceeding proposes two classes defined as follows:

- A ‘Primary Class’ being: “All international students who graduated from the GAS Program at Niagara College of Applied Arts and Technology between September 1, 2013 and August 31, 2016 who were initially denied a 3 year post-graduation work permit (“PGWP”) due to distance learning and subsequently reapplied for, and obtained, a PGWP under Operational Bulletin 631”; and,
- A ‘Secondary Class’ being: “All international students who graduated from the GAS Program at Niagara College of Applied Arts and Technology between September 1, 2013 and August 31, 2016 who were initially denied a 3 year

PGWP due to distance learning and who did not subsequently receive a PGWP under Operational Bulletin 631.

(the Primary Class and Secondary Class are hereinafter collectively referred to as the “Class” or “Class Members”).

If the Court certifies the within action as a class proceeding at the motion to be held on February 6, 2020, the Court will proceed to consider the settlement agreement that was reached on consent by the parties. Details of the nature of the settlement are outlined below.

NATURE OF THE SETTLEMENT

A settlement has now been reached by the parties following negotiations, subject to approval by the Court. If you are a Class Member, as defined above, you are eligible to apply for compensation under the settlement.

The settlement will be considered by the Court at a motion on February 6, 2020 (the “Approval Motion”). The proposed settlement will provide compensation to Class Members with valid claims.

The settlement agreement proposes the following compensation for Class Members:

- Primary Class Members will be entitled to receive an estimated amount of \$20,000 (before any Court approved legal fees); and,
- Secondary Class Members will be entitled to receive an estimated amount of \$7,500 (before any Court approved legal fees).

In order to be considered for compensation under the settlement agreement, once approved, Class Members will have to provide confirmation, to the satisfaction of Class Counsel, of the following:

1. Date of graduation from Niagara College;
2. PGWP denial letter setting out the reason for denial; and,
3. Confirmation that a PGWP was obtained under Operational Bulletin 631, if applicable.

If you are a Class Member, you will automatically be included in this class proceeding and are not required to take any further steps at this time. A further “Notice of Settlement” will be sent to you once the settlement is approved and only thereafter must you provide the required information to apply for compensation within a deadline that will be set by the Court.

Those wishing to maintain their right to sue the Defendants and thus NOT participate in this class action must OPT OUT (see “Opting Out” below).

OPTION TO OBJECT TO THIS SETTLEMENT

Class Members have the right to object to the proposed settlement agreement at the Approval Motion. Please also note that if the proposed settlement agreement is approved by the Court at the Approval Motion, Class Members who do not want to participate in the Class Action can still opt out (see “Opting Out” below).

If you wish to make submissions for or against the proposed settlement at the Approval Motion, please send a request in writing with a summary of your submissions to Thomson, Rogers at the address listed at the end of this Notice, by no later than January 16, 2020. Persons making submissions by the deadline will be provided with further information on how they may participate in the Approval Motion. Of course, any interested Class Member may attend the Approval Motion if they wish.

Subject to Court approval, Class Counsel will be seeking the approval of total fees of approximately \$1,000,000, inclusive of all disbursements and applicable taxes. Class Counsel was retained on a contingent basis. Class Counsel was responsible for funding all disbursements incurred in pursuing this litigation. Pursuant to the settlement, the Defendant has agreed to pay a total of roughly \$250,000 towards Class Counsel’s legal fees, disbursements and applicable taxes.

Following the Approval Motion, Class Members will be provided with a “Notice of Settlement” explaining how to submit the documents required to apply for compensation under the settlement and the deadline to do so.

OPTING OUT OF THE CLASS ACTION

Class Members who wish to participate in the class action are automatically included in the class action. Any Class Member who wishes to opt out of the class action may do so on or before a date approved by the Court (likely to be March 19, 2020). Notice of the deadline to opt out will be set out in the Notice of Settlement. It should be noted that if too many people opt out of the settlement the settlement may be nullified.

No Class Members will be permitted to opt out of the class action after the opt out deadline.

No person may opt out on behalf of a minor or a mentally incapable person without permission of the court after notice to The Children’s Lawyer of the Public Guardian and Trustee, as appropriate.

ADDITIONAL INFORMATION

Any questions about the matters in this notice should NOT be directed to the Court because their administrative structures are not designed to address this type of inquiry. The Notice Order and other information may be obtained online at: www.thomsonrogers.com under the headings "Class Actions" and "Niagara College".

Questions for counsel from Class Members should be directed by email, fax or telephone to:

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