

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE MR.) Friday, THE 4th DAY
JUSTICE RAIKES) OF February, 2022

BETWEEN:

THE ESTATE OF HUGH CULLATON, deceased,
by his Executrix, KAREN CULLATON

Plaintiff

- and -

MDG NEWMARKET INC. holding itself out as ONTARIO ENERGY GROUP and
ONTARIO ENERGY SOLUTIONS and HOME TRUST COMPANY

Defendants

PROCEEDING UNDER THE *CLASS PROCEEDINGS ACT*, 1992, S.O. 1992, c.6

ORDER

(Notice Approval)

THIS MOTION made by the Plaintiff for an Order: (i) approving the Claims Notices; (ii) approving the method of dissemination of said Claims Notices; and (iii) approving the payment of the costs of disseminating the Claims Notices from settlement recoveries, was heard this day by videoconference at the Court House, 80 Dundas Street, London, Ontario.

ON READING the Motion Record filed by the Plaintiff, and on hearing the submissions from counsel for the Plaintiff and the Settling Defendants;

1. **THIS COURT ORDERS** that the proposed Claims Notice, Press Release, and Banner Ad (the "Claims Notices") are hereby approved substantially in the form attached hereto as Schedules "A" - "C".
2. **THIS COURT ORDERS** that the plan of dissemination of the Notices (the "Plan of Dissemination") is hereby approved in the form attached hereto as Schedule "D" and that the Claims Notices shall be disseminated in accordance with the Plan of Dissemination.

3. **THIS COURT ORDERS** that the costs of disseminating the Claims Notices shall be paid from the settlement fund.

Date: February 4, 2022



The Honourable Justice Raikes

CLASS MEMBERS MAY NOW MAKE A CLAIM FOR MONEY IN THE
ONTARIO ENERGY GROUP HVAC EQUIPMENT LEASE CLASS ACTION

VISIT [WWW.OEGCLASSACTION.CA](http://www.OEGCLASSACTION.CA) TO FILE A CLAIM

TO: ALL PERSONS IN ONTARIO WHO ARE OR WERE AT ANY TIME PARTY TO A LEASE AGREEMENT FOR EQUIPMENT WITH ONTARIO ENERGY GROUP ("OEG"), ENTERED INTO BETWEEN MAY 1, 2012 AND DECEMBER 31, 2016, EXCEPT EXCLUDED PERSONS ("CLASS MEMBERS").

SETTLEMENT APPROVAL AND CLAIMS PROCESS UPDATE:

- The settlement with OEG and Home Trust Company **has been approved** by the Court.
 - The settlement is a compromise of disputed claims and it is not an admission of wrongdoing. It provides money and other important benefits to class members, including cash compensation, reduced-cost exit options, and up to 225 cancelled agreements selected through the claims process. The settlement does not cancel all class members' ongoing payment obligations to OEG.
- **A claims process is starting now** where you can file a claim for money.
 - Most class members will receive a Personal Identification Number ("PIN"), either by email or in the mail, which you will be asked to enter when you file your claim.
 - The PIN will link your claim to helpful information provided by the defendants to the extent that it is available and may reduce the amount of proof you need to submit your claim.
 - If you don't receive a PIN, please contact Epiq, the Claims Administrator (contact information below) before filing your claim.
 - Class Members should gather all available relevant documents, such as your lease agreement(s), payment records, equipment service records, correspondence with OEG, etc., before submitting your claim.
 - The claims process is designed to collect all the necessary information. **You should not need to contact Class Counsel or the Claims Administrator to provide any additional information beyond what you include in your claim.**
- **You must file your claim before X, 2022.** Claims that are not made by the deadline will not be eligible for compensation.
- File your claim at www.OEGclassaction.ca or contact the Claims Administrator (contact information below) for a paper claim form.
- A company called Epiq has been appointed by the Court to administer claims. Epiq should be your first contact for any claims related questions. They can be contacted at info@OEGclassaction.ca or 1-833-358-9423.
 - If you still require assistance after contacting Epiq, you may contact Foreman & Company, the lawyers representing the class, at the particulars found at www.OEGclassaction.ca/contact-us
- Epiq will review claims and determine what claimants are entitled to receive from the settlement pursuant to a set of rules approved by the court called a "Distribution Protocol". The Distribution Protocol describes how settlement benefits are to be shared amongst Class Members.
- The Claims Administrators' review will last several months following the end of the claims period, so please be patient.
- At the end of the entire claims and review process, money and other settlement benefits will be provided to eligible class members.
- The amount of money payable to any specific claimant will **not be known until after the claims process has concluded.**
- If you have questions about the claims process or wish to review documents such as the settlement agreement or the Distribution Protocol, visit www.OEGclassaction.ca or contact the Claims Administrator (contact information above).

Claims Period Opens in HVAC Equipment Lease Class Action against Ontario Energy Group and Home Trust Company

LONDON, ON, [date] – Eligible consumers may now submit a claim for benefits in the class action lawsuit brought against Ontario Energy Group and Home Trust Company.

Pursuant to the Court-approved settlement, the defendants have paid CAD \$14,950,000 for the benefit of the class and have agreed to the cancellation and forgiveness of certain lease agreements in exceptional circumstances. Ontario Energy Group has also agreed to implement various contractual changes to its lease agreements on a go-forward basis, including cheaper exit options, a reduction to the annual payment increase, and improvements to lien and unpaid arrears practices, among other benefits. The settlement is not an admission by the defendants of liability, fault, or wrongdoing, but is a compromise of disputed claims. The settlement does not cancel all class members' ongoing payment obligations to OEG.

Claims can be submitted at www.OEGclassaction.ca. There, you can also view copies of the Settlement Agreement, the plan for distributing settlement benefits, and the formal claims notice.

Claims must be submitted no later than [x].

Media contact: Foreman & Company, Jonathan Foreman - jforeman@foremancompany.com

Foreman & Company represents class members in this case. Based in London, Ontario, Foreman & Company has more than 20 years' experience in class action litigation and expertise in a full range of class action matters.

Did you enter into a lease contract for HVAC equipment (such as a furnace, air conditioner or water heater) from **Ontario Energy Group** between **May 1, 2012 and December 31, 2016?**

IF SO, MAKE A CLAIM NOW FOR MONEY FROM
A CLASS ACTION SETTLEMENT.

LEARN MORE

Schedule "D"

Plan of Dissemination

The Notice of Claims Opening will be distributed to Class Members as follows:

DIRECT MAIL AND/OR EMAIL

- 1) The Notice (attached as Schedule "A" to the Notice Approval Order) will be sent, in English (and/or French, if requested), by direct mail and/or email:
 - a. To all persons that were previously disclosed by the Defendants pursuant to the Certification Order. The Notice Administrator will utilize Canada Post's address update service to make reasonable efforts to verify and update mailing addresses in advance of the direct mailings being sent;
 - b. If not otherwise contacted under 1(a), to all Class Members disclosed by the Defendants that have extant individual litigation involving either of the Defendants in respect of the subject lease agreements, by delivery to the Class Member and/or their legal representative as appropriate;
 - c. If not otherwise contacted under 1(a), to the list maintained by Class Counsel of persons who have requested information about the action; and
 - d. Notwithstanding the preceding paragraphs, the Notice will not be sent to those Class Members who validly opted out of the proceeding.

- 2) The Defendants have shared with Class Counsel certain data that will assist in populating Class Members' individual claims. Where such data is available for a Class Member, the Notice will be accompanied by a Personal Identification Number (PIN), which may be used to pre-populate portions of the Class Members' online claim. PINs, however, shall not be sent to a) Class Members who have validly opted out of the proceeding (in which

case no Notice will be sent), and b) Class Members where there is reason for the Notice Administrator to believe that the Class Member does not reside at the address on file (ie. the Notice Administrator previously received a “return-to-sender” with no alternate address), in which case a Notice will still be sent but without a PIN.

- 3) In addition to the above, the approved Notice may be communicated directly to Class Members and other persons by other means, as may be deemed advisable by Class Counsel and/or the Notice Administrator.

TRADITIONAL MEDIA

- 4) Within ten (10) business days of the sending of direct notices, the Press Release (attached as Schedule “B” to the Notice Approval Order) will be circulated to news outlets throughout Canada by publication on Canada Newswire, in English, with promotion through Canada Newswire’s social media feed to facilitate recirculation.

BANNER ADS

- 5) Within ten (10) business days of the sending of direct notices, there will be a digital distribution of the banner ad (attached as Schedule “C” to the Notice Approval Order) on the Google Display Network, with a national distribution but greater focus on Ontario, for a period of ninety (90) days, with a target of a minimum 200,000 unique impressions. The banner ad will be provided in English, and may be modified as necessary to fit the dimensions and specifications as required by particular website providers. The banner ad will redirect Class Members to the dedicated claims website where they will be able to view a copy of the Notice, and submit their claim through the online portal.

CLASS COUNSEL WEBSITE AND RELATED SOCIAL/DIGITAL MEDIA

- 6) Coincident with the sending of the direct notices, a copy of the Notice (in English and in French), will be posted on a dedicated page of Class Counsel's website, and on the dedicated claims website maintained by the Notice Administrator.

- 7) Within ten (10) business days of the sending of direct notices, by publication of a link to the Notice through Class Counsel's social media accounts on the following social media platforms:
 - a. Facebook;
 - b. LinkedIn; and
 - c. Twitter.

THE ESTATE OF HUGH CULLATON

v.

MDG NEWMARKET INC., et al.

Court File No. 1850/16 CP

Plaintiff

Defendants

**ONTARIO
SUPERIOR COURT OF JUSTICE**

PROCEEDINGS COMMENCED AT LONDON

Proceeding Under the *Class Proceedings Act, 1992*

**ORDER
(Notice Approval)**

**FOREMAN & COMPANY
PROFESSIONAL CORPORATION**

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