

QUEEN'S BENCH FOR SASKATCHEWAN

Citation: **2021 SKQB 316**

Date: **2021 12 10**
Docket: **QBG 133 of 2013**
Judicial Centre: **Regina**

BETWEEN:

HELLO BABY EQUIPMENT INC.

PLAINTIFF

- and -

BANK OF MONTREAL, BANK OF NOVA SCOTIA,
CANADIAN IMPERIAL BANK OF COMMERCE,
MASTERCARD INTERNATIONAL
INCORPORATED, NATIONAL BANK OF CANADA
INC., ROYAL BANK OF CANADA, TORONTO-
DOMINION BANK and VISA CANADA
CORPORATION

DEFENDANTS

Counsel:

R. Mogerman, Q.C., L. Brasil, C. Hermanson, R. Egit	for the Plaintiff
G. Cowper, Q.C., and D. Royal	for the Defendants
(except for National Bank of Canada Inc. and Visa Canada Corporation)	
A. Brylowski	for the Defendant, National Bank of Canada Inc.
R. Kwinter	for the Defendant, Visa Canada Corporation
J. B. Simpson and J. Musgrove	for the Defendant
(previously settled defendant, Mastercard International Incorporated)	
T. Dionne-Bourassa	for Bank of America Corporation
S. Desjardins	for Fédération Des Caisses Desjardins Du Québec
C. Spry	for a class member, Wal-Mart Canada Corp.
J. Orenstein and A. Grass	for the Attendee, 9085-4886 Quebec Inc.

Attendees:

Rooke A.C.J.	Attendee, Court of Queen's Bench of Alberta
Perell J.	Attendee, Superior Court of Justice (Ontario)
Corriveau J.	Attendee, Superior Court of Justice (Quebec)
Weatherill J.	Attendee, Supreme Court of British Columbia

JUDGMENT
DECEMBER 10, 2021

POPESCU C.J.Q.B.

[1] The representative plaintiff seeks court approval of a proposed settlement with Royal Bank of Canada, Canadian Imperial Bank of Commerce, Toronto-Dominion Bank, Bank of Montreal and Bank of Nova Scotia. This proceeding is one of five certified class action proceedings brought collectively in the Courts of Saskatchewan, British Columbia, Alberta, Ontario and Quebec.

[2] The other four actions are as follows:

(a) *9085-4886 Québec Inc. v Visa Canada Corporation*, Superior Court of Quebec, No 500-06-000549-1010 (Montreal);

(b) *Coburn and Watson's Metropolitan Home v Bank of Montreal*, No. VLC-S-S-112003, Vancouver Registry [BC Proceeding];

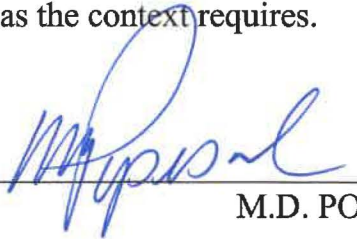
(c) *Bancroft-Snell v Visa Canada Corporation*, OSCJ No CV-11-426591CP (Toronto); and

(d) *Macaronies Hair Club and Laser Center Inc, operating as Fuze Salon v B of A Canada*, File No 1203 18531 (Edmonton).

- [3] The representative plaintiff has applied for:
- (a) Court approval of the settlement of \$120,000,000.00;
 - (b) Approval of the distribution plan;
 - (c) The appointment of Epig Class Actions Services Canada Inc. as the claims administrator;
 - (d) The appointment of Hilsott Notification as the notice administrator;
 - (e) Approval of the form of the notice informing class members about the claims process;
 - (f) The approval of the plan setting out how the Claims Notice will be distributed; and
 - (g) Approval of Class Counsel Fees and Honorariums.
- [4] Previous settlement agreements and class counsel fees within this action, but pertaining to other Defendants, have been approved. See *Hello Baby Equipment Inc. v B of A Canada Bank*, 2015 SKQB 410.
- [5] The BC Proceeding has been the lead action.
- [6] On December 6, 2021 the applications were conducted jointly before all five courts by Webex.
- [7] At the conclusion, the decisions of the courts were reserved.

[8] I have now had the opportunity to review the reasons for judgment of Weatherill J. See *Coburn and Watson's Metropolitan Home v Bank of Montreal*, 2021 BCSC 2398. I agree with those reasons in their entirety.

[9] Accordingly, I adopt those reasons as my own in relation to the Saskatchewan action, with necessary modification as the context requires.


C.J.Q.B.
M.D. POPESCU