

**NOTICE OF CERTIFICATION  
OF THE WINDSOR "BINGO" CLASS ACTION**  
**Read this notice carefully as it may affect your legal rights.**

**IS YOUR ORGANIZATION A CLASS MEMBER?**

THIS NOTICE is directed to all persons, whether natural (including unincorporated associations) or corporate, who have paid lottery licensing fees and lottery administration fees to the Corporation of the City of Windsor ("Windsor") on or after October 24, 1993 (the "Class").

**THE CERTIFICATION ORDER**

By order dated December 31, 2012, the Ontario Superior Court of Justice certified the action, *Amyotrophic Lateral Sclerosis Society of Essex County v. The Corporation of the City of Windsor*, Court File. No. CV-08-12004 as a class proceeding. The order was varied by the Court of Appeal for Ontario on August 12, 2015. The Court has appointed the Amyotrophic Lateral Sclerosis Society of Essex County as the representative plaintiff of the Class.

Certification means that the action may proceed to trial as a class action involving among other things, claims for restitution of the lottery licensing and administration fees paid to Windsor.

Certification is a preliminary procedural matter and does not involve any finding by the court that the claims, or the allegations on which they are based, have any validity. Windsor denies that the claims against it have any merit and intends to defend the action.

**COSTS TO THE CLASS OF THIS ACTION**

Counsel for the Class ("Class Counsel") have entered into an agreement with the representative plaintiff with respect to legal fees and disbursements.

The agreement, which requires court approval, provides that the Class will pay to Class Counsel a contingency fee plus disbursements plus taxes. The agreement provides that Class Counsel will not receive payment for their work unless and until the class action is successful or costs are received from the defendant.

As a member of the Class who is not a representative plaintiff your organization will not be required to pay any costs in the event that the class action is unsuccessful.

**DO NOTHING IF YOU WANT YOUR ORGANIZATION TO PARTICIPATE IN THIS CLASS ACTION**

Class members are automatically included as participants in this class action and representatives of an organization that is a class member do not need to do anything at this time.

**IF YOU DO NOT WANT YOUR ORGANIZATION TO BE A PART OF THIS CLASS ACTION**

Representatives who do not want their organizations to participate in the class action must opt their organization out of the class action. If you want your organization to opt out of the class action, you must register your organization's desire to opt out through one of the following methods:

(1) by sending a written, signed opt-out form or other written signed equivalent, which includes the name of the organization, your name, your position in the organization, the mailing address used by the organization, a telephone number for a responsible person at the organization, and an

email address, and confirming that you have authority on behalf of your organization to opt out of the class action to:

ATT'N: Windsor Bingo Class Action  
Lerners LLP  
85 Dufferin Ave Box 2335  
London, ON  
N6A 4G4

(2) by sending the same opt-out form or other written signed equivalent by fax to: 519.672.2044

(3) by sending the same opt-out form or other written signed equivalent or an electronic image of the same opt-out form or an electronic image of other written signed equivalent by email or MMS (text) to:  
[windsorbingoclassaction@lerners.ca](mailto:windsorbingoclassaction@lerners.ca)

(4) by completing the opt-out form available online at [www.windsorbingoclassaction.ca](http://www.windsorbingoclassaction.ca)

**No Class Member will be permitted to opt out of the class action unless the election to opt out is received before May 15, 2016 at 11:59 p.m.**

Each member of the Class that has not opted out of the class action will automatically be bound by the terms of any judgment or settlement whether favourable or unfavourable and will not be allowed to prosecute an independent action.

If the class action is successful, the Class Members who have not opted-out, may be entitled to share in the amount of any award or settlement recovered.

In order to determine if your organization is entitled to any award or share of a settlement and the amount, if any, of its share, it may be necessary to conduct an individual determination. Your organization may be responsible for the costs of its individual determination. Your organization will have the opportunity to decide if it wishes to proceed with its individual determination before it begins. The Court will decide what form the individual determination will take at a later date.

A member of the Class who is opted out will not be entitled to participate in the class action. Its right to pursue a claim in a separate proceeding will not be affected.

**AVAILABLE INFORMATION**

A website for this class action has been established by Class Counsel at:

[www.windsorbingoclassaction.ca](http://www.windsorbingoclassaction.ca)

Questions for Class Counsel should be directed by email or telephone to:

Peter Kryworuk  
Lerners LLP  
85 Dufferin Ave Box 2335  
London, ON  
N6A 4G4  
Toll free: 1.866.877.7887 ext. 5923  
Fax: 519.672.2044  
Email:  
[windsorbingoclassaction@lerners.ca](mailto:windsorbingoclassaction@lerners.ca)

This Notice was approved by the Ontario Superior Court of Justice. Do not communicate with the court offices about this Notice as they are unable to answer any questions about the matters in this Notice.

## OPT-OUT FORM

The below organization does **not** want to be included in the class action relating to lottery fees paid to Windsor. The below organization **opts out of (is excluded from)** this class action.

Name of Organization	
Name of Individual Signing	
Position of Signing Individual in Organization	
Address of Organization	
City, Province	
Postal Code	
Telephone	
Email Address	

Date:	Signature:
	I have the authority to bind the organization