

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE)

MR. JUSTICE GLUSTEIN)

TUES DAY, THE 3rd

DAY OF March, 2020

BETWEEN:



KAREN WALMSLEY

Plaintiff

and

**2016169 ONTARIO INC., 2170616 ONTARIO INC. and 2429131
ONTARIO INC., alone or together o/a Blyth Academy**

Defendants

ORDER

(Discontinuance)

THIS MOTION made by the Plaintiff was read this day at the City of Toronto.

ON READING the Notice of Motion, the Plaintiff's Motion Record, and on the consent of the parties, filed

1. THIS COURT ORDERS that the Action on behalf of those teachers who exclusively taught Blyth Academy online courses, and who were previously proposed Class Members, be hereby discontinued as a class proceeding;

2. THIS COURT ORDERS that any and all limitation periods of those teachers who exclusively taught Blyth Academy online courses that have been suspended on the commencement of this action will resume running again on July 1, 2020;

3. THIS COURT ORDERS that the notice to the teachers who exclusively taught Blyth Academy online courses is to be given in the form attached to this Order as Schedule "A", and that such notice shall be given within 30 days of the date of this Order, as follows:

(a) a copy of the Notice will be posted on the Blyth Academy class action website at cavalluzzo.com/blythacademyclassaction;

(b) a copy of the Notice will be mailed to all individuals that Blyth Academy has identified as teachers who exclusively taught Blyth Academy online courses; and,

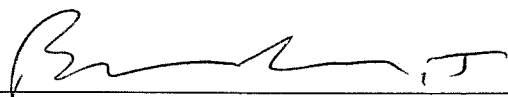
(c) a copy of the Notice will be emailed to all individuals that Blyth Academy has identified as teachers who exclusively taught Blyth Academy online courses.

4. THIS COURT ORDERS that there be no costs payable to either party for this motion.

ENTERED AT / INSCRIT A TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO:

MAR 04 2020

PER / PAR:


Justice Benjamin Glustein

SCHEDULE A – NOTICE OF DISCONTINUANCE

LEGAL NOTICE

NOTICE OF CLASS ACTION DISCONTINUANCE

Were you a teacher at Blyth Academy Online? A class action brought on your behalf has been discontinued. Please read this notice carefully.

Dear Blyth Academy Online Teachers,

Notice of Discontinuance

The Ontario Superior Court recently approved a settlement in a class action against Blyth Academy. Teachers who exclusively taught Blyth Academy Online courses are *not* included in the settlement, and will not receive any monies as part of the settlement.

As a result, the class action brought on behalf of those who only taught Blyth Academy Online courses **has been discontinued**.

You are receiving this notice because we think you are a teacher who exclusively taught online courses for Blyth Academy. Although the action on behalf of online teachers has been discontinued, you may wish to start your own legal claim against Blyth Academy. Please read this notice carefully for more information.

The Ontario Superior Court authorized this notice. This is not a solicitation from a lawyer.

What is the class action about?

A former Blyth Academy teacher, Karen Walmsley (the "**Representative Plaintiff**"), sued Blyth Academy on behalf of Blyth Academy teachers, including Blyth Academy Online teachers. This class action lawsuit claimed:

- Blyth Academy misclassified its teachers as "independent contractors" when they were in fact "employees";
- As a result, Blyth did not compensate these teachers for overtime, public holiday pay, and vacation pay; and,
- Additionally, Blyth Academy did not compensate its "employee" teachers for the overtime hours they also worked.

Blyth Academy has denied all of these allegations.

After extensive litigation and settlement discussions, Walmsley and Blyth Academy reached a settlement. The Ontario Superior Court has approved this agreement.

I exclusively taught Blyth Academy Online courses. What does the settlement mean for me?

Part of the Settlement is that the class action on behalf of teachers who exclusively taught online courses has been discontinued. If you only taught Blyth Academy Online courses, you are no longer part of the class action. The settlement does not apply to you, and does not affect your ability to pursue any cause of action that had been advanced on your behalf in this class action.

If you would like to start your own legal claim against Blyth Academy in respect of any causes of action raised in this class action, you should be aware that your claim must be commenced within a specified time period or it might be legally barred. If you would like to pursue legal action against Blyth, we recommend you take all necessary legal steps—including seeking legal advice—to protect any claim you may have. You are responsible for your own legal fees.

I taught online courses, but I also taught at a Blyth Ontario campus. What does the settlement mean for me?

If you taught some online courses, but you also taught at one of Blyth Academy's Ontario campuses from 2002 to August 31, 2019, you remain part of the class. However, the proposed settlement does not compensate you for the online courses you taught.

For more information on how the settlement might apply to you, please visit www.cavalluzzo.com/blythacademyclassaction. You may also contact Class Counsel at:

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Barristers & Solicitors
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KAREN WALMSLEY
Plaintiff

-and- **2016169 ONTARIO INC. et al.**
Defendants

Court File No. CV-17-584523

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
TORONTO

ORDER
(DISCONTINUANCE)

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