

Second Notice, Direct Mailing (Class Members)

LEGAL NOTICE

Were you a teacher at one of Blyth Academy's Ontario campuses from 2002 to August 31, 2019?

The Court has approved a settlement reached on behalf of a group of Blyth Academy teachers. Please read this notice carefully.

Dear Current and Former Blyth Academy Teachers,

Notice of Blyth Academy Class Action Settlement

The Ontario Superior Court recently approved a settlement in a class action against Blyth Academy.

You are receiving this notice because we believe you might be entitled to a payment under the settlement. Please read this notice carefully for details. This notice also describes how to opt out of the settlement, should you wish to do so.

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. Cavalluzzo LLP represents Walmsley and the Class in this lawsuit. This class action lawsuit claimed:

- Blyth Academy misclassified its Ontario 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 have reached a proposed settlement that provides compensation to eligible teachers. The Ontario Superior Court has approved this agreement.

Am I Eligible?

All Class Members are eligible for a payment.

A person is a Class Member if they worked at one of Blyth Academy's Ontario campuses and taught at least one course from 2002 to August 31, 2019. The class action only covers teachers during this period. The class action does not include teachers who exclusively taught Blyth Academy online courses.

Estates of Class Members may be eligible. A claim must be filed by the Estate Executor, or, if the Estate has been wound up, an immediate family member of a deceased class member.

All Class Members (except those who validly "opt out" of the Settlement) will be bound by the terms of the Settlement, and will be covered by the releases in the Settlement. As a result, they will not have the right to sue Blyth Academy for misclassifying them as independent contractors and/or for failing to pay them overtime and any other related claims, from 2002 to August 31, 2019.

What Does the Settlement Provide?

The settlement provides that:

- a) Class Members who submit a claim form and indicate they were a teacher at Blyth Academy from 2002 to August 31, 2019, are eligible for compensation;
- b) Blyth Academy will review its records to substantiate each teacher's claim and determine, in consultation with Cavalluzzo LLP, the amount of your payment. The amount of each payment will depend on the number of teachers that apply for compensation.

Full details of the settlement are available in the formal settlement agreement found at: cavalluzzo.com/blythacademyclassaction.

How Much Money Will I Get?

The Court approved a total payment of \$2,525,000 or \$2,625,000 if a large number of Class Members apply for payment. From these amounts, \$894,956.33 will be paid to Cavalluzzo LLP in legal fees, HST and disbursements. You do not need to pay Cavalluzzo LLP any money, nor will any counsel fees be deducted from the amount that you receive.

The amount each Class Member will receive will depend on a number of factors. These factors include:

- (1) The number of Class Members that apply for payment;

- (2) The number of contracts you signed / courses you taught while working for Blyth Academy; and,
- (3) The number of courses you taught each term.

For instance, the proposed settlement provides as a starting point that a Class Member who taught at Blyth as an employee teacher from the 2015-2016 school year to the 2018-2019 school year will receive \$5,300 per year. However, the \$5,300 figure will increase or decrease depending on the number of Class Members who apply for payment. The \$5,300 figure cannot increase beyond \$10,600.

The monies are being distributed as follows in relation to the 2015-2016 school year through to the 2018-2019 school year:

- (1) Every employment agreement will be assigned a value of \$5,300;
- (2) Every contract to teach a Summer course will be assigned a value of \$200;
- (3) Every contract to teach any other kind of course will be assigned a value of \$125, unless the contracts were taught as part of a group of three or more contracts, at which point this cluster of contracts will be assigned a value of \$2,100; and,
- (4) Every contract a teacher at the Downsview campus signed for the 2015-2016 school year will be assigned a value of \$2,500.

All of these figures are starting points: the amounts you will actually be paid will be more or less than these numbers depending on the number of Class Members who apply and what their teaching histories are like. You will not however be paid more than \$10,600 for each employment agreement, \$400 for each summer course, \$250 for each other kind of course, \$4,200 for each cluster of contracts, and \$5,000 for the 2015-2016 Downsview contracts.

No monies will be paid for any Blyth Academy Online course taught.

Anyone who taught at Blyth Academy before the 2015-2016 school year will receive a payment targeted at \$100 per person. This number may go down depending on how many people apply for payment.

Importantly, the majority of the settlement is for a fixed amount, meaning that Blyth Academy does not "save" money by denying claims.

If you want to see the formulae being applied in detail, you will have to read the formal settlement agreement found at cavalluzzo.com/blythacademyclassaction.

You should know that the standard tax withholdings will be deducted for monies paid pursuant to any employment agreement. Class Members who receive any monies paid pursuant to contracts for services continue to be responsible for making any necessary remittances to the Canada Revenue Agency.

How Do I Get This Money?

You must complete a Claim Form and send it to Blyth Academy at:

**Blyth Academy Head Office
160 Avenue Road
Toronto, ON M5R 2H8**

A copy of the Claim Form is available at cavalluzzo.com/blythacademyclassaction and is included with this notice too.

If you choose to opt out of the class action, you are not eligible for any compensation under this settlement.

What If I Do Not Want to Be Bound by the Settlement?

If you do not want to be bound by the settlement, you must opt out of the class action by **June 1, 2020**. If you opt out, you will *not* be entitled to any compensation under the class action settlement.

If you want to commence your own lawsuit, you must opt out.

If you opt out, you must abide by any applicable limitation periods. We strongly recommend you consult a lawyer before making the decision to opt out.

To opt out of the settlement, you must submit an Opt-Out Form to the Class Counsel. A copy of the Opt-Out Form is available at cavalluzzo.com/blythacademyclassaction.

Want More Information?

Visit, call, or email Class Counsel at:

Website: www.cavalluzzo.com

Email: BlythClassAction@cavalluzzo.com

Telephone: 844-253-7730

Do You Know Anyone Who May Be Part of the Blyth Academy Class Action?

Please share this information with them.