

## **Second Notice – Cineflix Class Action**

### **LEGAL NOTICE**

**Did you work for Cineflix in Ontario before September 2, 2021?**

**The Court has approved a settlement reached on behalf of a group of Cineflix workers. Please read this notice carefully.**

#### ***Notice of Class Action Settlement***

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

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 Cineflix worker, Anna Bourque, (the "**Representative Plaintiff**"), sued Cineflix on behalf of Cineflix employees and contractors. The class action lawsuit claimed:

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

Cineflix has denied all of these allegations. There has been no adjudication on the merits of the claims in the Class Action.

After extensive litigation and settlement discussions, Ms. Bourque and Cineflix have reached a proposed settlement that provides compensation to eligible workers. 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 Cineflix on or after October 6, 2016. The class action only covers persons who worked at Cineflix from October 6, 2016 to and including September 1, 2021.

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 Cineflix for misclassifying them as independent contractors and/or for failing to pay them overtime and any other related claims.

### ***What Does the Settlement Provide?***

The settlement provides that:

- a) Class Members who submit a claim form and indicate they worked at Cineflix as a contractor or employee between October 6, 2021 and September 1, 2021 are eligible for compensation;
- b) Cineflix will review its records to substantiate each person'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 people that apply for compensation.

Full details of the settlement are available in the formal settlement agreement found at: [www.cavalluzzo.com/cineflixclassaction](http://www.cavalluzzo.com/cineflixclassaction).

### ***How Much Money Will I Get?***

The Court approved a total payment of \$1,000,000 or \$2,500,000. Only \$1,000,000 is paid if a fully ratified collective agreement is entered into between Cineflix and the CWA/SCA Canada Canadian Media Guild and IATSE, two unions. Some of these amounts 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) Whether the total settlement amount is \$1,000,000 or \$2,500,000; and,
- (2) The number of Class Members that apply for payment.

No monies will be paid for any person who only worked for Cineflix before October 6, 2016.

Importantly, the settlement is for a fixed amount, meaning that Cineflix 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 [www.cavalluzzo.com/cineflixclassaction](http://www.cavalluzzo.com/cineflixclassaction).

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 the Claim Form enclosed with this letter and send it to Cineflix at:

Attn: Class Actions Claims  
3510 Boul St-Laurent  
Suite 202  
Montréal, QC H2X 2V2

Alternatively, you can email an electronic copy of the completed Claim Form to [cineflixnotices@cineflix.com](mailto:cineflixnotices@cineflix.com).

You must submit the Claim Form by April 22, 2022.

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

### ***Want More Information?***

Visit, call, or email Class Counsel at:

Website: [www.cavalluzzo.com/cineflixclassaction](http://www.cavalluzzo.com/cineflixclassaction)

Email: [cineflixclassaction@cavalluzzo.com](mailto:cineflixclassaction@cavalluzzo.com)

Telephone: 1-844-253-7730

### ***Do You Know Anyone Who May Be Part of the Cineflix Class Action?***

Please share this information with them.