

Court File No. 17-73081

ONTARIO
SUPERIOR COURT OF JUSTICE

ELAINE FOSTER

Plaintiff

-and-

FIRST CANADA ULC o/a FIRST STUDENT

Defendant

PROCEEDING UNDER the *Class Proceedings Act, 1992*



NOTICE OF ACTION

TO THE DEFENDANT

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the statement of claim served with this notice of action.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this notice of action is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

JUN 23 2017

Date

Issued by

Local registrar

Address of
court office: 161 Elgin Street, Ottawa, K2P 2K1

TO: **First Canada ULC o/a First Student**
855 2nd Street West
Suite 3500
Calgary, AB
T2P 4J8

CLAIM

1. The plaintiff, which includes those members of the proposed class of plaintiffs (the “**Plaintiffs**”) claim from the defendant, First Canada ULC o/a First Student (the “**Defendant**”), damages at common law for wrongful dismissal flowing from their unlawful termination of employment by the Defendant on or after June 25, 2015.
2. The Plaintiffs were non-unionized employees of the Defendant who had worked as school bus drivers, some since the 1970s for the Defendant or for the Defendant’s predecessor entities.
3. The Plaintiffs’ employment was terminated without adequate and lawful notice or payment in lieu of notice.
4. The damages claimed by the Plaintiffs is currently unknown. However, given that the number of proposed class members is over 400, the cumulative years of service of each of them, their age, experience, job seniority, the nature of the industry they work in, and the manner of their dismissal by the Defendant, the class claim is currently estimated to be approximately \$15,000,000 or more.

Date: June 23, 2015

SKS Law LLP
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Lawyers for the Plaintiff and the
Proposed Class of Plaintiffs

Elaine Foster v. First Canada ULC o/a First Student

Court File No. 17-73084

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT OTTAWA

NOTICE OF ACTION

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