

**DOCUMENT REVIEWER CLASS ACTION
PHILLIP v DELOITTE NOTICE OF CERTIFICATION**

PLEASE READ THIS NOTICE CAREFULLY, AS IT MAY AFFECT YOUR LEGAL RIGHTS

You are receiving this notice because a review of the records of the Defendants, Deloitte Management Services LP and Deloitte & Touche LLP (hereinafter referred to as "Deloitte") indicates that you performed document review ore-discovery services at Deloitte between January 16, 2014 to January 16, 2018 and are therefore a Class Member (as described below) in this class action lawsuit. You do not have to do anything to participate in this class action.

For more information about this class action please see one or both of the following websites: <http://www.thetorontolawyers.ca/category/class-action/sondhi-v-deloitte-et-al/>
<https://www.monkouselaw.com/deloitte-document-reviewer-class-action/>

Summary

The lawsuit of Phillip v Deloitte, formerly known as Sondhi v Deloitte, alleges that individuals who performed document review ore-discovery services at Deloitte between January 16, 2014 to January 16, 2018 (excluding Project Managers) were improperly characterized as independent contractors rather than employees. As a result, Class Members are alleged to have suffered financial damages in the form of unpaid overtime pay, unpaid vacation pay, unpaid public holiday pay, and improper deductions from document reviewers' compensation on account of employer CRA remittances. Some Class Members may have already received reimbursement of the CRA remittances.

On January 16, 2018 Justice Perell of the Ontario Superior Court of Justice certified the proposed action as a class action lawsuit.

The Court has not yet determined whether the lawsuit will be successful and it will now proceed to a common issues trial or summary judgment motion. Neither a trial date nor a motion date has been set by the Court.

The law firms **Monkhouse Law** and **Landy Marr Kats LLP** have been appointed by the Court to represent the Class Members.

For more information about how this class action may affect your legal rights please visit either of the websites listed above in this notice or please contact Stephen LeMesurier at Monkhouse Law by telephone at 416-907-9249 by email at stephen.lemesurier@monkouselaw.com or by regular mail at 357 Bay Street, Suite 804, Toronto, ON, M5H 2T7.

This Notice Explains:

1. The Lawsuit;
2. Who is included in the Lawsuit;
3. Your right to choose whether or not to be part of the Lawsuit;
4. Financial Consequences for you;
5. Class Counsel & Other Matters; and,
6. More Information.

1. The Lawsuit

The Representative Plaintiff, Mr. Tarrie Phillip, has sued Deloitte alleging that individuals who performed document review ore-discovery services at Deloitte between January 16, 2014 to January 16, 2018 (excluding Project Managers) were improperly characterized as independent contractors rather than employees. Mr. Phillip alleges that this mischaracterization violated the Ontario *Employment Standards Act, 2000* and caused Class Members to suffer financial damages. Specifically, Mr. Phillip alleges that class members have suffered damages on account of one or more of the following categories of damages:

- a) Unpaid Overtime;
- b) Unpaid Vacation Pay;
- c) Unpaid Public Holiday Pay; and,
- d) Improper Employer Deductions to Document Reviewer Compensation on Account of Employer CRA Remittances.

The lawsuit seeks a declaration that the Class Members are employees and asks the Court to award monetary damages to Class Members.

2. Who is included in the Lawsuit

You do not have to do anything to participate in this class action.

Class Members are automatically included in a class action once certified, unless they choose to opt-out of the proceeding as further described in section 3 below. This includes Class Members who reside anywhere in Canada or elsewhere, not just Ontario.

By order of the Ontario Superior Court of Justice the Class Members are composed of the following persons:

All persons having performed or currently performing document review ore-discovery services at Deloitte pursuant to an independent contractor agreement since January 16, 2014 to the date of certification (January 16, 2018), exclusive of any person who has only ever performed the duties of a Project Manager.

3. Your right to choose whether or not to be part of the lawsuit.

A. How to be included in the Class:

You do not need to do anything if you wish to remain a Class Member in this action.

If you fall within the Class definition described above, you are a Class Member and are automatically included in the action.

If you wish to be excluded from this action please see section 3(b) below.

**DOCUMENT REVIEWER CLASS ACTION
PHILLIP v DELOITTE
NOTICE OF CERTIFICATION**

B. _____ If you wish to be excluded from the action take the following steps:

To be excluded from this class action you must send a signed and dated Opt-Out Form to Class Counsel at the address specified below confirming that you do not want to be a part of the lawsuit. A copy of the Opt-Out Form is enclosed with this letter. Further details on how to opt- out of the lawsuit can be found at either website listed on page 1 and 4 of this notice or by contacting Class Counsel.

The deadline for opting out is **December 20, 2018**. If your written request to opt-out is not received by that date you will remain a Class Member.

By opting out of the Class, you are confirming that you do not wish to participate in this class action and you will be excluded from any settlement or any damages that may be awarded by the Court.

Class Counsel may contact you during the opt-out process in order to confirm the information in the opt-out from.

Once you opt-out of this class action, you will receive no further communications regarding this action from Class Counsel, but for a confirmation that you intended to exclude yourself from this class action.

4. Financial consequences for you

There is no cost to you to participate in the lawsuit.

If the lawsuit is successful at the common issues trial, or any subsequent appeal, the court may award compensation to Class Members (or certain Class Members), depending on, among other things, record(s) of hours worked. If the court is unable to award compensation to Class Members (or certain Class Members) based on the documentary record, it is possible that your individual participation in the lawsuit will be required to determine the losses you suffered. If this is to occur, you will be given further notice, and may decline to participate if you so wish. At that time, if your individual participation is required, Landy Marr Kats LLP and Monkhouse Law will represent you on a contingency basis, and will advise you of the consequences of such participation.

It is possible that, even if the lawsuit is successful, not all Class Members will be entitled to compensation. Further, there may be significant variability in the compensation awarded to individual Class Members.

If the class action is unsuccessful, Class Members will not be awarded damages and you will not receive any compensation from this lawsuit. You will also not be responsible for any costs.

Whether or not the class action lawsuit is successful, all Class Members who do not opt out of the class action will be bound by the final judgment of the Court. This means, for

DOCUMENT REVIEWER CLASS ACTION

PHILLIP v DELOITTE

NOTICE OF CERTIFICATION

example, that if you remain a Class Member, you could not start your own lawsuit against Deloitte in respect of the same issues and claims after the completion of this lawsuit.

This class action seeks a declaration that the Class Members are employees under the *Employment Standards Act, 2000* but does not seek a declaration that the Class Members should be classified in one way or another under the *Income Tax Act*, RSC, 1985, c 1 (5th Supp.). For further information about this case, please refer to Justice Belobaba's [decision](#) of April 13, 2017 and Justice Perell's [decision](#) of January 16, 2018.

5. Class Counsel & Other Matters

The law firms of Monkhouse Law and Landy Marr Kats LLP have been appointed as Class Counsel by the Court.

Class Counsel will be paid legal fees only if the lawsuit is successful. If the class action is successful, legal fees and disbursements incurred by the lawyers for the Class will be deducted from the total amounts recovered on behalf of the Class. The amount of such legal fees and disbursements will have to be approved by the Court prior to being paid, following notice to the Class of the fees sought by Class counsel and submissions from both parties and interested class members.

If the class action is unsuccessful, Mr. Phillip may be responsible for any costs or other legal expenses incurred in prosecuting the action, however, you and other Class Members will have no financial obligations in respect of the lawsuit.

If you wish to participate personally in the lawsuit, please contact class counsel or you may apply directly to the Court for permission to do so.

The Court filings in this lawsuit are available for inspection at the office of the Superior Court of Justice, Courthouse, 393 University Ave., Toronto, Ontario, Court File No.: CV-15-523524CP.

6. More Information

For further information about the class proceeding please visit one or both of the following websites:

<http://www.thetorontolawyers.ca/category/class-action/sondhi-v-deloitte-et-al/>

<https://www.monkouselaw.com/deloitte-document-reviewer-class-action/>

AND/OR Contact Stephen LeMesurier at Monkhouse Law at:

Monkhouse Law

Attn: Stephen LeMesurier

357 Bay Street, Suite 804 Toronto, ON, M5H 2T7

Tel: 416-907-9249

Fax: 888-501-7235

DOCUMENT REVIEWER CLASS ACTION

PHILLIP v DELOITTE

NOTICE OF CERTIFICATION

Email: stephen.lemesurier@monkhouselaw.com

Website: www.monkhouselaw.com

PLEASE DO NOT CALL DELOITTE, THE COURTHOUSE, OR THE REGISTRAR OF THE COURT ABOUT THIS ACTION. THEY WILL NOT BE ABLE TO ANSWER YOUR QUESTIONS ABOUT THE LAWSUIT.

This notice is published pursuant to the section 17 of the Ontario Class Proceedings Act, 1992 and was approved by the Court.