

**NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL  
(SHORT FORM)**

To Whom It May Concern:

**RE: AE Hospitality Class Action – NOTICE OF CERTIFICATION AND SETTLEMENT**

You are receiving this notice because you have been identified as a potential class member in the AE Hospitality Class Action, described below. **READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS**

**1. What is this lawsuit about?**

A representative plaintiff, Kelli Harding (the “**Plaintiff**”), commenced a proposed class proceeding against AE Hospitality, Encore Food with Elegance, Applause Catering and 2354398 Ontario Limited (collectively, the “**Corporate Defendants**”), Cary Silber, David Silber and Ryan Silber (collectively with the Corporate Defendants, the “**Defendants**”). This action was certified as a class proceeding on February 3<sup>rd</sup>, 2022.

In this class action, the Plaintiff is seeking compensatory damages on behalf of supervisors, servers, bartenders and chefs who worked in Ontario for one or more of the Corporate Defendants between October 1, 2012 and the date this action is certified as a class proceeding for allegedly unpaid wages, overtime pay, vacation pay, public holiday pay, Canada Pension Plan contributions and Employment Insurance contributions, as well as for punitive damages. The Defendants have denied all of these allegations. Monkhouse Law represents the proposed class (“**Class Counsel**”).

**2. Why is this notice being given?**

The parties to this class action have reached a settlement (the “**Settlement**”) to resolve all claims in connection with any conduct alleged, or which could have been alleged, in this action. The Settlement is a compromise of disputed claims against the Defendants without any admission of liability by the Defendants. The Settlement was approved by the Honourable Mr. Justice Glustein on February 3<sup>rd</sup>, 2022.

The purpose of this document is to provide notice of the approval of the Settlement and Class Counsel’s fees, and to advise you how to make a claim for compensation pursuant to the Settlement.

**3. Am I a member of the Class**

You are a proposed class member and are entitled to participate in the proceeding if you fall within the following definition:

All supervisors, servers, bartenders, and chefs who worked for one or more of the Corporate Defendants since October 1, 2012 to the date of certification of this Action who have not filed a complaint with the Ministry of Labour or signed a release relating to the matters in question.

**4. What settlement has been reached and how can I claim compensation?**

Under the Settlement, the Defendants shall pay an all inclusive amount of \$250,000 (the “**Gross Settlement Funds**”) in exchange for, among other things, a full and final release of the claims against the Defendants. The Gross Settlement Funds shall be reduced by Class Counsel’s fees, HST, disbursements, settlement administration costs and/or an Honorarium. The remaining amount shall be available to be distributed in accordance with the Distribution Plan in the Settlement, including a distribution to eligible class members.

**In order to be eligible to receive a payment under the Settlement, you must complete a Claims Form and return it to the Defendants by May 1<sup>st</sup>, 2022.** Claims Forms can be submitted to Class Counsel either by email, fax, or mail at the following:

Monkhouse Law  
220 Bay Street, Suite 900  
Toronto, Ontario  
M5J 2W4  
AEHospitalityClassAction@monkouselaw.com  
Fax: 888-501-7235

<https://www.monkouselaw.com/ae-hospitality-catering-misclassification/>

**5. How much will Class Counsel be paid?**

You will not have to pay any of the fees and expenses of Class Counsel. The Court has approved a contingency fee agreement and has fixed Class Counsel fees and disbursements in the amount of \$125,000. This amount is comprised of \$82,500 for legal fees, \$10,725 for HST applicable to legal fees, \$38,807.79 for disbursements inclusive of HST, and less a discount of \$7,032.79.

**6. Can I remove myself from the Class?**

As a class member, you also have the right to opt out of the class action. By opting out, you reserve the right to make your own claim against the Defendants, including for any allegedly unpaid wages, overtime pay, vacation pay, public holiday pay, Canada Pension Plan contributions and Employment Insurance contributions. The decision to opt out should not be taken lightly, as it means that you would have to start your own claim at your own expense if you wanted to pursue an individual claim against the Defendants. You may want to seek independent legal advice before choosing to take this step.

For more information on opting out, please visit the webpage listed in section 4, above.

**7. Where can I get more information?**

You may also contact the lawyers representing the Class Members and the representative plaintiff by calling 416-907-9249 or by emailing [AEHospitalityClassAction@monkhouselaw.com](mailto:AEHospitalityClassAction@monkhouselaw.com).

Sincerely,

Monkhouse Law acting as Class Counsel

**The Ontario Superior Court of Justice has authorized distribution of this Notice.**