

**BY ENDORSEMENT OF JUSTICE MORGAN, THE OPT-OUT DEADLINE, WHICH WAS INITIALLY SET FOR MARCH 24, 2022, HAS BEEN EXTENDED TO APRIL 3, 2022.**

***NOTICE OF CERTIFICATION AS A CLASS ACTION***

*To: All producers engaged by FSB Insurance Ltd. and FSB Commercial Ltd.  
(together, the “Company”)*

**THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ CAREFULLY.**

**The Nature of the Action**

On June 4, 2020, Surendraraj Navaratnarajah commenced an action in the Ontario Superior Court of Justice against the Company.

This action was brought on behalf of a proposed class of persons comprised of all Ontario current and former producers of the Company since 2004.

The action claims that the Company’s producers are employees of the Company and not independent contractors. The action also claims that the Company breached its statutory duties to the class by failing to appropriately provide them with minimum wage, overtime pay, vacation pay and public holiday, premium pay, severance pay and termination pay. The Company disputes these claims

By order dated November 9, 2021, The Honourable Justice Morgan certified the action as a class proceeding against the Company and appointed Surendraraj Navaratnarajah as representative plaintiff for the class.

**Participation in the Class Action**

If you were a producer of the Company and fall within the class definition, you are automatically included as a member of the class unless you opt out. All members of the class will be bound by the judgment of the Court, or any settlement reached by the parties and approved by the Court.

Among other things, members of the class may be found to be employees of the Company and not independent contractors.

At this juncture, the Court has not taken a position as to the likelihood of recovery for the representative plaintiff or the Class, or with respect to the merits of the claims or defences asserted by either side.

**Fees and Disbursements**

You do not need to pay any legal fees out of your own pocket. A retainer agreement has been entered into between the representative plaintiff and Class Counsel with respect to legal fees. The agreement provides that the law firm has been retained on a contingency fee basis, whereby it will only be paid its fees in the event of a successful result in the litigation or a Court approved settlement. The fees payable to the lawyers for the class will be paid out of any judgment and will not be paid directly by class members. Any fee paid to lawyers for the class is subject to the Court’s approval.

You will not be responsible for the Company’s legal costs if the class action is unsuccessful.

**Opt Out**

If you wish to exclude yourself from this class proceeding (“opt out”), you must complete and return the “Opt Out” form by no later than **April 3, 2022**. The Opt Out form may be downloaded

at: <https://www.monkouselaw.com/fsb-class-action/>. If you would like to opt out, you can also e-mail, fax, or send a letter to Class Counsel that clearly states your intention to opt-out.

If you choose to opt out within the above noted deadline you will not recover any monies in the event the representative plaintiff is successful in this action and you will not be bound by any court decision in these proceedings. If you do not choose to opt out by the prescribed deadline you will be bound by any judgment ultimately obtained in these proceedings, whether favourable or not, or any settlement if approved by the court. You may wish to obtain independent legal advice with respect to this matter.

**Contact Information**

If you have any questions or concerns about the matters in this Notice or the status of the this Class Action, please visit:

<https://www.monkouselaw.com/fsb-class-action/>

You may contact Class Counsel in a number of ways.

By email at the following address:

Fsb.classaction@monkouselaw.com

By mail at the following address:

220 Bay Street, Suite 900

Toronto, Ontario

M5J 2W4

Or by fax or telephone:

Phone: (416) 907-9249

Fax: (888) 501-723