

## **LEGAL NOTICE**

**WERE YOU A SUPERVISOR, SERVER, BARTENDER, ETC. WORKING FOR VIB EVENT STAFFING INC. BETWEEN JANUARY 1, 2010, AND DECEMBER 31, 2021?**

**THIS NOTICE IMPACTS YOUR LEGAL RIGHTS**

**The Court has approved a settlement reached on behalf of current and former supervisors, servers, and bartenders. Please read this notice carefully.**

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

The Ontario Superior Court of Justice has recently certified and approved a settlement (the “**Settlement**”) in a class action against VIB Event Staffing Inc. (the “**Corporate Defendant**”) and Valerie Sideco (collectively, the “**Defendants**”).

You are receiving this notice because you may be entitled to a payment under the Settlement. The Settlement is a compromise of disputed claims against the Defendants without any admission of liability by the Defendants and will resolve all claims in connection with any conduct alleged, or which could have been alleged, in this action.

**Please read this notice carefully for details.**

This notice also describes how to opt-out of the class action, should you wish to do so.

The Ontario Superior Court of Justice authorized the distribution of this notice. This is not a solicitation from a lawyer.

### ***What is the Class Action about?***

In this proposed class action, Nenad Suzic (the “**Plaintiff**”) is seeking damages on behalf of all supervisors, servers, bartenders, etc., who worked in Ontario the Corporate Defendant between January 1, 2020, and December 31, 2021, for allegedly unpaid wages, overtime pay, vacation pay, public holiday pay, Canada Pension Plan contributions and Employment Insurance contributions. The Defendants have denied all these allegations. Monkhouse Law represents the proposed class (“**Class Counsel**”).

Among other things, the Plaintiff alleges that the Defendants misclassified the above workers as independent contractors when, at law, they were employees and were therefore entitled to receive certain employment benefit payments, such as overtime pay, vacation pay, public holiday pay, Canada Pension Plan contributions and

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Employment Insurance contributions.

The Plaintiff is seeking compensatory damages 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. This action was certified as a class proceeding on June 28<sup>th</sup>, 2022. Monkhouse Law represents the class as Class Counsel.

The Defendants have denied all the allegations made against them in this proceeding.

### ***Am I Eligible?***

You are a Class Member and are entitled to participate in the proceeding if you fall within the following definition:

All supervisors, servers, waiters, bartenders identified as independent contractors who worked for VIB Staffing Inc. since the year 2010 to December 31, 2021, who have not filed a complaint with the Ministry of Labour relating to the matters in question unless it was properly withdrawn. This definition includes but is not limited to supervisors, bartenders, servers, wait-staff, event staff, and any other individuals providing (or who provided at any point during the Class Period) event staffing services to the Defendant on an independent contractor basis during the Class Period such as coat checkers, greeters, dishwashers, kitchen helpers. (“**Class Members**”)

Estates of Class Members may also be eligible for compensation under the Settlement.

All Class Members (except those who validly "opt out" of this class action, as described below) will be bound by the terms of the Settlement and will be covered by the releases in the Settlement. As a result, they will automatically release, and will not be able to pursue, any claims they may have against the Defendants relating to any conduct alleged, or which could have been alleged, in this class action, relating to misclassification and employment.

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

The Settlement provides that:

- To receive payment, Class Members **must** fill out a claims form that details, to the best of their abilities, the dates which they worked for the Corporate Defendant, their current contact information, and any T4s/T4As they have in their possession.
- Class Counsel will receive these claims forms and will review the records of the Defendants to corroborate the information contained therein.

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- Class Counsel will send a notification letter to each Class Member and explain what they have concluded regarding the Class Member's work history, and the value of their claim.
- If a Class Member disagrees with the Class Counsel's assessment, they can file an appeal with a designated referee.
- Once all appeals are resolved, the Defendants will calculate the estimated amount each Putative Class Member is entitled to receive under the settlement using a pre-determined formula.

Under the Settlement, the Defendants shall pay an all-inclusive amount of \$105,000, inclusive of legal fees, disbursements, taxes, and/or settlement administration costs (the "**Settlement Amount**"). In exchange for the Settlement Amount, among other things, a full and final release of the claims against the Defendants shall be granted. The Settlement Amount shall be reduced by Class Counsel's fees, HST, disbursements, and an honorarium of \$4,000 for the Representative Plaintiff. A \$3,000 disbursement for the Plaintiff's mediation fees will also be paid from the Settlement Amount. 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, is \$47,546.00.

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 \$50,454.50. This amount is comprised of \$34,650.00 for legal fees, \$4,504.50 for HST applicable to legal fees and \$11,300.00 for disbursements inclusive of HST.

Full details of the settlement are available in the formal settlement agreement found at: <https://www.monkouselaw.com/vib-event-staffing-inc-class-action/>

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

The amount each class member will receive will depend on several factors. These factors include:

- (1) The number of class members that apply for payment; and
- (2) The amount earned while working for the Corporate Defendant.

The Defendants have provided Class Counsel with their records to confirm the amounts earned by class members. These figures will be applied to a pre-determined formula to calculate what share of the settlement amount each Class Member will receive.

Settlement funds will generally be distributed as follows in relation to work performed

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during the Class Period:

- (1) Class Member will be assigned a value of 4% of total wages for vacation pay, or \$25.00 if VIB has no records of your annual earnings; and
- (2) Class Member will be assigned a value of 4% of total wages for vacation pay or \$25.00 if VIB has no records of your annual earnings;

All the above figures are **estimates only**; the total payment you receive will be dependent on the number of class members who apply for compensation under the Settlement Agreement.

Importantly, the entirety of the settlement is for a fixed amount, meaning that the Defendants and Class Counsel do 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 <https://www.monkouselaw.com/vib-event-staffing-inc-class-action/> .

Please note that tax withholdings will **not** be made on these amounts. 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 receive a Settlement Payment?*

**To be eligible to receive a payment under the Settlement, you must complete a Claims Form and return it to Class Counsel by OCTOBER 3<sup>rd</sup>, 2022.**

If you do not submit a complete and valid Claims Form by this deadline, you may be ineligible to receive a payment under the Settlement. Claims Forms filed on behalf of the estate of a class member must be submitted by the executor or administrator of the estate. Claims Forms must be submitted to the Class Counsel either by email or mail at the following:

VIB Staffing Inc. Class Action  
220 Bay Street, Suite 900  
Toronto ON  
M5J 2W4  
FAX: (888) – 501 – 7235  
EMAIL: [vibclassaction@monkouselaw.com](mailto:vibclassaction@monkouselaw.com)

A copy of the Claims Form is attached to this notice. Copies are also available at <https://www.monkouselaw.com/vib-event-staffing-inc-class-action/> .

If you choose to opt out of the class action, as described below, you will not be eligible for any compensation under the Settlement.

***What If I Do Not Want to Be Bound by the Settlement?***

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 must also abide by any applicable limitation periods. We strongly recommend you consult a lawyer before making the decision to opt out.

If you wish to opt-out of this class action, you must submit a complete and valid Opt-Out Form to Class Counsel by email, mail, or fax no later than **August 5<sup>th</sup>, 2022**, at the following:

VIB Staffing Inc. Class Action  
220 Bay Street, Suite 900  
Toronto ON  
M5J 2W4  
FAX: (888) – 501 – 7235  
EMAIL: [vibclassaction@monkhouselaw.com](mailto:vibclassaction@monkhouselaw.com)

An Opt-Out Form will only be valid if it contains the following:

1. Your full name, mailing address, and telephone number;
2. A statement indicating whether you intend to bring an individual civil action against VIB alleging any or all the Released Claims.
3. A copy of your government issued photo identification.

If you opt out of this class action, you will not be entitled to any compensation under the class action settlement.

A copy of the Opt-Out Form is available at <https://www.monkhouselaw.com/vib-event-staffing-inc-class-action/>

***Want More Information?***

Visit, call, or email Class Counsel at:

Website: <https://www.monkhouselaw.com/vib-event-staffing-inc-class-action/>

Email: [vibclassaction@monkhouselaw.com](mailto:vibclassaction@monkhouselaw.com)

Telephone: 416-907-9249

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