

ONTARIO
SUPERIOR COURT OF JUSTICE

THE HONOURABLE
JUSTICE PERELL

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TUESDAY THE 23RD
DAY OF JANUARY, 2024

BETWEEN:

JODY DELORME

Plaintiff

– and –

ALLSTATE INSURANCE COMPANY OF CANADA

Defendant

Proceeding under the *Class Proceedings Act, 1992*

ORDER

A **MOTION** made by the Plaintiff to settle the terms of the order certifying this action as a class proceeding, was heard on June 8, 2023, by judicial videoconference at 330 University Avenue, Toronto, Ontario, and resolved by Order of Justice Perell dated June 8, 2023 (“**Certification Order**”).

WHEREAS the parties advise of the need to give notice of the class proceeding to 564 additional class members not previously provided with notice pursuant to the Certification Order (“**2024 Supplementary Class Member List**”), the Plaintiff brings **THIS MOTION** for a further procedural order regarding, *inter alia*, the Notice Program and amending the approved Litigation Plan.

ON READING the joint correspondence from the parties, and on reading that the parties consent to the relief sought, this Honourable Court orders as follows:

1. **THIS COURT ORDERS** that the 2024 Notice of Certification attached at **Schedule “A”** hereto is approved.

2. **THIS COURT ORDERS** that the 2024 Notice of Certification will be given by Class Counsel by email and shall be posted on Class Counsel’s website by February 12, 2024.

3. **THIS COURT ORDERS** that the 2024 Notice of Opting Out attached hereto as **Schedule “B”** is approved.

4. **THIS COURT ORDERS** that Class Members listed in the 2024 Supplementary Class Member List may opt out of this class proceeding by following the opt-out process set out in the 2024 Notice of Certification and 2024 Notice of Opting Out by no later than 11:59PM on May 13, 2024.

5. **THIS COURT ORDERS** that any person listed in the 2024 Supplementary Class Member List who opts out of this action in accordance with the provisions for doing so in the 2024 Notice of Certification and 2024 Notice of Opting Out, and this Order, shall be excluded from the Class and the action.

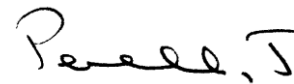
6. **THIS COURT ORDERS** that the following timelines found in the Certification Order, and/or in the Litigation Plan as approved by the Certification Order, are adjusted as follows:

1) Revised deadline for Amended Statement of Defence: January 26, 2024;

2) Revised deadline for Amended Reply and close of pleadings: February 9, 2024;

- 3) Revised deadline for 2024 Notice of Certification, to Class Members disclosed in 2024 Supplementary Class Members List: February 12, 2024;
- 4) Revised opt-out deadline for Class Members disclosed in 2024 Supplementary Class Members List: May 13, 2024; and
- 5) Revised deadline for Class Counsel to serve an affidavit listing all opt-outs: June 12, 2024.

7. **THIS COURT ORDERS** that there shall be no costs of this motion.



The Honourable Justice Perell

SCHEDULE “A”

2024 NOTICE OF CERTIFICATION AS A CLASS ACTION

To: All Ontario Variable Compensation employees employed as a Business Development Agent of Allstate Insurance Company of Canada (the “Company”) from September 1, 2009 until July 31, 2023 **LISTED IN THE 2024**

SUPPLEMENTARY CLASS MEMBER LIST

THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ CAREFULLY.

The Nature of the Action

On May 20, 2020, an action was commenced in the Ontario Superior Court of Justice against the Company.

The action claims that the Company’s variable compensation employees who worked in the role of Business Development Agents (“BDAs”) from September 1, 2009 to July 31, 2023 were underpaid vacation and public holiday pay on their variable compensation that was named Agency Performance Bonus (“APB”). The Company disputes these claims

By order dated January 13, 2023, the Honourable Justice Belobaba certified the action as a class proceeding against the Company and appointed Jody Delorme as representative plaintiff for the class and by order dated June 8, 2023, Justice Perell settled the terms of the Certification Order.

On January xx, 2024, Justice Perell issued a further Order approving this 2024 Certification Notice and a 2024 Opt-Out Notice, to be given to 564 additional class members who were not previously provided with notice pursuant to the Certification Order.

You are receiving this notice because you are one of the 564 class members who were previously omitted.

Participation in the Class Action

If you were a BDA 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 have been underpaid vacation and public holiday pay.

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 **May 13, 2024**. The **2024 Opt Out form** may be downloaded at:

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

If you would like to opt out, you can also e-mail, fax, or mail the completed opt-out form to Class Counsel.

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/allstate-class-action/>

You may contact Class Counsel in a number of ways.

By email at the following address:
allstate.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

SCHEDULE "B"

2024 NOTICE OF OPTING OUT

**TO: Monkhouse Law
220 Bay Street, Suite 900
Toronto, Ontario
M5J 2W4**

ATTN: Monkhouse Law – Re Allstate Class Action

I do not want to participate in the class action styled as *Jody Delorme v Allstate Insurance Company of Canada* regarding the claims of wrongful denial of vacation and holiday pay on Agency Performance Bonuses to Business Development Agents in Ontario. I understand that by opting out, I will not be eligible for the payment of any amounts awarded or paid in the class action.

I certify under oath that the Defendant has not put pressure on me to opt out of this Class Action.

Dated: _____
Signature

Witness

Print Name

Address

City, Province, Postal Code

Telephone

Email

Copy of Government Issued ID enclosed

This Notice must be delivered by Registered Mail on or before May 13, 2024 and enclose a copy of Government Issued Identification to be effective.

JODY DELORME
Plaintiff

v.

ALLSTATE INSURANCE COMPANY OF
CANADA
Defendant

ONTARIO
SUPERIOR COURT OF JUSTICE

**Proceeding under the *Class*
*Proceedings Act, 1992***

Proceeding commenced at TORONTO

ORDER

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