

SUPREME COURT  
OF BRITISH COLUMBIA  
VANCOUVER REGISTRY

JAN 26 2018

ENTERED



No. L 031300  
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

**BETWEEN:**

**KENNETH KNIGHT**

**PLAINTIFF**

**AND:**

**IMPERIAL TOBACCO CANADA LIMITED**

**DEFENDANT**

Brought under the *Class Proceedings Act*, R.S.B.C. 1996, c. 50

**ORDER MADE AFTER APPLICATION**

BEFORE THE HONOURABLE MR. JUSTICE SMITH )  
N. ) 26/JAN/2018  
)

ON THE APPLICATION of the Plaintiff coming on for hearing at the Courthouse at  
Vancouver on 26/Jan/2018, and on hearing <sup>Darren S. Sall</sup> counsel for the Plaintiff and <sup>Brent Olthuis</sup> counsel for the  
Defendant, and on reading the materials filed by the Plaintiff and Defendants;

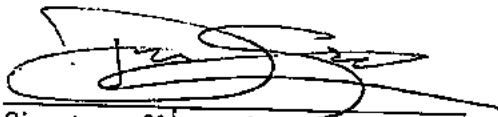
THIS COURT ORDERS that:

1. Notice of Certification is approved in substantially the form attached as Schedule "A".
2. The Opt-In Form for non-resident class members is approved in substantially the form attached as Schedule "B".

3. Paragraph 2 of the certification order, dated February 8, 2005, is further amended by removing the phrase “the opt-out/opt-in date set by the Court in this proceeding” and substituting the phrase “July 31, 2007” in its place.
4. The Notice of Certification shall be published in the following manner:
  - (a) Media publication shall be in accordance with the Bruneau Group publication plan, dated September 2016, which is attached as Schedule C;
  - (b) Class Counsel shall mail or email a copy of the Notice of Certification to class members who have contacted Class Counsel for the purpose of receiving updates about this class action;
  - (c) Class Counsel shall publish the Notice of Certification and Opt-In Form on their webpage; and
  - (d) Class Counsel shall mail the Notice of Certification and Opt-In Form to anyone who requests it.
5. Publication of the Notice of Certification as set out in paragraph 4 shall be made as soon as reasonably practicable after the issuance of this Order.
6. Any Class Member resident outside of British Columbia as of February 8, 2005 may opt into this class proceeding by delivering an Opt-In Form to Class Counsel no later than 90 days after first publication of the Notice of Certification (the “Opt-In Deadline”). Such Class Members will form the “Non-resident Subclass.”
7. Any Class Member resident in British Columbia as of February 8, 2005 may opt out of this class proceeding by providing Class Counsel, no later than 90 days after first publication of the Notice of Certification (“the Opt-Out Deadline”), with a letter or e-mail stating the Class Member’s name and address and indicating that the class member wishes to opt out of this lawsuit.

8. Class Counsel will provide the Defendant with copies of all opt-in forms and opt-out statements received by Class Counsel within 30 days of the expiry of the Opt-In Deadline and Opt-Out Deadlines.
9. The parties shall share equally the costs of publishing notice at paragraph 4(a) of this Order.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

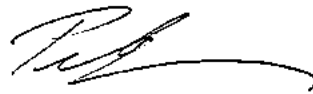


Signature of lawyer for the Plaintiff  
Mr. Darren S. Sall

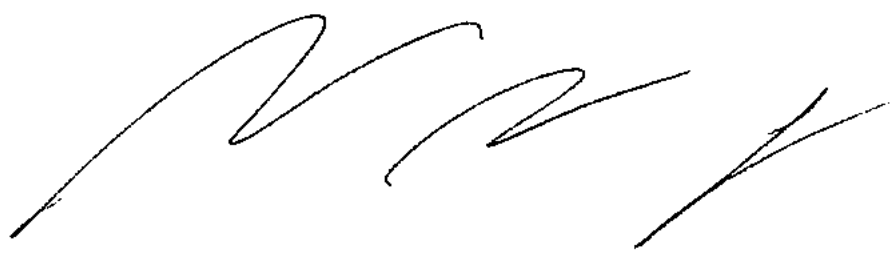


Signature of lawyer for the Defendant  
Mr. Brent Olthuis

By the Court.



Registrar



## Schedule A

### Notice of Certification

Did you purchase the following brands of cigarettes in British Columbia between May 9, 1997 and July 31, 2007?

Player's Light, Player's Light Smooth, Player's Extra Light, du Maurier Light, du Maurier Extra Light, du Maurier Ultra Light, du Maurier Special Mild, Matinee Extra Mild, Matinee Ultra Mild or Cameo Extra Mild.

If so, this notice may affect your rights. Please read carefully.

The Supreme Court of British Columbia has certified a class action for consumers who purchased "light" and "mild" cigarettes from the Defendant between May 9, 1997 and July 31, 2007.

The representative plaintiff is Kenneth Knight. The law firm representing the class is Klein Lawyers ("Class Counsel"). The Defendant is Imperial Tobacco Canada Limited.

#### Who are the Class Members?

The class is defined as:

"Persons who, during the Class Period, purchased the Defendant's light or mild brands of cigarettes in British Columbia for personal, family or household use. The Defendant's light and mild brands of cigarettes includes the following brands: Player's Light, Player's Light Smooth, Player's Extra Light, du Maurier Light, du Maurier Extra Light, du Maurier Ultra Light, du Maurier Special Mild, Matinee Extra Mild, Matinee Ultra Mild and Cameo Extra Mild

The Class Period is the period from May 9, 1997 up to July 31, 2007."

#### What the Class Action is About?

The lawsuit alleges that the Defendant breached the *Business Practices and Consumer Protection Act* and the *Trade Practices Act*. The lawsuit seeks remedies under those statutes.

The court has not yet made any finding as to the merits of this lawsuit. The Defendant denies the allegations made in the lawsuit.

**How do British Columbia Residents Participate?**

If you were a resident of British Columbia on February 8, 2005, you do not need to do anything to participate – you are automatically included in the class action. If you do not want to be part of this lawsuit you must notify Class Counsel at the address below, in writing, no later than the [Opt-Out Deadline], providing your name and address and indicating that you do not want to be part of this lawsuit. If you do not exclude yourself by that date you will be included in this lawsuit and will be bound the court's judgment on the common issues, whether favourable or not.

**How do Persons Outside B.C. Participate?**

If you lived outside of British Columbia on February 8, 2005, and you want to be included in this class action, you must sign an Opt-In Form, and return it to Class Counsel no later than the Opt-In Deadline. If you opt into this proceeding, you agree to be bound by the findings of the British Columbia court on the common issues, whether favourable or not. You can obtain a copy of the Form from Class Counsel or by visiting their website.

**What are the Financial Consequences?**

Class members will be entitled to the benefit of a successful judgment on the common issues. If the action is not successful on the common issues, no class member will be responsible for legal fees or costs.

The representative plaintiff has entered into a contingency fee agreement with Class Counsel providing that Class Counsel may receive a percentage of the class' recovery if the action is successful. The fee agreements must be approved by the court.

**For More Information**

For more information about the lawsuit or to obtain an Opt-In Form, contact Class Counsel at:

Klein Lawyers LLP  
1385 West 8<sup>th</sup> Avenue, Suite 400  
Vancouver, BC V6H 3V9  
604-874-7171  
[www.callkleinlawyers.com](http://www.callkleinlawyers.com)

**Schedule B**  
**OPT-IN FORM**

If you resided outside of British Columbia on February 8, 2005, and you want to be included in the class action, *Knight v. Imperial Tobacco Canada Limited* you must fill out this form and return it to the following address by no later than the [Opt-In Deadline].

Klein Lawyers LLP

1385 West 8<sup>th</sup> Avenue, Suite 400  
Vancouver, BC V6H 3V9  
604-874-7171  
www.callkleinlawyers.com

1. Please fill in your name and address:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Street

\_\_\_\_\_  
City

\_\_\_\_\_  
Province

\_\_\_\_\_  
Postal Code

\_\_\_\_\_  
Telephone

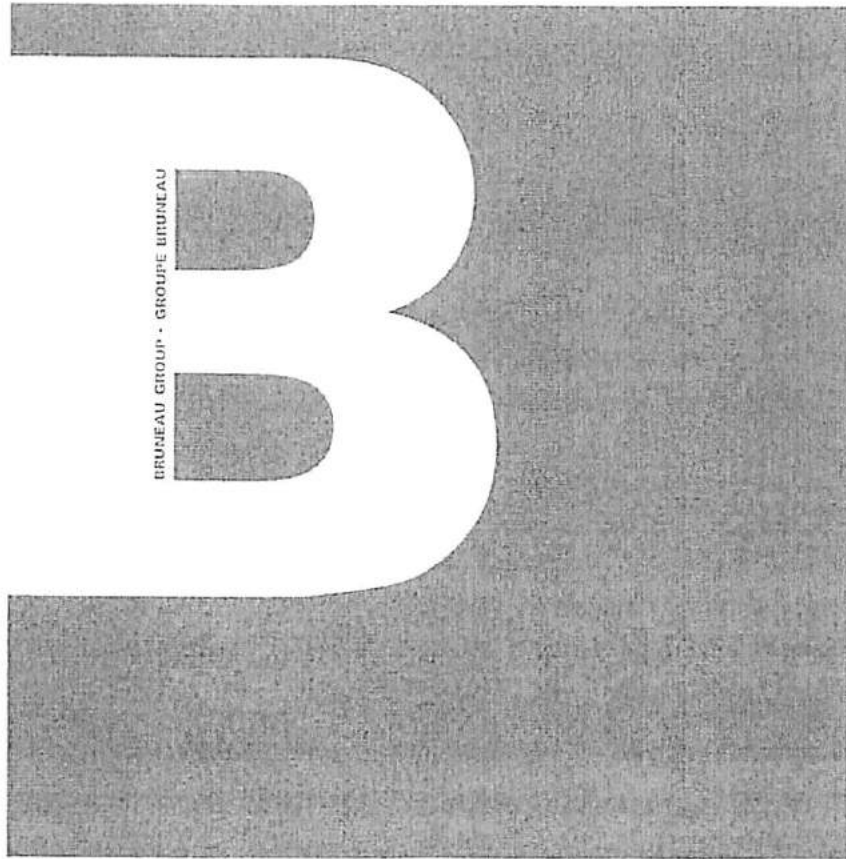
\_\_\_\_\_  
E-mail

2. By signing this form you agree to be bound by a judgment of the courts of British Columbia on the common issues in this class action, whether favourable or not.

X  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Schedule C



**Knight vs. Imperial Class Action  
Legal Notice of Certification Campaign  
Proposal**

**A. Press Release** - (CNW – comprehensive EN with Twitter and Facebook) Key assumptions: Dissemination: one-time release on a weekday. Word Count @ 800 words - EN only. Final text provided by counsel.

The press release via Canada Newswire (CNW) will be disseminated to major outlets across Canada including dailies, weeklies, radio, television, news agencies, broadcast networks, online databases and websites, including newswire.ca in English. It will in turn be consulted by editors and online and may generate newspaper articles (most often in the Business section) or other engagement actions such as printing, emailing and embedding as blog posts. Articles (often called "earned media") increases reach without extra effort or cost plus increase reach, especially if they are published in high circulation newspapers where print media space was not purchased.

A **Visibility Report** will be provided after the fact.

**Social Media:** In addition to traditional media, the press release will be disseminated through CNW's social media networks, Twitter and Facebook reaching over 10,000 followers.

**Search Engine Optimization:** Through CNW the press release will also receive search engine optimization ensuring the press release appears in highest (top of page) search results maximizing its reach.

Estimated Grand Total Press Release: \$4,000.00; plus applicable taxes.

**B. Court Approved Short Form Published Notice**

Key assumptions: published one time on a weekday. Word Count @ 760 - EN only. Final text provided by counsel.

Newsprint Outlet	Notice Specifications	Weekly Total Circulation (print/digital)
Victoria Times Colonist	¼ page weekday – x1 publication	349,784
Metro News Vancouver Edition	¼ page weekday – x1 publication	567,500
Vancouver Sun	¼ page weekday –x1 publication	820,719
<b>Totally Weekly Average Circulation</b>		<b>1,738,003</b>

Estimated Grand Total: \$11,200; plus applicable taxes.





1 866 262.0006  
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