

Class Action Notice – Online Brokerage – Foreign Exchange Conversion Charge

A class action has been authorized against National Bank Financial Inc., RBC Direct Investing Inc., TD Waterhouse Canada Inc., Desjardins Securities Inc., CIBC Investor Services Inc. and Questrade Inc. seeking the reimbursement of currency conversion fees collected from clients holding a non-advisory brokerage account (an account where you make transactions yourself, without the assistance of a broker) since March 15, 2018.

The class action has been authorized on behalf of the following class:

“All individuals and legal persons residing or having their head office in Québec who are party to a non-advisory brokerage contract (also known as a contract without an executing broker, or a direct or discount brokerage contract) with one or more of the Defendants and from whom currency conversion fees have been deducted from their brokerage account since March 15, 2018” (the “Class”)

The class action alleges that these financial institutions have unlawfully deducted currency conversion fees from non-advisory brokerage accounts since March 15, 2018, when a client:

- Bought or sold shares in a currency different from that of the brokerage account
- or
- Received interest or dividends in a currency different from the brokerage account used to receive them.

Mr. Nicolas Salko was appointed the status of representative for the purpose of the class action.

All members of the Class are automatically eligible to benefit from, and will be bound by, the class action, without being required to inscribe.

The authorization judgment is a preliminary step that allows the class action to begin. This judgment does not establish the liability of the Defendants, who will have the opportunity to raise their grounds of defense at trial. Following the trial, the Superior Court will decide whether the Defendants must reimburse the currency conversion fees deducted from class members' accounts.

COLLECTIVE ISSUES

The issues of fact and law to be dealt with collectively in the class action are the following:

- a) In connection with transactions involving a security denominated in a currency other than the account from which the trade takes place, do the Defendants charge currency conversion fees without disclosing them in their contracts with Class members?
- b) Does the Civil Code of Québec impose on the Defendants the obligation to disclose the existence of these fees to the Class Members? If applicable, are the Class members entitled to compensatory damages?
- c) Are Class members entitled to reimbursement of these fees under Articles 1491 and 1554 of the *Civil Code of Québec*?
- d) If applicable, are the Class members entitled to collective recovery of damages equivalent to the sum of these fees that they paid?

CONCLUSIONS SOUGHT

The conclusions sought on behalf of the Class members are as follows:

GRANT the Plaintiff's class action;

ORDER the Defendant National Bank Financial Inc. to reimburse Nicolas Salko for currency conversion fees of \$35,000 paid, with interest and the additional indemnity provided by law from the date of service of the *Application for Authorization to Institute a Class Action*;

ORDER the Defendant National Bank Financial Inc. to reimburse Class members for currency conversion fees paid since March 15, 2018, with interest and the additional indemnity provided by law from the date of service of the *Application for Authorization to Institute a Class Action*;

ORDER the Defendant RBC Direct Investing Inc. to reimburse Class members for currency conversion fees paid since March 15, 2018, with interest and the additional indemnity provided by law from the date of service of the *Application for Authorization to Institute a Class Action*;

ORDER the Defendant TD Waterhouse Canada Inc. to reimburse Class members for currency conversion fees paid since March 15, 2018, with interest and the additional indemnity provided by law from the date of service of the *Application for Authorization to Institute a Class Action*;

ORDER the Defendant CIBC Investor Services Inc. to reimburse Class members for currency conversion fees paid since March 15, 2018, with interest and the

additional indemnity provided by law from the date of service of the *Application for Authorization to Institute a Class Action*;

ORDER the Defendant Desjardins Securities Inc. to reimburse Class members for currency conversion fees paid since March 15, 2018, with interest and the additional indemnity provided by law from the date of service of the *Application for Authorization to Institute a Class Action*;

ORDER the Defendant Questrade Inc. to reimburse Class members for currency conversion fees paid since March 15, 2018, with interest and the additional indemnity provided by law from the date of service of the *Application for Authorization to Institute a Class Action*;

ORDER the collective recovery and individual liquidation of the claims of the Class members according to terms to be established by the Court;

THE WHOLE WITH LEGAL COSTS, including costs of experts, exhibits and notices to Class members.

If you wish to **remain a class member**, no action is required from you. However, if you **wish to opt out** of the class action, you can do so by notifying the clerk of the Superior Court of the District of Montreal. You have until **September 18, 2025** to opt out.

The notice to the clerk of the Superior Court must be given at the following address, with the following information:

Information to be provided to opt out

- A title referring to this proceeding (*Salko v. National Bank Financial Inc. et al., no. 500-06-001137-211*).
- Your name, current address, telephone number and email address and, if you are represented by a lawyer, the name and contact information of your lawyer.
- Please indicate the name of the direct brokerage firm where you are or were a client.
- You must declare that you wish to exclude yourself from the *Salko v. National Bank Financial Inc. et al.* class action no. 500-06-001137-211.
- Your signature.

Address of the Clerk office to opt out

Clerk of the Superior Court of Quebec
Montreal Courthouse
(*Salko v. National Bank Financial Inc. et al., no. 500-06-001137-211*)
1 Notre-Dame Street East Suite 1.120
Montreal Quebec, H2Y 1B5

If you choose to opt out, you will not be able to benefit from the class action in the event of a favourable judgment or out-of-court settlement.

If you have already filed an individual lawsuit involving the same subject matter as the class action, but wish to benefit from the class action, you must discontinue your lawsuit no later than September 18, 2025. Otherwise, you are deemed to opt out from the Class.

INTERVENTION

A Class member may request the Court's authorization to intervene in the class action if they believe their intervention would be beneficial to the Class.

The class action is taking place in the judicial district of Montréal, under court file number 500-06-001137-211.

LEGAL COSTS

Class members (other than the representative Plaintiff or an intervenor) cannot be ordered to pay legal costs.

ADDITIONAL INFORMATION

If you have any questions about the class action, please contact Class counsel.
All communications are free:

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The publication of this notice was authorized by the Superior Court.