

CANADA  
PROVINCE OF QUÉBEC

SUPERIOR COURT  
(Class action)

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DISTRICT OF MONTRÉAL

No: 500-06-000900-189

**DANY LUSSIER**

Plaintiff

v.

**EXPEDIA, INC.**

-and-

**CORPORATION EXPEDIA CANADA**

-and-

**HOTELS.COM LP**

-and-

**TRAVELSCAPE LLC**

-and-

**TOUR EAST HOLIDAYS (CANADA) INC.**

Defendants

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**NOTICE TO CLASS MEMBERS OF AN AUTHORIZATION TO FILE A CLASS ACTION**

**IF YOU HAVE MADE A RESERVATION FOR A HOTEL ROOM THROUGH EXPEDIA.CA, HOTELS.COM, OR TRAVELOCITY.CA ON OR AFTER JANUARY 10, 2015, THIS NOTICE MIGHT APPLY TO YOU:**

1. On March 5th, 2019, the Superior Court authorized Dany Lussier to file a class action in the present case.

2. Said class action was filed on behalf of Québec consumers who, on or after January 10, 2015, reserved a hotel room through one of the Expedia.ca, Hotels.com and Travelocity.ca websites, and were charged hotel fees (also known as “establishment fees” and “resort fees”) in excess of the total price of the room posted online.

3. Dany Lussier was authorized to represent and act on behalf of all the individuals included in the class described as follows (*unofficial translation*):

*“All Quebec consumers who have made a hotel reservation via one of the following websites, namely Expedia.ca, Hotels.com or Travelocity.ca, and which mandatorily had to disburse, in order to benefit from their reservation, an amount in excess of the total price displayed (notably for fees commonly referred to as “hotel fees”, “establishment fees” or “resort fees”), since January 10, 2015.”*

4. The main factual and legal questions that will be addressed collectively at this stage of the proceedings are:

- a) Are the Defendants in violation of section 224 of the CPA?
- b) Are the Defendants in violation of section 14.1 of the *Regulation respecting travel agents*?
- c) Are the Defendants in violation of sections 218, 219 and 228 of the CPA?
- d) Should any of the issues stated above be answered affirmatively, are the members of the class entitled to damages, and if so, of what kind?
- e) Should the Defendants be jointly and severally liable for the payment of the damages that are not punitive in nature?
- f) Should punitive damages be awarded in this case?

5. The relief sought in connection to these common questions is as follows:

- a) GRANT the action filed by the Plaintiff on behalf of all the class members he represents;
- b) ORDER the Defendants, jointly and severally, to pay the class members civil damages which correspond to the total amount of hotel fees they had to disburse since January 10, 2015, with statutory interest from the date the class action was served as well as any indemnity provided for by law;
- c) ALTERNATIVELY, ORDER the Defendants, jointly and severally, to pay the class members civil damages which correspond to the difference between the hotel fees they actually had to disburse and the amount of hotel fees posted online in Canadian dollars;

- d) ORDER the Defendants, jointly and severally, to pay the class members an amount of punitive damages to be determined, with statutory interest from the date the class action was served as well as any indemnity provided for by law;
  - e) ORDER the collective recovery of all claims filed on behalf of class members, punitive damages included.
6. The class action shall be heard in the judicial district of Montréal.
7. **Each class member may contact the law firm (whose complete business address can be found below) entrusted with the task of representing the class, in order to obtain additional information on the case and their respective rights. All communications are free and strictly confidential :**
- Kugler Kandestin, s.e.n.c.r.l.  
Me Pierre Boivin and Me Alexandre Brosseau-Wery, attorneys for the Plaintiff  
1 Place Ville Marie (suite 1107)  
Montréal (Québec) H3B 2A7  
Phone : 514-878-2861  
Fax : 514-875-8424  
E-mails : [pboivin@kklex.com](mailto:pboivin@kklex.com)  
[awery@kklex.com](mailto:awery@kklex.com)  
Website : <http://kklex.com>
8. All class members are automatically eligible to the class action and shall benefit from any award without having to register in any way.
9. Should you wish to be excluded from the proceedings, you may withdraw from the class within the next sixty (60), by following these instructions:
- a) A member who has not already filed an individual claim against the Defendants can be excluded from the class by notifying the clerk of the Superior Court of Montréal in accordance with section 580 of the *Code of civil procedure*;
  - b) A member who has already filed, in a civil court and against the Defendants, an individual claim which the final decision to be rendered on the class action would rule upon, will be deemed having withdrawn from the class if they do not discontinue their individual claim before the expiry of the delay for exclusion.
10. A class member may be granted the status of “intervenor” if their intervention is deemed useful to the interests of the class;

11. No class member other than the Plaintiff or an intervenor may be ordered to pay the legal costs of the class action.

**This notice was reviewed and approved by the Honourable Justice Chantal Lamarche, c.s.j.**