

SUPERIOR COURT

(Class Action)

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

No.: 500-06-000344-065

DATE: November 7th, 2014

By: **THE HONOURABLE CHANTAL CORRIVEAU, j.s.c.**

CARTISE SPORTS INC.

Plaintiff/Petitioner

-vs-

POLAR AIR CARGO LLC F/K/A POLAR AIR CARGO INC.

Defendant/Respondent

JUDGMENT

[1] **WHEREAS** Petitioner seeks an Order to publish a Notice to Members of the Class in respect of approval of a Settlement Transaction as between Cartise Sports Inc. and Defendant Polar Air Cargo LLC, dated August 1st, 2014, and filed herewith as Exhibit P-2;

[2] **WHEREAS** this Motion of Plaintiff is for an Order approving the long-form and short-form "Notice of Proposed Settlement" drafted in the form as annexed hereto as Exhibit P-1;

[3] **WHEREAS** Madame Justice Leitch of the Ontario Superior Court of Justice has signed the Order dated October 16th, 2014 in respect of publication of Notice;

[4] **WHEREAS** the parties hereto have consented to the subject Order;

[5] **WHEREFORE, THIS COURT:**

[6] **ORDERS** that except as otherwise stated, this Order incorporates and adopts the definitions set out in the Polar Settlement Agreement, Exhibit P-2;

[7] **ORDERS** that for purposes of this Order, "Non-Settling Defendants" is defined as follows:

- (i) **“Non-Settling Defendants” means Air Canada, AC Cargo Limited Partnership, Asiana Airlines Inc., British Airways PLC, Cathay Pacific Airways Ltd. and Korean Air Lines Co., Ltd.**

[8] **ORDERS** that the customer information provided by the Non-Settling Defendants, any Defendant who has entered into a settlement with the Plaintiff, and International Air Transport Association, a non-party to this action, in accordance with the Order dated May 2nd, 2008, attached hereto as Schedule “A” (the “May 2nd, Order”) or otherwise, can be used by Garden City for the limited purpose of disseminating the Notice of Hearing in accordance with the within Order and subject to the same confidentiality and other terms and conditions as the May 2nd Order;

[9] **ORDERS** that the long-form Notice of Hearing is hereby approved substantially in the form attached hereto as Exhibit P-1;


[10] **ORDERS** that the short-form Notice of Hearing is hereby approved substantially in the form attached hereto as Exhibit P-1;

[11] **ORDERS** that the Plan of Dissemination of the Notice of Hearing to putative settlement Class Members is hereby approved in the form attached hereto as Schedule “B”;

[12] **ORDERS** that the Notice of Hearing shall be disseminated in accordance with the Plan of Dissemination;

[13] **ORDERS** that this Order is contingent upon a parallel Order being made by the Superior Court of Justice and the terms of this Order shall not be effective unless and until such Order is made by the Superior Court of Justice in Ontario;

[14] **THE WHOLE** without costs.


CHANTAL CORRIVEAU, j.s.c.