

Date : April 21, 2008

File No : T-1869-07

FEDERAL COURT

BETWEEN :

NATHALIE MARCOTTE

Plaintiff

and

HER MAJESTY THE QUEEN

and

CANADA REVENUE AGENCY

Defendants

and

UNION DES CONSOMMATEURS

Third Party

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ORDER

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[1] The Plaintiff Nathalie Marcotte (hereinafter the « Plaintiff ») informs the Court that she has reached an agreement with Her Majesty the Queen and the Canada Revenue Agency (hereinafter the « Defendants ») to settle the present case;

[2] In this context, the Court is apprised of a *Notice of motion to order the publication of a notice to the members and for other relieves prescribed by the Agreement* pursuant to sections 299.31, 299.36 and 385(1) of the Federal Courts Rules;

[3] **CONSIDERING** the Plaintiff's *Notice of motion* and the exhibits filed in support thereof;

- [4] **CONSIDERING** the affidavit filed in support of the said *Notice of motion*;
- [5] **CONSIDERING** the consent of the Defendants;

**THE COURT:**

[6] **TAKES NOTICE** of the Settlement reached by the Parties and filed as **Exhibit RC-1** in support of the *Notice of motion to order the publication of a notice to the members and for other relieves prescribed by the Agreement*;

[7] **TAKES NOTICE** of the consent of the Defendants to the conclusions sought by the Plaintiff;

[8] **ORDERS** that the Settlement be annexed to the present judgment as an integral part of that judgment;

[9] **GRANTS** the present motion;

[10] **STATES** that the words or expressions used in the judgment and defined in the Settlement are to be interpreted in accordance with the definitions of the Settlement;

[11] **CERTIFIES** the Class action in the Federal Court on behalf of the Class Members as described in the Settlement, for the sole purpose of the publication of the Notice to Members as follows :

« All individuals residing in Canada regarding whom Canada Revenue Agency ("the Agency") had personal information in the computers that were stolen on September 4, 2003 from the Agency's Tax Services Office in Laval, Province of Quebec,

and to whom the Agency had sent a letter advising them of such ».

[12] **APPOINTS** the Plaintiff as « Class Representative » for the purposes of the publication of the Notice to Members;

[13] **AUTHORIZES**, for the sole purpose of approving the Settlement, Union des consommateurs as intervener in this Class action to assist the Plaintiff and support the interests of the Class Members;

[14] **APPROVES** the form and content of the Notice to Members in the form provided for in Schedule «A»;

[15] **APPROVES** the form and content of the following forms to be annexed to the Notice to Members :

Opt-Out Form -Schedule « B » of the Settlement

Claim Form -Schedule « C » of the Settlement

Notice of Objection -Schedule « E » of the Settlement

[16] **ORDERS** that the Notice to Members be distributed and published in accordance with the terms set forth in paragraph 14 of the Settlement on or before May 7, 2008;

[17] **SETS** the deadline for the Opt Out Period to June 11, 2008;

[18] **SETS** the deadline for the Claim Period to August 11, 2008;

[19] **SETS** the date of the hearing regarding the certification of the Class action for the sole purpose of approving the Settlement and for approval of the Settlement to June 20, 2008 at 9:30;

[20] **APPOINTS** the Canada Revenue Agency to act as Claims Administrator to receive Claim Forms (**Schedule «C»**), Opt Out Forms

(**Schedule «B»**) or Notices of Objection to the Settlement (**Schedule «E»**) in accordance with the Settlement, specifying that its role as Administrator and its obligations as such shall cease if the Court refuses to approve the Settlement;

[21] **ORDERS** that the Class Members who wish to object to the Settlement provide a written notice to the Administrator in the format prescribed in **Schedule «E»**, no later than June 11, 2008, failing which the objection shall be deemed null and void and shall not be considered by the Court;

[22] **ORDERS** the Administrator to forward the Notices of Objection (**Schedule «E»**) he will have received to Counsel for the Parties prior to the hearing of the motion for the approval of the Settlement in order for Class Counsel to communicate the objections to the Court;

[23] **THE WHOLE WITHOUT COSTS.**

(s) Justice Martineau  
Justice Martineau