

## **NOTICE OF HEARING TO PROPOSE SETTLEMENT OF CLASS ACTION**

### ***HEATHER ROBERTSON V. TORONTO STAR NEWSPAPERS LTD., ROGERS PUBLISHING LIMITED, CEDROM-SNI INC. AND PROQUEST INFORMATION AND LEARNING LLC***

**If you are a writer, wherever you reside, please read this notice carefully as it may affect your rights.**

This notice is addressed to people who may be class members in this class action and provides information about a hearing before the Ontario Superior Court of Justice on April 11, 2011, in Toronto, when the Court will be asked to approve a tentative settlement of this action.

In 2003, the plaintiff Heather Robertson commenced a lawsuit against Toronto Star Newspapers Ltd. ("Toronto Star"), Rogers Publishing Limited ("Rogers"), CEDROM-SNi Inc. ("Cedrom"), ProQuest Information and Learning LLC ("ProQuest") and Canwest Publishing Inc. ("Canwest") (collectively, the "defendants"). Ms. Robertson alleged that the defendants infringed the copyrights of authors or assignees of original literary works published in print media in Canada by disseminating copies of those literary works using electronic databases. The defendants claimed they had the requisite rights to disseminate those works and denied Ms. Robertson's claims. In October 2008, the court certified the action as a class proceeding. The action has since been settled against Canwest and it is no longer a defendant.

Ms. Robertson, on her own behalf and on behalf of class members, has reached a tentative settlement with Toronto Star, Rogers, Cedrom and ProQuest. The tentative settlement includes a payment of C\$5.475 million, inclusive of all costs and fees, including legal fees and administration costs, to provide benefits to class members. In return, there would be a release of all claims against these defendants and their affiliates and a license in respect of all literary works that were published in publications owned or operated by the Toronto Star, Rogers, Canwest or their affiliates. Class members would have a further opportunity to opt out of the settlement. If this settlement is approved, there would be a claims-based compensation process whereby class members could file claims for compensation with respect to their freelance literary works.

The parties will appear before the Ontario Superior Court of Justice at the Court House located at Osgoode Hall, 130 Queen Street West, Toronto, Ontario on April 11, 2011 at 10:00 a.m. to ask the Court to approve the proposed settlement. Class members may attend the hearing and may ask to make submissions regarding the proposed settlement. Any class members who wish to object must provide written notice of their objection to class counsel, Koskie Minsky LLP, by April 4, 2011.

If you are a class member and wish to obtain additional information or to object to the proposed settlements, please contact class counsel, Koskie Minsky LLP, at the address below:

Koskie Minsky LLP, Barristers & Solicitors  
20 Queen St. West, Suite 900, Box 52, Toronto, ON, M5H 3R3  
Re: Robertson v. ProQuest et al. Class Action

Tel: 1.866.777.6343

Email: [freelance1classaction@kmlaw.ca](mailto:freelance1classaction@kmlaw.ca)

In addition, copies of the settlement agreements, compensation scheme, and other information about the proposed settlements and this class action are available on class counsel's website at <http://www.kmlaw.ca/freelanceclassaction>.

**PLEASE DO NOT CONTACT THE COURT OR THE REGISTRAR OF THE COURT ABOUT THIS CLASS ACTION. THEY ARE NOT ABLE TO ANSWER YOUR QUESTIONS.**

Dated: January 17, 2011