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**OFFICIAL COURT NOTICE**

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**IF YOU ARE A MEMBER OF COAST CAPITAL SAVINGS CREDIT UNION (“COAST CAPITAL”) AND YOU WITHDREW FUNDS FROM AN ATM OUTSIDE OF CANADA FROM AUGUST 28, 2007 TO AUGUST 31, 2015, YOUR RIGHTS ARE AFFECTED BY A CLASS ACTION**

- There is a class action in BC against Coast Capital about ATM withdrawals by Coast Capital members outside of Canada occurring between August 28, 2007 and August 31, 2015 (the “Class Action”).
- The class action claims that Coast Capital contravened s. 4 of the *Business Practices and Consumer Protection Act* and is in breach of contract, in relation to its agreements with its account holders, for failing to disclose foreign exchange conversion surcharges for withdrawing foreign currency from ATMs located outside of Canada. Coast Capital denies all the claims.
- This class action is continuing. There are no funds to pay to class members at this time. If you do nothing and the Class Action succeeds, you may be able to make a claim on any money that results from the Class Action.
- Your legal rights are affected by this case. Please read this notice carefully.
- If you are still a Coast Capital member, this lawsuit will not affect your ongoing banking relationship with Coast Capital.

<b>YOUR LEGAL RIGHTS</b>	
If you support the Class Action and want to be able to make a claim on any money that results from the Class Action.	Do nothing now. Further notices will be published describing what steps you must take if the Class Action is successful. Contact the class lawyers (see question 13) to have any further notices sent directly to you.
If you do not support the Class Action.	You may opt out. You will be able to sue Coast Capital on your own if you wish. If you opt out, you will not be able to share in any money that results from the Class Action if it is successful. See questions 10-12 for more information.
If you want to sue Coast Capital on your own.	You must opt out. You will not be able to share in any money that results from the Class Action if it is successful. See questions 10-12 for more information.

If you have any questions or want more information.	Contact the lawyers. See question 13 for their website, email address and phone number.
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- These rights and options – **and the deadlines to exercise them** – are explained in this notice.

**1. Why was this notice issued?**

You have a right to know about the Class Action brought against Coast Capital as the Class Action may affect your legal rights. This notice explains the lawsuit that has been commenced and certified as a class proceeding, who is included, and your legal rights.

In this notice, the person who sued Coast Capital (Eric Finkel) is called the “Plaintiff”, and Coast Capital may be referenced as the “Defendant”.

**2. What is this lawsuit about?**

The Plaintiff claims that between August 28, 2007 and August 31, 2015 Coast Capital contravened s. 4 of the *Business Practices and Consumer Protection Act* and is in breach of contract, in relation to its agreements with its account holders, for failing to disclose foreign exchange conversion surcharges for withdrawing foreign currency from ATMs located outside of Canada. Coast Capital denies all the claims.

**3. Why is this lawsuit a class action?**

In a class action, a person called a “representative plaintiff” sues on behalf of all the people, called “class members” or the “class”, who have a similar claim. Mr. Finkel has been authorized by the court to represent all class members in BC. A class action allows the courts to resolve the common issues for everyone affected, except for those who choose to exclude themselves (opt out) from the class.

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**CLASS MEMBERSHIP**

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To see if the Class Action affects you, you must first determine whether you are in the class or subclass.

**4. How do I know if I am in the class or subclass?**

You are a class member if you:

- (a) are a resident of British Columbia;
- (b) had a personal account with Coast Capital Savings Union between August 28, 2007 and August 31, 2015; and

- (c) withdrew foreign currency from an ATM on the Plus System or the Cirrus System outside of Canada from August 28, 2007 to August 31, 2015.

You are a subclass member if you:

- (a) meet the conditions for membership in the class as set out above; and
- (b) used your Coast Capital Card to withdraw foreign currency for purposes that were primarily personal, family or household.

**5. Are there exceptions to class or subclass membership?**

If you withdrew foreign currency from your personal account for a business or commercial purpose, your legal claims are limited to breach of contract in relation to your agreements with Coast Capital. If you withdrew currency for purposes that were primarily personal, family or household, your legal claims in this action are for breach of contract in relation to your agreements with Coast Capital, and breach of the *Business Practices and Consumer Protection Act*.

**6. I am still a Coast Capital member. Will being in this Class Action affect that or my bank accounts?**

No. Being a class or subclass member and being involved in the Class Action will not affect your membership with Coast Capital or your accounts.

**7. What if I am still not sure if I am included?**

If you are not sure if you are included, call 1-800-698-2322 with questions. Also, the Court's official "class definition" is at [www.cfmlawyers.ca/coastforex](http://www.cfmlawyers.ca/coastforex).

**8. What if I do not want to be in the Class Action?**

You can opt out. See questions 10-12 for more information.

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**GETTING A PAYMENT**

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**9. How much money will I get and when?**

There is no money to pay to class or subclass members right now. It is not known whether there will be money to pay to class or subclass members as that depends on a trial to take place in the future. There will be further notices once there is more information. Contact the lawyers (see question 13 below) to make sure you are on the mailing list for future notices.

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## OPTING OUT OF THE CLASS ACTION

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If you want to sue Coast Capital on your own, or if you do not want to participate in the Class Action, then you must take steps to exclude yourself. This is called “opting out”.

### 10. What happens if I opt out?

If you opt out:

- (a) you will not be able to claim from any money or compensation that results from the Class Action if it is successful;
- (b) you will not be bound by anything that happens in this lawsuit; and
- (c) your claim will not be part of the Class Action and you will keep your existing rights to sue Coast Capital on your own if you wish to do so.

### 11. What happens if I do NOT opt out?

If you do NOT opt out:

- (a) you will be able to make a claim for any money or compensation that results from the Class Action if it is successful;
- (b) you will be bound by anything that happens in this Class Action; and
- (c) you give up all your rights to sue Coast Capital about this same issue outside of the Class Action.

Call 1-800-689-2322 if you have any questions about the legal terminology or about your options.

### 12. How do I opt out?

On or before April 5, 2020 you must notify Class Counsel that you want to opt out. You can reach Class Counsel by mail and email at the following, or by phone at 1-800-698-2322:

Mail: CFM Lawyers  
Coast Capital Forex Lawsuit  
856 Homer Street  
Vancouver, BC V6B 2W5  
Attn: Aisling Slevin

Email: [aslevin@cfmlawyers.ca](mailto:aslevin@cfmlawyers.ca)

If you decide to opt out you will need to provide your name and the address associated with your Coast Capital accounts so that you and your claims can be clearly identified. If there is

difficulty clearly identifying you, Class Counsel or Coast Capital may contact you for additional information, such as your Coast Capital Member number or account number. If you wish to provide that additional information in your opt out notice you may but are not required to do so.

If you held a personal joint account during the period between August 28, 2007 and August 31, 2015, your opt-out will apply to all joint account holders.

If you changed your name between August 28, 2007 and the present, please provide your previous name(s) under which you held your Coast Capital account(s).

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**THE LAWYERS (CLASS COUNSEL)**

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**13. Do I have a lawyer in this case?**

Yes. The law firm of Camp Fiorante Matthews Mogerman (called CFM Lawyers or CFM) represents the class members. You can contact CFM at:

CFM Lawyers  
Coast Capital Forex Lawsuit  
400-856 Homer Street  
Vancouver, BC V6B 2W5  
604-689-7555 or 1-800-689-2322  
[www.cfmlawyers.ca/coastforex](http://www.cfmlawyers.ca/coastforex)

You will not be charged any money by these lawyers if you contact them. If you want to be represented by your own lawyer, you may hire one at your own expense.

**14. How and how much will the lawyers be paid?**

If the Class Action is not successful, the lawyers will not be paid and will be responsible for paying the expenses incurred in bringing and prosecuting the Class Action. If the Class Action results in a payment of funds by Coast Capital, the lawyers will seek legal fees calculated as 30% of the first \$1,000,000 collected and 25% of any amount in excess of \$1,000,000 plus expenses incurred in pursuing the Class Action. Court approval is required before the lawyers get paid any fee. The fee, if approved by the Court, will be deducted from any money that results from this Class Action before paying class members' claims.

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**DOING NOTHING**

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**15. What happens if I do nothing at all?**

If you do nothing, you will be bound by anything that happens in the Class Action. You will not be able to sue Coast Capital on your own for this same issue.

You do not need to do anything now unless you want to opt out. You may need to take steps to make a claim at a later date if the Class action is successful and compensation is awarded to the class or subclass. If you contact the lawyers listed in question 13, they will make sure any further notices are sent directly to you.

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### HISTORY OF THE CLASS ACTION

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#### 16. What else has happened in the Class Action?

This Class Action was started in 2013. It has been certified by the Supreme Court of British Columbia and certification was upheld by the British Columbia Court of Appeal.

The Court has not taken any position as to the merits of the claims or defences asserted by either side, or as to the likelihood of recovery on the part of the representative plaintiffs or other members of the class. The allegations against Coast Capital have not been proven.

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### NEXT STEPS IN THE CLASS ACTIONS

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#### 17. What happens next?

The case is continuing. The next steps are for the plaintiff to learn more information about what happened through the court process. A trial will be scheduled.

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### GETTING MORE INFORMATION

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#### 18. How do I get more information?

You can get copies of the claim as well as other information on the Class Action, at [www.cfmlawyers.ca/coastforex](http://www.cfmlawyers.ca/coastforex).

You can also email questions to [aslevin@cfmlawyers.ca](mailto:aslevin@cfmlawyers.ca) or call 1-800-689-2322.

The official court reference for this lawsuit is:

*Finkel v Coast Capital Savings Credit Union*, Court File No. S136507, Vancouver Registry.

Please do not contact the Court. The lawyers will answer your questions.

**THIS NOTICE HAS BEEN AUTHORIZED BY THE SUPREME COURT OF BRITISH COLUMBIA**