

**ONTARIO
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE JUSTICE)
EDWARD P. BELOBABA)

THURSDAY, THE 12th DAY
OF FEBRUARY, 2015 and
THURSDAY, THE 2nd DAY OF
APRIL

B E T W E E N:

CELIA SANKAR

Plaintiff

- and -

BELL MOBILITY INC.

Defendant



PROCEEDING UNDER THE *CLASS PROCEEDINGS ACT, 1992*

JUDGMENT

THIS MOTION made by the Plaintiff for partial summary judgment in favour of the class members in respect of certified common issues A(1) and A(2) and B(1), and the motion brought by the Defendant for summary judgment in respect of all certified common issues, other than B(3) concerning aggregate damages, were heard on January 28, 2015 at 393 University Avenue, Toronto, Ontario.

ON READING the affidavit of Celia Sankar affirmed November 25, 2014 and the exhibits thereto; the affidavit of Maria Ferranti sworn December 1, 2014 and the exhibits thereto; the affidavit of Lisa Hagglund sworn November 24, 2014 and the exhibits thereto; and the factums and books of authorities of the parties, filed;

AND ON HEARING the submissions of counsel for the parties, including being advised by the Plaintiff's counsel that neither certified common issues A(2), A(3), B(2) and B(4) were being pursued by the Plaintiff;

AND ON READING cost submissions filed by the parties following the release on February 12, 2015 of my reasons on the summary judgment motions;

1. **IT IS ORDERED AND ADJUDGED** that the answer to certified common issue A(1)(a) is "yes", the answer to certified common issue A(1)(b) is "no", the answer to certified common issue B(1)(a) is "no"(except where a pre-paid cell phone card is purchased as a gift for a third party) and the answer to certified common issue B(1)(b) is "no". Given the answers to certified common issues B(1)(a) and B(1)(b), there is no need to answer certified common issues B(1)(c) and (d);
2. **IT IS ORDERED AND ADJUDGED** that the within action shall be and is hereby dismissed;
3. **IT IS ORDERED AND ADJUDGED** that the Plaintiff shall pay costs to the Defendant fixed in the amount of \$110,000 all inclusive within 30 days from April 2, 2015.

THIS JUDGMENT BEARS INTEREST at the rate of two percent per year commencing on April 2, 2015.

ENTERED AT / INSCRIT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

APR 23 2015

AS DOCUMENT NO.:
À TITRE DE DOCUMENT NO.:

PER / PAR:



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Celia Sankar
Plaintiff

-and-

Bell Mobility Inc.
Defendant

Court File No. CV-12-452867-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT TORONTO

JUDGMENT

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