

SUPERIOR COURT
(Class Actions)

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

No. 500-06-000205-035

MARIE-CLAUDE BIBAUD, a natural person domiciled and residing at 81 Lalande, Apartment 6, Longueuil, District of Longueuil, Province of Quebec, J4G 1X9.

Petitioner and “Designated Person”

-and-

UNION DES CONSOMMATEURS, a legal person constituted under Part III of the *Companies Act*, having its main place of business at 6226, Saint-Hubert Street, Montreal, District of Montreal, Province of Quebec, H2S 2M2

Co-Petitioner

v.

NATIONAL BANK OF CANADA, having its main place of business at 600 de La Gauchetière Street West, Montreal, District of Montreal, Province of Quebec, H3B 4L2

Respondent

In the matter of the management and user fees charged by the NATIONAL BANK to its customers for utilization of a line of credit

NOTICE OF THE INSTITUTION OF A CLASS ACTION
(Summary Notice)

1. TAKE NOTICE that the bringing of a class action was authorized on November 1, 2006 by judgment of the Honourable Mr. Justice Clément Gascon of the Superior Court, who attributed representative status to UNION DES CONSOMMATEURS and *designated person* status to Mrs. MARIE-CLAUDE BIBAUD, for the benefit of the natural persons forming part of the group hereinafter described, namely:

“All natural persons who were granted a line of credit by the NATIONAL BANK OF CANADA (the BANK) in Quebec for purposes other than the operation of a business, namely lines of credit commonly referred to as “*Marge Manoeuvre Protection*” or “*Marge Manoeuvre Personnelle*,” and who paid the Bank, after July 27, 2000, management or user fees which the Bank failed to withhold in order to calculate the credit rate and the percentage (%) value of same, as well as any natural person who, because of the foregoing, has seen his credit rate increase since July 27, 2000 without receiving adequate notice to that effect.”

This class action is intended to recover illegal and abusive fees and interest payments, as well as to obtain exemplary damages. It will be instituted in the District of Montreal.

2. Summary of the Class Action

2.1 The NATIONAL BANK OF CANADA charges “consumers” who are holders of a “*Marge Manoeuvre Protection*” or a “*Marge Manoeuvre Personnelle*” line of credit certain fees which it does not take into account when calculating the “credit rate” and the percentage (%) value of this “credit rate”;

2.2 The Petitioners consider that the charging of these fees, commonly referred to as “Management Fees” or “User Fees”, contravenes the imperative provisions of the *Consumer Protection Act* and the *Civil Code of Quebec*;

2.3 The Petitioners have instituted this class action in order to stop the NATIONAL BANK OF CANADA from engaging in this practice and to obtain for each of the members of the group:

- a) The reimbursement of all fees and interest paid on said fees which the BANK has illegally charged until the present time, and which the BANK will continue to charge until a judgement is rendered in this matter or until the BANK puts an end to the practice;

- b) The payment of \$50 in damages for trouble and inconvenience;
- c) The payment of \$100 in exemplary damages by virtue of the *Consumer Protection Act* and the *Charter of Human Rights and Freedoms*.
- d) The payment of all other losses or damages which the members of the group may have sustained in addition to those specified herein because of the aforementioned fees;
- e) Interest and the additional indemnity provided by law for the amounts listed above;

3. How to Become a Group Member?

3.1 If you wish to be included in the class action, you do not have to do anything. In effect, unless special permission is granted, all members who are part of the group will be bound by the judgment rendered on the class action unless he or she asks to be excluded.

3.2 If you wish to be excluded from the class action, you must advise the Clerk of the Superior Court, District of Montreal, by courier or registered mail. The Clerk's address is 1, Notre-Dame Street East, Suite 1.01, Montreal (Quebec) H2Y 1B6, and he must be informed no later than January 16, 2007, that you are a member of the group designated "*BANQUE NATIONALE – MARGE DE CRÉDIT*" (500-06-000205-035) and that you wish to be excluded from these proceedings.

3.3 Nevertheless, any member of the group who has already instituted an individual action involving an issue which would be decided by the final judgment on the class action is deemed to have excluded himself from the group unless he discontinues his suit no later than January 16, 2007.

4. No Liability For Costs

No member of the group, other than the representative or an intervenant, can be ordered to pay the costs of the class action. In other words, the Respondent cannot bring a claim against you merely because you are a member of the group.

5. Additional Information

5.1 The members of the group are invited, although not obliged, to provide their names, addresses and telephone numbers to UNION DES CONSOMMATEURS or to the group's Attorneys, whose contact information is included below. Given the number of persons involved, it would be preferable to communicate by way of Internet, e-mail or fax. Please do not forget to advise of a change of address. We obviously recommend

that you hold onto the account statements which record the fees charged by the NATIONAL BANK OF CANADA.

This notice is only a summary of the Notice of class action proceedings. Members of the group who wish to consult the full Notice may do so by visiting the website of the Attorneys for the group at www.recours-collectifs.ca by clicking on the “Class Action” icon or by visiting the website of UNION DES CONSOMMATEURS at <http://www.consommateur.qc.ca/union>.

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PUBLICATION OF THIS NOTICE HAS BEEN ORDERED BY THE COURT