

**Schedule "A"**

**NOTICE OF CERTIFICATION TO THE CLASS  
COLLEGE OF THE NORTH ATLANTIC – QATAR COST OF LIVING ALLOWANCE  
CLASS ACTION**

**2013 06G 0131CCP  
IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR  
GENERAL DIVISION**

**BETWEEN:**

**DEBORAH THORNE**

**FIRST PLAINTIFF**

**AND:**

**ALAN LUYT**

**SECOND PLAINTIFF**

**AND:**

**COLLEGE OF THE NORTH ATLANTIC**

**DEFENDANT**

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**NOTICE**

**Dated this 20th day of September, 2023**

To all current and former contract instructors and instructional support employees of  
College of the North Atlantic who provided services in Qatar

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**WHAT IS THE CASE ABOUT?**

On September 16, 2013, Deborah Thorne ("Representative Plaintiff" or "Ms. Thorne") commenced a proposed class action against the College of the North Atlantic ("CNA" or "Defendant"). In the action, Ms. Thorne alleges that from 2008 to 2013, she was a contract Instructor at the CNA's Qatar campus. Ms. Thorne alleges that her contract with CNA entitled her to receive a Cost of Living Allowance ("COLA") which was implemented effective September 1, 2008. Ms. Thorne alleges that between September 1, 2008 and November 22, 2011, she did not receive the COLA, in whole or in part, and that there are many other contract employees who also did not receive their COLA entitlement either.

Ms. Thorne alleges that the Defendant's failure to pay the full amount of COLA between September 1, 2008 and November 22, 2011 was a breach of contract. As a result, Ms. Thorne commenced this action against the Defendant for the payment of the COLA (and interest) amounts that she alleges are owed by the Defendant, for the period between September 1, 2008 and November 22, 2011.

The Supreme Court of Newfoundland and Labrador ruled that this action may proceed as a Class action on behalf of those people who fall within the Class (as defined below) and that Deborah Thorne will be the Representative Plaintiff for the Resident subclass and Alan Luyt will be the Representative Plaintiff for the Non-resident subclass.

## **REPRESENTATIVE PLAINTIFFS**

### **Resident Subclass**

**Ms. Deborah Thorne**  
Portugal Cove-St. Philips  
Box 21420, MacDonald Dr.  
St. John's NL A1A 3M2

### **Non-Resident Subclass**

**Mr. Alan Luyt**  
324 Moyne Drive  
West Vancouver BC V7S 1J5

The distinction between the Resident and Non-resident subclasses is explained below.

## **HOW IS THE CLASS DEFINED?**

The Class is defined as:

Instructors and instructional support staff who were employed by the College of the North Atlantic in Qatar between September 1, 2008 and November 22, 2011.

If you were employed by CNA and provided services as an instructor or instructional support staff at the College of the North Atlantic - Qatar during this time period (the "Class period") you are included in the class subject to the residency requirement.

The Class is divided into a Resident Subclass and a Non-Resident Subclass. Class members who filed an income tax return as a resident of Newfoundland and Labrador for the year 2014 are considered members of the Resident Subclass and Class members who did not file an income tax return as a Newfoundland and Labrador resident for the year 2014 are considered members of the Non-Resident Subclass. For clarity, Class members who filed an income tax return as a resident of another Province in Canada, as a resident of another country, or who filed no income tax return at all are considered members of the Non-Resident Subclass.

## **HOW WILL THE CLASS ACTION PROCEED?**

The Class action will have two stages, the first requires resolution of the common issue between all Class Members and the Defendant (the "Common Issue Trial"). The common issue has been defined as follows:

Were members of the class entitled by their contracts of employment to receive the full amount of COLA for the period of September 1, 2008 and November 22, 2011?

If the Common Issue Trial is resolved in favour of the Class, Notice of the determination will be given to the Class triggering the second stage whereby Class members shall be required to take further steps pursuant to section 20 of the **Class Actions Act**. Each individual member's entitlement must then be determined by a method to be established. Such steps will be determined after the Common Issue Trial. Should any disputes arise about amounts owed, such will be resolved by the Court at a later date.

## HOW DO I PARTICIPATE IN THE CLASS ACTION?

- A. **Resident Class Members:** If you are a Class member and fall within the Resident subclass, **you are automatically included** in the Class and will be bound by the Court's judgment on the common issue, whether favorable or not, unless you chose to opt out in the manner set out below.

**To opt out**, you must complete the **Opt Out Form** and return it to Hughes & Brannan no later than **120 days from the date of this Notice**. The form is available on the Hughes & Brannan class action website [www.cnaqclassaction.com](http://www.cnaqclassaction.com) or by contacting Hughes & Brannan. Instructions on how to complete and return the form are found on the form.

- B. **Non-Resident Subclass Members:** If you are a Class member and fall within the Non-resident sub-Class and **want to participate in this action**, then **you must opt in** by completing the **Opt In Form**, and returning it to Hughes & Brannan no later than **120 days from the date of this Notice**. This form is available on the Hughes & Brannan class action website [www.cnaqclassaction.com](http://www.cnaqclassaction.com) Or by contacting Hughes & Brannan. Instructions on how to complete and return the form are found on the form.

- C. **Any person wishing to Opt out or Opt In to the Class action** can obtain an Opt-Out Form or an Opt-In Form from Hughes & Brannan by contacting Hughes & Brannan by one of the following means:

Hughes & Brannan  
357 Memorial Drive,  
Clareville, NL, A5A 1R8  
Attn: Class Action Case Manager  
Telephone 709-466-2267  
Facsimile 709-466-3107  
[cnaq.classaction@gmail.com](mailto:cnaq.classaction@gmail.com)  
Website: [www.cnaqclassaction.com](http://www.cnaqclassaction.com)

Please make all correspondence to the Attention of the Class Action Case Manager.

**PLEASE NOTE: Resident class members who Opt Out AND Non-residents who do not Opt In cannot recover any money in this action.**

## **WHO ARE THE LAWYERS AND HOW DO I FIND OUT MORE?**

The Lawyers for the Class are Hughes & Brannan, particularly James D. Hughes, K.C, and Philip C. W. Whalen. Class members who wish to know the state of the Class action or to review background information on the case should monitor Hughes & Brannan's Class action website [www.cnaqclassaction.com](http://www.cnaqclassaction.com).

The Representative Plaintiffs will instruct the Lawyers for the Class during the common issue(s) stage. The Lawyers must act in the interest of all Class members. Until the Common Issue Trial has been decided in favour of the Class, it is not anticipated that individual participation will be required. However, if any Class members wishes to participate on their own behalf in the Class action, they must apply to the Supreme Court of Newfoundland and Labrador and specify the rationale for having to do so as contemplated by section 16 of the **Class Actions Act**.

## **DO I NEED TO PAY ANYTHING?**

Class members do not need to pay any legal fees in order to have the court determine the common issue of the Class. There is a fee arrangement between Counsel and the Representative Plaintiffs which will cover all aspects of the proceedings including the common issue trial.

If the Class is successful at the common issue stage, the fees payable to the Lawyers for the Class will be paid out of any settlement or judgment once the individual entitlements are determined and will be deducted from any amount that you are determined to be entitled to receive.

Any fee paid to Lawyers for the Class is subject to approval of the court. The Representative Plaintiffs have entered into a fee agreement with the Lawyers for the Class. This Agreement provides that Lawyers will not receive payment for their work unless and until the Class action is successful or costs are recovered from the Defendant. If and when this occurs, the Lawyers will apply to court for approval of the fee that is consistent with the terms of this Agreement, or some lesser amount. The court will decide what amount is fair.

If you have any questions regarding this Notice, please see Hughes & Brannan's website at [www.cnaqclassaction.com](http://www.cnaqclassaction.com) or contact Hughes & Brannan at 709-466-2267 or by email at [cnaq.classaction@gmail.com](mailto:cnaq.classaction@gmail.com), Attention: Class Action Case Manager.

