

**IF YOU WERE AN OWNER OF A VESSEL THAT WAS ISSUED  
A CATEGORY L COMMERCIAL HALIBUT FISHING LICENSE BETWEEN 2001 AND 2006  
YOUR LEGAL RIGHTS COULD BE AFFECTED BY A CLASS ACTION**

**Background**

A class action has been certified that alleges that a Department of Fisheries and Oceans scheme to divert individual vessel quota (IVQ) representing 10% of the Total Allowable Catch to the Pacific Halibut Management Association ("PHMA") for resale back to individual commercial halibut license holders was unlawful and seeks restitution on behalf of members of the Class and Subclass for additional amounts paid by them for the diverted IVQ.

**The Class Action**

A class action lawsuit, *Burnell v. Canada (Attorney General)* (British Columbia Supreme Court Action No. S077807) (the "Class Action") was brought against the Attorney General of Canada (the "Defendant") alleging that the conduct of the Minister of Fisheries and Oceans with respect to the fisheries management program it implemented through PHMA was unlawful and enriched the federal government unlawfully at the expense of the Class and Subclass members.

The Class Action was certified by the Court on February 18, 2014 (amended on June 13, 2014) on behalf of a Class, represented by Barry Jim Burnell, consisting of:

All owners of fishing vessels with a Category L Commercial Halibut License to fish for halibut issued by the Minister of Fisheries and Oceans ("Licensed Vessels") at any time between 2001 and 2006 inclusive who purchased quota from PHMA, except for the following:

- (i) the holder of license L-437;
- (ii) First Nations fishers holding Category FL Commercial Halibut Fishing licenses; and,
- (iii) members of the subclass.

Individuals who meet this definition qualify as Class Members and are represented by the law firms of **Camp Fiorante Matthews Mogerman and Ellis Business Lawyers** ("Class Counsel").

In addition, on June 13, 2014, the action was certified on behalf of a Subclass, represented by Lorne Nels David Iverson, consisting of:

All owners of fishing vessels with a Category L Commercial Halibut License to fish for halibut issued by the Minister of Fisheries and Oceans ("Licensed Vessels") between 2001 and 2006 inclusive (the "Material Time") for which quota was purchased from PHMA and:

- (a) who at any time during the Material Time:
  - i. were directors of PHMA; or,
  - ii. were corporations in which a PHMA director owned more than 50% of the shares; or
- (b) who claim that they were in a partnership with a PHMA director in relation to a Licensed Vessel and the purchase of quota from PHMA at any time during the Material Time.

Individuals who meet this definition qualify as Subclass Members and are represented by the law firm of **Underhill, Boies Parker** ("Subclass Counsel").

The claims of the representative plaintiffs (Barry Burnell and Lorne Iverson) will be used to determine the legal responsibility of the Defendant to compensate the Class and Subclass members for the alleged losses suffered.

Judgment on the common issues for the Class and Subclass whether favourable or not will bind all Class Members and Subclass Members who do not opt out of the proceeding. You will be bound by the result of the Class Action whether the lawsuit is successful or unsuccessful and will not be able to start or pursue your own legal claim against the Defendant. The common issues can be found at [www.cfmlawyers.ca/active-litigation/commercial-halibut-fishing/](http://www.cfmlawyers.ca/active-litigation/commercial-halibut-fishing/) or by request from Class Counsel or Subclass Counsel.

If the Class Action is successful in obtaining recovery from the Defendant on behalf of the Class Members and Subclass Members, then they will be entitled to share in the recovery. If you opt out of the Class Action, you do not have this right.

Class Members or Subclass Members who opt out of the Class Action may start their own lawsuits, but will not be able to claim any recovery in this Class Action whether through judgment or settlement.

**Residents of British Columbia**

If you are a resident of British Columbia and qualify as a Class Member or Subclass Member and you wish to participate in the Class Action, you do not have to do anything. You will automatically be included in the Class.

If you do not wish to participate in the class action you must opt-out by completing and mailing the opt-out form to Camp Fiorante Matthews Mogerman, 4th Floor, 856 Homer Street, Vancouver, BC V6B 2W5 postmarked by no later than **May 4, 2015**. The opt-out form can be found at: [www.cfmlawyers.ca/active-litigation/commercial-halibut-fishing/](http://www.cfmlawyers.ca/active-litigation/commercial-halibut-fishing/) or can be requested by contacting Lise Carmichael at 604-689-7555. If you do not opt-out by the deadline you will automatically be included in the Class Action.

**Non-residents of British Columbia**

If you are a non-resident of British Columbia, qualify as a Class Member or Subclass Member, and you wish to participate in the Class Action, then you must opt-in by completing and mailing the opt-in form to: Camp Fiorante Matthews Mogerman, 4th Floor, 856 Homer St., Vancouver, B.C., V6B 2W5 postmarked by no later than **May 4, 2015**. The opt-in form can be found at: [www.cfmlawyers.ca/active-litigation/commercial-halibut-fishing/](http://www.cfmlawyers.ca/active-litigation/commercial-halibut-fishing/) or can be requested by contacting Lise Carmichael at 604-689-7555.

**Class Counsel and Subclass Counsel**

The law firms of **Camp Fiorante Matthews Mogerman (604-689-7555)** and **Ellis Business Lawyers (604-688-7374)** represent the Class Members. **Underhill, Boies Parker (604-696-9828)** represents the Subclass Members. Firm websites are found online at [www.cfmlawyers.ca](http://www.cfmlawyers.ca); [www.ellislawyers.com](http://www.ellislawyers.com) and [www.ubplaw.ca](http://www.ubplaw.ca).

If you are uncertain whether you belong to the Class or the Subclass, you may contact either of the firms above and they will assist you accordingly.

Class Counsel and Subclass Counsel will together be seeking fees up to a maximum of one third of the value of any settlement or judgment plus disbursements and applicable taxes as a first charge on any recovery, to be approved by the British Columbia Supreme Court. The fee agreement is subject to court approval and the approved fee may be less than the maximum.

This notice has been approved by the British Columbia Supreme Court.

**QUESTIONS?**

CLASS MEMBERS VISIT [www.cfmlawyers.ca](http://www.cfmlawyers.ca), email [lcarmichael@cfmlawyers.ca](mailto:lcarmichael@cfmlawyers.ca)

or call toll-free 1-800-689-2322

SUBCLASS MEMBERS VISIT [www.ubplaw.ca](http://www.ubplaw.ca), email [ubp-assistant@ubplaw.ca](mailto:ubp-assistant@ubplaw.ca) or call 604-696-9828