

**PARKER v BLACKBERRY LIMITED LITIGATION PLAN**  
**(THROUGH DISCOVERY PHASE)**

This Book contains the Plaintiff's proposed Litigation Plan through the discovery phase of the action. It includes a draft Timeline and explanation of the Plan as well as a copy of the proposed Notice of Certification at Tab 1 and the Opt Out Form at Tab 2. The Parties have discussed this Litigation Plan and it is being presented to the Court without objection from the Defendant.

The Litigation Plan contains the following sections:

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**Notice to Class Members and Opt Out Form**

The Notice to Class Members and Opt Out Form are attached to this document as Tabs 1 and 2 respectively. BlackBerry has indicated that it will not oppose an order that it provide its last known contact information (home addresses) for Class Members, so that Plaintiff's counsel can send the above documents to Class Members.

Class Counsel has indicated to BlackBerry that it also requires home phone and email contact information as well. This will ensure the most expeditious and cost-effective way of notifying Class Members about this action and populating its own records in order to fairly represent and communicate with Class Members.

As such, Class Counsel respectfully requests that the Court order BlackBerry to produce its list of individuals who meet the Class Definition and the last known contact information for Class Members, including home address, email and phone number, to the extent they are reasonably available from BlackBerry's human resources records. For clarity, BlackBerry will check its regular personnel records and the documents it asked employees to sign prior to their departure from BlackBerry for this information.

Class Counsel will also post the Notice to Class Members on its Website, its social media channels (Twitter and FaceBook), and send a copy to all individuals who have signed up on its

Website to be updated with any developments with this matter. It will also issue a press release containing the Notice to Class Members to ensure further dissemination of this information.

### **Reporting to and Communicating with Class Members**

Class Counsel has requested an order that BlackBerry provide a list of the individuals who meet the class definition and their last known contact information to the extent they are known.

Class Counsel will use this information to provide Class Members with the Notice of Certification and Opt Out Form by regular mail and email.

Class Counsel has also created a website (<https://nelliganlaw.ca/class-actions/blackberry/>), which contains information about the status of the action and explains how a class action operates. The website provides Class Members with contact information for Class Counsel. Copies of all of the publicly filed Court documents, Court decisions, and other information relating to this action will be made accessible on the website to keep Class Members informed of the action. Class Members can provide contact information to be notified when the website is updated with new information.

Class Counsel has also created a form that allows Class Members to register for updates on the litigation and provide documents and information to class counsel. The form also asks Class Members for information on their employment and alleged termination from BlackBerry.

From time to time, Class Counsel will send email updates reporting on the status of the Action directly to Class Members that provided their email addresses. Class Counsel will also post these updates on the website.

### **Discovery**

The Parties agree to create a schedule and Plan for Discovery, within the parameters of the Timetable set out below. To the extent practical, the Plan will include the location and length of examinations and scope of documents to be produced. If the Parties cannot agree on a Discovery Plan, Justice Charbonneau can remain seized as the case management judge to assist the Parties to resolve any issues and make any necessary orders with respect to Discovery.

Class Counsel can handle, intake, and organize the large number of documents it anticipates receiving from the Defendant. Class Counsel will use a secure data management system to organize, code, and manage the documents.

If necessary, the Parties may pursue motions with respect to the production of documents in the possession and control or power of persons who are not parties to this Action, or other discovery-related motions.

### **Mediation**

The Parties will attend a Mediation within three months of completing the Discovery Phase. The Parties will attempt to agree to a mediator and timeline for delivering mediation briefs, based on the eventual date of the Mediation.

**Timetable Through Discovery Phase**

With respect to the Timetable through the discovery phase of the action, as well as notifying Class Members, the Parties propose the following initial timetable (that can be adjusted as needed on the consent of the parties or by a Court order):

<b><u>Event</u></b>	<b><u>Date</u></b>	<b><u>Responsible Party</u></b>
If appropriate, Court to order BlackBerry to produce a list of Class Members and their home address, phone number and email address	November 27, 2019	The Court
If ordered, provide contact information for Class Members	December 20, 2019	Defendant
Serve Statement of Defence	December 20, 2019	Defendant
Provide Notice of Certification of Class Proceeding and Opt Out Form to Class Members	January 15, 2020	Plaintiff
Opt Out Period	January 15, 2020 to March 15, 2020	Class Members
Serve and File a Reply (if necessary)	January 10, 2020	Plaintiff
Discovery Plan – Parties to attempt to agree on a Discovery Plan	February 15, 2020	Both Parties
Case Conference to finalize Discovery Plan (if necessary)	By March 6, 2020 (subject to Court availability)	Both Parties
Document Discovery – both Parties to exchange Affidavits of Documents and Productions	By June 15, 2020 (subject to modification by the Discovery Plan)	Both Parties
Any Motions for further document productions (including from any Class Members)	By July 31, 2020 (subject to Court availability)	Both Parties
Production of any additional documents ordered to be produced	30 days after Motion Decision	Both Parties
Parties to agree to a Mediator and schedule a Mediation	By September 30, 2020	Both Parties
Initial Examinations for Discovery	To be completed by October 31, 2020 (subject to the timing of completion of the above two steps)	Both Parties
Motion by the Defendant to Examine for Discovery additional Class Members (if necessary)	By December 15, 2020 (subject to Court availability)	Defendant
Refusals Motions from Initial Discoveries (if any)	By December 15, 2020 (subject to Court availability)	Both Parties
Answers to Undertakings from Initial Discoveries	By January 31, 2021	Both Parties
Further or follow-up Examinations for Discovery (if any)	By end of March 2021 (or within 60 days of above Motions Decisions)	Both Parties

<u>Event</u>	<u>Date</u>	<u>Responsible Party</u>
Mediation	Within three months of the completion of the Discovery Phase. Timeline for Mediation Brief to be agreed to by Parties.	Both Parties

**Motions**

Should either Party seek to bring any Motion in this proceeding, they will notify the other Party of their intention to do so and arrange for a Case Conference with Justice Charbonneau to set a timetable for that Motion.

**Service of Documents**

The Parties will agree to accept service of all documents by email and, should they choose a different form of service, provide each other digital copies of all documents.

**Amendments to the Litigation Plan**

Should there be any disagreement with implementing this Litigation Plan, or if issues arise, the Parties will attempt to resolve those issues on consent. To the extent those issues cannot be resolved on consent, the Parties agree that Justice Charbonneau can remain seized as the Case Management Judge and will arrange for Case Conferences to address the issues and order a further or revised Timetable as appropriate.