

FEDERAL COURT
CLASS PROCEEDING

BETWEEN:

DAWN THOMSON

Applicant

-and-

AFTERLIFE NETWORK INC. (O/A AFTERLIFE.CO)

Respondent

APPLICANT'S RECORD

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Solicitors for the Applicant / Moving Party

TO: The Administrator
Federal Courts of Canada
St. John's Local Office
354 Water Street, Suite 209
St. John's, NL A1C 1C4

Court File No. T-38-18

FEDERAL COURT
CLASS PROCEEDING

BETWEEN:

DAWN THOMSON

Applicant

-and-

AFTERLIFE NETWORK INC. (O/A AFTERLIFE.CO)

Respondent

APPLICANT'S RECORD

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Court File No.
Federal Court

T-38-18

BETWEEN

DAWN THOMSON

Applicant

and

AFTERTIME NETWORK INC. (O/A AFTERTIME.CO)

Respondent

PROPOSED CLASS PROCEEDING

NOTICE OF APPLICATION

APPLICATION UNDER FEDERAL COURTS RULES PART 5.1
AND THE COPYRIGHT ACT, RSC 1985, c C-42

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED by the applicant. The relief claimed by the applicant appears on the following page.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at St. John's, NL.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must prepare a notice of appearance in Form 305 prescribed by the Federal Courts Rules and serve it on the applicant's solicitor, or where the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the Federal Courts Rules information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

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12/18
January 11, 2018

Issued by: Danya Smith
(Registry Officer)

Address of local office: 354 Water Street, St. John's, NL, A1C 1C4

TO: AFTERLIFE NETWORK INC.
operating as AFTERLIFE.CO
1415 Frank-Carrel, Suite 130
Quebec, QC G1N 4N7

APPLICATION

The Applicant makes application for:

- a) An Order certifying this application as a class proceeding and appointing the Applicant as a representative applicant under Part 5.1 – Class Proceedings of the *Federal Court Rules*;
- b) An interlocutory and permanent Injunction, pursuant to section 34 of the *Copyright Act*, RSC 1985, c C-42 (the “*Copyright Act*”), restraining the Respondent, its officers, directors and all others over whom it exercises control from infringing the copyright and moral rights, as hereinafter defined, of the Applicant and the class members;
- c) A wide injunction, pursuant to section 39.1 of the *Copyright Act*, restraining the Respondent, its officers, directors and all others over whom it exercises control from infringing the copyright and moral rights in other copyrighted works owned by the Applicant and members of the class;
- d) Statutory damages pursuant to section 38.1(1)(a) of the *Copyright Act*;
- e) Punitive damages;
- f) Aggravated damages;
- g) Pre-judgment interest;
- h) Costs; and,
- i) Such further relief as this Honourable Court may deem mete and just.

The grounds for the application are:

Overview

1. The Respondent's web site, www.afterlife.co/ca, contains hundreds of thousands of obituaries and accompanying photographs copied, without permission, from the web sites of Canadian funeral homes and newspapers.
2. All of these reproductions infringe copyright. The Respondent has never sought permission from the copyright owners to use these literary and artistic works.
3. The www.afterlife.co/ca web site generates revenue by displaying the advertising of third party businesses and by permitting users to light virtual candles and send flowers. The web site creates the false and misleading impression that the Respondent's activities are licensed or endorsed by the copyright owners and/or the families of the deceased, which is not the case.

4. This proposed class proceeding is the most efficient way to end the Respondent's rampant copyright infringement, to prevent bereaved relatives and friends from being duped by an unscrupulous business practice, and to recover a fair measure of damages for the copyright owners.

The Applicant

5. Dawn Thomson is the daughter of Denis "Brian" Trainor. When Mr. Trainor passed away in January 2017, Ms. Thomson was the sole author of an obituary for her father ("the Obituary").
6. The Obituary is an original literary work that is protected by copyright. Pursuant to the *Copyright Act*, Dawn Thomson has the sole right to reproduce all or a substantial part the Obituary, or to authorize reproduction of all or a substantial part of the Obituary.
7. Ms. Thomson gave a limited license to Fahey's Funeral Home and the Green's Harbour Community Channel to publish the Obituary. Ms. Thomson has otherwise never given a license to anyone to reproduce all or a substantial part of the Obituary.
8. Ms. Thomson is the owner of all moral rights associated with the Obituary.
9. Ms. Thomson also took a photograph of Mr. Trainor in or about 2010 ("the Photograph"). The Photograph is an original artistic work that is protected by copyright. Pursuant to the *Copyright Act*, Ms. Thomson has the sole right to reproduce all or a substantial part the Photograph, or to authorize reproduction of all or a substantial part of the Photograph.
10. Ms. Thomson gave a limited license to Fahey's Funeral Home and the Green's Harbour Community Channel to publish the Photograph to accompany the Obituary for Mr. Trainor. Ms. Thomson has otherwise never given a license to anyone to reproduce all or a substantial part of the Photograph.
11. Ms. Thomson is the owner of all moral rights associated with the Photograph.

Proposed Class

12. Ms. Thomson is representative of a class of individuals who are residents of Canada and who are the copyright owners of obituaries and/or photographs that were reproduced by Afterlife.

Federal Courts Rules

13. The Applicant will apply to have this proceeding certified as a class proceeding under Part 5.1 – Class Proceedings of the *Federal Court Rules*.

The Respondent

14. The Respondent ("Afterlife") owns the domain www.afterlife.co/ca ("the Domain").
15. Afterlife claims that it is Canada's largest database of deceased people, and that users can access more than 7 million obituaries and death notices of people throughout North America, Australia and New Zealand.
16. To obtain content for the Domain, Afterlife copies and reproduces obituaries and accompanying photographs from the web sites of funeral homes and newspapers across Canada.
17. In addition to reproducing obituaries, Afterlife posts advertisements for third party businesses, offers virtual candles and a flower ordering/delivery service. The Domain creates the false and misleading impression that it is authorized by the family members of the deceased, or that donations and gifts are shared with or for the benefit of family members.

Copyright Infringement

18. Afterlife has not sought permission from the owners of copyright in obituaries and accompanying photographs to reproduce these works on the Domain.
19. Pursuant to section 27 of the *Copyright Act*, the unauthorized reproduction of obituaries and accompanying photographs infringes the Applicant's copyright.

Moral Rights Infringement

20. Both the offering of virtual candles and selling of flowers create the false and misleading impression that at least part of the money collected by Afterlife in association with the Domain will be shared with or distributed to the family members of the deceased.
21. The offering of virtual candles is also used by the Respondent to collect personal information from Canadians, such as names, mailing addresses and email addresses.
22. The use of the Obituary and photograph in association with this misleading scheme compromises the integrity of the Obituary and the Photograph, and infringes the authors' moral rights.

Remedies

- i. Compensatory Damages
23. The Applicant elects statutory damages pursuant to section 38.1(1)(a) of the *Copyright Act*, and claims the maximum relief for each obituary and photograph placed on the Domain without permission from a Canadian copyright owner.

ii. Punitive Damages

24. Afterlife is a knowledgeable and sophisticated user of intellectual property. In its Terms of Service, the Respondent asserts that "The content of the website afterlife.co (including news, texts, photos, images, illustrations, audio extracts, videos and software) are protected by Copyright and other intellectual property protection over the world and is owned by or under the control of afterlife.co." As for the obituaries and accompanying photographs, this is manifestly false. These copyrighted works were taken without license or permission; Afterlife has no ownership or control over them.
25. The wholesale infringement of copyright in millions of obituaries and accompanying photographs was intentional and deliberate. Such blatant infringement of copyright and moral rights, combined with claims to ownership of the same works, requires sanction by this Court.
26. The obituaries, with accompanying photographs, are created at a time when families and loved ones are at their most vulnerable. Appropriating obituaries and accompanying photographs for private commercial gain is reprehensible, and requires sanction by this Court.

iii Aggravated Damages

27. The Respondent's conduct, particularly looking to profit while misrepresenting its authority to publish obituaries and accompanying photographs, caused the Applicant and other members of the class mental distress, anguish, vexation and outrage. These non-pecuniary losses must be compensated by an award of aggravated damages.

iv. Injunction

28. The Respondent will carry on its illegal activities unless restrained by this Court. An interlocutory and permanent injunction is necessary to protect the rights of the Applicant and the class members.

v. Wide Injunction

29. The Respondent's business model is based on infringement of copyright. The Respondent will likely infringe the copyright in other works or subject-matter owned by the Applicant or members of the class unless enjoined by this Court from doing so. A wide injunction, pursuant to section 39.1 of the *Copyright Act*, is required.

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The application will be supported by the following material:

1. Affidavit of Dawn Thomson, to be filed; and,
2. Such further and other evidence as will be filed by the Applicant.

January 11, 2018



Stewart McKelvey
100 New Gower St.
St. John's, NL
A1C 6K3

Erin E. Best
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ebest@stewartmckelvey.com

Solicitors for the Applicant

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Court File No T-38-18

FEDERAL COURT

BETWEEN:

DAWN THOMSON

Applicant

and

AFTERLIFE NETWORK INC. (O/A AFTERLIFE.CO)

Respondent

NOTICE OF APPEARANCE

The Respondent intends to oppose this application.

February 1st, 2018

Lévesque Lavoie Avocats inc.

LÉVESQUE LAVOIE AVOCATS INC.

Mathieu Therrien

2500, ch. du Petit-Village, suite 101

Quebec City, Canada G1C 1V6

Tel.: 418 627-2442, ext. 111

Fax: 418 627-6656

Solicitors for the Respondant

TO: **STEWART MCKELVEY**
 Erin E. Best
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Solicitors for the Applicant

-AND-

AIRD & BERLIS LLP
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Fax: 416 863-1515

Solicitors for the Applicant

Facsimile Transmittal Form / Formulaire d'acheminement par télécopieur**TO / DESTINATAIRE(S) :****1. Name / Nom : Erin E. Best solicitors for the Applicant**

Facsimile / Télécopieur : 1.709.722.4565 Telephone / Téléphone :

 As requested / tel que demandé Left voice message / suite au message vocal**2. Name / Nom :**

Facsimile / Télécopieur : Telephone / Téléphone :

 As requested / tel que demandé Left voice message / suite au message vocal**3. Name / Nom :**

Facsimile / Télécopieur : Telephone / Téléphone :

 As requested / tel que demandé Left voice message / suite au message vocal

FROM / EXPÉDITEUR : Lise Lafrance	DATE : January 23, 2018
Telephone / Téléphone : 613-995-5636	TIME / HEURE :
Facsimile / Télécopieur :	Total number of pages (including this page) / Nombre de pages (incluant cette page) :

SUBJECT / OBJET :

Court File No. / N° du dossier de la Cour: T-38-18

Between / entre: Dawn Thomson v. Afterlife Network Inc.

Enclosed is a true copy of the Order dated January 23, 2018

BY FAX ONLY

Counsel,

Please find transmitted here a copy of the Order issued January 23, 2018 in the above-referenced proceeding. Please advise the sender if you wish to receive a certified copy by mail. Regards,

Pursuant to section 20 of the Official Languages Act all final decisions, orders and judgments, including any reasons given therefore, issued by the Court are issued in both official languages. In the event that such documents are issued in the first instance in only one of the official languages, a copy of the version in the other official language will be forwarded on request when it is available.
Conformément à l'article 20 de la Loi sur les langues officielles, les décisions, ordonnances et jugements définitifs avec les motifs y afférents, sont émis dans les deux langues officielles. Au cas où ces documents ne seraient émis, en premier lieu, que dans l'une des deux langues officielles, une copie de la version dans l'autre langue officielle sera transmise, sur demande, dès qu'elle sera disponible

Federal Court



Cour fédérale

Date: 20180123

Docket: T-38-18

Ottawa, Ontario, January 23, 2018

PRESENT: The Chief Justice

PROPOSED CLASS ACTION

BETWEEN:

DAWN THOMSON

Applicant

and

**AFTERLIFE NETWORK INC.
(O/A AFTERLIFE.CO)**

Respondent

ORDER

IT IS ORDERED pursuant to Rule 383 that Prothonotary Mandy Aylen is assigned as Case Management Judge in this matter.

"Paul S. Crampton"

Chief Justice

Federal Court



Cour fédérale

000011

354 Water Street
Suite 209
St. John's, NL
A1C 1C4

January 30, 2018

Ms. Erin Best
Stewart McKelvey
Cabot Place, Suite 1100
100 New Gower Street
PO Box 5038
St. John's, NL

Afterlife Network Inc
operating as AFTERLIFE.CO
5100, rue des Tournelles
bureau 500
Quebec, QC
G2J 1E4

Dear Madam,

**RE: T-38-18 Dawn Thomson v Afterlife Network Inc. (O/A
Afterlife.co)**

This will confirm the oral Direction of the Court (Aylen, P.), dated 30 January 2018, regarding the above-noted matter:

“The motion for certification shall be accepted for filing, without prejudice to the rights of the Respondent.”

Yours truly,

A handwritten signature in black ink, appearing to read "Smith".

Tanya Smith
Registry Officer

000012

Federal Court



Cour fédérale

Ottawa, ON
K1A 0H9

February 2, 2018

BY E-MAIL

Erin E. Best
ebest@stewartmckelvey.com

Dear Counsel:

RE: Dawn Thomson v. Afterlife Network Inc. (O/A Afterlife.Co)
Court File No.: T-38-18

This is to advise of the following Direction of Madam Prothonotary Aylen dated February 2, 2018:

"The parties shall, by no later than February 9, 2018, provide their availability for a case management conference to address the timetable for next steps in this proceeding."

Yours truly,

C.M.

Chantal Mainville
Registry Officer

Federal Court



Cour fédérale

Ottawa, ON
K1A 0H9

February 12, 2018

BY E-MAIL

Erin E. Best
ebest@stewartmckelvey.com

Mathieu Therrien
mtherrien@levesquelavoie.com

Dear Counsel:

RE: Dawn Thomson v. Afterlife Network Inc. (O/A Afterlife.Co)
Court File No.: T-38-18

This is to advise of the following Direction of Madam Prothonotary Aylen dated February 12, 2018:

"A case management conference shall be held, by teleconference, on March 12, 2018 at 10:00 am (Eastern). The parties shall, in advance of the case management conference, discuss a proposed timetable for next steps in this proceeding and shall, by no later than March 8, 2018, provide the Court with a jointly-proposed timetable."

Yours truly,

C.M.

Chantal Mainville
Registry Officer

BORDEREAU DE NOTIFICATION PAR TÉLÉCOPIEUR

(Article 134 Cpc)

Québec, le 9 mars 2018
Heure : voir rapport de transmission

Nombre total de pages envoyées : 15
(Incluant celle-ci)

Nom des parties : Dawn Thomson c. Afterlife Network inc. (O/A Afetrife.co)

Numéro du dossier : T-38-18 (Cour Fédérale)

Nature du document transmis : Requête du procureur de la répondante pour cesser d'occuper

EXPÉDITEUR

Me Mathieu Therrien T 418 627-2442 #111 F 418 627-6656
LÉVESQUE LAVOIE AVOCATS INC.
Avocats de la répondante
2500, chemin du Petit-Village, bureau 101
Québec (Québec) G1C 1V6
Notre  : 6445-0001

DESTINATAIRES

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Me L.E. Trent Horne T 416 865-3428 F 416 863-1515
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Veuillez de plus lui retourner par courrier la transmission originale reçue sans la reproduire.

Dossier de la Cour no : T-38-18

COUR FÉDÉRALE

ENTRE :

DAWN THOMSON

Demanderesse

et

AFTERLIFE NETWORK INC. (O/A AFTERLIFE.CO)

Répondante

**REQUÊTE DU PROCUREUR DE LA RÉPONDANTE
POUR CESSER D'OCCUPER
(Règle 125 des *Règles des Cours fédérales*)**

LÉVESQUE LAVOIE AVOCATS INC.

2500, chemin du Petit-Village

Bureau 101

Québec (Québec) G1C 1V6

Tél. : 418 627-2442

Fax : 418 627-6656

Me Mathieu Therrien

Procureurs de la répondante

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Dossier de la Cour no : T-38-18

COUR FÉDÉRALE

ENTRE :

DAWN THOMSON

Demanderesse

et

AFTERLIFE NETWORK INC. (O/A AFTERLIFE.CO)

Répondante

**AVIS DE REQUÊTE DU PROCUREUR DE LA RÉPONDANTE
POUR CESSER D'OCCUPER
(Règle 369 des *Règles des Cours fédérales*)**

SACHEZ QUE Me Mathieu Therrien, procureur de la répondante, présentera à la Cour une requête écrite en vertu de la Règle 369 des *Règles des Cours fédérales*.

LA REQUÊTE VISE :

- A) **QU'UNE ORDONNANCE SOIT RENDUE** afin que Me Mathieu Therrien, procureur de la répondante, AFTERLIFE NETWORK INC., cesse immédiatement d'occuper au dossier;
- B) **QUE L'ORDONNANCE SOIT RENDUE** conformément à la règle 369 des *Règles des Cours fédérales* uniquement sur la base de ses préférences écrites.
- C) **LE TOUT sans frais, sauf en cas de contestation.**

LES MOTIFS DE LA REQUÊTE SONT LES SUIVANTS :

1. Me Mathieu Therrien avait reçu mandat de représenter la répondante, **AFTERLIFE NETWORK INC.**, et de la défendre à l'encontre de la requête de la demanderesse;
2. Le 8 mars 2018, le procureur de la répondante a rencontré le représentant de sa cliente, lequel a révoqué sur le champ son mandat de représenter **AFTERLIFE NETWORK INC.** dans la présente affaire;
3. Le lien de confiance entre le procureur de la répondante et sa cliente a été irrémédiablement rompu;
4. Par conséquent, le procureur de la répondante doit cesser immédiatement de représenter sa cliente, **AFTERLIFE NETWORK INC.**;
5. De plus, la présente requête n'est pas formulée à contre temps, puisque l'audience sur l'autorisation du recours collectif n'a pas encore été fixée en date de ce jour.

LA PREUVE DOCUMENTAIRE SUIVANTE accompagne le présent avis de requête : affidavit de Me Mathieu Therrien et affidavit de Pascal Leclerc. De plus, référence pourra être faite à tous les documents que les procureurs soussignés jugeront nécessaires dans les circonstances.

Québec, le 9 mars 2018

Lévesque Lavoie Avocats inc.

LÉVESQUE LAVOIE AVOCATS INC.

Procureurs de la répondante

M^e Mathieu Therrien

2500, chemin du Petit-Village, bureau 101

Québec (Québec) G1C 1V6

Téléphone : 418 627-2442

Télécopieur : 418 627-6656

Courriel : mtherrien@levesquelavole.com

fax : 6445-0001

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À : **STEVART MCKELVEY**
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St-John's, NL A1C 5V3
Tél. : 709 570-8833
Fax : 709 722-4565

Procureurs de la demanderesse

et

AIRD & BERLIS LLP
Me L.E. Trent Horne
Broofield Place
181 Bay Street, Suite 1800
Toronto (Canada) M5J 2T9
Tél. : 416 865-3428
Fax : 416 863-1515

Procureurs de la demanderesse

et

AFTERLIFE NETWORK INC.
5100, rue des Tournelles, bureau 500
Québec (Québec) G2J 1E4

Répondante

ET À : **L'ADMINISTRATEUR**
COUR FÉDÉRALE DU CANADA

Dossier de la Cour no : T-38-18

COUR FÉDÉRALE

ENTRE :

DAWN THOMSON

Demanderesse

et

AFTERLIFE NETWORK INC. (O/A AFTERLIFE.CO)

Répondante

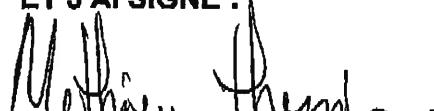
AFFIDAVIT DE MATHIEU THERRIEN

Je, soussigné, **MATHIEU THERRIEN**, avocat, ayant mon domicile professionnel au 2500, chemin du Petit-Village, bureau 101, Québec (Québec) G1C 1V6, affirme solennellement ce qui suit :

1. Je suis le procureur de la répondante Afterlife Network inc.;
2. Le ou vers le 7 mars 2018, j'ai participé à une conférence téléphonique avec les procureurs de la demanderesse;
3. À ce moment, mon mandat de représenter la répondante ne m'avait pas encore été retiré;
4. Suite à cette conférence téléphonique, j'ai rencontré le représentant de la répondante, monsieur Pascal Leclerc, lequel a révoqué le mandat de représenter Afterlife Network inc. dans la présente affaire;

5. Le lien de confiance entre moi-même et ma cliente a été irrémédiablement rompu;
6. De plus, la présente requête n'est pas formulée à contre temps, puisque l'audience sur l'autorisation du recours collectif n'a pas encore été fixée en date de ce jour.

ET J'AI SIGNÉ :



MATHIEU THERRIEN

Déclaré solennellement devant moi, à
Québec, ce 9^e jour de mars 2018



Commissaire à l'assermentation pour
le Québec

Dossier de la Cour no : T-38-18

COUR FÉDÉRALE

ENTRE :

DAWN THOMSON

Demanderesse

et

AFTERLIFE NETWORK INC. (O/A AFTERLIFE.CO)

Répondante

PRÉTENTIONS DU PROCUREUR DE LA RÉPONDANTE
(Règle 369 des *Règles des Cours fédérales*)

Au soutien de sa requête écrite pour cesser d'occuper présentée en vertu de la Règle 369 des *Règles des Cours fédérales*, Me Mathieu Therrien, procureur de la répondante **AFTERLIFE NETWORK INC.**, prétend que :

1. Me Mathieu Therrien avait reçu mandat de représenter la répondante, **AFTERLIFE NETWORK INC.**, et de la défendre à l'encontre de la demanderesse;
2. Le 8 mars 2018, le procureur de la répondante a rencontré le représentant de sa cliente, lequel a révoqué sur le champ son mandat de représenter **AFTERLIFE NETWORK INC.** dans la présente affaire;
3. Le lien de confiance entre le procureur de la répondante et sa cliente a été irrémédiablement rompu;
4. Par conséquent, le procureur de la répondante doit cesser immédiatement de représenter sa cliente, **AFTERLIFE NETWORK INC.**;

5. De plus, la présente requête n'est pas formulée à contre temps, puisque l'audience sur l'autorisation du recours collectif n'a pas encore été fixée en date de ce jour.

Québec, le 9 mars 2018

Lévesque Lavoie Avocats inc.

LÉVESQUE LAVOIE AVOCATS INC.

Procureurs de la répondante

M^e Mathieu Therrien

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Courriel : mtherrien@levesquelavoie.com

□ : 6445-0001

DESTINATAIRES

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Procureurs de la demanderesse
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Procureurs de la demanderesse
et

AFTERLIFE NETWORK INC.
5100, rue des Tournelles, bureau 500
Québec (Québec) G2J 1E4
Répondante

ET À : **L'ADMINISTRATEUR**
COUR FÉDÉRALE DU CANADA

Dossier de la Cour no : T-38-18

COUR FÉDÉRALE

ENTRE :

DAWN THOMSON

Demanderesse

et

AFTERLIFE NETWORK INC. (O/A AFTERLIFE.CO)

Répondante

AFFIDAVIT DE PASCAL LECLERC

Je, soussigné, **PASCAL LECLERC**, homme d'affaires, domicilié et résidant au 2300, rue du Barachois, appartement 505, Québec (Québec) G2C 0G3, affirme solennellement ce qui suit :

1. Je suis le vice-président et représentant dûment autorisé de la répondante Afterlife Network inc. dans le présent dossier;
2. Le 8 mars 2018, j'ai rencontré Me Mathieu Therrien et j'ai révoqué son mandat de représenter Afterlife Network inc. dans le présent dossier;

3. Le lien de confiance entre moi-même et Me Mathieu Therrien a été irrémédiablement rompu.

ET J'AI SIGNÉ :

PASCAL LECLERC

Déclaré solennellement devant moi, à
Québec, ce 9^e jour de mars 2018

Mélina Lessard
Mélina Lessard
215853
COMMISSAIRE À
L'ASSEMENTATION
Pour le Québec
Québec ■■■

Commissaire à l'assermentation pour
le Québec

COUR FÉDÉRALE

Date :
Dossier de la Cour no : T-38-18

OTTAWA, ce

PRÉSENT : L'HONORABLE
ENTRE

DAWN THOMSON

Demanderesse

et

AFTERLIFE NETWORK INC. (O/A AFTERLIFE.CO)

Répondante

Requête de la part de Me Mathieu Therrien, procureur de la répondante, pour cesser d'occuper en vertu de la Règle 369 des Règles des Cours fédérales.

ORDONNANCE

CONSIDÉRANT les motifs énumérés par Me Mathieu Therrien, procureur de la répondante, la Cour accueille favorablement la requête pour cesser d'occuper de la façon suivante :

ÉMET une ordonnance conformément à la Règle 369 des Règles des Cours fédérales autorisant Me Mathieu Therrien, procureur de la répondante à cesser d'occuper;

LE TOUT sans frais.

Dossier de la Cour no : T-38-18

COUR FÉDÉRALE

ENTRE :

DAWN THOMSON

Demanderesse

et

AFTERLIFE NETWORK INC. (O/A AFTERLIFE.CO)

Répondante

ACCUSÉ RÉCEPTION
REÇU COPIE POUR VALOIR SIGNIFICATION
ET CONSENTEMENT À PRODUCTION

Je, soussigné, **PASCAL LECLERC**, vice-président et représentant dûment autorisé de la répondante, **AFTERLIFE NETWORK INC.**, accuse réception d'une copie de la présente *Requête du procureur de la répondante pour cesser d'occuper* et des documents à son soutien et consent à leur production.

Québec, le 9 mars 2018

AFTERLIFE NETWORK INC.


Par : Pascal Leclerc, vice-président

COUR FÉDÉRALE

Dossier de la Cour no : T-38-18

ENTRE
DAWN THOMSON
Demanderesse
et
AFTERLIFE NETWORK INC.
Répondante

**REQUÊTE DU PROCUREUR DE LA
RÉPONDANTE POUR
CESSER D'OCCUPER**

ORIGINAL

LÉVESQUE LAVOIE AVOCATS INC.
2500, chemin du Petit-Village, bnr. 101
Québec (Québec) G1C 1V6
Téléphone : 418 627-2442
Télécopieur : 418 627-6656
Casier n° 106
Code : BL 5432
notification@levesquelavoie.com

ME MATHIEU THIERRY
mthierry@levesquelavoie.com
□ : 6445-0001



Federal Court



Cour fédérale

Ottawa, ON
K1A 0H9

March 12, 2018

BY E-MAIL

Erin E. Best
ebest@stewartmckelvey.com

Mathieu Therrien
mtherrien@levesquelavoie.com

Trent Horne
thorne@airdberlis.com

Dear Counsel:

RE: Dawn Thomson v. Afterlife Network Inc. (O/A Afterlife.Co)
Court File No.: T-38-18

This is to advise of the following Direction of Madam Prothonotary Aylen dated March 12, 2018:

"The Court confirms that counsel for the Respondent has brought a motion to be removed as solicitor of record of the Respondent, which motion shall be determined by the Court shortly.

The Respondent shall, by no later than March 30, 2018, serve and file a notice of appointment of solicitor or shall bring a motion pursuant to Rule 120 for leave to be represented by an officer of the Respondent for the purpose of this proceeding.

A case management conference shall be held on April 3, 2018 at 3:00 pm (Eastern) to address the timetable for the Applicant's certification motion.

Counsel for the Respondent shall ensure that a copy of this Direction is immediately provided to the Respondent."

Yours truly,

C.M.

Chantal Mainville
Registry Officer

Federal Court



Cour fédérale

000030

Date: 20180313

Docket: T-38-18

Ottawa, Ontario, March 13, 2018

PRESENT: Case Management Judge Mandy Aylen

PROPOSED CLASS ACTION

BETWEEN:

DAWN THOMSON

Applicant

and

**AFTERLIFE NETWORK INC.
(O/A AFTERLIFE.CO)**

Respondent

ORDER

UPON MOTION of counsel for the Respondent, Mathieu Therrien, filed in writing pursuant to Rule 369 of the *Federal Courts Rules*, for an order pursuant to Rule 125 that he be removed as solicitor of record for the Respondent;

CONSIDERING the notice of motion, the affidavit of Matthieu Therrien affirmed March 9, 2018, the affidavit of Pascal Leclerc affirmed March 9, 2018 and the written representations of Mr. Therrien;

CONSIDERING that the Respondent and the Applicant consent to the relief sought;

THIS COURT ORDERS that:

1. The motion of Mathieu Therrien to be removed as solicitor of record for the Respondent is granted and he is hereby removed as solicitor of record for the Respondent effective as of the date of filing of proof of service of this Order upon the Respondent in accordance with Rule 125(3).
2. Mathieu Therrien shall, by no later than March 19, 2018, provide the Court with the Respondent's last known phone number and email address.
3. There shall be no costs of this motion.

“Mandy Aylen”
Case Management Judge

000032

Federal Court



Cour fédérale

Ottawa, ON
K1A 0H9

April 3, 2018

BY E-MAIL

Erin E. Best
ebest@stewartmckelvey.com

Pascal Leclerc
pacoleclerc@gmail.com

Trent Horne
thorne@airdberlis.com

Dear Counsel:

RE: Dawn Thomson v. Afterlife Network Inc. (O/A Afterlife.Co)
Court File No.: T-38-18

This is to advise of the following Direction of Madam Prothonotary Aylen dated April 3, 2018:

"The Applicant's certification motion shall be heard at the general sitting at the Federal Court in St. John's, Newfoundland on April 19, 2018."

Yours truly,

C.M.

Chantal Mainville
Registry Officer

Federal Court



Cour fédérale

FACSIMILE TRANSMITTAL FORM

To:	Erin Best Stewart McElvey LLP, St. John's Fax: 709-722-4565	
	Trent Horne Aird & Berlis, Toronto 416-863-1515	
	Pascal Leclerc Levesque Lavoie, Québec 418-627-6656	
From:	Wayne Sawtell Registry Officer Tel.: (613) 992-4238 Fax: (613) 952-3653	
Date:	May 4, 2018	3:36 PM
Subject:	Dawn Thompson v. Afterlife Network Inc. (O/A Afterlife.co) Court File number: T-38-18	

Total number of pages including this one

2

Comments:	<u>BY FAX ONLY</u>
Counsel,	
Please find transmitted here a copy of the Direction of the Honourable Chief Justice Crampton rendered on today's date in the above-referenced file.	
Regards,	
Wayne Sawtell	

Federal Court



Cour fédérale

Ottawa, ON
K1A0A1

May 4, 2018

Ms. Erin Best
Stewart McKelvey LLP

Trent Horne
Aird & Berlis LLP

Pascal Leclerc
Levesque Lavoie Avocats Inc.

Dear Ms. Best:

RE: Dawn Thompson v. Afterlife Network Inc. (O/A Afterlife.co)
Court File No: T-38-18

The Court (Crampton, CJ) has on May 4, 2018 issued the following Direction:

"The Applicant's motion (Doc 5) for certification will be heard before this Court, by videoconference, at 9:30 (Eastern) in the forenoon at 180 Queen Street West, in the City of Toronto, Ontario, and before this Court at the Thomas D'Arcy McGee Building, 90 Sparks Street, in the City of Ottawa, Ontario, and before this Court at 11:00 (Nfld) in the forenoon at 354 Water Street, Suite 209, in the City of St. John's, Newfoundland and Labrador, on Tuesday, the 12th day of June, for a duration of one (1) hour."

Yours truly,

Wayne Sawtell
Registry Officer

Federal Court



Cour fédérale

Ottawa, ON
K1A 0H9

July 20, 2018

BY E-MAIL

Erin E. Best
ebest@stewartmckelvey.com

Pascal Leclerc
pacoleclerc@gmail.com

Trent Horne
thorne@airdberlis.com

Dear Madam/Sir:

RE: DAWN THOMSON v. AFTERLIFE NETWORK INC. (O/A AFTERLIFE.CO)
Court File No: T-38-18

This is to confirm the following direction of the Honourable Mr. Justice Locke dated July 20, 2018:

"In view of the passage of time since June 12, 2018, when the applicant's motion to certify a class proceeding was heard and the Court indicated concerns related to (i) the applicant's freedom from conflicts of interest, (ii) the applicant's fee arrangement with counsel, and (iii) arrangements for potential claimants to opt out of the proceeding, and in view of the fact that the second and third of these concerns remains unresolved despite counsel's undertaking to do so as well as to provide a draft order, the applicant is directed to advise, by July 25, 2018, as to the status of efforts to comply with counsel's undertaking."

Yours truly,

LB
Laurence Bélanger
Registry Officer

Federal Court



Cour fédérale

Facsimile Transmittal Form / Formulaire d'acheminement par télécopieur

TO / DESTINATAIRE(S) :

1. Name / Nom : Ms Erin E. Best

Facsimile / Télécopieur : 709-722-4565

Telephone / Téléphone :

2. Name / Nom : Mr L.E. Trent Horne

Facsimile / Télécopieur : 416-863-1515

Telephone / Téléphone :

3. Name / Nom : Mr Pascal Leclerc

Facsimile / Télécopieur : 418-627-6656

Telephone / Téléphone :

4. Name / Nom :

Facsimile / Télécopieur :

Telephone / Téléphone :

FROM / EXPÉDITEUR : Sonya Brault

DATE : July 27, 2018

Telephone / Téléphone : 514-283-9580

TIME / HEURE : 11:54 AM

Facsimile / Télécopieur : 514-283-6004

Total number of pages (including this page) / Nombre de pages
(incluant cette page) : 9SUBJECT / OBJET : Order of the Court.

Court File No. / N° du dossier de la Cour: T-38-18

Between / entre: DAWN THOMSON v. AFTERLIFE NETWORK INC. (O/A AFTERLIFE.CO)

Enclosed is a copy of the Order of : // Vous trouverez ci-joint une copie de l'ordonnance de :

Mr Justice Locke dated / daté(e) du : July 27, 2018.

COMMENTS / REMARQUES :

Pursuant to section 20 of the Official Languages Act all final decisions, orders and judgments, including any reasons given therefore, issued by the Court are issued in both official languages. In the event that such documents are issued in the first instance in only one of the official languages, a copy of the version in the other official language will be forwarded on request when it is available.

Conformément à l'article 20 de la Loi sur les langues officielles, les décisions, ordonnances et jugements définitifs avec les motifs y afférents, sont émis dans les deux langues officielles. Au cas où ces documents ne seraient émis, en premier lieu, que dans l'une des deux langues officielles, une copie de la version dans l'autre langue officielle sera transmise, sur demande, dès qu'elle sera disponible.

N.B.: If you do not receive all pages being transmitted, please call the sender at the above telephone number. / Si vous ne recevez pas toutes les pages transmises, prière de communiquer avec l'expéditeur au numéro de téléphone ci-haut.

Federal Court



Cour fédérale

Date: 20180727

Docket: T-38-18

Montréal, Quebec, July 27, 2018

PRESENT: The Honourable Mr. Justice Locke

BETWEEN:

DAWN THOMSON

Applicant

and

AFTERLIFE NETWORK INC. (O/A
AFTERLIFE.CO)

Respondent

ORDER

UPON motion for an order:

- a) if necessary, abridging the time for service, filing and hearing of the certification motion, pursuant to rule 8 of the *Federal Courts Rules*, SOR/98-106 [*Rules*];
- b) certifying this application as a class proceeding, pursuant to rule 334.16 of the *Rules* and on terms and conditions pursuant to rule 334.17 of the *Rules*;

- c) describing the "Class" as:

All natural persons and estates in Canada who have authored or received by assignment an obituary that has been reproduced, in whole or in substantial part, without permission on www.afterlife.co/ca; and all persons in Canada who have authored or received by assignment or the terms of the *Copyright Act* a photograph that was reproduced, in whole or in substantial part, without permission on www.afterlife.co/ca.

Excluded from the Class are all directors, shareholders, officers, and employees of the respondent.

- d) appointing Dawn Thomson as the Representative Applicant of the Class;
- e) stating that the nature of the claims asserted on behalf of the Class are for copyright infringement and infringement of moral rights pursuant to the *Copyright Act*, RSC 1985, c C-42 [*Copyright Act*];
- f) stating that the relief claimed by the Class is as follows:
- i. An interlocutory and permanent injunction, pursuant to s. 34 of the *Copyright Act*, restraining the respondent, its officers, directors and all others over whom it exercises control from infringing the copyright and moral rights of the applicant and the Class members;

- ii. A wide injunction, pursuant to s. 39.1 of the *Copyright Act*, restraining the respondent, its officers, directors and all others over whom it exercises control from infringing the copyright and moral rights in other copyrighted works owned by the applicant and members of the Class;
 - iii. Statutory damages pursuant to s. 38.1(1)(a) of the *Copyright Act*;
 - iv. Punitive damages;
 - v. Aggravated damages;
 - vi. Pre-judgment interest;
 - vii. Costs; and,
 - viii. Such further relief as this Honourable Court may deem mete and just.
- g) setting out the common questions of law or fact for the Class;
 - h) specifying the time and manner for Class Members to opt out of the class proceeding;
 - i) appointing Stewart McKelvey as counsel to the Class (Class Counsel);
 - j) approving the form and content of notice to the Class (Notice);
 - k) specifying the means that shall be used to publish the Notice; and,

1) requiring the respondent to pay the cost of the Notice programme.

AND UPON reading the materials filed and hearing the submissions of counsel for the applicant;

AND UPON noting the respondent's indication that it would not make any representations on the present motion;

AND UPON being satisfied that this is an appropriate proceeding for certification as a class proceeding upon the terms posted;

THIS COURT ORDERS that:

1. This application is certified as a class proceeding against the respondent Afterlife Network Inc. (O/A Afterlife.co).
2. The Class in this proceeding is defined as follows:

All natural persons and estates in Canada who have authored or received by assignment an obituary that has been reproduced, in whole or in substantial part, without permission on www.afterlife.co/ca; and all natural persons and estates in Canada who have authored or received by assignment or the terms of the *Copyright Act* a photograph that was reproduced, in whole or in substantial part, without permission on www.afterlife.co/ca.

Excluded from the Class are all directors, shareholders, officers, and employees of the Respondent.

3. Dawn Thomson is appointed as the Representative Applicant.
4. Stewart McKelvey is appointed as Class Counsel.
5. The nature of the claims made, and relief requested, on behalf of the Class are:
 - i. An interlocutory and permanent Injunction, pursuant to s. 34 of the *Copyright Act*, restraining the respondent, its officers, directors and all others over whom it exercises control from infringing the copyright and moral rights of the applicant and the Class members;
 - ii. A wide injunction, pursuant to s. 39.1 of the *Copyright Act*, restraining the respondent, its officers, directors and all others over whom it exercises control from infringing the copyright and moral rights in other copyrighted works owned by the applicant and members of the Class;
 - iii. Statutory damages pursuant to s. 38.1(1)(a) of the *Copyright Act*;
 - iv. Punitive damages;
 - v. Aggravated damages;
 - vi. Pre-judgment interest;
 - vii. Costs; and
 - viii. Such further relief as this Honourable Court may deem mete and just.

6. The common questions of law or fact in this proceeding are certified as follows:

- i. Did the respondent infringe the copyright and moral rights of the Class members when it reproduced the obituaries and/or photographs on the Domain (afterlife.co/ca) without permission?
- ii. Are the Class members entitled to injunctive relief as against the respondent?
- iii. Can monetary relief be measured on an aggregate, Class-wide basis and, if so, what is the amount of aggregate monetary relief?
- iv. Should punitive and/or aggravated damages be awarded against the respondent and, if so, in what amount?

7. Class members may opt out of this Class Proceeding by completing and delivering the opt-out form attached as Schedule "A" to Class Counsel by no later than October 1, 2018.

8. Class Counsel will forthwith post a copy of this Order, and the opt-out form, on <http://www.stewartmckelvey.com/en/home/classaction/default.aspx>.

9. No costs are payable on this motion for certification in accordance with rule 334.39 of the *Rules*.

“George R. Locke”

Judge

SCHEDULE "A"**OPT-OUT FORM**

This is not a claim form. This form EXCLUDES you from participating in the Afterlife Class Proceeding, DO NOT fill out this form if you wish to participate in the Afterlife Class Proceeding.

A class proceeding was commenced in the Federal Court of Canada alleging that Afterlife Network Inc. (O/A Afterlife.co) infringed copyright and moral rights of Class Members when it reproduced obituaries and photographs on the domain www.afterlife.co/ca without permission ("the Afterlife Class Proceeding").

The Federal Court has certified the Afterlife Class Proceeding for the following Class:

All natural persons and estates in Canada who have authored or received by assignment an obituary that has been reproduced, in whole or in substantial part, without permission on www.afterlife.co/ca; and all natural persons and estates in Canada who have authored or received by assignment or the terms of the Copyright Act a photograph that was reproduced, in whole or in substantial part, without permission on www.afterlife.co/ca.

Excluded from the Class are directors, shareholders, officers and employees of the Respondent.

Any payments to Class Counsel from the proceeds of the Afterlife Class Proceeding must be approved by the Court. As presently advised, Class Counsel will request full recovery of out-of-pocket disbursements, plus up to 35% of the amount recovered. The amount that will actually be requested will depend, among other things, on the time spent, the result, the amount recovered, and amounts approved in similar cases.

If you want to opt out (in which case you cannot participate in the Afterlife Class Proceeding), this Opt Out Form must be completed, signed, sent and postmarked by regular mail or email, by no later than October 1, 2018, to the address listed at the end of this Opt Out Form. No further opportunity to opt out will be provided without a further order of the Court.

By completing this Opt-Out Form, you are choosing to irrevocably opt out of the Afterlife Class Proceeding.

By opting out, you are confirming that you do not wish to participate in the Afterlife Class Proceeding and you will be excluded from any settlement or any damages that may be awarded by the Court.

Once you opt out of the Afterlife Class Proceeding, you will receive no further communications regarding this proceeding from class counsel, but for a confirmation that your Opt-Out Form has been received.

For more information on the Afterlife Class Action, please visit
<http://www.stewartmckelvey.com/en/home/classaction/afterlifeco.aspx> or contact Class Counsel.

Your Name: _____ (required)

Your Address: _____

_____ (required)

Your telephone number: () _____ (required)

Your email address: _____ (required)

DECLARATION

I declare that I wish to opt out of the Afterlife Class Proceeding.

I understand that by submitting this Opt-Out Form, I will be excluded from the Afterlife Class Proceeding and will not be bound by its outcome. As a result, I will be excluded from any settlement or any damages that may be awarded by the Court.

Signature

Date

Return your completed Opt-Out Form to:

Stewart McKelvey
Attn: Erin E. Best
Suite 1100, Cabot Place
100 New Gower St.
St. John's, NL A1C 5V3

raboyd@stewartmckelvey.com

**PLEASE DO NOT CALL DAWN THOMSON OR THE FEDERAL COURT ABOUT
THIS PROCEEDING. THEY WILL NOT BE ABLE TO ANSWER YOUR QUESTIONS.**

Federal Court



Cour fédérale

Ottawa, ON
K1A 0H9

September 12, 2018

BY E-MAILErin E. Best
ebest@stewartmckelvey.comPascal Leclerc
pacoleclerc@gmail.comTrent Horne
thorne@airdberlis.com

Dear Counsel:

RE: Dawn Thomson v. Afterlife Network Inc. (O/A Afterlife.Co)
Court File No.: T-38-18

This is to advise of the following Direction of Madam Prothonotary Aylen dated September 12, 2018:

"The parties shall, by no later than October 10, 2018, provide the Court with a status update and proposed timetable for next steps in this proceeding."

Yours truly,

*C.M.*Chantal Mainville
Registry Officer

Federal Court



000046

Cour fédérale

Date: 20181019

Docket: T-38-18

Ottawa, Ontario, October 19, 2018

PRESENT: Case Management Judge Mandy Aylen

CLASS PROCEEDING

BETWEEN:

DAWN THOMSON

and Applicant

**AFTERLIFE NETWORK INC.
(O/A AFTERLIFE.CO)**

Respondent

ORDER

UPON the Court's Direction dated September 12, 2018 requiring the parties to provide the Court with a status update and proposed timetable for next steps in this proceeding by no later than October 10, 2018;

AND UPON receiving and considering correspondence from counsel for the Applicant dated October 10, 2018;

AND UPON receiving no communication from or on behalf of the Respondent in response to the September 12, 2018 Direction;

AND UPON the Respondent having failed to comply with the Court's Direction dated March 12, 2018 to take steps to serve and file a notice of appointment of solicitor or to bring a motion pursuant to Rule 120 by no later than March 30, 2018;

CONSIDERING that the Court is satisfied that the informal relief requested by the Applicant should be granted;

THIS COURT ORDERS that:

1. The Applicant is not required to serve the Respondent with any further documents in this proceeding until final judgment.
2. Absent leave of the Court, the Respondent is not entitled to cross-examine on any affidavits included in the Applicant's record.
3. Absent leave of the Court, the Respondent may not serve affidavits or submit a record in this proceeding.
4. The Applicant shall file the Applicant's record by November 30, 2018.
5. The Applicant shall file a requisition for hearing by December 10, 2018.
6. There shall be no order as to costs.

"Mandy Aylen"
Case Management Judge

Court File No. T-38-18

FEDERAL COURT
PROPOSED CLASS PROCEEDING

BETWEEN:

DAWN THOMSON

Applicant

-and-

AFTERLIFE NETWORK INC. (O/A AFTERLIFE.CO)

Respondent

AFFIDAVIT OF DAWN THOMSON

I, Dawn Thomson, of the City of St. John's in the Province of Newfoundland and Labrador,
AFFIRM THAT:

1. I am the daughter of the deceased Denis "Brian" Trainor who passed away on January 19th, 2017. My father was a wonderful man who meant a lot to me and my family.
2. I am a songwriter and a writer of poetry. I have released one album entitled "Unsung" and my songs have been recorded by other artists.
3. I am the sole author of my father's obituary which I wrote with considerable thought and care ("the Obituary") and the sole author of the photograph of my father that accompanied the Obituary (the "Photograph"). A copy of the Obituary and the Photograph is attached to this affidavit as Exhibit A.
4. The Photograph was taken by me in or about 2010 and it captures a beautiful ray of sunlight on my father's face. At the time I took the Photograph, and at the time I picked

this Photograph to accompany the Obituary, I thought that this image conveyed that my father was a special and blessed person.

5. I allowed Fahey's Funeral Home and the Green's Harbour Community Channel to publish the Obituary and the Photograph, which they did. A copy of the Obituary and the Photograph as they appeared on the Fahey's Funeral Home website are attached to this affidavit as Exhibit B.
6. I did not give permission for anyone else to reproduce all or any part of the Obituary or Photograph. In particular, I did not give permission to Afterlife to copy or publish the Obituary or the Photograph on its website.
7. In or about early to mid-January, 2018, the media covered stories of people across Canada who discovered the obituaries of their loved ones on the Afterlife website. At that time, the Afterlife website stated that 1,141,790 Canadian obituaries were available on the site. A copy of the Afterlife website as it appeared on January 11, 2018, showing that 1,141,790 Canadian obituaries were available on the site, is attached to this affidavit as Exhibit C.
8. People were appalled at the thought of Afterlife profiting from the obituaries of their family members. A sample of this media coverage is attached to this affidavit as Exhibit D.
9. On or about early January, 2018 I learned that my Obituary and Photograph had been copied by Afterlife and was being displayed on the Afterlife website without my permission. A copy of the Obituary and Photograph as they appeared on the Afterlife website on the morning of January 11th, 2018, is attached to this affidavit as Exhibit E. Note that the date of death as indicated by Afterlife is incorrect in the heading but is correct in the body of the Obituary.
10. The Afterlife webpage showing the Obituary and Photograph prominently displayed advertising and the option to send flowers or gifts and light a digital candle for the deceased. If you click on the option to send flowers you are redirected to a page displaying the types of flower arrangements that can be purchased, along with the purchase price. A copy of the Afterlife webpage showing the flower arrangements available for purchase is attached to this affidavit as Exhibit F. A copy of the Afterlife

website page showing the cost to light a digital candle is attached to this affidavit as Exhibit G.

11. My intentions when authoring and publishing the Obituary and Photograph did not include the sale of digital candles or flowers by Afterlife. I also never would have authorized the use of the Obituary and Photograph to sell advertising or collect personal information. I do not believe that my Obituary or Photograph should have been used for commercial gain. Such a use contradicts the intended spirit and meaning of the Obituary and Photograph. People who viewed the Obituary and Photograph on the Afterlife website were led to believe that I had consented to this use by Afterlife and that I was getting a portion of the profits from any advertising, candles or flowers that were sold. This is not the case and I feel that this misapprehension reflects badly on the Obituary and Photograph, and on me.
12. In the afternoon of January 11th, 2018, Afterlife removed the Obituary and Photograph from its website and posted a revised obituary that was not authored by me. This was done without my knowledge or consent. A copy of the Afterlife website showing the revised obituary is attached to this affidavit as Exhibit H.
13. I understand that since the media coverage in early January 2018, and since the filing of this class action, Afterlife has removed and revised many of the obituaries and photographs on its website. As of January 18th, 2018 the Afterlife website indicates that only 246,197 Canadian obituaries were available on the site. A copy of the Afterlife website as it appeared on January 18, 2018, showing that 246,197 Canadian obituaries were available on the site, is attached to this affidavit as Exhibit I.
14. A sample of some other obituaries and photographs posted on the Afterlife website as of today, January 29, 2018, are attached to this affidavit as Exhibit J. Also attached at Exhibit J are screenshots of those same obituaries and photographs alongside advertising, as they appear on the Afterlife mobile website on January 29, 2018. It is notable that Afterlife prominently places the "send flower(s)" button before and after each obituary, regardless of the fact that some of the obituaries request that donations be made in lieu of flowers.
15. To the best of my knowledge, the number of members in the proposed class is between 1,141,790 and 2,283,580. I say this because the Afterlife website, as it appeared on

January 11, 2018, stated that 1,141,790 Canadian obituaries were available on the site. A copy of the Afterlife website as it appeared on January 11, 2018, showing that 1,141,790 Canadian obituaries were available on the site is attached to this affidavit as Exhibit C. The author of each of the 1,141,790 Canadian obituaries would be a member of the proposed class.

16. Many, but not all of the obituaries on the Afterlife website were accompanied by photographs of the deceased. It is not known how many obituaries were accompanied by photographs, but a review of a sample of the Canadian obituaries on the Afterlife website as it was on January 11th, 2018, revealed that the majority of the sample were accompanied by photographs. In regards to the obituaries that were accompanied by photographs, the author of each photograph would also be a member of the proposed class.
17. Afterlife claims to be Canada's largest database of deceased people. It describes its website as a "collection page". A copy of the "About Us" page from the Afterlife website as it appeared on January 11, 2018 is attached to this affidavit as Exhibit K.
18. Afterlife claims that it owns the copyright in the content of its website. The Afterlife Terms of Service at section 5 state as follows:
 - 5.1. *The content of the website afterlife.co (including news, texts, photos, images, illustrations, audio extracts, videos and software) are protected by Copyright and other intellectual property protection over the world and is owned by or under the control of afterlife.co.*
 - 5.2. *All reproduction, whether partial or integral, of afterlife.co is illegal.*
 - 5.3. *Users are forbidden to modify, adapt, copy, distribute, post, publish, display, dissect, dismantle, transfer or sell any information, software, products or services obtained through afterlife.co or to create products inspired from afterlife.co.*
 - 5.4. *All partial or integral publication, broadcast, reproduction or transfer of a third party's work without that party's prior consent is a violation of this person's rights and is the sole responsibility of the user.*
19. A copy of the "Terms of Service" page from the Afterlife website as it appeared on January 11, 2018 is attached to this affidavit as Exhibit L.
20. Afterlife also has a Privacy Policy which is attached to this affidavit as Exhibit M.

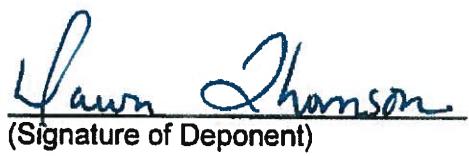
21. Afterlife has an Affiliate Program which promises that funeral homes who join as affiliates will receive 10% for every flower arrangement purchased. A copy of the "Affiliates" page from the Afterlife website as it appeared on January 11, 2018 is attached to this affidavit as Exhibit N.
22. I know of no facts material to the certification motion that have not been disclosed in this affidavit.

Affirmed before me at the City of St. John's in the Province of Newfoundland and Labrador on January 29, 2018.



Commissioner for Taking Affidavits
(or as the case may be)

Erin E. Best
Barrister, NL


(Signature of Deponent)

000053

This is Exhibit "A" referred to in the Affidavit of
Dawn Thomson sworn to or affirmed before me
this 29th day of January, 2018.



Commissioner of Oaths

Erin E. Best
Barrister, NL



Faheys Funeral Homes

Denis "Brian" Trainor

(Died January 19, 2017)

Passed peacefully away in the presence of his loving family at the Health Sciences Centre on Thursday, January 19, 2017. Brian was 76 years of age. Predeceased by special grandparents Denis and Lucy Trainor; his mother Carmella Kelly and sister Catherine-Anne Baird.



Leaving to mourn his devoted wife of 52 years Elizabeth Trainor (O'Shaughnessy); his loving brother Bill (Paula) Kelly; his children Joanie (Kevin), Colleen (Scott), Denise (Tony), Dawn (Terry), Traci (Dave), Blain (Tasha), Jerry (Christina) and Megan (Jamie). As well, his 14 treasured grandchildren; very special Aunt Elizabeth Walsh and family; sisters-in-law Belle Kenny, Margaret (Monnie) Walsh, Joan O'Shaughnessy, Judith O'Shaughnessy, and brother-in-law Bill O'Shaughnessy (Theresa); as well as a large circle of family and friends.

Special thanks to the E.R. and I.C.U. staff at the Health Sciences Centre for their compassion and dignity in helping us ease him over to the other side.

This was a man who was gentle, dignified and humble and to whom family meant everything. Weren't we so lucky to belong to him?

Visitation (weather dependant) will take place at Fahey's Funeral Home, Fermeuse, NL on Sunday, January 22, 2017 from 5-9 pm; Monday, January 23, 2017 from 10 am to 9 p.m. The funeral Mass (weather dependant) will take place at St. Charles Borromeo Church, Fermeuse, NL on Tuesday, January 24, 2017 at 11 am. Interment to follow at Holy Apostle Catholic Cemetery, Fermuse, NL.

"Love burns a light so strong that not even death can dim."

[Back](#)

000055

This is Exhibit "B" referred to in the Affidavit of
Dawn Thomson sworn to or affirmed before me
this 29th day of January, 2018.



Commissioner of Oaths

Erin E. Best
Barrister, NL



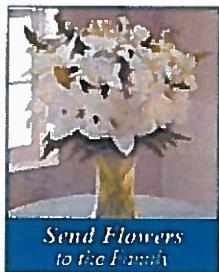
Fahey's
Funeral Homes

Main Street
Fermeuse, Newfoundland Labrador A0A 2G0
(709) 363-2850

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Obituaries

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Denis "Brian" Trainor

(Died January 19, 2017)

[Send Flowers](#)

[Guest Book](#) | [Sign Guest Book](#) | [Send Private Condolences](#) | [Send Sympathy Card](#)

Passed peacefully away in the presence of his loving family at the Health Sciences Centre on Thursday, January 19, 2017. Brian was 78 years of age. Predeceased by special grandparents Denis and Lucy Trainor; his mother Carmella Kelly and sister Catherine-Anne Baird.

Leaving to mourn his devoted wife of 52 years Elizabeth Trainor (O'Shaughnessy), his loving brother Bill (Paula) Kelly; his children Joanie (Kevin), Colleen (Scott), Denise (Tony), Dawn (Terry), Traci (Dave), Blain (Tasha), Jerry (Christine) and Megan (Jamie). As well, his 14 treasured grandchildren, very special Aunt Elizabeth Walsh and family: sisters-in-law Belle Kenny, Margaret (Minnie) Walsh, Joan O'Shaughnessy, Judith O'Shaughnessy, and brother-in-law Bill O'Shaughnessy (Theresa); as well as a large circle of family and friends.



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"Love burns a light so strong that not even death can dim."

[Print Obituary](#)

Services

Visitation

Sunday, Jan 22, 2017

5:00 PM - 9:00 PM

Faheys Funeral Home
Main Road
Fermeuse, NL A0A 1G0

[Google Maps](#)

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Visitation

Monday, Jan 23, 2017

10:00 AM - 9:00 PM

Faheys Funeral Home
Main Road
Fermeuse, NL A0A 1G0

[Google Maps](#)

Funeral Service

Tuesday, Jan 24, 2017

11:00 AM
St. Charles Borromeo Church
Fermeuse, NL

[Google Maps](#)

©2013 - 2018 Faheys Funeral Homes
Main Street, Fermeuse, NL A0A 2G0
(709) 363-2850

Funeral Home Website by [Betaville, Inc.](#)

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000058

This is Exhibit "C" referred to in the Affidavit of
Dawn Thomson sworn to or affirmed before me
this 29th day of January, 2018.

Erin E. Best
Commissioner of Oaths

Erin E. Best
Barrister, NL



[OBITUARIES](#)[FUNERAL HOMES](#)[BLOGS](#)[SEND FLOWERS](#)[NEWSPAPERS](#)[FAMILY TREE](#)

Obituaries in Canada

First name

Last name



Obituaries in Canada: 1,141,790 results

000060

This is Exhibit "D" referred to in the Affidavit of
Dawn Thomson sworn to or affirmed before me
this 29th day of January, 2018.

Erin E. Best

Commissioner of Oaths

Erin E. Best
Barrister, NL



'Sick and abhorrent': N.L. man says website tried to profit off late mother's obituary

Afterlife.co sells products and services tied to a searchable database of obituaries used without permission

By Geoff Bartlett, [CBC News](#) Posted: Jan 04, 2018 2:08 PM NT Last Updated: Jan 04, 2018 2:08 PM NT

A St. John's man has joined an Alberta family in questioning why a loved one's obituary was posted on a company's website without his knowledge or permission seemingly in an attempt to sell merchandise.

On Tuesday, [CBC Calgary reported](#) that a Taber, Alberta family was upset after discovering the obituary for a recently deceased family member was posted on [a website called Afterlife](#), with options to buy gifts and flowers or light a digital, animated candle in their memory.

- [Alberta family surprised website posted obituary without their knowledge](#)

After reading the story, George Murphy of St. John's went to Afterlife.co and searched for his late mother's name — and sure enough her obituary, from August 2017, was there with options to buy products in her name.

'It's almost like we're opening a new wound here.' - *George Murphy*

"I was quite disturbed to find that actually. Not only was the obituary on there, but her place of death was also marked wrong on there," he told the *St. John's Morning Show*.

"To find that somebody else would step in and try to make money off it is actually sick and abhorrent to me."

Upset that his mom's obituary was there without the family's knowledge, Murphy contacted Afterlife and requested it be taken down, which the company did fairly quickly.

Company response

In a statement to CBC Calgary regarding its story, Afterlife said anyone is free to request that any information be edited or deleted, that two million visitors use the site in a given month — and there are fewer than 15 calls or messages from family members seeking to have obituaries removed.

Afterlife was started in January 2017 by entrepreneur Paco Leclerc, and in an email to CBC it claims nothing about the company's practices is underhanded.

"All we do is group all obituaries into one database that informs the public and allows people over distances to reach out to their family and friends during a difficult time by being able to send condolences and flowers easily and quickly all in one place," the statement read.

Murphy said it's clear the site works by mining the internet for obituaries posted by different funeral homes and newspapers around the world, and then allows them to be searchable.

While the company may claim everything is on the up and up, Murphy said his family wrote his mother's obituary specifically for the Newfoundland funeral home and to be posted in the local newspaper, not for a company to use to sell products.

1/29/2018

'Sick and abhorrent': N.L. man says website tried to profit off late mother's obituary - Newfoundland & Labrador - CBC News

000012

"There's an awful lot of people out there who don't know this is happening to their lost loved ones, and someone seems to be making money off the venture they started here online," he said.

"It's almost like we're opening a new wound here. We're still in the mourning process after losing mom and this just makes it all that much worse that we've got to go through this again."

With files from St. John's Morning Show

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Alberta family surprised website posted obituary without their knowledge

Afterlife offers to send flowers, light digital candles, but site has nothing to do with funeral home

By Sarah Lawrynuik, [CBC News](#) Posted: Jan 02, 2018 5:00 AM MT Last Updated: Jan 02, 2018 3:10 PM MT

A family in southern Alberta is raising concerns after finding a website advertising funeral gifts they didn't ask for, using an obituary containing inaccuracies about a loved one.

Naomi Kimoto died on Dec. 18 in Taber, Alta.

Mere hours later, her family came across her obituary posted on the "Obituaries in Taber — Alberta" Facebook page. The page links to [a website called Afterlife](#), a company the family had never heard of nor asked to publish any information about Kimoto's death.

It adds pain at a difficult time, family says

Afterlife's [obituary page for Kimoto](#) presents options to leave condolences, send gifts or flowers to the family for a service fee of \$23.97, or light a digital, animated candle for the deceased at a cost of \$4.99 to \$29.99 plus GST.

The website says this in its About Us section:

"We believe that the traditional obituary should be redesigned to better reflect love at its true value and immortalize the passing of those who have left us. The collection page has been designed to simplify the sharing of memories, pay tribute to our loved ones, and communicate support to family and friends."

However, Kimoto's family certainly does not feel supported.

"We're already dealing with the grief and we feel like it's an invasion of our privacy," Michelle Zeller, Kimoto's sister, told CBC News.

"My sister didn't want people to know a lot of things. She was very private about everything. So we did post something but we just posted it ourselves. Now we don't know what the reach is going to be, I don't like the fact that it's being shared and that they're asking for flowers."

'We're already dealing with the grief and we feel like it's an invasion of our privacy.' - Michelle Zeller

In the obituary written by the family and posted on the Southland Funeral Chapel website, it said they wanted charitable donations made if people felt so inclined, not gifts or flowers.

Zeller's daughter, Shilo Zeller, reached out to Afterlife to ask that the Facebook post and obituary be removed. It has been taken down.

In a message to Zeller's daughter, a representative for Afterlife said, "You can edit by yourself the obituary. Anyone in the world can create an obituary on the website."

The representative said the obituary could not be removed from its page as someone had purchased a candle for Kimoto.

No connection to funeral home

When the family found the unwanted obituary, they contacted the owners of the Southland Funeral Chapel in Taber, who said they have nothing to do with the third-party site.

- MORE ALBERTA NEWS | [Drunk driving to be largely decriminalized in Alberta in 2018](#)
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Owner Darryl Gensorek said they have also made an attempt to have Kimoto's information removed from the Afterlife website. They've done the same for other chapel clients they've found listed.

Gensorek said the website and its practices have "sincerely agitated" him, especially because he knows what it's like to try to help families through a difficult time.

If anything has been purchased through the website, the family says they have not received it, nor has the funeral home.

Afterlife says 'nothing underhanded'

Afterlife responded to requests for an interview by email saying that more than two million visitors use the site in a given month and there are fewer than 15 calls or messages from family members seeking to have obituaries removed.

"Families who do not want this information provided to the public, can request so by email or phone, and information can be edited or deleted. Families can edit our obituaries on our website by logging in and providing their information and making the adjustments. Those requests are then approved or denied depending on the content within the edit," spokesperson Jordon Le Brun wrote.

Le Brun said the company was started in January 2017 by entrepreneur Paco Leclerc.

"There is nothing underhanded about our company. Any information that is openly shared online is public information. All we do is group all obituaries into one database that informs the public and allows people over distances to reach out to their family and friends during a difficult time by being able to send condolences and flowers easily and quickly all in one place," Le Brun said.

Province lacks funeral service laws

There are no funeral services laws in Alberta that would pertain specifically to this website, according to the Alberta Funeral Services Regulatory Board. The rules target services that are more explicitly related to funerals, rather than the sale of flowers and similar items.

It is also not a problem that has presented itself prior to this, said the president of the Alberta Funeral Service Association, Stuart Murray.

Murray has been in touch with the funeral home in Taber and is alerting the rest of the association's members about Afterlife.

A representative for Service Alberta told CBC News that if anyone has concerns of an unfair practice that may fall under the scope of the Consumer Protection Act, they should contact the Service Alberta Consumer Protection Line at 1-877-427-4088 for further investigation.

- **MORE ALBERTA NEWS | Homeless man moves in with strangers, and now he's part of the family**

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Montreal Standard

Consumer January 4, 2018 1:33 pm

Updated: January 4, 2018 2:52 pm

Alberta family says obituary posted to website Afterlife without their permission



By Sarah Offin

Reporter Global News

WATCH: It was a startling discovery for a southern Alberta family, after they found an obituary for a loved one posted online. The problem? It was written and produced by complete strangers. As Sarah Offin reports, it's becoming more common in this digital age.

A southern Alberta family is raising concerns after a loved one's obituary was posted on an obituary website without their permission.

"She passed away at 7 a.m. on Dec. 18 and by 5 p.m. on Dec. 18, there was an obituary posted," Shilo Zeller said.

Zeller said her family did not write the obituary and it was full of errors. The photo posted with the obituary appeared to have been taken from their family member's Facebook page, she said.

Related

- Why are millennials falling victim to online scams?

"I don't even know if all of my extended had known that she had passed when we first saw this one."

It's called Afterlife and with a simple search of the website's database, there's a good chance you'll find your deceased loved one's name and photo there too.

On its website, Afterlife claims to be Canada's largest network of deceased people. Users can send condolences, light digital candles and send flowers for a cost.

The Zellers asked repeatedly for their family member's obituary to be removed but were initially told that couldn't be done because someone had bought sympathies for their loved one.

"The thing that really irked us was the fact that they said that a funeral service would be announced at a later date and that flowers could be sent. And my aunty didn't want flowers and she definitely didn't want a funeral service," Zeller said.

The issue is also concerning funeral homes who work directly with family members to

make sure those kinds of wishes are communicated.

"Ultimately, we want the family to have the healing experience that they need through the process and little details like this... can be very devastating to have things wrong or somewhere where they didn't think it should be. So that's my main concern with the whole process," said David Root, General Manager of Pierson's Funeral Service.

The Zeller obituary has since been removed, but the family said the ordeal has not only interrupted their grieving process but is also causing them internal conflict.

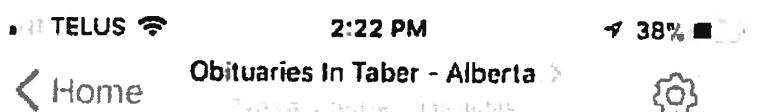
"We want to grant her her wishes of remaining private but at the same time it just doesn't seem right that this is happening to people everywhere," Zeller said.

Afterlife released the following statement:

"All of the obituaries are already on the internet. Our company places all of the obituaries in one place and re-groups them by city to inform the public. Posting obituaries on our website is free, family and friends of the deceased can also write their condolences on the obituary page in the "words of sympathy" section and upload photos if they wish, which are also free services."

"We are offering sympathy gifts for families if friends or family of the deceased wish to purchase them. No one is obligated to buy them."

"In the case at hand, concerning Shilo Zeller, a family member of the deceased, the request to remove the obituary was done through Facebook and answered by a former employee who is no longer with us. This was a unique case and the first time Afterlife had been contacted by Facebook. That employee had offered to remove the photo and information, but keep the obituary page with a name due to the fact sympathy gifts had been purchased. The sympathy gifts purchased in this case were animated digital candles, which are lit on the obituary page. This explains why the family of the deceased nor the funeral home had received any sort of sympathy gifts. What should have taken place was for the obituary to be deleted and the candles purchased to be refunded to the buyers, as we have done in the past upon request. Our apologies to the family."



You can edit by yourself the obituary. Anyone in the world can create an obituary on the web site so any member of the family, or friend or people you know the lost one can created an obit.

I understand that, but can you please take it down? Our family does not want this posted online, regardless of who created it.

Hi Shilo, it's seem some people bought some sympathy thing related to this loved one. We can't remove them at this moment. But I can remove the photo to avoid recognized them. So only name and date will be available.

Okay thank you. Our primary



The Zeller family's Facebook correspondence with Afterlife.

Shilo Zeller

"Our customer service is done by phone and e-mail. The moment a family member or POA requests for an obituary to be removed or modified, it is done immediately. If at any time flowers purchased are not delivered, a reimbursement is issued. Approximately 1,000 flower arrangements are purchased per month, and on average five of those purchases result in a refund being issued. Our flower arrangement orders are received, processed, and fulfilled by local florists."

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Marystown mother angered to learn daughter's obituary posted to Afterlife site

Colin Farrell (colin.farrell@tc.tc) (mailto:colin.farrell@tc.tc)

Published: Jan 09 at 3:58 p.m.

Updated: Jan 09 at 9:36 p.m.

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A screenshot taken by Anne Kelly of her daughter's obituary, posted to the Afterlife website photo

SEND

FLOWERS/GIFTS

LIGHT A CANDLE

000070



Listing removed after multiple emails to site administrators

MARYSTOWN, NL – The mother of a Marystown woman who passed away in 2015 was angered to learn her daughter's obituary had been posted on Afterlife, a website that takes obituaries from publications and uses them to sell add-on services such as virtual candles and flowers.

According to the description on its site, Afterlife claims to be Canada's largest database of deceased people, where site visitors can find obituaries and death notices from throughout North America, Australia and New Zealand.

Anne Kelly told the Southern Gazette a friend was checking Afterlife site to see if his girlfriend's obituary was listed when he came across a post for Kelly's daughter, Kimberly.

Kimberly Kelly was killed in a car accident on the Trans-Canada Highway near Arnold's Cove on April 21, 2015.

"He texted me when he saw Kim's name," said Kelly. "He checked his girlfriend's (name), he checked mine and some of his own family that passed, and he came across Kimberly."

Not only did the site use her daughter's obituary without Kelly's knowledge, it also listed incorrect information.

"They said that she died in Marystown ... she died in Arnold's Cove," said Kelly. "I was surprised at that because that wasn't part of the obituary. It's almost like they made up their own (information)."

Kelly said she couldn't believe it when she visited the site and saw her daughter's obituary, which has since been removed.

"In April she'll be gone almost three years, and here someone is using her name to benefit them, like her death is benefiting them, and that's just not right."

She added she was devastated when she first saw her daughter's obituary on the site.

"It just put a sword right through you, you know," she said. "You're here grieving and then you find out that someone is using her name. That's just ridiculous."

She said in her daughter's case, she doesn't understand why almost three years after her death the site would offer an option to send flowers.

"She died in 2015," said Kelly. "They want to go in three years later and send her flowers – that don't even make sense."

Kelly said she e-mailed the address listed on the site for days asking that her daughter's obituary be removed.

"I told them that I was the administrator to the estate, I have all legal rights to anything about Kimberly and that I was her mother... and I gave all the information up on that site (and said) that I wanted it removed."

She added she did not give the owner of the site permission to use information about her daughter. Kelly said after each email she would check the site to see if her daughter's obituary had been removed.

Eventually she threatened legal action.

"At the end I just said I'm going to sue you, you've got till tomorrow till the lawyer's office opens up and I'll be going to the media, because I want it removed."

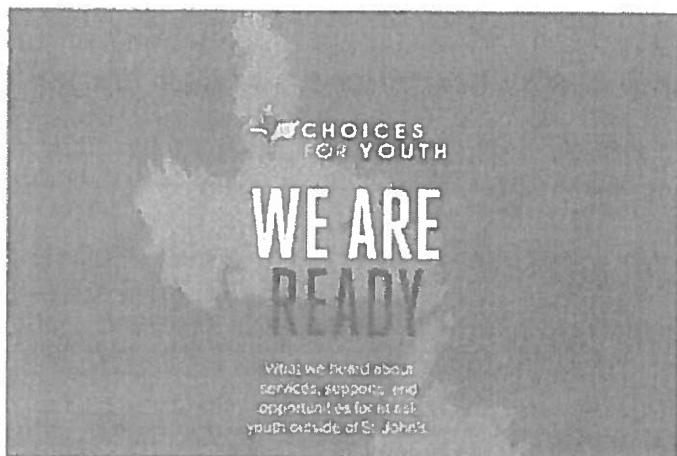
Kelly said after all the emails she sent, she did not receive any reply from the site's administrators.

A search of the Afterlife website by the Southern Gazette did find a copy of Kimberly Kelly's obituary posted to the page, but the post was later removed.

Kelly also said she also noticed others who passed away around the same time as her daughter were also listed on the site.

colin.farrell@southerngazette.ca

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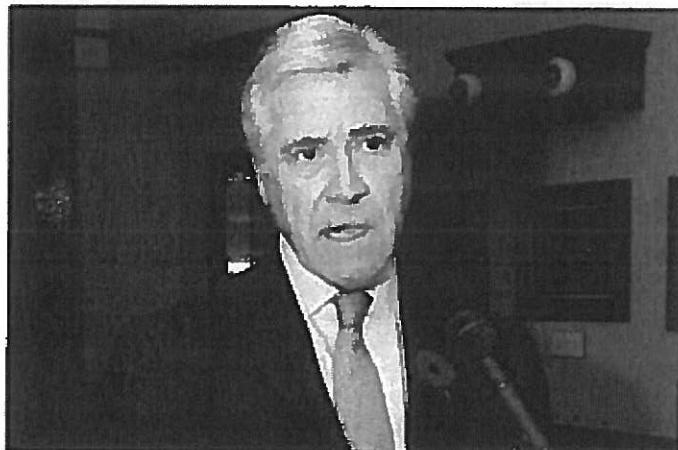
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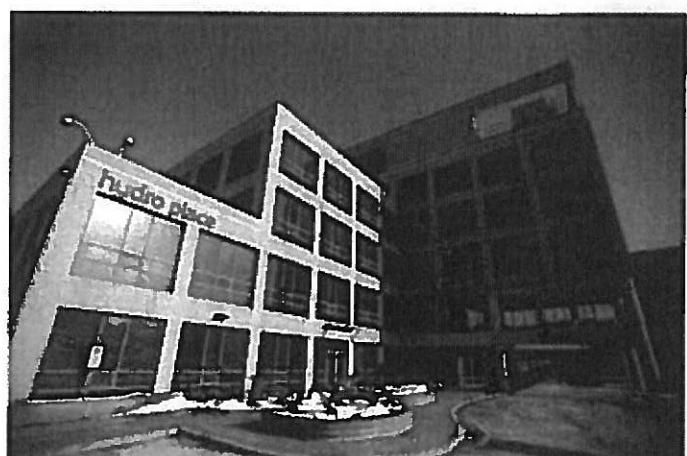
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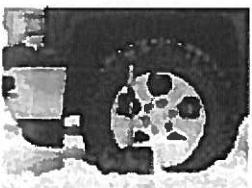
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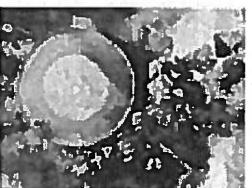
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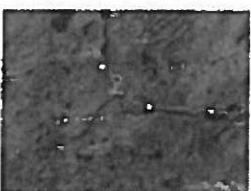
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NEWS LOCAL

Pembroke family fighting back against obituary piracy



By Celina Ip
Friday, January 12, 2018 12:23:04 EST PM



Pres and Amy Lavier hold a picture of their beloved four-year-old son, Cameron, whom they lost to cancer on Nov. 4, 2016. The family was very upset when Cam's obituary turned up recently, without the family's knowledge or consent, on a website called Afterlife.co, a site that aggregates obituaries from across the country and posts them along with offers to purchase gifts.

Pembroke's Lavier family is among hundreds of grieving families across North America who have become victims of what is called obituary piracy.

The Lavier family was upset and confused when the obituary of their loved one ended up on a website called Afterlife.co without the family's knowledge or consent.

Afterlife.co has been taking obituaries from other sources across the web (like funeral homes and newspapers) and then offering an option to purchase digital gifts like digital candles or real-life flowers for those mourning a loss.

Recent controversy about the website erupted in Alberta, after CBC News told the story of Naomi Kimoto's family discovering her obituary on Afterlife. They contacted the company and asked for the obituary to be removed, which it eventually was.

Just this week, the controversy has made its way to Pembroke as local resident Amy Lavier heard discussions about the controversial website which prompted her to see if her son's obituary was being used by the website.

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It was on Nov. 4, 2016, that childhood cancer took the life of her four-year-old son Cameron Lavier.

Following her son's passing, Lavier had given permission to Murphy's Funeral Home and the Pembroke Daily Observer to post her son's obituary online, but she hadn't given her approval to any other websites – such as Afterlife.

On Jan. 10, after a quick search, Lavier experienced the same agony that was experienced by Naomi Kimoto's family as she found her son's photo and his obituary staring back at her from the Afterlife website.

Lavier felt overwhelmed and disgusted that her family's privacy and the memory of her son had been violated by this website.

"I just clicked the link and I put in my son's name to see if he was on it and all of a sudden his gorgeous face showed up on this computer screen and I just about threw up. I was just absolutely gutted that somebody would do that to my child," said Lavier. "Finding his obituary stolen and put on somebody else's website that is not affiliated with the funeral home is absolutely heartbreaking and it really makes me feel like I've failed him again. It's mind boggling that somebody would be that heartless, to create something like this and think it's actually helping people – it doesn't make sense to me."

Furthermore, upon reading the obituary, Lavier found multiple inaccuracies regarding the date and location of her son's death.

"Dates were wrong, locations were wrong and words were changed or omitted," said Lavier. "So the fact that they're taking these obituaries and then changing them – that doesn't sound like somebody who is trying to help."

Scrolling to the bottom of the page, Lavier found that the website was asking people to "purchase flowers or digital candles" and Lavier felt sickened by the idea that the website was trying to reap funds from her family's grief and loss. Afterlife's obituary page for Cameron had presented options to leave condolences, send gifts or flowers to the family for a service fee of \$23.97, or light a digital, animated candle at a cost of \$4.99 to \$29.99 plus GST.

"We didn't ask for flowers or candles, we asked for donations to the Roger Neilson House where Cameron passed away. The fact is that this website is asking people to purchase things and who knows if any of it is actually going to the family – that doesn't sound right," said Lavier. Immediately after combing the website, and discovering that the obituary of her husband's grandfather was also posted, Lavier took action to have the obituaries removed and to let others know about obituary piracy.

"I didn't even know this was a thing for people to steal obituaries and post them online like this – it even has a name," said Lavier. "But as soon as I saw Cam's face, I went into crazy mama-bear mode and I was thinking 'I am shutting this down and I'm going to make sure that this is taken off'. As they don't even have a phone number or email listed, I contacted them through their online form and they didn't respond to me but they removed Cameron's obituary soon afterwards."

Upon hearing that the Lavier family – among hundreds of other grieving families across North America – have been affected by the controversial website, Murphy's Funeral Home owner and director John Hoff got in touch with Afterlife and told them that he'd be taking legal action if they didn't remove all of his funeral home's obituaries from their website immediately.

"I have sent an email to Afterlife with the threat of legal action if they don't take all of ours off that website. I got an email back from them that said their programmers are working on it right away," said Hoff. "Websites are good and postings are good, but when you don't ask permission and when you're using it for financial gain – without permission of anybody – it's just wrong. They're making a profit out of peoples' grief."

According to Lavier, she's aware of more than 100 families across North America who have been affected by the website and they're hoping that by raising awareness about the website's questionable activity, that they'll be able to have the website shut down for good.

"My family is in a Bereaved Parents of Childhood Cancer Facebook support group and I've already learned that there are at least 50 or 60 members of the group who've also been victims of this website. These people have been finding their kids, parents, grandparents and friends on this site with some having only lost their loved one a few days ago," said Lavier. "Too many other people are getting hurt by this website and it just brings back all of the grief and pain that we went through. We lost Cameron 13 months ago, but other people have lost their kids in the last few months or days. I'm hopefully that with all of the people affected by this and talking about this, that eventually this person will realize that what they're doing isn't right and will shut down the website themselves."

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NEWS ONTARIO**Family fighting back against obituary piracy after finding son's obituary on Afterlife.co**

Celina Ip / Postmedia

Saturday, January 13, 2018 11:59:08 EST AM



Pres and Amy Lavier hold a picture of their late son Cameron, 4, whom they lost to cancer on Nov. 4, 2016. The family was upset when his obituary turned up recently, without the family's consent, on a website called Afterlife.co. Celina Ip / Postmedia

Pres and Amy Lavier were upset when they found their son's obituary on Afterlife.co.

The website copies obituaries from other sources such as funeral homes' websites and offers the option to purchase gifts like digital candles or real-life flowers.

CBC News reported the story from Alberta after Naomi Kimoto's family discovered her obituary on Afterlife and asked that it be removed. Afterlife was started in January 2017 by Montreal entrepreneur Paco Leclerc, it reported.

The story made its way to Pembroke this week after Amy Lavier heard about it and was prompted to see if her son's obituary appeared.

Cameron Lavier, 4, died from childhood cancer on Nov. 4, 2016.

"I just clicked the link and I put in my son's name to see if he was on it, and all of a sudden his gorgeous face showed up on this computer screen and I just about threw up," Lavier recalls. "I was just absolutely gutted that somebody would do that to my child."

"Finding his obituary stolen and put on somebody else's website that is not affiliated with the funeral home is absolutely heartbreaking and it really makes me feel like I've failed him again. It's mind-boggling that somebody would be that heartless, to create something like this and then it's actually helping people — it doesn't make sense to me."

Lavier also found multiple inaccuracies in the obituary.

"Dates were wrong, locations were wrong and words were changed or omitted," she says. "So the fact that they're taking these obituaries and then changing them – that doesn't sound like somebody who is trying to help."

Lavier was upset to discover the website asks people to "purchase flowers or digital candles." Afterlife's obituary page for Cameron presenter options to leave condolences, send gifts or flowers to the family for a service fee of \$23.97, or light a digital candle for \$4.99 to \$29.99 plus ta

"We didn't ask for flowers or candles. We asked for donations to the Roger Neilson House where Cameron passed away," she says. "The fact is that this website is asking people to purchase things and who knows if any of it is actually going to the family."

Lavier also discovered the obituary for her husband's grandfather on the website and took action to have both obituaries removed.

"As soon as I saw Cam's face, I went into crazy mama-bear mode and I was thinking 'I am shutting this down and I'm going to make sure that this is taken off.'

"As they don't even have a phone number or email listed, I contacted them through their online form. They didn't respond to me but they removed Cameron's obituary soon afterwards."

John Hoff, owner and director of Murphy's Funeral Home in Pembroke, followed up threatening legal action if Afterlife didn't remove all of his funeral home's obituaries from its website.

"I got an email back from them that said their programmers are working on it right away," Hoff says. "Websites are good and postings are good but when you don't ask permission and when you're using it for financial gain – without permission from anybody – it's just wrong."

"They're making a profit from people's grief."

Lavier says she's aware of more than 100 North American families affected by the website and hopes by raising awareness Afterlife will shut down.

"My family is in a bereaved parents of childhood cancer Facebook support group and I've already learned that there are at least 50 or 60 members of the group who've also been victims of this website," she says. "These people have been finding their kids, parents, grandparents and friends on this site with some having only lost their loved one a few days ago."

"Too many other people are getting hurt by this website and it just brings back all of the grief and pain that we went through. We lost Cameron 13 months ago, but other people have lost their kids in the last few months or days."

"I'm hopeful that with all of the people affected by this and talking about this, that eventually this person will realize that what they're doing is right and will shut down the website themselves."

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Woman wants others to be aware of obituaries on Afterlife.co

Frank Gale (fgale@thewesternstar.com) (mailto:fgale@thewesternstar.com)

Published: Jan 08 at 11 p.m.

Updated: Jan 09 at 9:31 a.m.

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Fighting back tears, it's the anger in June Taylor's voice that keeps her speaking as she talks about Afterlife.co — a website that takes obituaries from publications and uses them to sell add-on services.

She was distraught when she heard about the obituary of her daughter, Tanya Taylor, who died in August of last year, being posted on the website, which offers the purchase of flowers or virtual candles in the person's memory.

Related stories:

[Obituary website Afterlife violates copyright laws, St. John's lawyer says](#) (<http://www.thetelegram.com/news/local/obituary-website-afterlife-violates-copyright-laws-st-johns-lawyer-says-175256/>)

"It just blew me away. I just froze when I saw it, knowing a businessperson somewhere was taking advantage of my deceased daughter to make money," Taylor said.

She had a neighbour contact the website, and her daughter's obituary has been taken down, she said.

Taylor said she lost both her children to cancer — Bruce at age 15 and Tanya at 43.

1/11/2018

Woman wants others to be aware of obituaries on Afterlife.co | Local | News | The Telegram

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"That's devastating enough. I don't need a stranger using my daughter's name to make money. It's horrible, just horrible," she said.

Taylor said she is aware of three people in her community on that website and many others throughout the province.

"They're breaking the law and should be stopped," she said of Afterlife.co.

Taylor was made aware that a lawyer in St. John's, Erin Best, who specializes in intellectual property, is working on it and it was suggested she could contact her.

As reported by The Telegram, Best says the rights to an obituary belong to the author, and websites that copy obituaries without permission are infringing on copyright.

"There's no question — they can't cut and paste them word for word, Best says. "It's the same as if you wrote a short story, essentially."

Best says the factual information in an obituary can be copied because facts are not protected by copyright. However, to copy an obituary verbatim — as in the case of the Afterlife website — is copyright infringement.

The only legal way to copy a work that is protected by copyright is if it passes the fair dealing test. One way in which copying an obituary would fail the fair dealing test is if there is a commercial aspect.

Best said if somebody cuts and pastes that into another website for the purposes of selling something, that would be a breach of copyright.

Taylor said if she wanted to order flowers or candles, she would do it on her own, not though an online service.

As for hiring a lawyer, it's not affordable to her, especially after spending thousands of dollars on her daughter's funeral.

"Really, I almost took a heart attack when I learned of my daughter's obituary on the website. This set me right clean off," Taylor said.

She hopes that by speaking out, other people will check to see if their loved ones are on the website and, if so, contact them to have it taken down like her friend did for her.

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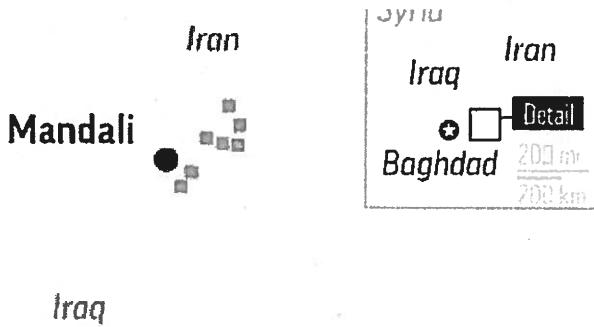


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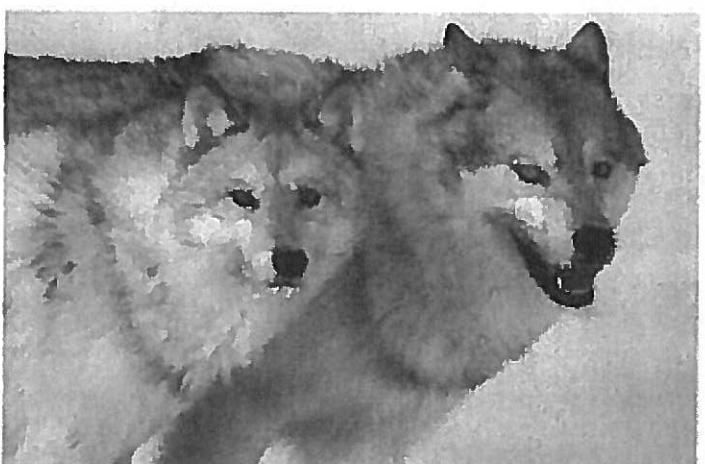
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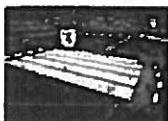
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Posting obits without permission could be copyright infringement, says lawyer

'A cut and paste of that text, that would be an instance of copyright infringement'

By Glenn Payette, [CBC News](#) Posted: Jan 10, 2018 2:16 PM NT Last Updated: Jan 10, 2018 2:16 PM NT

A St. John's lawyer says a company that plucks obituaries and posts them on its website may be crossing a legal line.

"Basically, a cut and paste of that text, that would be an instance of copyright infringement," says Erin Best, who specializes in intellectual property and copyright law.

Afterlife has a website that, in addition to listing obituaries, has options to buy gifts and flowers or to light a digital, animated candle in a person's memory.

- ['Sick and abhorrent': N.L. man says website tried to profit off late mother's obituary](#)
- [Alberta family surprised website posted obituary without their knowledge](#)

Several people have blasted the site, including George Murphy from St. John's who described it as "sick and abhorrent."

Best said Afterlife wouldn't be doing anything wrong if it just used the facts from an obituary, but that's not the case.

"When people are writing obituaries ... They aren't necessarily thinking they are creating a literary work, but in actuality they are. It is almost like a short story," she said.

"But the way they are arranged, and the writing that connects the facts that's all subject to protection under the Copyright Act as a literary work".

'My phone is ringing off the hook'

Best said she has only had a quick look at the website, so she isn't sure just how much cutting and pasting is happening, but people are fuming.

"My assistant tells me my phone is ringing off the hook," said Best, who is not in her office this week, but is still getting emails from people upset about the site.

"Particularly because [the obituary] is being used for a commercial purpose, which is to sell these flowers, candles or whatever it is — without their permission."

The use of the accompanying photo is a red flag, too, said Best.

"I would say, in almost all cases, the photo would not be owned by Afterlife," she said.

"The use of that photo, the copying and pasting of that photo, without permission from the copyright owner of the photo would again be another copyright infringement."

Court fight

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Best said if someone feels Afterlife has done them wrong, they can take the company to court, and damages under the Copyright Act range from \$500 to \$20,000 per work infringed.

"Which means if they infringed both the text and the photo, I think that would be considered two works by the court," she said.

If someone asked Afterlife to take an obituary down, and the company did, the settlement would be less than if the company refused to take the obituary down, explained Best.

Best warned someone fighting the company could end up on the losing side and have to pay Afterlife's legal costs, and that court battles can take a long time.

"I think [people] would probably be surprised to hear that it would take, at least, over a year," said Best.

Afterlife has previously told CBC that anyone is free to ask that information be edited or deleted on the site, and that it gets only a few requests to remove obituaries.

With files from St. John's Morning Show

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Obituary website Afterlife violates copyright laws

The Western Star · 8 Jan 2018 · BY JUANITA MERCER juanita.mercer@tc.tc

Obituary website Afterlife.co came under fire last week for copying obituaries posted on funeral home and newspaper websites across the country onto their site. People were upset to find their loved ones' obituaries posted on the site, and it turns out, they can sue.



St. John's lawyer Erin Best deals in intellectual property. She says the rights to an obituary belong to the author, and websites that copy obituaries without permission are engaging in copyright infringement.

"There's no question — they can't cut and paste them word for word. It's the same as if you wrote a short story, essentially."

She says the factual information in an obituary can be copied because facts are not copyright protected. However, to copy an obituary verbatim — as in the case of the Afterlife website — is copyright infringement.

The only legal way to copy a work that is protected by copyright is if it passes the fair dealing test. One way in which copying an obituary would fail the fair dealing test is if there is a commercial aspect.

"If somebody cuts and pastes that into another website for the purposes of selling something, that would be a breach of copyright," said Best.

Afterlife sells virtual candles and flower delivery services through links next to each obituary on its website.

Afterlife is described on its website as "Canada's largest database of deceased people." The Quebec-based company is owned by entrepreneur Paco Leclerc. He has not responded to a request for an interview.

The company's affiliate program director, Jordon Le Brun, in a response to an e-mail sent by The Telegram wrote that he is a customer service representative but forwarded the interview request to the CEO.

St. John's resident George Murphy found his mother's obituary on Afterlife's website, along with the option to send flowers or buy a virtual candle. His mother died in August last year.

"It's sickening," he said. "To find out that you can buy services there — that was really heartbreakin, because they actually used her to help promote services that probably were no longer necessary ... and were taking advantage of her, and taking advantage of us."

Service NL spokeswoman Gina MacArthur says they are looking into the situation from a consumer protection or fraud standpoint. She also noted that the Department of Justice and Public Safety is following the story from a privacy perspective.

Multiple funeral homes in St. John's say they have received complaints about Afterlife copying obituaries that are posted on their websites.

In Murphy's case, he called Afterlife threatening legal action if they did not remove his mother's obituary. It was removed shortly afterward, but he worries it will end up on the website again.

"A friend of mine also had the same thing happen to them," he said. "The obituary was taken down and summarily put back up a few weeks later. So, I've still got my guard up on this one and I'm going to check back and see."

Best says people are often unaware of their rights in this kind of situation.

"People involved are often at a time in their life when this is not a priority," she said, referring to the fact that people are too busy grieving the loss of a loved one. "Also, people who write (obituaries) don't realize they're writing a literary work. They're typically not writers – they're just ordinary people who are writing an obituary."

Best adds that on top of copyright action, people who find an obituary they wrote copied on the website could also claim an infringement on their moral rights.

"Because I would expect that this would be something that someone would find to be morally offensive," she said, adding there could also be potential for a class-action lawsuit.

Murphy says he feels as if his mother's memory was violated.

"As soon as I learned about this site, and learned that they were actually selling a service on her back and on her memory it was absolutely sickening to me. I just had to put a stop to it."

Murphy suggests people should do a search for their deceased relatives or friends on the site, and ask the company to remove the obituary if they do not want it on there. In order to claim copyright infringement, the author of an obituary would need a screen shot of the copied work on the website.

Other than its website, Afterlife also has Facebook pages for major cities across Canada. Each Facebook post also contains links to send flowers or purchase a virtual candle.

Ironically, Afterlife includes a section about copyright in the terms of service on its website. It states the content of the website, including text and photos (many of which are obituaries), is owned by or is under the control of afterlife.co and that all reproduction is illegal.

Ontario family upset over use of son's obituary

CTVNews.ca Staff

Published Friday, January 12, 2018 8:54AM EST

An Ottawa-area family is outraged after finding that a website that gathers obituaries off the internet reposted their four-year-old son's obituary without their consent.

Amy Lavier was on Facebook earlier this week when she saw a friend's post about a website called Afterlife.co.

The site posts obituaries and advertises funeral gifts such as flowers and virtual candles

PHOTOS



Amy Lavier speaks to CTV Ottawa.



Cameron Lavier died of cancer in November, 2016.

Lavier decided to check if the obituary for her son, Cameron, who died of cancer in November, 2016 was listed and she was shocked by what she found.

"All of a sudden, his beautiful blond hair and blue eyes were right there, on this Afterlife.co," she said. "I felt gutted, felt like my son was dying again."

Lavier says many families don't know that obituaries are being reposted and feel that it's a violation of privacy.

Murphy Funeral Home in Pembroke, Ont. took care of Cameron's funeral. Like many funeral homes, they post tributes and condolence books on their website. The funeral home's owner, John Huff, says they too had no idea about sites like Afterlife.

"I've emailed them and asked them to take everything that had to do with Murphy Funeral Home off their website," he said.

The Bereavement Authority of Ontario, which regulates anything having to do with death care in the province, says that over the past couple of weeks, they've heard from several funeral homes and members of the public who are upset about obituaries being posted on third-party websites.

The organization says in Ontario, those websites could be breaching the Consumer Protection Act if they imply co-operation with funeral homes.

Afterlife did not agree to an interview, but in a written response to CTV Ottawa, spokesperson Paco Leclerc said millions of people are pleased with their service and "nothing is underhanded."

They also told CTV News that they never had any intentions of angering and saddening families or funeral homes because they want to help families and work with funeral homes.

The company also said: "We are a free service helping connect society to the funeral industry and helping people positively reconnect during the loss of a loved one."

The company did not answer questions about what happens to the money donated in memoriam to its site. But said there is no obligation for anyone to purchase anything from their website and flower purchases are fulfilled by local florists.

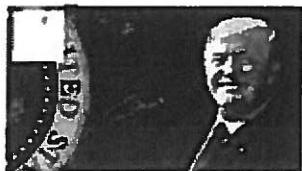
Lavier contacted the site and asked them to remove her son's obituary. They have since done so, and say they remove obituaries upon request.

Lavier says she hopes she can help other bereaved parents like her.

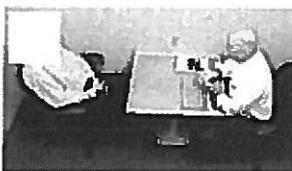
"I don't want to see anybody else's child remembered in this way, or taken advantage of," she said.

With a report from CTV Ottawa's Claudia Cautillo

TOP VIDEO



Cognitive assessment taken by Trump invented by immigrant



'Feel like a monster': Videotaped interrogation played



Imprisonment of 13 siblings in California shocks community

DON'T MISS



Scott Moir and Tessa Virtue chosen as Canada's flag-bearers

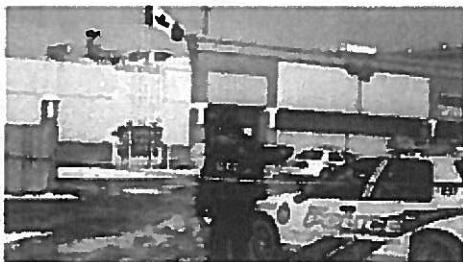


Caught on cam: Rare interaction of fox and snowy owl in Ont.



UBC fosters relations with North Korea in academic exchange

MORE NEWS FROM CANADA



Abandoned baby story fabricated by scared, young mother: police source

Charged with trying to lure boy, 82-year-old Ont. man killed in Fla. jail

Halifax man jailed after forcing woman into prostitution, denying her food

NEW Montreal man takes dogs sledding on winter walks: 'Best when it's coldest'

'Feel like a monster': Ex-Young Canadians worker on trial for child sex abuse charges

NEW Students walk out after prof allegedly mocks classmate with anxiety

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junior hockey player drake-
player Draka canada-junior-
batherson-has-

EDITORIAL (/opinion/editorials/ed
War wounds war-wounds-173481/)

Deillah Saunders in hospital again 1*

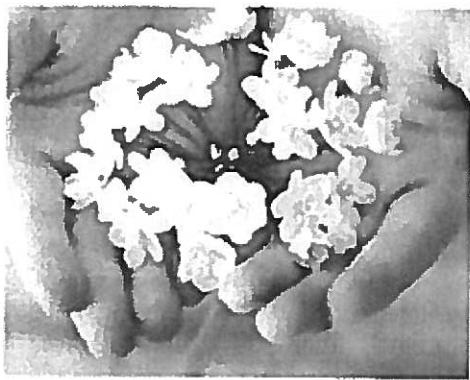
Obituary website Afterlife violates copyright laws, St. John's lawyer says

The Gulf News
Published: Jan 07 at 8:51 p.m.
Updated: Jan 08 at 3:33 p.m.

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Obituaries In St John - Newfoundland

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wfoundland

Where Loved Ones are Eternal in St John

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A website that takes obituaries from publications and uses them to sell add-on services has raised the ire of some, and could be flouting copyright laws. — Screen grab

Obituary website Afterlife.co came under fire last week for copying obituaries posted on funeral home and newspaper websites across the country onto their site. People were upset to find their loved ones' obituaries posted on the site, and it turns out, they can sue.

St. John's lawyer Erin Best deals in intellectual property. She says the rights to an obituary belong to the author, and websites that copy obituaries without permission are engaging in copyright infringement.

"There's no question — they can't cut and paste them word for word. It's the same as if you wrote a short story, essentially."

Erin Best

She says the factual information in an obituary can be copied because facts are not copyright protected. However, to copy an obituary verbatim — as in the case of the Afterlife website — is copyright infringement.

The only legal way to copy a work that is protected by copyright is if it passes the fair dealing test. One way in which copying an obituary would fail the fair dealing test is if there is a commercial aspect.

"If somebody cuts and pastes that into another website for the purposes of selling something, that would be a breach of copyright," said Best.

Afterlife sells virtual candles and flower delivery services through links next to each obituary on its website.

Afterlife is described on its website as "Canada's largest database of deceased people." The Quebec-based company is owned by entrepreneur Paco Leclerc. He has not responded to a request for an interview.

The company's affiliate program director, Jordon Le Brun, in a response to an e-mail sent by The Telegram wrote that he is a customer service representative but forwarded the interview request to the CEO.



Afterlife CEO Paco Leclerc. (LinkedIn)

St. John's resident George Murphy found his mother's obituary on Afterlife's website, along with the option to send flowers or buy a virtual candle. His mother died in August last year.

"It's sickening," he said. "To find out that you can buy services there — that was really heartbreaking, because they actually used her to help promote services that probably were no longer necessary ... and were taking advantage of her, and taking advantage of us."

Service NL spokeswoman Gina MacArthur says they are looking into the situation from a consumer protection or fraud standpoint. She also noted that the Department of Justice and Public Safety is following the story from a privacy perspective.

Multiple funeral homes in St. John's say they have received complaints about Afterlife copying obituaries that are posted on their websites.

In Murphy's case, he called Afterlife threatening legal action if they did not remove his mother's obituary. It was removed shortly afterward, but he worries it will end up on the website again.

"A friend of mine also had the same thing happen to them," he said. "The obituary was taken down and summarily put back up a few weeks later. So, I've still got my guard up on this one and I'm going to check back and see."

Best says people are often unaware of their rights in this kind of situation.

"People involved are often at a time in their life when this is not a priority," she said, referring to the fact that people are too busy grieving the loss of a loved one. "Also, people who write (obituaries) don't realize they're writing a literary work. They're typically not writers — they're just ordinary people who are writing an obituary."

Best adds that on top of copyright action, people who find an obituary they wrote copied on the website might also claim an infringement on their moral rights.

"Because I would expect that this would be something that someone would find to be morally offensive," she said, adding there could also be potential for a class-action lawsuit.

Murphy says he feels as if his mother's memory was violated.

"As soon as I learned about this site, and learned that they were actually selling a service on her back and on her memory it was absolutely sickening to me. I just had to put a stop to it."

Murphy suggests people should do a search for their deceased relatives or friends on the site, and ask the company to remove the obituary if they do not want it on there.

Other than its website, Afterlife also has Facebook pages for major cities across Canada. The St. John's page, titled, "Obituaries In St John [sic] — Newfoundland" posts local obituaries, encouraging users to "share to friends and family in memory of" the person. Each Facebook post also contains links to send flowers or purchase a virtual candle.

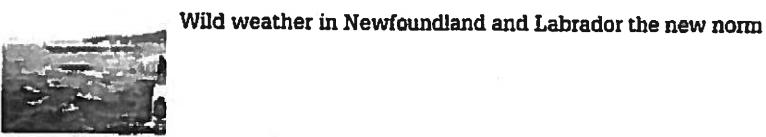
telegram@thetelegram.com



Murphy

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Wild weather in Newfoundland and Labrador the new norm

[\(/news/local/wild-weather-in-newfoundland-and-labrador-the-new-norm-176235/\)](/news/local/wild-weather-in-newfoundland-and-labrador-the-new-norm-176235/)

N.L. athletes inducted into Canadian Wheelchair Sports Association Hall of Fame



</sports/other-sports/nl-athletes-inducted-into-canadian-wheelchair-sports-association-hall-of-fame-176110/>

Rash of scam CRA calls to Port aux Basques cellphones



</news/local/rash-of-scam-cra-calls-to-port-aux-basques-cellphones-176096/>

Funding available for salad bar programs in N.L. schools



</news/local/funding-available-for-salad-bar-programs-in-nl-schools-176086/>

Port aux Basques council denies business application; enjoys increased radio attention in region



</news/local/port-aux-basques-council-denies-business-application-enjoys-increased-radio-attention-in-region-176055/>

Blustery weather forces closures in western Newfoundland



</news/regional/blustery-weather-forces-closures-in-western-newfoundland-176031/>

Labrador Straits family unhappy with how mother was discharged from St. Anthony hospital



</news/regional/labrador-straits-family-unhappy-with-how-mother-was-discharged-from-st-anthony-hospital-176003/>



Nav Canada to upgrade Stephenville airport's instrument landing system

</news/regional/nav-canada-to-upgrade-stephenville-airports-instrument-landing-system-175973/>



N.L. premier disappointed with Trump administration decision

</business/None/nl-premier-disappointed-with-trump-administration-decision-175945/>



'Come From Away' sells out in Winnipeg

</living/None/come-from-away-sells-out-in-winnipeg-175921/>



Newfoundland and Labrador owed more than \$9 billion for use of its airspace, retired engineer says

</news/local/newfoundland-and-labrador-owed-more-than-9-billion-for-use-of-its-airspace-retired-engineer-says-175913/>



Andrew Parsons staring down daunting democratic reform committee

</news/None/andrew-parsons-staring-down-daunting-democratic-reform-committee-175909/>

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[OBITUARIES](#)[FUNERAL HOMES](#)**afterlife**[NEWSPAPERS](#)[BLOGS](#)[SEND FLOWERS](#)[FAMILY TREE](#)

Denis Trainor

[**P** SEND FLOWERS/GIFTS](#)[**O** LIGHT A CANDLE](#)[Obituary](#)[Guestbook](#)[Photos](#)

In loving memory of Denis Trainor

Date Deceased : **January 22nd 2017**Place of Death : **Fermeuse,
Newfoundland**

Passed peacefully away in the presence of his loving family at the Health Sciences Centre on Thursday, January 19, 2017. Brian was 76 years of age. Predeceased by special grandparents Denis and Lucy Trainor; his mother Carmella Kelly and sister Catherine-Anne Baird.

Leaving to mourn his devoted wife of 52 years Elizabeth Trainor (O'Shaughnessy); his loving brother Bill (Paula) Kelly; his children Joanie (Kevin), Colleen (Scott), Denise (Tony), Dawn (Terry), Traci (Dave), Blain (Tasha), Jerry (Christina) and Megan (Jamie). As well, his 14 treasured grandchildren; very

000096

special Aunt Elizabeth Walsh and family; sisters-in-law Belle Kenny, Margaret (Monnie) Walsh, Joan O'Shaughnessy, Judith O'Shaughnessy, and brother-in-law Bill O'Shaughnessy (Theresa); as well as a large circle of family and friends. Special thanks to the E.R. and I.C.U. staff at the Health Sciences Centre for their compassion and dignity in helping us ease him over to the other side.

This was a man who was gentle, dignified and humble and to whom family meant everything. Weren't we so lucky to belong to him? Visitation (weather dependant) will take place at Fahey's Funeral Home, Fermeuse, NL on Sunday, January 22, 2017 from 5-9 pm; Monday, January 23, 2017 from 10 am to 9 p.m.

The funeral Mass (weather dependant) will take place at St. Charles Borromeo Church, Fermeuse, NL on Tuesday, January 24, 2017 at 11 am. Interment to follow at Holy Apostle Catholic Cemetery, Fermuse, NL.

P SEND FLOWER

O LIGHT A CANDLE

Report this memorial

Birth, Marriage & Death Collection

Guestbook

Q Attach photo O Light a candle to accompany my message of sympathy.

Photos



[ADD A PHOTO](#)

Light a Candle

A candle is a source of great comfort and healing for you and for those who will view the obituary.

[LIGHT CANDLE](#)

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Send flowers directly to the funeral service of your deceased loved one with condolences.

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(DP)

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Popularity ▾



Thoughts and Prayers

Arrangement

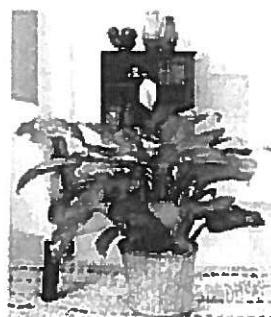
From \$94.99 CAD

[CONTINUE](#)

Eternal Blessings

Bouquet

From \$74.99 CAD

[CONTINUE](#)

Classic Peace Lily Plant

From \$59.99 CAD

[CONTINUE](#)

Sweet Solace Bouquet

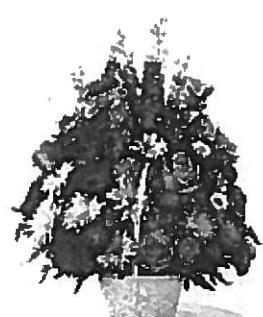
From \$109.99 CAD

[CONTINUE](#)

Heartfelt Condolences

Arrangement

From \$89.99 CAD

[SELECT](#)

Pastel Peace Basket

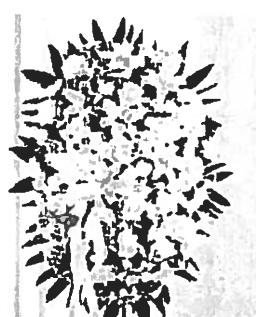
From \$69.99 CAD

[SELECT](#)

Peace & Serenity

Dishgarden

From \$79.99 CAD

[SELECT](#)

Exquisite Tribute

Standing Spray

From \$169.99 CAD

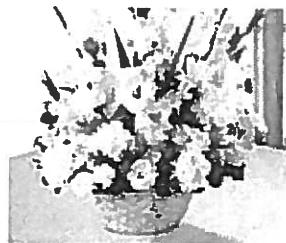
[SELECT](#)

Order by phone : 1-800-350-8936



Peace and
Remembrance
Arrangement

CONTINUE



Eternal Affection
Arrangement

From \$64.99 CAD

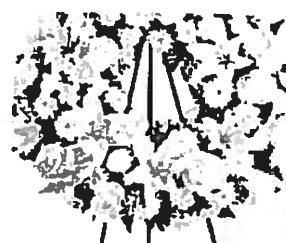
CONTINUE



Sincerest Compassion
Arrangement

From \$94.99 CAD

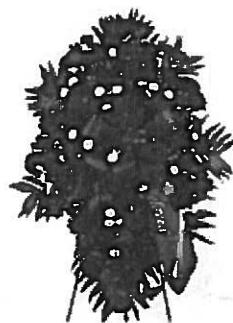
CONTINUE



Treasured Tribute
Wreath

From \$189.99 CAD

CONTINUE



Treasured Memories
Standing Spray

From \$189.99 CAD

SELECT



Eternal Friendship
Bouquet

From \$69.99 CAD

SELECT



Cherished Farewell
Arrangement

From \$139.99 CAD

SELECT



Loving Light
Dishgarden

From \$79.99 CAD

SELECT

Order by phone : 1-800-350-8936



In Our Thoughts

Sympathy

Arrangement

CONTINUE



Cherished Friend

Bouquet

From \$69.99 CAD

CONTINUE



Precious Heart

Bouquet

From \$64.99 CAD

CONTINUE

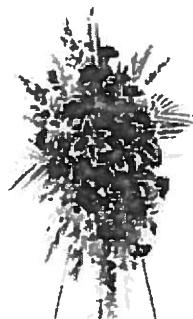


Blessings of Love

Arrangement

From \$94.99 CAD

CONTINUE

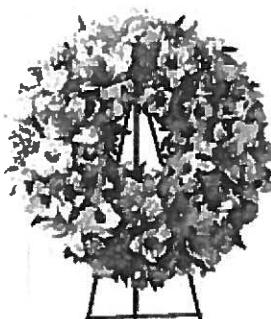


Tender Touch

Standing Spray

From \$189.99 CAD

SELECT



Sleep in Peace Wreath

From \$189.99 CAD

SELECT



Gentle Blossoms

Basket

From \$129.99 CAD

SELECT



Deepest Sympathy

Arrangement

From \$109.99 CAD

SELECT

Order by phone : 1-800-350-8936



Unity Bouquet
From \$69.99 CAD

CONTINUE



Peaceful Passage
Arrangement
From \$109.99 CAD

CONTINUE



Deepest Condolences
Bouquet
From \$77.99 CAD

CONTINUE



Thoughtful Gesture
From \$59.99 CAD

CONTINUE



Heartfelt Sympathies
Basket
From \$89.99 CAD

SELECT

Local Florist delivery in partnership with

Blooms Today, preferred floral partner of Afterlife.co, is an industry leader in providing delivery services on a wide variety of flowers and gifts. Blooms Today is not just a floral business, but a provider of sentimental expression. Behind every order there is emotion attached and we recognize the importance of a quality product delivered on time. At Blooms Today we pride ourselves in the ability to provide expedited service to customers.



ABOUT US

Afterlife is Canada's largest database of deceased people. You can find more than 7 million obituaries and death notices of people throughout North America, Australia, and New Zealand. You can also find a complete list of funeral homes. In addition, our site allows users to add or edit existing information of the deceased, along with uploading photos. Our "light a candle" and "send flowers" options give users the ability to send their condolences in more ways than one. Afterlife, where loved ones are eternal.

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Commissioner of Oaths

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Barrister, NL



OBITUARIES

FUNERAL HOMES



BLOGS

SEND FLOWERS



NEWSPAPERS

FAMILY TREE

Candle Burn-Time



Select how long your candle will burn on
Elsie Best's obituary page.

Eternity - \$29.99 CAD*

SELECT

1 year - \$19.99 CAD*

SELECT

1 month - \$9.99 CAD*

SELECT

1 week - \$4.99 CAD*

SELECT

Payment Method

Credit Card Number

CW Code

CW Code



Expiration date

Month

Year

LIGHT A CANDLE

*All fees are subject to applicable taxes.

BACK

ABOUT US

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Afterlife is Canada's largest database of deceased people. You can find more than 7 million obituaries and death notices of people throughout North America, Australia, and New Zealand. You can also find a complete list of funeral homes. In addition, our site allows users to add or edit existing information of the deceased, along with uploading photos. Our "light a candle" and "send flowers" options give users the ability to send their condolences in more ways than one. Afterlife, where loved ones are eternal.



1/11/2018

Light a candle for Elsie Best -2015 - St Johns, Newfoundland - Afterlife

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Denis Trainor

[SEND FLOWERS/GIFTS](#)[LIGHT A CANDLE](#)[Obituary](#)[Guestbook](#)[Photos](#)

In loving memory of Denis Trainor

Date Deceased : January 22nd 2017

Place of Death : Fermeuse,
Newfoundland



It is with great sadness that we announce the death of **Denis Trainor**, passed away on January 22 2017 in Fermeuse, Newfoundland, leaving to mourn family and friends. All are

welcome to attend and celebrate **Denis Trainor's** life. Family and Friends cand send flowers and condolences in memory of the loved one.

Leave a sympathy message to the family on the memorial page of Denis Trainor to pay them a last tribute.

[SEND FLOWER](#)[LIGHT A CANDLE](#)

Report this memorial

Birth, Marriage & Death Collection

Guestbook

[SEND SYMPATHY](#)

Attach photo

Light a candle to accompany my message of sympathy.

Photos

[ADD A PHOTO](#)

Light a Candle

A candle is a source of great comfort and healing for you and for those who will view the obituary.

[LIGHT CANDLE](#)

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OBITUARIES

FUNERAL HOMES

afterlife

BLOGS

SEND FLOWERS



NEWSPAPERS

Obituaries in Canada

FAMILY TREE

First name

Last name



Obituaries in Canada: 246,197 results

009116

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OBITUARIES

FUNERAL HOMES



BLOGS

SEND FLOWERS



NEWSPAPERS

FAMILY TREE



Michael John Grant



SEND FLOWERS/GIFTS



LIGHT A CANDLE

[Obituary](#)[Guestbook](#)[Photos 1](#)

In loving memory of Michael John Grant

Date Deceased : January 16th 2018

Place of Death : Charlottetown, Prince
Edward Island



The death occurred on January 16, 2018, of **Michael John Grant**, Charlottetown, son of the late Dr. Byron and Alice **Grant**, a few days short of his sixty-sixth birthday. Mike was the

beloved brother of Eileen Flanagan (Reg), Peter (Kathleen Ross), Joan **Grant** (Rick Langhorne), Mary Jane **Grant** (deceased) (Hubert Proud), Cathy **Grant**, and Jennifer Broadbent (Paul). He was the adored uncle of many nieces and nephews and their families.

He will also be missed by his cat, Holly. Mike was a great pool player and made countless friends in the pool world. He studied as a landscape technician at Humber College and became a jack-of-all-trades.

Mike worked at Roger's Hardware and many other companies in and around Charlottetown. He fought a long and courageous battle with cancer and its side effects, and received excellent care from many physicians and nurses. The **Grant** family thanks the staff at the Cancer Treatment Centre, especially Dr. Larry Pan, Radiation Oncologist and Dr. Mark Taylor, ENT (Ear Nose and Throat).

We would also like to thank Dr. George Carruthers, G.P., the palliative home care nurses, and the doctors and nurses of Queen Elizabeth Hospital, Unit 1. Resting at the Hennessey Funeral Home, where a visitation will be held on Saturday, January 20, 2018, between 1:00 p.m. and 3:00 p.m. with a Celebration of Life to follow in the funeral home chapel at 3:30 p.m. Donations may be made to the Cancer Treatment Centre of the QEH.

Receive obituaries from Charlottetown on Facebook. Click [Like](#)



SEND FLOWER



LIGHT A CANDLE

Report this memorial



Birth, Marriage & Death Collection

Guestbook

SEND SYMPATHY



Attach photo



Light a candle to accompany my message of sympathy.

1/29/2018

Michael John Grant Obituary - 2018 - Charlottetown, PE - Afterlife

000119

Photos



ADD A PHOTO

Light a Candle

A candle is a source of great comfort and healing for you and for those who will view the obituary.

[LIGHT CANDLE](#)

Sympathy Flowers

Send flowers directly to the funeral service of your deceased loved one with condolences.

[VIEW FLOWERS](#)

1/29/2018

Michael John Grant Obituary - 2018 - Charlottetown, PE - Afterlife

0633121



OBITUARIES

FUNERAL HOMES



BLOGS

SEND FLOWERS



NEWSPAPERS

FAMILY TREE



Karen Hladchuk



SEND FLOWERS/GIFTS



LIGHT A CANDLE

[Obituary](#)[Guestbook](#)[Photos 1](#)

In loving memory of Karen Hladchuk

Date of Birth : Jan 14 1947

Date Deceased : January 16th 2018

Place of Death : Prince George, British Columbia



January 14, 1947- January 16, 2018 It is with unbearable sadness that we announce the passing of our most beautiful Mother, Karen. She suffered a major stroke on Tuesday,

January 9th and despite her strength, continued sense of humour and determination to get better, her body succumbed to her illnesses. She passed away peacefully at 11:10pm, Tuesday, January 16th, 2018.

She was never ever alone during her entire stay at the hospital and not a moment went by that she didn't know she was loved and cherished. We were hopeful and optimistic that she would recover, but the universe had other plans for her. She is now with our Dad and anyone who knew her, knew just how much she missed him.

She is where she has longed to be for 12 1/2 years; in Lawrence's arms. We will be hosting a celebration luncheon in honour of our Mother, this Saturday, January 20th, 2018 from 12:00pm - 2:00pm at The Legion, 1116 6th Ave. (Anyone requiring mobility assistance, there is an elevator at the back of the building). Please come, visit and reminisce with us as we remember her big, beautiful smile and loving heart.

In lieu of flowers, donations can be made to the SPCA in her honour.

 SEND FLOWER

 LIGHT A CANDLE

 Report this memorial

 Birth, Marriage & Death Collection

Guestbook

 SEND SYMPATHY

 Attach photo

 Light a candle to accompany my message of sympathy.

1/29/2018

Karen Hladchuk Obituary - 2018 - Prince George, BC - Afterlife

000124

Photos



ADD A PHOTO

Light a Candle

A candle is a source of great comfort and healing for you and for those who will view the obituary.

[LIGHT CANDLE](#)

Sympathy Flowers

Send flowers directly to the funeral service of your deceased loved one with condolences.

[VIEW FLOWERS](#)

AFTERLIFE

Afterlife is Canada's largest database of deceased people. You can find more than 7 million obituaries and death notices of people throughout North America, Australia, and New Zealand. You can also find a complete list of funeral homes. In addition, our site allows users to add or edit existing information of the deceased, along with uploading photos. Our "light a candle" and "send flowers" options give users the ability to send their condolences in more ways than one. Afterlife, where loved ones are eternal.

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1/29/2018

Karen Hladchuk Obituary - 2018 - Prince George, BC - Afterlife

000126

000127

Renee A. Boyd

From: Erin Best <ebestcp@icloud.com>
Sent: Monday, January 29, 2018 3:18 PM
To: Renee A. Boyd
Subject: 2

TELUS 3:01 PM 1 97%



Karen Hladchuk

Passed away : Jan 16th 2018

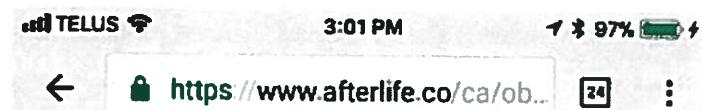
Place of Death : Prince George, British Columbia

January 14, 1947- January 16, 2018 It is with unbearable sadness that we announce the passing of our most beautiful Mother, Karen. She suffered a...

[VIEW OBITUARY](#)



000128



← 🔒 https://www.afterlife.co/ca/ob...

≡ ⚙️ 🔍

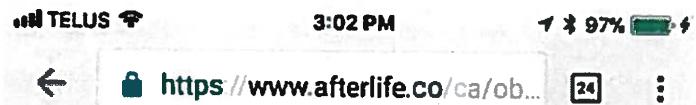
Create A Profile Now
Facebook - Connect To The World **OPEN**

Karen Hladchuk

SEND FLOWERS/GIFTS **LIGHT A CANDLE**



000129



Sally Field Leaves For Good

She Will Be Remembered

Everyone is surprised by the latest news.



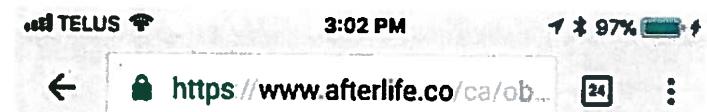
thegoldensolo.com

Photos



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000130



ADD A PHOTO



Sally Field Leaves For Good

She Will Be Remembered

Everyone is surprised by the latest news.



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Susan Lockhart

[SEND FLOWERS/GIFTS](#)[LIGHT A CANDLE](#)[Obituary](#)[Guestbook](#)[Photos](#)

In loving memory of Susan Lockhart

Date Deceased : January 17th 2018

Place of Death : Woodstock, New
Brunswick



Susie, as she was often called, was happiest at the beach. She loved leopard print, loud music, and driving her convertible with the top down. Wherever she went she made friends

quickly as people were drawn to her positivity and fun-loving personality.

Her love of people made her a natural fit for the customer service industry where she formed many wonderful bonds. She was loved by many and will be greatly missed. Susan was predeceased by her mother and father Shirley and Oran (Skip) Prosser.

She is survived by her husband Winston (Jake) **Lockhart** who lovingly cared for her during her illness, her daughter Lisa (Mark) Porter, her son Justin (Bridget) Wort, brothers Kenny (Bev) Prosser and Blair (Sheilah) Prosser, sisters Diane (Jeff) Graham and Lisa Swanton, grandchildren Ethan, Cole, Elijah and Lily Porter, and Victoria and Robert Wort as well as step-children Jennifer (Nathan) Adams and Allison (Craig) **Lockhart** and step-grandchildren Joshua, Jessica, Olivia, Sophia, and Emma. Celebration of life services was held in Truro, NS on Friday, January 19th at the Wesleyan Church from 6:30 to 8:30 pm and in Woodstock, NB on Sunday, January 21st. at Connell House from 1 to 4 p.m. for a drop in. Susan has generously given her body to science; students at Dalhousie University will benefit from this gift as they advance our medical understanding.

Susan loved fresh flowers and her family and friends showered her with these during her illness.

 SEND FLOWER

 LIGHT A CANDLE

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 Birth, Marriage & Death Collection

Guestbook

 SEND SYMPATHY

 Attach photo

 Light a candle to accompany my message of sympathy.

Photos



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Light a Candle

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[LIGHT CANDLE](#)

Sympathy Flowers

Send flowers directly to the funeral service of your deceased loved one with condolences.

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1/29/2018

Susan Lockhart Obituary - 2018 - Woodstock, NB - Afterlife

000135

000136

TELUS

3:02 PM

1 * 97%



<https://www.afterlife.co/ca/ob...>

24

⋮



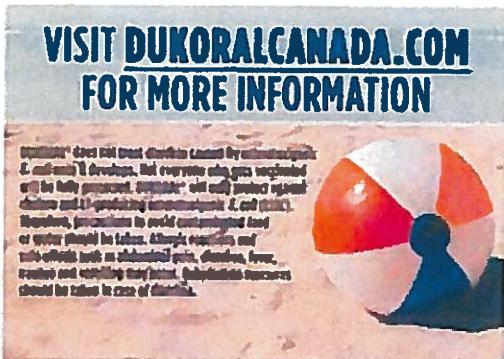
Susan Lockhart

Passed away : **Jan 17th 2018**

Place of Death : **Woodstock, New Brunswick**

Susie, as she was often called, was happiest at the beach. She loved leopard print, loud music, and driving her convertible with the top down. Wh...

[VIEW OBITUARY](#)

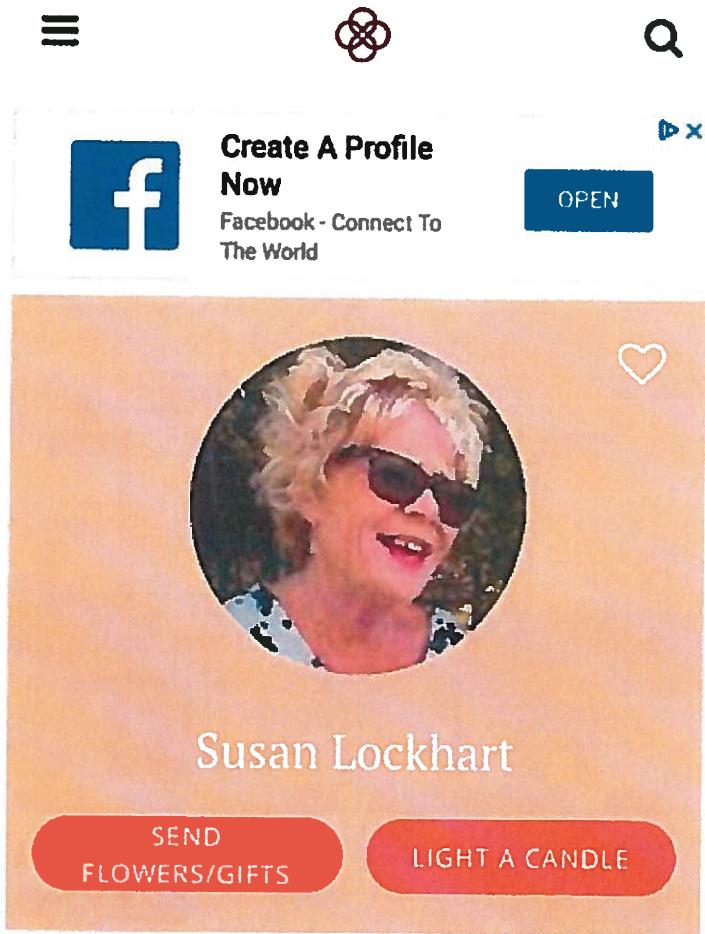


Erin Best | Partner, Stewart McKelvey, MBA, Trademark Agent
St. John's, NL, Canada

Sent from my iPhone

Renee A. Boyd

From: Erin Best <ebestcp@icloud.com>
Sent: Monday, January 29, 2018 3:18 PM
To: Renee A. Boyd
Subject: 3



A screenshot of a Facebook memorial page for Susan Lockhart. The page features a large circular profile picture of a woman with blonde hair and sunglasses. Above the profile picture, there is a 'Create A Profile Now' button with the Facebook logo and the text 'Facebook - Connect To The World'. Below the profile picture, the name 'Susan Lockhart' is displayed. At the bottom of the page, there are two buttons: 'SEND FLOWERS/GIFTS' and 'LIGHT A CANDLE'. There are also three icons at the very bottom: a document icon, a speech bubble icon, and a camera icon with a small '1' indicating new activity.

000138

TELUS

3:03 PM

1 97%



1 | Meg Markle Leaves Family - Royalty Not Expecting This



The reasons are now clear for why she left
thelearninggym.com

2 | Sally Field Leaves For Good - She Will Be Remembered



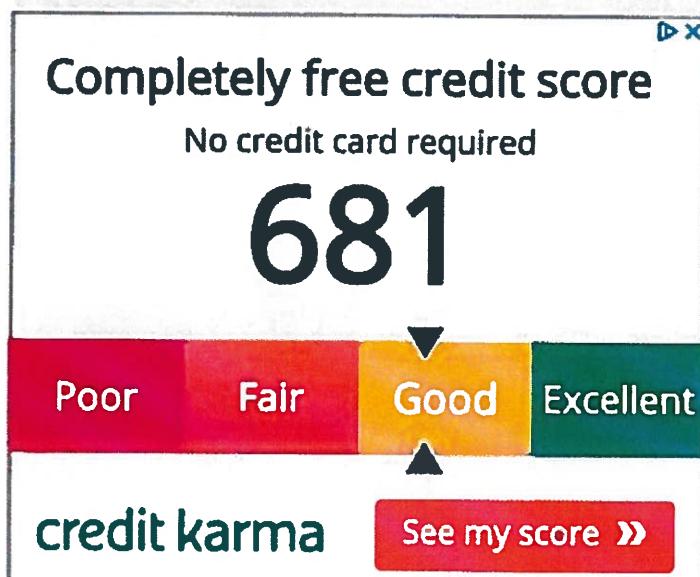
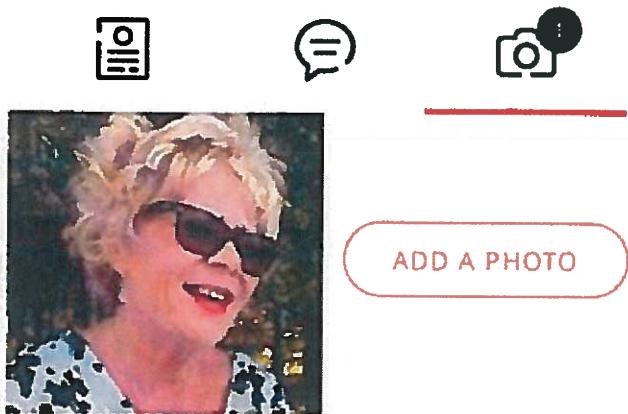
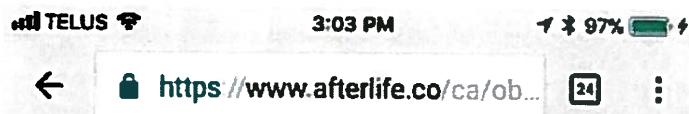
Everyone is surprised by the latest news.
thegoldensole.com

Photos



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000139



[OBITUARIES](#)[FUNERAL HOMES](#)[BLOGS](#)[SEND FLOWERS](#)[NEWSPAPERS](#)[FAMILY TREE](#)

Douglas Beatteay

[SEND FLOWERS/GIFTS](#)[LIGHT A CANDLE](#)[Obituary](#)[Guestbook](#)[Photos 1](#)

In loving memory of Douglas Beatteay

Date of Birth : Apr 2 1945

Place of Birth : Saint John, New Brunswick

Date Deceased : January 17th 2018

Place of Death : Saint John, New Brunswick



It is with heavy hearts the family of **Douglas Beatteay**, announce his passing on January 17th, 2018. He was born on April 2, 1945 in Saint John to the late William and Preston

(Smith) Beatteay. Douglas enjoyed 28 years at Moosehead Breweries, and a devoted member of Union Local #362.

He was an avid vintage car guy and outdoorsman; he loved going to his camp and fishing trips with friends. Douglas adored his family, friends and pup Lucy. He will be dearly missed by his wife Diann, son Jeffery, daughter Jennifer (Sterling) Fair, sister Joan, step-grandson Timothy (Meagan) Fair of NL, step-great-grandchildren; Oliver and Lily, cousin Judith Morrison, chosen family; Stephen Fair, Heather Purdy, and fishing buddy Joseph Doucet.

Arrangements are under the care of Castle Funeral Home, 309 Lancaster Ave. Saint John, N.B. (634 1701). Visitation will take place on Saturday, January 20th 2018 from 1:00PM to 2:00PM. A Memorial Service will follow at 2:00PM.

Receive obituaries from Saint John on Facebook. Click [Like](#)



SEND FLOWER



LIGHT A CANDLE

Report this memorial



Birth, Marriage & Death Collection

Guestbook

[SEND SYMPATHY](#)



Attach photo



Light a candle to accompany my message of sympathy.

1/29/2018

Douglas Beatteay Obituary - 2018 - Saint John, NB - Afterlife

000142

Photos



ADD A PHOTO

Light a Candle

A candle is a source of great comfort and healing for you and for those who will view the obituary.

[LIGHT CANDLE](#)

Sympathy Flowers

Send flowers directly to the funeral service of your deceased loved one with condolences.

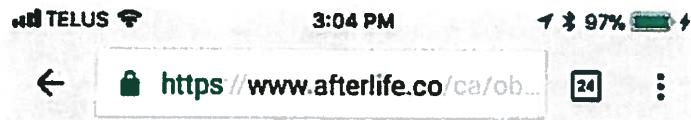
[VIEW FLOWERS](#)

1/29/2018

Douglas Beatteay Obituary - 2018 - Saint John, NB - Afterlife

000144

000145



≡ ⚡

1 | Create A Profile Now
Facebook - Connect To The World! [facebook.com](https://www.facebook.com)

2 | The Name of Your Angel
Discover the Name of your Angel and Get Your Accurate Reading within 2 Hrs! guardian.angel-reading.com

Douglas Beatteay

[SEND FLOWERS/GIFTS](#) [LIGHT A CANDLE](#)

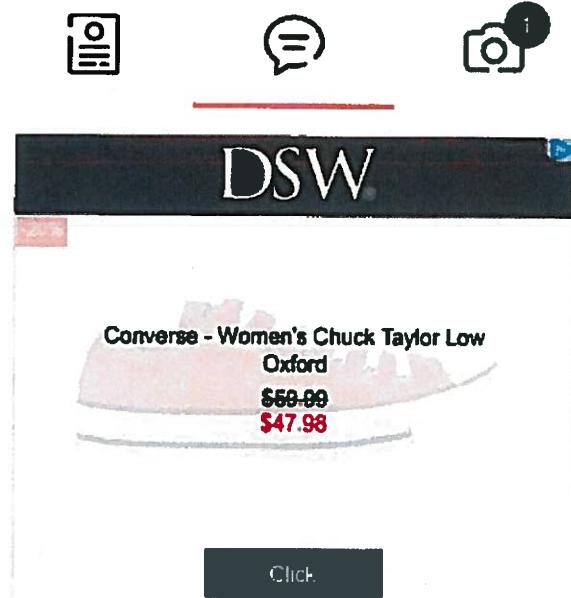


000146

TELUS

3:04 PM

1 97%



Photos



Erin Best | Partner, Stewart McKelvey, MBA, Trademark Agent
St. John's, NL, Canada

Sent from my iPhone

000147

Renee A. Boyd

From: Erin Best <ebestcp@icloud.com>
Sent: Monday, January 29, 2018 3:19 PM
To: Renee A. Boyd
Subject: 4

TELUS 3:04 PM 97% 



Photos



ADD A PHOTO



A mobile phone screenshot showing a DSW advertisement. The ad features a red low-top sneaker with white laces and a grey sole. At the top of the ad, it says "DSW" and "20%". At the bottom, there is a black button with the word "Click".

[OBITUARIES](#)[FUNERAL HOMES](#)[BLOGS](#)[SEND FLOWERS](#)[NEWSPAPERS](#)[FAMILY TREE](#)

Corney Hein

[LIGHT A CANDLE](#)[Obituary](#)[Guestbook](#)[Photos](#) 1

In loving memory of Corney Hein

Date of Birth : Oct 24 1938

Date Deceased : October 5th 2017

Place of Death : Saskatoon, Saskatchewan



Corney passed away peacefully with his family by his side in St. Paul's Hospital on October 5, 2017 after a year and a half battle with cancer. Corney is survived by his wife of 54 years, Bonnie; their three children Shelly (Mike Bell), Todd (Marla), Chad (Debbie); six grandchildren

Jamie, Cole and Sophia, Taryn and Jace and Rigley. He is also survived by one brother Ed; five sisters Mary, Helen (Bob Heinrichs), Kay, Anne (Jake Berg) and Elsie (Alf Bisschop); as well as many nieces and nephews.

He was predeceased by his two brothers Dave and Dick; two brothers-in-law Orvan Oxley and Cornie Loewen; as well as a sister-in-law Mary Hein. **Corney** worked at Saskatchewan Wheat Pool Flour Mill from 1957 – 1976. While he was still at the mill he thought he could build his own house and did in 1973.

He enjoyed that so much he thought he might be able to do this for a living and built a house on Bader Cres. After that he decided to form **Hein** Homes of Saskatoon Ltd. in January 1977. **Corney** built the family a cabin at Turtle Lake in 1983 which we all enjoy to this day, as well as building a house for each of his children.

He continued doing what he loved until 2010 when Bonnie convinced him to retire. The highlight of his day during retirement was going to A & W for coffee every morning with his friends. A Memorial Service for **Corney** will be held Friday, October 27, 2017 at 2:00 p.m. at Hillcrest Funeral Home (east on 8th St, first right past Briargate Rd).

In lieu of flowers donations may be made to the Saskatoon Cancer Agency (20 Campus Drive, Saskatoon, SK S7N 4H4) or to the MS Society of Canada (P.O. Box 1212, Stn K, Toronto, ON M4P 9Z9).

Receive obituaries from Saskatoon on Facebook. Click

 LIGHT A CANDLE

 Report this memorial

Guestbook

1/29/2018

Corney Hein Obituary - 2017 - Saskatoon, SK - Afterlife

000150

SEND SYMPATHY



Attach photo



Light a candle to accompany my message of sympathy.

Photos



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Light a Candle

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[LIGHT CANDLE](#)

Sympathy Flowers

Send flowers directly to the funeral service of your deceased loved one with condolences.

[VIEW FLOWERS](#)

1/29/2018

Comey Hein Obituary - 2017 - Saskatoon, SK - Afterlife

000152

1/29/2018

Marcella Rose (Morrissey) Crane Obituary - 2017 - Waterford, NB - Afterlife

000153

OBITUARIES

FUNERAL HOMES



BLOGS

SEND FLOWERS



NEWSPAPERS

FAMILY TREE



Submit a photo of

Marcella Rose (Morrissey) Crane



LIGHT A CANDLE

Obituary

Guestbook

Photos

In loving memory of Marcella Rose (Morrissey) Crane

Date of Birth : Oct 17 1930

Date Deceased : June 19th 2017

Place of Death : Waterford, New Brunswick



It is with broken hearts that we sadly announce the unexpected but peaceful passing of our beautiful mother, **Marcella Crane**, age 86 years on Monday June 19, 2017, surrounded by her family and much love, she slipped away to rejoin her loving husband and our dad Victor

(Jan 2004). She is also predeceased by her grandchildren Billy Squires and Dawne Peddigrew and infant great grandson Jared rice, as well as her brothers Walter and Bill Morrissey and her sisters Loretta Brushett and Gertie Veilleux. Leaving to mourn with precious memories are her six children: Carmel Dровер (George); Rosie Cook (Ron); Marlene Marshall (Cec); Harold (Jeannette); Ramona (Gaetan Nolette); Lorraine Ryan (Jim).

Forever missing their Nan; nine loving grandchildren Robby Squires; Jill Rice, Chris, Colin , and Blair Marshall; Allison and Lee Crane; Jennifer and Rebecca Ryan. Also nine precious great-grandchildren Mia Squires; Jesse and Jaxson Rice; Aliyah and Nataya Marshall; McGuire and Graydon Marshall; and Ben Marshall. Sharing her loss as well is her sister, Catherine Hatfield as well as her many nieces and nephews.

Heartfelt thanks to the doctors and staff of 7 West at St. Clare's Mercy Hospital for the kindness and care of our mom over the past few weeks. As expressions of sympathy, flowers are graciously accepted or donations in Mom's memory can be made to the Alzheimer's Society of Newfoundland and Labrador. Resting at Caul's Funeral Home, LeMarchant Road on Wednesday June 21 6 p.m. – 9 p.m. and Thursday June 22 12 – 4 p.m. and 7 – 9 p.m.

Mass of Christian burial will take place at Corpus Christi Church, Waterford Bridge Road at 9:30 on Friday June 23, 2017 Interment to follow at Kilbride Cemetery on Bay Bulls Road. "A Mother's love is a blessing"

 LIGHT A CANDLE

 Report this memorial

 Birth, Marriage & Death Collection

Guestbook

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1/29/2018

Marcella Rose (Morrissey) Crane Obituary - 2017 - Waterford, NB - Afterlife

000155



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Light a candle to accompany my message of sympathy.

Photos

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Light a Candle

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[LIGHT CANDLE](#)

Sympathy Flowers

Send flowers directly to the funeral service of your deceased loved one with condolences.

[VIEW FLOWERS](#)

1/29/2018

Marcella Rose (Morrissey) Crane Obituary - 2017 - Waterford, NB - Afterlife

000157



OBITUARIES

FUNERAL HOMES



BLOGS

SEND FLOWERS



NEWSPAPERS

FAMILY TREE



Wavey Tetford-Latimer



LIGHT A CANDLE

[Obituary](#)[Guestbook](#)[Photos 1](#)

In loving memory of Wavey Tetford-Latimer

Date Deceased : September 25th 2016

Place of Death : Fort McMurray, Alberta



The family sadly announces the passing of Roxanne at the age of 54 years after a courageous battle with cancer. She passed away peacefully at her home in Fort McMurray,

Alberta surrounded by family and friends. Roxanne's spirit, strength, and positive attitude were an inspiration to all who knew her.

She leaves to mourn with loving and beautiful memories: husband Karl Latimer; children: Matthew (Linzi Voth) and Rebecca (Mo Abboub); parents Bill and Bernice Tetford; sisters: Sharon (Roger) LeDrew, Cindy (Larry) Freake, and Joy Tetford; brother Chad (Jody) Tetford; In-laws: Mildred and Don Latimer, Donna and Randy Smith, Darlene and Blair Schmidt, and Brenda Latimer; as well as a wide circle of extended family and friends. Memorial service to take place in in Fort McMurray, Alberta, Wednesday September 28, 2016 at 1:00pm at the Family Christian Centre, located at 160 Dickens Drive, Fort McMurray, Alberta. Visitation will be held on Saturday, October 1, 2016 from 2-4pm and 7-9pm at the Bethel Pentecostal Church, Laurenceton, from where the funeral service will be held on Sunday, October 2, 2016 at 2pm.

Interment will follow at the Pentecostal Cemetery, Laurenceton. Flowers graciously accepted or donations may be made in her memory to the Pentecostal Cemetery Fund in Laurenceton, Centre of Hope (Fort McMurray) or to a charity of ones choice.

Receive obituaries from Fort McMurray on Facebook. Click

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Guestbook

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1/29/2018

Wavey Telford-Latimer Obituary - 2016 - Fort McMurray, AB - Afterlife

000160

 Attach photo

 Light a candle to accompany my message of sympathy.

Photos



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Light a Candle

A candle is a source of great comfort and healing for you and for those who will view the obituary.

[LIGHT CANDLE](#)

Sympathy Flowers

Send flowers directly to the funeral service of your deceased loved one with condolences.

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1/29/2018

Wavey Telford-Latimer Obituary - 2018 - Fort McMurray, AB - Afterlife

000162

TELUS

3:07 PM

1 98%



Wavey Tetford-Latimer

Passed away: Sep 25th 2016

Place of Death: Fort McMurray, Alberta

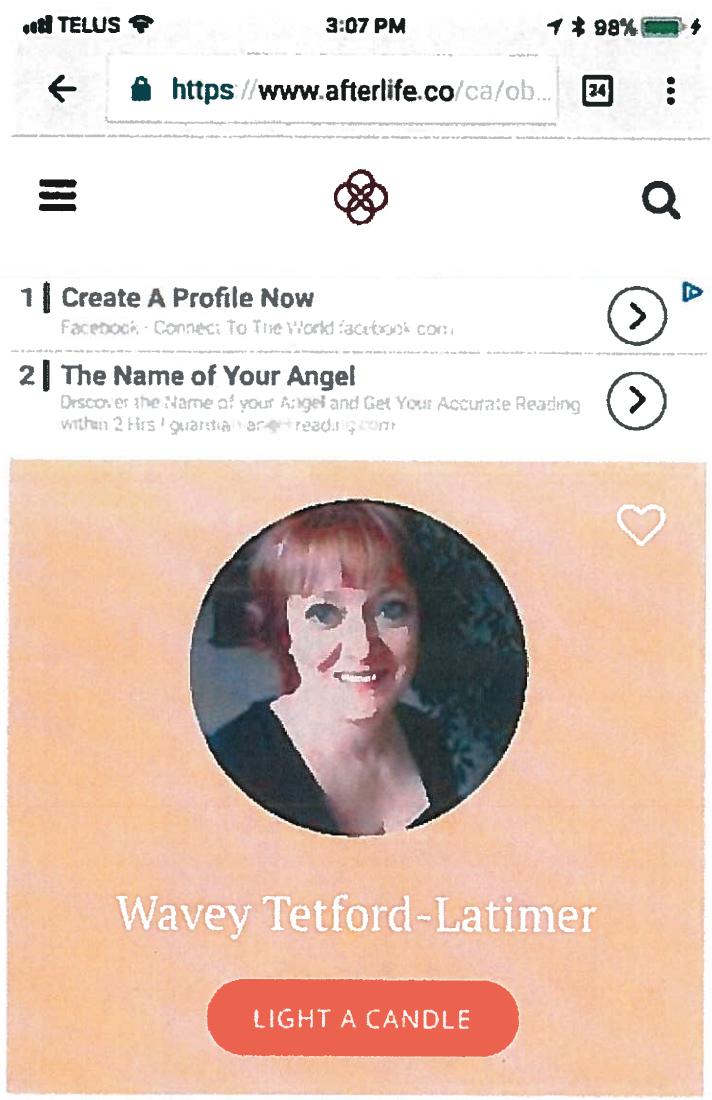
The family sadly announces the passing of Roxanne at the age of 54 years after a courageous battle with cancer. She passed away peacefully at her...

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000164



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St. John's, NL, Canada

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000165

Renee A. Boyd

From: Erin Best <ebestcp@icloud.com>
Sent: Monday, January 29, 2018 3:19 PM
To: Renee A. Boyd
Subject: 5

TELUS 3:08 PM 98% 



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Photos



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000156

TELUS 3:08 PM 1 98%



TELUS



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DSW

Converse - Women's Chuck Taylor Low Oxford
\$59.99
\$47.98

Click



OBITUARIES

FUNERAL HOMES



BLOGS

SEND FLOWERS



NEWSPAPERS

FAMILY TREE



Marjorie Lorette



SEND FLOWERS/GIFTS



LIGHT A CANDLE

Obituary

Events

Guestbook

Photos

1

In loving memory of Marjorie Lorette

Place of Birth : Sackville, New Brunswick

Date Deceased : January 29th 2018

Place of Death : Sackville, New Brunswick



It is with sad hearts that we announce the passing of **Marjorie Georgina Lorette** (nee Estabrooks) at the Sackville Memorial Hospital on Sunday, January 29, 2018. Born in Sackville, **Marjorie** was a daughter of the late Ruby and Fletcher Estabrooks. She will be

nieces, nephews, and in-laws.

Besides her parents, Marjorie was predeceased by her husband Albert Lorette in 2007. Marjorie had worked for many years at the town office and then for her remaining years, prior to retirement, at the RCMP Crime Lab in Sackville. She was a very generous and caring person and will be missed so much by all who loved her.

Arrangements are under the care and guidance of Jones Funeral Home, 70 Bridge Street, Sackville, NB (506-364-1300) from where visitation will be held 6 to 8 pm on Monday, February 5, 2018. A funeral service will be held at the funeral home on Tuesday, February 6, 2018 at 11 am. Father Allison Carroll officiating.

Interment will be in the Sackville Cemetery in the Spring. Honouring the wishes of the family, **in lieu of flowers** donations may be made to the SPCA, the Sackville Cemetery, or a charity of the donor's choice.

[SEND FLOWER](#)[LIGHT A CANDLE](#)

Report this memorial

Events

Feb
05

Funeral Viewing
February 5th 2018
6:00 PM to 8:00 PM

[SEND FLOWER](#)

Feb
06

Funeral Service
February 6th 2018
11:00 AM

[SEND FLOWER](#)

1/29/2018

Marjorie Lorette Obituary - 2018 - Sackville, NB - Afterlife

000169



Guestbook

SEND SYMPATHY

Attach photo

Light a candle to accompany my message of sympathy.

Photos

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[LIGHT CANDLE](#)

Sympathy Flowers

Send flowers directly to the funeral service of your deceased loved one with condolences.

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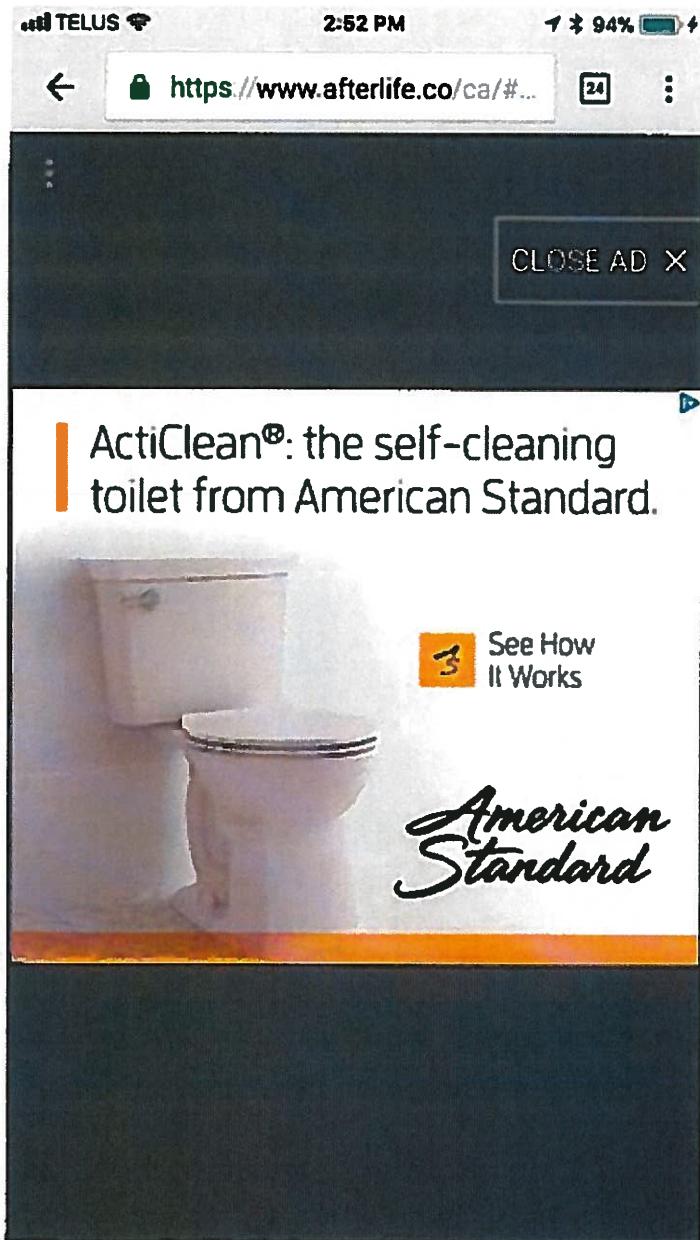
FOLLOW US



000172

Renee A. Boyd

From: Erin Best <ebestcp@icloud.com>
Sent: Monday, January 29, 2018 3:17 PM
To: Renee A. Boyd
Subject: 1



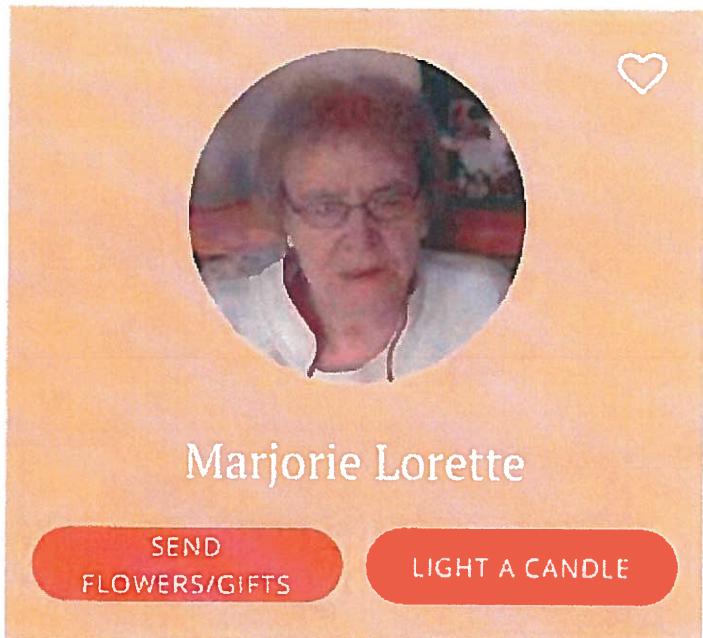
000173

TELUS 2:53 PM 85%

<https://www.afterlife.co/ca/ob...>

24

:



A digital obituary card for Marjorie Lorette. The card features a circular portrait of Marjorie Lorette, an elderly woman with glasses and short hair, set against a yellow background. To the right of the portrait is a small white heart outline. Below the portrait, her name "Marjorie Lorette" is displayed in a serif font. At the bottom of the card are two orange buttons: "SEND FLOWERS/GIFTS" on the left and "LIGHT A CANDLE" on the right. The entire card is framed by a thin black border.

Marjorie Lorette

SEND
FLOWERS/GIFTS

LIGHT A CANDLE



[OBITUARIES](#)[FUNERAL HOMES](#)[BLOGS](#)[SEND FLOWERS](#)[NEWSPAPERS](#)[FAMILY TREE](#)

Phyllis Perrin

[SEND FLOWERS/GIFTS](#)[LIGHT A CANDLE](#)[Obituary](#)[Events](#)[Guestbook](#)[Photos](#) 1

In loving memory of Phyllis Perrin

Date of Birth : July 21 1927

Place of Birth : Hoyt, New Brunswick

Date Deceased : January 27th 2018

Place of Death : Hoyt, New Brunswick



Perrin, Phyllis Geraldine (Charlton) – With great sadness, the family of Phyllis Geraldine Perrin (Charlton) of Hoyt NB, announce her peaceful passing at home on January 27, 2018.

Born in Hoyt Station, NB on July 21, 1927. She was the daughter of the late Vida Charlton (Byers) and Ralph Charlton and wife of the late Nelson **Perrin**.

Phyllis was a loving wife and treasured her family and friends. She was a Christian lady that supported her church, Hoyt Baptist Church, in many ways by teaching Sunday School, she was the church clerk and she looked after the cemetery. She belonged to the Women's Missionary Society.

Before marrying Nelson, she was a homemaker, helping many of the elderly in the community. She also worked as a switchboard operator and many local people would recall her working with Nelson in their store and then at Harlan Nason's store. **Phyllis** is survived by two sons; Blake (Brenda) **Perrin** and Oran (Deborah) **Perrin**, six grandchildren; Bridget, Jeffrey (Jerri-Ann), Mark (Charlene), Amanda (Chad), Dennis (Jocelyn) and Anthony (Kelly), fifteen great-grandchildren; Joshua, Haley, Bradley, Luke, Lily, Laila, Brady, Landon, Janaya, Izabella, Jesse, Amelie, Thea, Riley, Maria, a half sister Andrey Sanson-Wells and several nieces and nephews and cousins.

Along with her husband Nelson, **Phyllis** is pre-deceased by their infant daughter Brenda. Family and friends are invited to Sunbury Funeral Home, Central Blissville NB on Tuesday, January 30, 2018 for visitations from 2-4 and 6-8pm. Funeral Service will be held at Sunbury Funeral Home on Wednesday January 31, 2018 at 2pm with Rev. Blake **Perrin** officiating.

Interment will be at the Patterson United Church Cemetery in the spring. In lieu of flowers donations may be made to the Hoyt Baptist Church or to the Hoyt Baptist Church Cemetery fund.

[SEND FLOWER](#)[LIGHT A CANDLE](#)

Report this memorial

Events

Jan
30Jan
31Feb
04**Funeral Viewing**

January 30th 2018
2:00 PM to 4:00 PM
Sunbury Funeral
Home

[SEND FLOWER](#)**Funeral Service**

January 31st 2018
2:00 PM
Sunbury Funeral
Home

[SEND FLOWER](#)**Burial**

February 4th 2018

[SEND FLOWER](#)[ADD AN EVENT](#)

Birth, Marriage & Death Collection

Guestbook[SEND SYMPATHY](#)

Attach photo



Light a candle to accompany my message of sympathy.

1/29/2018

Phyllis Perrin Obituary - 2018 - Hoyt, NB - Afterlife

009177

Photos



ADD A PHOTO

Light a Candle

A candle is a source of great comfort and healing for you and for those who will view the obituary.

[LIGHT CANDLE](#)

Sympathy Flowers

Send flowers directly to the funeral service of your deceased loved one with condolences.

[VIEW FLOWERS](#)

1/29/2018

Phyllis Perrin Obituary - 2018 - Hoyt, NB - Afterlife

000179

000180

TELUS 3:11 PM 1 98%

https://www.afterlife.co/ca/ob...

24

⋮



▶×

usapost.org



000181

TELUS

3:12 PM

98%



1 | Meg Markle Leaves Family - Royalty Not Expecting This



The reasons are now clear for why she left
theteraininggym.com

2 | Sally Field Leaves For Good - She Will Be Remembered



Everyone is surprised by the latest news.
thegoldensole.com

Photos



ADD A PHOTO

000182

TELUS 3:12 PM 1 98%



ADD A PHOTO

LINKSHE DX

Free Shipping & Free Return



Shop Now>>

Erin Best | Partner, Stewart McKelvey, MBA, Trademark Agent
St. John's, NL, Canada

Sent from my iPhone

000183

Renee A. Boyd

From: Erin Best <ebestcp@icloud.com>
Sent: Monday, January 29, 2018 3:20 PM
To: Renee A. Boyd
Subject: Last one

TELUS 3:13 PM 98% 



Photos



ADD A PHOTO

000184

TELUS 3:13 PM 98%

<https://www.afterlife.co/ca/ob...>

24

⋮



ADD A PHOTO





OBITUARIES

FUNERAL HOMES

afterlife

BLOGS

SEND FLOWERS



NEWSPAPERS

FAMILY TREE



Laura J. Stevens



SEND FLOWERS/GIFTS



LIGHT A CANDLE

[Obituary](#)[Events](#)[Guestbook](#)[Photos](#) 1

In loving memory of Laura J. Stevens

Place of Birth : Rosevale, New Brunswick

Date Deceased : January 27th 2018

Place of Death : Quispamsis, New
Brunswick

Two weeks before her 90th birthday, **Laura J. Stevens** of Royal Court, Riverview, passed away at her residence on Saturday, January 27, 2018. Born in Rosevale, NB she was a daughter of

the late Harry and Jean (Soper) **Stevens**. **Laura** was a retired member of the Nursing Profession and served with the RCAF, rank of Captain, with 20 years of service.

She also operated a B&B in Stratford, ON, hosting many actors from the Stratford Festival. An avid traveller, **Laura** never turned down an adventure, as happy to jump from an airplane as she was behind the wheel of her Mustang convertible. As a youth **Laura** enjoyed curling , cross country skiing, and later enjoyed swimming and live theatre.

Survived by sister, Marian A. Chartley of Moncton; brother, Robert **Stevens** of Quispamsis as well as many nieces, nephews, grand nieces and grand nephews. In addition to her parents, she is predeceased by her sisters, Hazel Swim, Eleanor L. Dunbar and Kaye Gardiner. By request there will not be any visitation held at the funeral home.

The funeral service will be held at Tuttle Brothers & Riverview Funeral Home Memorial Chapel on Wednesday, January 31, 2018 at 2:00pm with The Venerable Brent Ham officiating. Interment will be in Elmwood Cemetery at a later date. Donations in **Laura's** memory made to World Vision Canada, 1 World Dr. Mississauga, ON L5T 2Y4, Friends of the Moncton Hospital Foundation or to the charity of the donor's choice would be appreciated by the family.

Receive obituaries from Quispamsis on Facebook. Click [Like](#)

 SEND FLOWER

 LIGHT A CANDLE

 Report this memorial

Events

Jan
31



Funeral Service

January 31st 2018
2:00 PM

Tuttle Brothers &
Riverview Funeral

1/29/2018

Laura J. Stevens Obituary - 2018 - Quispamsis, NB - Afterlife

000187

Home Memorial

Chapel

214 Pine Glen Rd,
Riverview, NB



SEND FLOWER

ADD AN EVENT



Birth, Marriage & Death Collection

Guestbook

SEND SYMPATHY



Attach photo



Light a candle to accompany my message of sympathy.

Photos

[ADD A PHOTO](#)

Light a Candle

A candle is a source of great comfort and healing for you and for those who will view the obituary.

[LIGHT CANDLE](#)

Sympathy Flowers

Send flowers directly to the funeral service of your deceased loved one with condolences.

[VIEW FLOWERS](#)



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AFTERLIFE

Afterlife is Canada's largest database of deceased people. You can find more than 7 million obituaries and death notices of people throughout North America, Australia, and New Zealand. You can also find a complete list of funeral homes. In addition, our site allows users to add or edit existing information of the deceased, along with uploading photos. Our "light a candle" and "send flowers" options give users the ability to send their condolences in more ways than one. Afterlife, where loved ones are eternal.

FOLLOW US



000190

TELUS 3:14 PM 1 98%



DSW

-20% -20%

Converse - Women's Chuck Taylor Low Oxford

Converse - Men's Chuck Taylor All Star Low Oxford

Photos



ADD A PHOTO

Erin Best | Partner, Stewart McKelvey, MBA, Trademark Agent
St. John's, NL, Canada

Sent from my iPhone

000191

This is Exhibit "K" referred to in the Affidavit of
Dawn Thomson sworn to or affirmed before me
this 29th day of January, 2018.



Commissioner of Oaths

Erin E. Best
Barrister, NL



OBITUARIES

FUNERAL HOMES



BLOGS

SEND FLOWERS



NEWSPAPERS

FAMILY TREE

Afterlife was founded in 2017 and has become one of North America's largest databases for obituaries. We provide our users with the ability to receive obituaries for the city of their choice daily free of charge. Our company serves to inform the public of obituaries that are already on the internet by categorizing them by city. We are trying to connect society by providing a free extension of what funeral homes provide for families. Families can share their loved one's obituary online with their friends and family to invite them to the funeral services. This method saves time for the family to reflect during a difficult time in their life. Flowers that are purchased on our website are fulfilled by local florists. The person purchasing the flowers must provide the address of where the flowers are being sent. The candles are a religious intention. We offer the service if someone would like to light a candle as an act of love towards that family. We need the help of funeral homes and the society, so families can be notified when someone receives an act of condolence. There is no obligation for anyone to purchase anything from our website. It is just there so people have the option and to make things simpler for those who wish to send flowers as flower orders are automatically sent to the closest local florist of the recipient. If there is any case where an error has been made or you would like an obituary to be removed, please let us know as we provide these services for you, the society.

We believe that the traditional obituary should be redesigned to better reflect love at its true value and immortalize the passing of those who have left us. The collection page has been designed to simplify the sharing of memories, pay tribute to our loved ones, and communicate support to family and friends. Since innovation and community are at the heart of our concerns, we have developed Afterlife into a network of sharing and caring. Afterlife is unique in the way we represent various companies, funeral homes, and newspapers in one database that connects the public to any information they would need after or prior to the passing of a loved one.

Afterlife represents companies by promoting their products directly through our website, so that users can find various sympathy products and services all in the same place. If you have a company that sells sympathy gifts and would like to be affiliated with us, we would be glad to hear from you. We work alongside funeral homes by

serve their customers. With our newest addition of sites coming up in the near future, we will offer our expertise in website development by creating websites for funeral homes who do not have one, for free. We can also create an obituary section for websites that do not have one.

Our Services

Affiliates

Sell products and services directly through your website with your own customized theme.

[SIGN UP](#)

Sympathy Flowers

Send flowers directly to the funeral service of your deceased loved one with condolences.

[VIEW](#)

Obituaries

View obituaries of your loved ones with the ability to send your condolences by lighting a candle

[VIEW](#)

Email.

SUBSCRIBE

ABOUT US

Afterlife is Canada's largest database of deceased people. You can find more than 7 million obituaries and death notices of people throughout North America, Australia, and New Zealand. You can also find a complete list of funeral homes. In addition, our site allows users to add or edit existing information of the deceased, along with uploading photos. Our "light a candle" and "send flowers" options give users the ability to send their condolences in more ways than one. Afterlife, where loved ones are eternal.

FOLLOW US



000125

This is Exhibit "L" referred to in the Affidavit of
Dawn Thomson sworn to or affirmed before me
this 29th day of January, 2018.



Commissioner of Oaths

Erin E. Best
Barrister, NL

(ER)



OBITUARIES

FUNERAL HOMES



BLOGS

SEND FLOWERS



NEWSPAPERS

FAMILY TREE

1. Terms of Use Agreement

1.1. Except when otherwise stated, afterlife.co is open to all users. Therefore, by using this website, by becoming a member or by subscribing to the different services offered, you agree to be bound by the Terms and Conditions Agreement ("Agreement"). If you do not accept the Agreement or the afterlife.co Privacy Policy, do not register for afterlife.co services or otherwise access or use the website.

1.2. afterlife.co reserves the right, in its sole discretion, to change the Agreement without prior notice.

1.3. afterlife.co may deny, restrict, suspend or terminate, at any time, the membership of any user whose actions are contrary to the present Terms and Conditions Agreement, without prior notice.

1.4. afterlife.co does not offer any guarantee and is not responsible for any of the other websites to which a user might be granted access through the afterlife.co website.

2. Registration and Eligibility

2.1. A valid email address must be provided to access the different services offered on afterlife.co.

2.2. By becoming a member or by using afterlife.co, you represent and warrant that:

You are 13 years old or older and that you have the right, authority and capacity to enter into this Agreement and to abide by this Agreement;

All registration information you submit is truthful and accurate;

The information on your profile is up-to-date;

Your use of afterlife.co does not violate applicable laws and regulations of Canada and the Province of Quebec.

2.3. afterlife.co allows only one membership per user. However, afterlife.co may provide a user with a written authorization to have more than one profile, if the user submits a valid

2.4. Users may not authorize others to use their membership and may not assign or otherwise transfer their account to any other person or entity. Users are responsible for the confidentiality of their password. Users have sole ownership of their profile and are solely responsible for the content they post on afterlife.co and for messages they send to other members on afterlife.co.

2.5. Users are prohibited to use other members' accounts.

2.6. If a member has a reason to believe that an account is used by a member other than that account's owner, he must promptly advise afterlife.co.

3. Behaviour on afterlife.co

3.1. All afterlife.co users agree:

To use afterlife.co in a courteous and respectful way with respect to other members' rights;

Not to harass any member;

Not to use or post any content or information that is false or misleading, promotes racism, aggressiveness, hatred, defamation, slanderous of any kind;

Not to post any pornographic or explicit content;

Not to introduce on afterlife.co any contents that may harm people;

Not to encourage illegal activities or send emails containing viruses or other programs or files corrupting afterlife.co or other computer' users;

Not to post photos or images of another person without his/her consent, unless in accordance with the law;

Not to encourage hatred or physical or verbal harm to anybody on afterlife.co;

Not to use afterlife.co for sales, advertising or requests to members;

Not to damage afterlife.co in any way.

3.2. afterlife.co has the right to remove, without notice, any content that, in its sole judgement, violates this Agreement.

3.3. The infringement of any rules contained in section 3.1 will induce the exclusive responsibility of the user.

4. User Responsibility

with the individual right to his private life, any intellectual property laws or any other individual rights.

4.2. Users are fully responsible for their interaction with other members on afterlife.co. In no event will afterlife.co be liable to a member or any third party for any damages whatsoever, arising out of the exchanges between users or for the illicit content of a profile.

4.3. Users are liable for any damages caused to third parties, whether direct or indirect, as stated by this article.

4.4. afterlife.co disclaims all liability in potential lawsuit against the author of any illicit comment or behaviour.

5. Intellectual Property (Copyright)

5.1. The content of the website afterlife.co (including news, texts, photos, images, illustrations, audio extracts, videos and software) are protected by Copyright and other intellectual property protection over the world and is owned by or under the control of afterlife.co.

5.2. All reproduction, whether partial or integral, of afterlife.co is illegal.

5.3. Users are forbidden to modify, adapt, copy, distribute, post, publish, display, dissect, dismantle, transfer or sell any information, software, products or services obtained through afterlife.co or to create products inspired from afterlife.co.

5.4. All partial or integral publication, broadcast, reproduction or transfer of a third party's work without that party's prior consent is a violation of this person's rights and is the sole responsibility of the user.

6. Limitation on liability

6.1. In no event shall afterlife.co or its parent societies, subsidiaries and affiliated societies be liable to any user, moral or physical person for any indirect, consequential, exemplary, incidental, special or punitive damages that may have been caused by technical malfunction of any network, computer online systems, servers or providers, computer equipment, software, technical problems, website congestion, human or technical error on afterlife.co.

INFORMATION POSTED ONLINE BY ITS USERS.

7. Other Policies

- 7.1. This Agreement is governed, interpreted and supervised by the laws applicable in the Province of Quebec and all litigious matters that may arise from it are to be decided by the judiciary of Quebec City, Province of Quebec.
- 7.2. In the case where one of the preceding provisions is declared invalid, the remaining provisions will continue to be valid and hold their full effect.
- 7.3. The different titles held by the provisions are only to be referred to and do not affect the constitution or the way the provisions should be interpreted.
- 7.4. afterlife.co's decision not to pursue the perpetrator of a violation should not be interpreted as a renunciation of its rights to do so in the future.
- 7.5. The user recognizes having read this Agreement and agrees to all the provisions contained therein.
- 7.6. For any questions involving this Agreement or the Privacy Policy or to request information on the inner workings of afterlife.co, please contact the afterlife.co customer service.



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ABOUT US

FOLLOW US

Afterlife is Canada's largest database of deceased people. You can find more than 7 million obituaries and death notices of people throughout North America, Australia, and New Zealand. You can also find a complete list of funeral homes. In addition, our site allows users to add or edit existing information of the deceased, along with uploading photos. Our "light a candle" and "send flowers" options give users the ability to send their condolences in more ways than one. Afterlife, where loved ones are eternal.



000201

This is Exhibit "M" referred to in the Affidavit of
Dawn Thomson sworn to or affirmed before me
this 29th day of January, 2018.



Commissioner of Oaths

Erin E. Best
Barrister, NL



[OBITUARIES](#)[FUNERAL HOMES](#)[BLOGS](#)[SEND FLOWERS](#)[NEWSPAPERS](#)[FAMILY TREE](#)

-----, -----,

1. In General

This policy is written in accordance with the laws and regulations of the Province of Quebec.

This Privacy Policy informs users of how their information is collected, used or communicated. Except when otherwise stated on afterlife.co, the site is open to all users. Therefore, by using this website, by becoming a member or by subscribing to the different services offered, you agree to be bound by this Privacy Policy.

We strongly suggest you read this Privacy Policy carefully before using our website or submitting any personal information.

afterlife.co reserves the right, in its sole discretion, to change the Privacy Policy by updating this web page, without prior notice.

The policies described on this page are only valid for afterlife.co and do not apply to any of the sites afterlife.co is linked to.

afterlife.co does not offer any guarantee and is not responsible for any of the other websites to which a user might be granted access through afterlife.co.

2. Collecting information

Names, addresses, postal codes, marital statuses, dates of birth, emails, are all personal information that users voluntarily choose to submit when subscribing. The users agree that the submitted and collected information is used to respond to their expectation towards afterlife.co.

Use of cookies and other technologies to collect information

We use cookies and various other technologies to collect information from your computer. Each time you visit our website, information is automatically collected from your browser. This information includes your IP address, your browser type, language as well as access times and is used by afterlife.co to know the number of people having access to afterlife.co.

Personal information collected is never shared with third parties for the purpose of publicity or marketing uses.

Only the general information submitted by users through their profile on afterlife.co is published online.

Users may, in any time, withdraw the information they submitted or correct them online or by communicating with afterlife.co.

In some situations, afterlife.co may have to share information with government agencies and other corporations. This is notably the case:

1. When it is allowed or required by law;
2. To respond to an emergency situation where someone's life, well-being or security is at stake;
3. To hold an internal investigation into a possible infringement to a Canadian law;
4. When the information is already accessible to the public.

4. Security

The recognizable personal information is safeguarded by being stocked and encrypted during its transmission. Only an authorized employee of afterlife.co can have access to this information.

afterlife.co is equipped with a system to protect the transmitted information. However, afterlife.co is not to be held responsible for the transmission of any type of computer virus in any shape or form. Surfing or downloading information on the website is done at the users' own risks.

Users are responsible not to disclose confidential information in their profile and in the messages they send to other users via afterlife.co.

5. Other policies

This policy is governed, interpreted and supervised by the laws applicable in the Province of Quebec and all litigious matters that may arise from it are to be decided by the judiciary of Quebec City, Province of Quebec.



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ABOUT US

Afterlife is Canada's largest database of deceased people. You can find more than 7 million obituaries and death notices of people throughout North America, Australia, and New Zealand. You can also find a complete list of funeral homes. In addition, our site allows users to add or edit existing information of the deceased, along with uploading photos. Our "light a candle" and "send flowers" options give users the ability to send their condolences in more ways than one. Afterlife, where loved ones are eternal.

FOLLOW US



000205

This is Exhibit "N" referred to in the Affidavit of
Dawn Thomson sworn to or affirmed before me
this 29th day of January, 2018.



Commissioner of Oaths

Erin E. Best
Barrister, NL

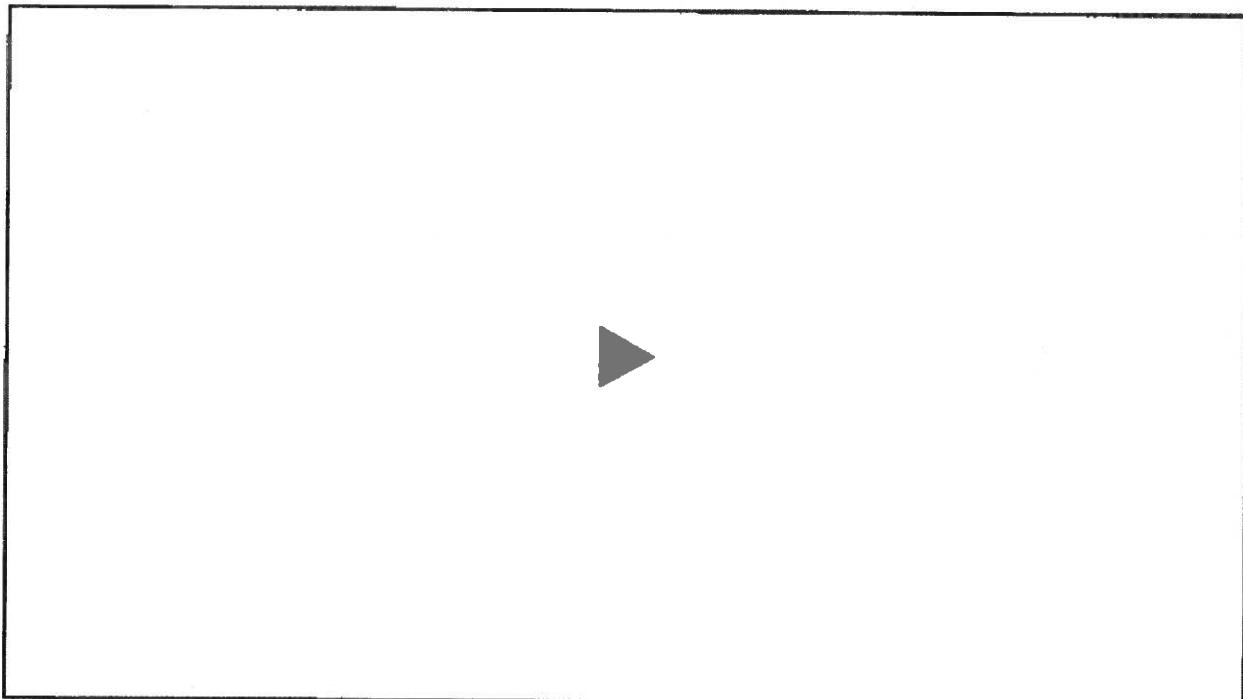


[LOGIN](#)

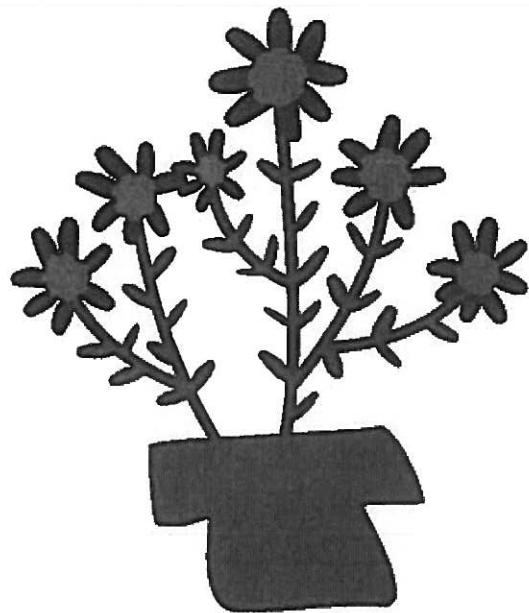
AFFILIATES

Increase your Revenue by Selling Flowers Online

Want to know how? Watch this short informational video below

[SIGN UP FOR FREE](#)

Set-up in 3 quick & easy steps



1. Sign Up

It's free to join and takes only minutes! No contract! No hassle! If you aren't happy with our provided services, you can cancel at any time.

2. Apply Code

It only takes 2 minutes to integrate the code into your script through the menu under obits. Need help? Ask our team for assistance
affiliates@afterlife.co

3. Earn Money

For every flower arrangement purchased, your funeral home will receive 10%. Monies will be received the 15th of the following month.

SIGN UP FOR FREE

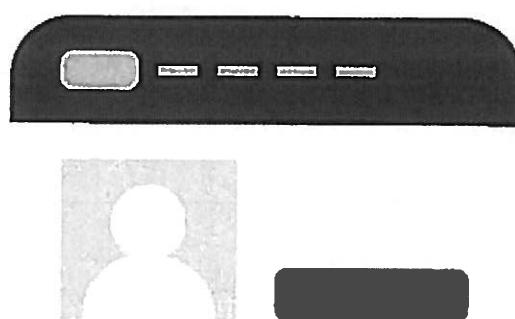
How it Works

Integration is simple! Either attach the script to your header menu or to your obituary listings. Better yet, attach the script to both and double your revenues!

Place in the headers menu



Place next to the obituary



SIGN UP FOR FREE

Your Affiliate Benefits



10% per sale



Access to admin panel



Daily Reports



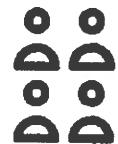
Monthly Revenue



No credit card required



No contract needed



Full team support



Strategy Manager

About Us

Your site will be associated with Canada's largest database of deceased people in **Afterlife.co**. At Afterlife, our goal is to constantly innovate the death industry and improve the experience of having to cope with the loss of a loved one. Afterlife, where loved ones are eternal.

The affiliate program allows you to stay up to date with current sales



trends in the death industry, allowing you to better serve your customers and increase your revenue simultaneously. We offer you the tools needed to better serve your clientele, which you can customize on your site using our theme option. Our affiliate program is currently available throughout North America, Europe, Australia, and New Zealand.

No Time? No Problem!

Do you need help setting up? We'd be happy to assist you. Our affiliate team can be contacted directly through live chat, e-mail, or telephone.



LIVE CHAT

SEND EMAIL

[JOIN FOR FREE](#)**MISSION**

Afterlife Affiliates is a comprehensive program for the death industry, which coincides with the already existing Afterlife.co experience. Its main purpose is to explore the possibilities of online obituaries and memorials by providing simple, yet gratifying, products and services. Our affiliate program allows you to sell products and services directly through your website with your own customized theme; making things simpler for your customers during a difficult time. Let us provide the tools you need to provide the utmost care to your customers. Afterlife, where loved ones are eternal.

FOLLOW US[Terms of Service](#) [Privacy Policy](#) [Contact Us](#)

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Court File No. T-38-18

FEDERAL COURT***PROPOSED CLASS PROCEEDING***

BETWEEN:

DAWN THOMSON

Applicant

-and-

AFTERLIFE NETWORK INC. (O/A AFTERLIFE.CO)

Respondent

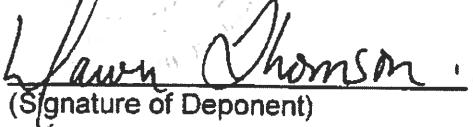
SUPPLEMENTARY AFFIDAVIT OF DAWN THOMSON

I, Dawn Thomson, of the City of St. John's in the Province of Newfoundland and Labrador,
AFFIRM THAT:

1. This affidavit is supplementary to the affidavit sworn by me on 29 January 2018.
2. I am the representative applicant in this proposed class action.
3. To the best of my knowledge, I do not have, on the common questions of law or fact, any interest that is in conflict with the interests of the other class members in this proposed class action.

Affirmed before me at the City of St. John's in the Province of Newfoundland and Labrador on
June 13, 2018.


Commissioner for Taking Affidavits **Erin E. Best**
(or as the case may be)
Barrister, NL


(Signature of Deponent)

Court File No. T-38-18

FEDERAL COURT
CLASS PROCEEDING

BETWEEN:

DAWN THOMSON

Applicant

-and-

AFTERLIFE NETWORK INC. (O/A AFTERLIFE.CO)

Respondent

SECOND SUPPLEMENTARY AFFIDAVIT OF DAWN THOMSON

I, Dawn Thomson, of the City of St. John's in the Province of Newfoundland and Labrador, hereby affirm that:

1. This affidavit is supplementary to the affidavits sworn by me on January 29, 2018 and June 13, 2018.
2. I am the representative applicant in this class action. I am a citizen and resident of Canada.
3. I am the author and sole owner of the copyright in my late father's obituary (the "Obituary") which was reproduced on the Afterlife Website (the "Domain"). I am the photographer and sole owner of the copyright in the photograph of my late father (the "Photograph") that appeared on the Domain. At no time did I ever waive my moral rights in regards to either the Obituary or the Photograph.
4. The unauthorized use of the Obituary and Photograph (together the "Works") by the respondent was very offensive to me. The respondent took advantage of me by copying my Works without my permission when I was at my most vulnerable, grieving the loss of my father.

27
PT

5. I would not have authorized the use of my Works in the way that the respondent used them because I did not want my Works to be associated with advertising, or the sale of digital candles or flowers, or used to collect personal information. In fact, I had no intention of profiting from the Works when I created them. I find it repugnant that the respondent's entire business is premised on stealing copies of obituaries and photos from unsuspecting victims at a time when they are at their most vulnerable.
6. The fact that I chose not to profit from the Works does not mean that they do not have value. In fact, the respondent's use of them for a commercial purpose indicates to me that they do have value.
7. I feel that my reputation and honour were diminished by the respondent's actions because someone looking at the Domain is likely to think that I authorized the use of the Works in this way and that I am trying to profit from my father's death, which is grotesque. The idea that someone might think that I tried to profit from my father's death is beyond embarrassing and has caused me to feel anger and stress as a result of the Works being used on the Domain by the respondent. In short, it compromised my dignity.
8. The respondent must have known that people such as myself would find its actions to be morally reprehensible. Certainly they knew once people went to the media.
9. Other Class members have expressed similar sentiments to those expressed by me above. They have done so through the media and by sending emails directly to Class Counsel.
10. Attached to my original January 29, 2018 Affidavit at Exhibit D are copies of some news articles wherein similar sentiments are expressed.
 - i. *Fighting back tears, it's the anger in June Taylor's voice that keeps her speaking ... "It just blew me away. I froze when I saw it, knowing a businessperson somewhere was taking advantage of my deceased daughter to make money"*

(<https://www.thetelegram.com/news/woman-wants-others-to-be-aware-of-obituaries-on-afterlifecom-175597/>)

- ii. "It's almost like we're opening a new wound here. We're still in the mourning process after losing mom and this just makes it all that much worse that we've got to go through this again."

(<https://www.cbc.ca/news/canada/newfoundland-labrador/afterlife-website-obituary-1.4472573>)

- iii. "The thing that really irked us was the fact that they said that a funeral service would be announced at a later date and that flowers could be sent. And my aunty didn't want flowers and she definitely didn't want a funeral service,"

(<https://globalnews.ca/news/3945593/alberta-family-says-obituary-posted-to-website-afterlife-without-their-permission/>)

- iv. "We're already dealing with the grief and we feel like it's an invasion of our privacy,"

(<https://www.cbc.ca/news/canada/calgary/alberta-funeral-afterlife-site-1.4462877>)

- v. "They said that she died in Marytown... she died in Arnold's Cove"

"I was surprised at that because that wasn't part of the obituary. It's almost like they made up their own (information)."

"In April she'll be gone almost three years, and here someone is using her name to benefit them, like her death is benefitting them, and that's just not right."

She added she was devastated when she first saw her daughter's obituary on the site. "It just put a sword right through you, you know," "You're here grieving and then you find out that someone is using her name. That's just ridiculous."

"She died in 2015," "They want to go in three years later and send her flowers – that don't even make sense."

(<https://www.thetelegram.com/news/marystown-mother-angered-to-learn-daughters-obituary-posted-to-afterlife-site-175796/>)

- vi. This article concerns Pres and Amy Lavier's loss of their 4-year old son, Cameron who passed from cancer on November 4, 2016.

"I just clicked the link and I put in my son's name to see if he was on it, and all of a sudden his gorgeous face showed up on this computer screen and I just about threw up, I was just absolutely gutted that somebody would do that to my child."

"Finding his obituary stolen and put on somebody else's website that is not affiliated with the funeral home is absolutely heartbreakng and it really makes me feel like I've failed him again. It's mind-boggling that somebody would be that heartless, to create something like this and think it's actually helping people – it doesn't make sense to me."

"dates were wrong, locations were wrong and words were changed or omitted, so the fact that they're taking these obituaries and then changing them – that doesn't sound like somebody who is trying to help."

"We didn't ask for flowers or candles. We asked for donations to the Roger Neilson House where Cameron passed away." "The fact that his website is asking people to purchase things and who knows if any of it is actually going to the family."

John Hoff, owner of Murphy's Funeral Home noted "Websites are good and postings are good, but when you don't have permission and when you're using it for financial or commercial gain – without permission for anybody – it's just wrong."

(Postmedia article dated January 13, 2018 by Celine IP)

11. Attached to this Affidavit as Exhibit A are copies of emails to Class Counsel wherein people expressed how they felt when the respondent copied their obituaries and photos without their permission. Some quotes from those emails are as follows:

"I am writing you today with a heavy heart and a furious mind...My son Maurice was just 25 years young when he died during surgery. Our family had to deal with the sudden loss of a funny courageous, loving man but we also had to deal with the many emotions that came when his obituary was posted on Afterlife...I

was mortified. There it was, the obituary that was written for family and friends, was now being plastered all over this other site for monetary purposes...I found myself struggling with many emotions. I was disappointed that someone would do this for their own benefit. I was mad and angry. I was hurt... It's like being punched in the stomach." - Monica Saunders

"I am very upset seeing this company make a profit from something so personal and devastating." – Paula Ash

"It has been reported to me that the obituary I wrote can be found on this site, afterlife. I find this very disturbing, upsetting and morally unethical...We are shocked that someone is looking to profit from our grief and hope you are able to help stop these atrocities from occurring as no family should have to endure such cold and callous actions." – Rod Jeddore

"We were horrified to find my Grandfather's picture and obituary on the website and disgusted that they were selling flowers and "lighting candles" in his memory without our permission." – Cameron Stoyles

"My daughter died at 19 years old on Christmas Day 2017. Her name was Danielle Nepinak. Afterlife has her obituary posted. It is very upsetting that people are profiting on her death!" – Wendy Elson

"I miss her terribly and visit her every day. She along with my father were my everything. Her obituary was written by me and when I seen it on this afterlife site I was shocked and I still am. I just wanted to write you and tell you that she is one of the people that is being exploited." – Annemarie Coffey

"Just wanted to let you know that our family was a victim of this awful site." – Debbie Beaucage

"It's reprehensible to take personal advantage of a person's death this way." – Lisa Bendall

"I would appreciate you adding me to the list of disgusted people who want this behaviour stopped." – Jim Burden

"I was shocked to see my father's obit there today and certainly don't want the website to be profiting from our loss." – Dan Moses

"Am terribly upset! I am very disturbed to see that my own dear papa's obituary; which I carefully, prayerfully and lovingly created..." – Annamarie Walcz

"Thank you for your efforts to stop this disgusting website from making money off of someone else's pain...It causes us great distress to find the obituary my family collectively authored stolen and used for profit on the Afterlife website. The shameless individuals responsible for this indignity have taken this information...My family and I wish you every success in your efforts in stopping this unauthorized, obscene use of our family's sorrow." – Linda Palmer Nielsen

"We feel violated and want them shut down." – Brenda Hagey

"I believe what they are doing is not right." – Glenn Dykstra

"I was horrified to find that this site afterlife had his picture and obituary posted and tried to profit off our heart break...we find it disgusting that they would take advantage of our sadness without our permission to make a profit." – Darlene & Shawn Howlett

"To my great shock and dismay, my mother's obituary appears on this site; I had no knowledge of this site, nor had I granted permission for her obituary to be republished in this manner or by this company...Perhaps what was more distressing was the invitation to 'light a candle', which is apparently 'meaningful and eternal' and will support the family and others. Upon reading the FAQ page I was disgusted that the fees collected for 'lighting the candle' would be used to 'develop the company'; I find this appalling! I am writing to lend my support to your efforts to end this 'exploitation' of bereaved families, friends and deceased persons in an attempt to generate income. To build a business whose sole intention is to 'cash in' on grief and loss, is offensive, to say the least. Having had no knowledge of the website, nor granting permission for the obituary to appear, would suggest to me that the intention of this company is not to support my grieving and loss, but play on the grief of individuals who may not be aware of their questionable business tactics." – Erin Mitchell

12. About a month after this class action was commenced the respondent shut down the Domain and all traffic was redirected to a new website called Everhere. The Everhere website has the same look and feel as the Domain. It posts obituaries alongside advertising and offers candles and flowers for sale. The obituaries on the Everhere website appear to be generated using templates. Attached to this Affidavit as Exhibit B are printouts of the Everhere website.
13. Pascal Leclerc, the directing mind of the respondent, appears to be a director of Everhere. Everhere Inc. was incorporated on February 19, 2018, shortly after this proceeding was commenced in January of 2018. Attached to this Affidavit as Exhibit C are the results of the corporate searches showing Pascal Leclerc as a director of the respondent and Everhere Inc.
14. Attached to this Affidavit as Exhibit D is a copy of Paco Leclerc's LinkedIn profile available at <https://www.linkedin.com/in/paco-leclerc-1600b9a5/?originalSubdomain=ca> wherein he is described as the founder of Everhere.
15. The Everhere website has attracted controversy and critique. Attached to this Affidavit as Exhibit E are the following news stories where people object to the obituaries of their loved ones being posted on the Everhere website:
 - a) CBC, April 21, 2018, "*Obituary website sells memorials for Humboldt victims without family permission*":

Funeral officials and family members tell CBC News the obituaries were listed without their permission.

Many of them are also inaccurate, with an incorrect place of death noted for most of the victims.

Bonnie Schatz, mother of crash victim Logan Schatz, said her family did not place an obituary with Everhere.

"Unbelievable that people would do something like that," she said.

"It kind of feels like we failed," said Amy Lavier, the Pembroke, Ont., woman who criticized Afterlife after it published her four-year-old son's obituary without her permission.

"To see it's happening again, it's just not right what they're doing," she said.

(<https://www.cbc.ca/news/canada/calgary/humboldt-obituaries-website-everhere-1.4629281>)

- b) CBC, July 9, 2018, "Obituary website criticized for risking revelation of husband's death to dementia-suffering widow":

Everhere's obituary actively solicited visitors to send flowers, while the version approved by the family included an explicit request that mourners donate to charity in lieu of sending flowers.

"My mother... had she read the card, then she would have found out inadvertently that her husband of over 60 years was no longer alive."

"This is the most horrible thing I can imagine. It's like looting," said Verba.

Rick Laursen says no flowers have shown up at his parents' home yet, and the obituary has been removed from Everhere after he filled out an online form to request its removal.

However, he calls Everhere's publication of his father's obituary "very deceitful" and says it caused a huge amount of stress, as this happened while he was managing his mother's health and planning his late father's funeral.

(<https://www.cbc.ca/news/canada/calgary/everhere-unauthorized-obituary-calgary-1.4738865>)

16. I swear this affidavit in support of this class proceeding.

[SIGNATURE PAGE TO FOLLOW]

001221

Affirmed before me at the City of St. John's in the Province of Newfoundland and Labrador on November 29, 2018.

W. C. D.

Commissioner for Taking Affidavits
(or as the case may be)

Erin E. Best
Barrister, NL

Flavor Johnson
(Signature of Deponent)

000222

This is Exhibit "A" referred to in the Second Supplementary Affidavit of Dawn Thomson sworn to or affirmed before me this 29th day of November, 2018.



Commissioner of Oaths

**Erin E. Best
Barrister, NL**

DT'

030223

Renee A. Boyd

From: Erin Best
Sent: Sunday, January 28, 2018 11:38 AM
To: Monica saunders
Cc: Renee A. Boyd
Subject: RE: Afterlife

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

On January 12th a proposed class action was filed in the Federal Court of Canada against Afterlife. If the proceeding is certified then each Canadian copyright owner whose copyright was infringed by Afterlife will become a member of the class. Notices will be posted providing information as to how the proceeding is progressing and also alerting copyright owners of their opportunity to participate or opt out of the class action.

Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
Partner
stewartmckelvey.com/StJohns
D: 709.570.8833
ebest@stewartmckelvey.com
*MBA, Trademark Agent

From: Monica saunders [mailto:monica-saunders@hotmail.com]
Sent: Sunday, January 21, 2018 6:36 PM
To: Erin Best <ebest@stewartmckelvey.com>
Subject:

Dear Erin Best

I am writing you today with a heavy heart and a furious mind. First of all I want to say thank you for representing those who are no longer able to.

On February 17, 2016, my family suddenly lost a very important member of our family. My son, Maurice was just 25 years young when he died during surgery. Our family not only had to deal with the sudden loss of a funny, courageous, loving man but we also had to deal with the many emotions that came when his obituary was posted on Afterlife.

I first heard of Afterlife when the story of George Murphy went public. I looked up the website and searched his name, I was mortified. There it was, the obituary that was written for family and friends, was now being plastered all over this other site for monetary purposes.

I wasn't sure how I felt when I first saw it, I found myself struggling with many emotions. I was disappointed that someone would do this for their own benefit. I was mad and angry. I was hurt. It's an everyday struggle as it is, but to have all of these memories, all these new and old emotions brought to the surface again.. It's like being punched in the stomach.

Since I first saw this posting on Afterlife, his obituary has been removed. I have no idea how or who asked for this to be removed, but I do have a screenshot of the obituary on the site. Not only did they copy the obituary but they put the wrong place of death on their site.

I am emailing you today with little expectation other than the hope of closure. The hope that they would not be able to do this to any other family. I had planned on contacting someone when I first found out about it, but I was unsure of who to contact until now. I guess I am emailing you to ask what the next step could be, and if you could help stop these people from taking advantage of any other family like they did mine.

Once again, thank you for representing those who are no longer able to defend themselves, and their families.
Monica Saunders, an angry and hurt mother.

Monica Saunders

Renee A. Boyd

From: St. John's Reception
Sent: Wednesday, January 10, 2018 8:28 AM
To: Erin Best
Cc: Renee A. Boyd
Subject: FW: Lawsuit for Afterlife Obituary Website

Maria

From: Paula Ash [mailto:paulaash2010@outlook.com]
Sent: January-09-18 9:32 PM
To: St. John's Reception <sjs-reception@stewartmckelvey.com>
Subject: Lawsuit for Afterlife Obituary Website

Attn Erin Best;

I am inquiring about the Lawsuit against Afterlife Obituary Website. My Dad, Douglas Holloway, who passed away April 19th, 2013 & my step mom, Genevieve Mary Holloway, who passed away March 25th, 2017 are both listed on this website.

I am very upset seeing this company make a profit from something so personal and deistating.

My Niece (19) & Nephew (26) have also been informed that their mom, my sister in law, Suzie Holloway, who passed away July 14, 2016 is also on this website and they are very upset regarding this.

I have taken proof of this from their website in case it becomes deleted.

Please inform me if the lawsuit is moving forward as this should be stopped.

*Warm Regards;
Paula Holloway-Ash*

Renee A. Boyd

From: Erin Best
Sent: Thursday, January 18, 2018 9:53 AM
To: Rod Jeddore
Cc: Renee A. Boyd
Subject: RE: Afterlife

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

On January 12th a proposed class action was filed in the Federal Court of Canada against Afterlife. If the proceeding is certified then each Canadian copyright owner whose copyright was infringed by Afterlife will become a member of the class. Notices will be posted providing information as to how the proceeding is progressing and also alerting copyright owners of their opportunity to participate or opt out of the class action.

Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best

Erin E. Best*
Partner
D: 709.570.8833
ebest@stewartmckelvey.com

*MBA, Trademark Agent

-----Original Message-----

From: Rod Jeddore [mailto:rjeddore@setanewey.ca]
Sent: Wednesday, January 17, 2018 9:10 PM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: Afterlife

My name is Rod Jeddore,

I am the Administrator for my brother, Joseph Jeddore's estate, who passed away April 8th 2017. It has been reported to me that the obituary I wrote can be found on this site, afterlife. I find this very disturbing, upsetting and morally unethical. On Here and Now I saw you were representing families in a class action lawsuit. We want this stopped, how can we help? We are shocked that someone is looking to profit from our grief and hope you are able to help stop these atrocities from occurring as no family should have to endure such cold and callous actions.

Respectfully
Rod Jeddore
Sent from my iPhone

Renee A. Boyd

From: Cameron Stoyles <cameronstoyles@gmail.com>
Sent: Wednesday, January 17, 2018 7:41 AM
To: Erin Best
Subject: Afterlife Website

Hi Erin,

I saw your news article on TV last night reference the Afterlife website. The timing was exceptionally strange for me and my family as only a week ago my friend informed me that my late Grandfather was listed on the site. We were horrified to find my Grandfather's picture and obituary on the website and disgusted that they were selling flowers and "lighting candles" in his memory without our permission. He had only passed away on December 28th, 2017.

Where could I obtain more information on the class action lawsuit the news article discussed?

Thanks,
Cameron Stoyles
709-746-0065

Renee A. Boyd

From: St. John's Reception
Sent: Thursday, January 18, 2018 8:32 AM
To: Erin Best
Cc: Renee A. Boyd
Subject: FW: Afterlife

Follow Up Flag: Follow up
Flag Status: Completed

Maria

-----Original Message-----

From: wendy elson [mailto:wendyelson@icloud.com]
Sent: January-17-18 6:45 PM
To: St. John's Reception <sjs-reception@stewartmckelvey.com>
Subject: Afterlife

I understand you are curating a class action lawsuit against afterlife. My daughter died at 19 years old on Christmas Day 2017. Her name was Danielle Nepinak. Afterlife has her obituary posted. It is very upsetting that people are profiting on her death! If you need anymore info you can email me or call me at 709-896-0599 in Happyvalley-Goosebay,NL My email is: wendyelson@hotmail.ca Thank you Wendy Elson

Sent from my iPhone

Renee A. Boyd

From: Erin Best
Sent: Thursday, January 18, 2018 9:55 AM
To: Annemarie Coffey
Cc: Renee A. Boyd
Subject: RE: Afterlife obituary

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

On January 12th a proposed class action was filed in the Federal Court of Canada against Afterlife. If the proceeding is certified then each Canadian copyright owner whose copyright was infringed by Afterlife will become a member of the class. Notices will be posted providing information as to how the proceeding is progressing and also alerting copyright owners of their opportunity to participate or opt out of the class action.

Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: Annemarie Coffey [mailto:coffeyannemarie@yahoo.com]
Sent: Wednesday, January 17, 2018 7:10 PM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: Afterlife obituary

Dear Ms. Best.

It has recently come to my attention about a site called afterlife of which I am sure you are aware. I haven't been paying attention to the information regarding this until a friend of mine told me. In Nov. of 2016 I lost my aunt Anita. she lived in California most of her life and we spent a lot of time together..in her last year we spent that summer together and it was one I will never forget. Her wish was to come home here to Placentia and be buried here. it took some time but I got her back here and she is now buried in Mahers cemetery in Southeast. I miss her terribly and visit her every day..she along with my father were my everything. Her obituary was written by me and when I seen it on this afterlife site I was shocked and sad and I still am. I just wanted to write you and tell you that she is one of the people that is being exploited ..She was my aunt, my friend and a mother to me. she was a wife, a sister , a wife and she was fun. Her name was Anita Mary (Lynch) Schenk who passed away on Nov 6, 2016 in Santa Clara California.

Thank you
 Sincerely

000230

Ann Marie (Lynch) Coffey

Renee A. Boyd

From: Erin Best
Sent: Thursday, January 18, 2018 4:09 PM
To: debbie beaucage
Cc: Renee A. Boyd
Subject: RE: Afterlife

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

On January 12th a proposed class action was filed in the Federal Court of Canada against Afterlife. If the proceeding is certified then each Canadian copyright owner whose copyright was infringed by Afterlife will become a member of the class. Notices will be posted providing information as to how the proceeding is progressing and also alerting copyright owners of their opportunity to participate or opt out of the class action.

Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best

Erin E. Best*
Partner
D: 709.570.8833
ebest@stewartmckelvey.com

*MBA, Trademark Agent

-----Original Message-----

From: debbie beaucage [mailto:debbeaucage@hotmail.ca]
Sent: Thursday, January 18, 2018 4:01 PM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: Afterlife

Hi Erin! I just write on CBC news that there may be a class action lawsuit against Afterlife. Our father Thomas West of Buchans was listed on this site , as well as a picture of him. My sister asked for his obituary to be removed, they did remove it, but blocked her from the site so that she couldn't see for sure that it was removed. I then went on to the site, & it was removed! Just wanted to let you know that our family was a victim of this awful site. Thanks for trying to do something about this. On behalf of the West family, Thank You. Debbie Beaucage

Sent from my iPad

Renee A. Boyd

000232

From: Erin Best
Sent: Sunday, January 21, 2018 12:18 PM
To: Lisa Bendall
Cc: Renee A. Boyd
Subject: RE: Afterlife inquiry

Thanks Lisa. Beautiful picture.



Erin E. Best*
Partner
stewartmckelvey.com/StJohns
D: 709.570.8833
ebest@stewartmckelvey.com
*MBA, Trademark Agent

From: Lisa Bendall [mailto:lbendall@sympatico.ca]
Sent: Friday, January 19, 2018 11:37 AM
To: Erin Best <ebest@stewartmckelvey.com>
Cc: Renee A. Boyd <raboyle@stewartmckelvey.com>
Subject: RE: Afterlife inquiry

Hi Erin, unfortunately I did not take a screen shot of what they originally posted. However, here's a link to what they had copied, which is the obituary posted by the funeral home we used:
http://obits.dignitymemorial.com/dignity-memorial/obituary.aspx?n=Kathleen-Parker&lc=3162&pid=187228724&mid=7637594&locale=en_CA

The reason I believe they copied the obituary from this source, and not from one of the newspapers, is that this is also the photo they copied. We had supplied this particular photo to the funeral home, and chose to put a different photo in the newspapers.

I've attached a copy of a screen shot taken today, which is the Afterlife listing as it appears now.

Thank you,

Lisa

.....
Lisa Bendall
416-236-2525 . lbendall@sympatico.ca
www.lisabendall.com . @lisabendall on Twitter
Want inspiration? www.50gooddeeds.com

From: Erin Best [mailto:ebest@stewartmckelvey.com]
Sent: January 19, 2018 9:49 AM
To: Lisa Bendall
Cc: Renee A. Boyd
Subject: RE: Afterlife inquiry

Did you print or take a screen shot of what they had originally posted? If so, would you please send. Can you send me a copy of the original obit and photo that was copied by Afterlife?

BTW, here's our full response to your email:

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

On January 12th a proposed class action was filed in the Federal Court of Canada against Afterlife. If the proceeding is certified then each Canadian copyright owner whose copyright was infringed by Afterlife will become a member of the class. Notices will be posted providing information as to how the proceeding is progressing and also alerting copyright owners of their opportunity to participate or opt out of the class action.

Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: Lisa Bendall [mailto:lbendall@sympatico.ca]

Sent: Friday, January 19, 2018 11:12 AM

To: Erin Best <ebest@stewartmckelvey.com>

Subject: Afterlife inquiry

Hi Erin, I understand you're out of the office this week, but that you are receiving emails from people who may have been impacted by the Afterlife.co website.

My mother-in-law, Kathleen Mulock O'Flynn Parker, died in November. I'm a professional writer, so I wrote a long obituary that appeared in three newspapers. My brother-in-law sourced photos. Soon after, without our permission, the obituary and one photo were published on the Afterlife.co website. Frustratingly, the listing also included false information: it wrongly listed the place of death as Kingston, Ontario. (My mother-in-law died in King Township, north of Toronto.) I discovered this online listing in January, after the first CBC news story came out about the Alberta family.

This morning, after hearing your name in the news, I checked the website again. The listing is still there, and it still includes the wrong place of death, but now the photo has been removed and the obituary I wrote has been replaced with a new one. (I didn't ask for this, but I assume it's some kind of response to the bad publicity the company has been receiving.) In place of this information, however, the "new" obituary refers to the wrong place of death a second time, and requests flowers to be sent in her memory (in our obituary, we had asked for memorial contributions to be made to a hospice).

Here's a link to the obituary as it looks now:

<https://www.afterlife.co/ca/obituary-kingston-kathleen-mulock-oflynn-parker-6392719>

Let me know if you'd like more information. Thank you for your interest in this. It's reprehensible to take personal advantage of a person's death this way.

Best,
Lisa Bendall

000234

.....
Lisa Bendall
416-236-2525 . lbendall@sympatico.ca
www.lisabendall.com . @lisabendall on Twitter
Want inspiration? www.50gooddeeds.com

This e-mail message (including attachments, if any) is confidential and may be privileged. Any unauthorized distribution or disclosure is prohibited. Disclosure to anyone other than the intended recipient does not constitute waiver of privilege. If you have received this e-mail in error, please notify us and delete it and any attachments from your computer system and records.

Ce courriel (y compris les pièces jointes) est confidentiel et peut être privilégié. La distribution ou la divulgation non autorisée de ce courriel est interdite. Sa divulgation à toute personne autre que son destinataire ne constitue pas une renonciation de privilège. Si vous avez reçu ce courriel par erreur, veuillez nous aviser et éliminer ce courriel, ainsi que les pièces jointes, de votre système informatique et de vos dossiers.

Renee A. Boyd

From: St. John's Reception
Sent: Friday, January 19, 2018 2:36 PM
To: Erin Best
Cc: Renee A. Boyd
Subject: FW: afterlife.co

Maria

From: Jim Burden [mailto:JBurden@stjohns.ca]
Sent: January-19-18 2:18 PM
To: St. John's Reception <sjs-reception@stewartmckelvey.com>
Subject: afterlife.co

Hello, just wanted to touch base with you on the afterlife.co website and the solicitation of obits.

I checked my mothers name as she passed this time last year and sure enough, she was there...

If it would help your case, I would appreciate you adding me to the list of disgusted people who want this behavior stopped. My mothers name was Marilyn Lorraine Burden,

Thank you.

Jim Burden
Parts Clerk
(materials mgmt.)
City of St John's
Phone 576-8973
fax 576-2382

Renee A. Boyd

From: dinglefuttzer@gmail.com on behalf of Daniel Moses <spunkypuppy67@gmail.com>
Sent: Saturday, January 20, 2018 1:26 PM
To: Renee A. Boyd
Subject: Fwd: Afterlife copyright infringement

Follow Up Flag: Follow up
Flag Status: Completed

Hi Renee, my name is Daniel Moses of Victoria, BC, and I understand Erin Best has taken on the task of representing victims in a class-action lawsuit against the website Afterlife. I was shocked to see my father's obit there today and certainly don't want the website to be profiting from our loss. Please add my name to your list of complainants. Here is my info:

Daniel Moses, son of Richard Moses of Saltspring Island BC, deceased 6 Feb 17
1050 Finlayson St. Bsmt
Victoria, BC
V8T 2T7

(250) 858-9716
sesomnad@gmail.com.

Should I go ahead and ask the website to remove my father's obit, or would that compromise our participation in the class-action?

Thank you for doing this!

Regards,

Dan Moses

Renee A. Boyd

From: Erin Best
Sent: Sunday, January 21, 2018 12:01 PM
To: banana foxtrot
Cc: Renee A. Boyd
Subject: RE: *plz. I require your help re. My Father's Obit.

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

On January 12th a proposed class action was filed in the Federal Court of Canada against Afterlife. If the proceeding is certified then each Canadian copyright owner whose copyright was infringed by Afterlife will become a member of the class. Notices will be posted providing information as to how the proceeding is progressing and also alerting copyright owners of their opportunity to participate or opt out of the class action.

Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: banana foxtrot [mailto:bananaterez@hotmail.com]
Sent: Friday, January 19, 2018 10:05 PM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: *plz. I require your help re. My Father's Obit.

Dear Attorney Erin Best,

Watching Calgary, CTV news tonight i was alarmed about the illegal use of private family's loved ones obituary's being posted illegally by some company called 'Afterlife'...

Exercising suspicion i checked their website. Am terribly upset!
 I am very disturbed to see that my own dear papa's obituary; which i carefully, prayerfully and lovingly created; & paid for, posted in the fall of 2016...
 has clearly been pirated/illegally posted by/on the 'Afterlife' website.

Please can you tell me what to do next?

000238

I took several screen shots of papa's obit and can forward you them.

If by some chance you are not the attorney mentioned in the news, please accept my deepest apologies.

Yours truly,
Annamarie Walcz

(daughter of Lawrence Walcz,
passed: Aug.2, 2016. Toronto)

Sent from Samsung Mobile

Renee A. Boyd

From: Erin Best
Sent: Sunday, January 21, 2018 12:08 PM
To: Linda Nielsen
Cc: Renee A. Boyd
Subject: RE: Afterlife Website

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

On January 12th a proposed class action was filed in the Federal Court of Canada against Afterlife. If the proceeding is certified then each Canadian copyright owner whose copyright was infringed by Afterlife will become a member of the class. Notices will be posted providing information as to how the proceeding is progressing and also alerting copyright owners of their opportunity to participate or opt out of the class action.

Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: Linda Nielsen [mailto:linda.nielsen@horizon.ab.ca]

Sent: Saturday, January 20, 2018 10:33 AM

To: Erin Best <ebest@stewartmckelvey.com>

Subject: Afterlife Website

Dear Ms. Best,

Thank you for your efforts to stop this disgusting website from making money off of someone else's pain.

My father, Byron Cazier Palmer, passed away last September after a lengthy ordeal. For over 2 years my mother and I, along with my 3 siblings, watched our knight in shining armor slowly slip away from us, both mentally and physically.

The night he passed, my mom and I took turns holding his hand. He took his last breath as the sun rose.

It causes us great distress to find the obituary my family collectively authored stolen and used for profit on the Afterlife website. The shameless individuals responsible for this indignity have taken the information from 2

separate obituaries for my father - one from The Lethbridge Herald and one from an American newspaper, The Logan Herald Journal. (The latter posting on Afterlife mistakenly listed his place of death)

My family and I wish you every success in your efforts in stopping this unauthorized, obscene use of our family's sorrow.

Sincerely,
Linda Palmer Nielsen

Renee A. Boyd

From: Erin Best
Sent: Sunday, January 21, 2018 12:10 PM
To: Brenda
Cc: Renee A. Boyd
Subject: RE: Class action suit against Afterlife Obituaries

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

On January 12th a proposed class action was filed in the Federal Court of Canada against Afterlife. If the proceeding is certified then each Canadian copyright owner whose copyright was infringed by Afterlife will become a member of the class. Notices will be posted providing information as to how the proceeding is progressing and also alerting copyright owners of their opportunity to participate or opt out of the class action.

Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best

Erin E. Best*
 Partner
 D: 709.570.8833
 ebest@stewartmckelvey.com

*MBA, Trademark Agent

-----Original Message-----

From: Brenda [mailto:haakan@telus.net]
 Sent: Friday, January 19, 2018 11:10 PM
 To: Erin Best <ebest@stewartmckelvey.com>
 Subject: Class action suit against Afterlife Obituaries

Tonight on the news, there was a story about how Afterlife Obituaries is posting the obituaries of different ones without the permission of the family. Since September 2016, my family has lost 4 members. I found 2 of their obituaries on the website without our family permission. One is my mother, Gwen Hagey and the other, my brother Kenneth Hagey. The information on my Mom is wrong. They have her dying in Red Deer, AB and she past away in Calgary. They mention a service to celebrate her life and we didn't have a funeral because she didn't want one. My dad is the only heir to my Mom's estate. He is 92 and I live with him and is his caregiver. I was also my Mom's. We feel violated and want them shut down. Because he is on a fixed income, he really can't afford paying legal fees, but I hear that often in cases like this, the lawyer will take a percentage of the money won. In my brother's case, I have past the information on to my nephew who is the trustee of Ken's estate. I will pass on any information I receive from you about the law suit and let him decide if he wants to pursue it or not.

Thank you, Brenda Hagey



Renee A. Boyd

From: Erin Best
Sent: Sunday, January 21, 2018 12:11 PM
To: Mary Dykstra
Cc: Renee A. Boyd
Subject: RE: Afterlife

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

On January 12th a proposed class action was filed in the Federal Court of Canada against Afterlife. If the proceeding is certified then each Canadian copyright owner whose copyright was infringed by Afterlife will become a member of the class. Notices will be posted providing information as to how the proceeding is progressing and also alerting copyright owners of their opportunity to participate or opt out of the class action.

Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best
Erin E. Best*
Partner
D: 709.570.8833
ebest@stewartmckelvey.com

*MBA, Trademark Agent

-----Original Message-----

From: Mary Dykstra [mailto:marydykstra59@gmail.com]
Sent: Friday, January 19, 2018 10:10 PM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: Afterlife

Erin

My name is Glenn and we live in Alberta. We were watching our local news tonight and they had a segment on Afterlife. Our curiosity got to us after losing my mother last year in February. We Thought we would check to see if her name was on there and sure enough it was. We did not give anyone permission to publish her obituary anywhere except our local news paper and the funeral home website. I believe what they are doing is not right. We will await a response from you.

Thank you

Glenn Dykstra

Sent from my iPad

Renee A. Boyd

From: Darlene Howlett <darlenehowlett@yahoo.ca>
Sent: Thursday, February 15, 2018 8:56 PM
To: Erin Best; Renee A. Boyd
Subject: Afterlife class's action suit

Follow Up Flag: Follow up
Flag Status: Completed

Good evening ,

I'm am writing to you as both myself and my husband wish to be part of this class action . This past year (2017) my brother Junior Whitten passed away on March 29. Needless to say I was horrified to find that this site afterlife had his picture and obituary posted and tried to profit off our heart break . My husband Shawn was also decanted to find his brothers obituary posted on there site as well and to add insult to injury they had his place of death completely wrong . His brothers name was Jerome Howlett who passed sept 4,2014 .

This obituaries were wrote by our families during a very heart breaking time and we find it disgusting that they would take advantage of our sadness without our permission to make a profit .

I would like both of us to be part of this and see that an example is set that people cannot profit or try to profit from our grief . I have attached pictures of the obituaries from what I saved because I demanded they remove them from their site .

Our information is as follows :

Darlene & Shawn Howlett

13 Durdle Drive

Goulds , NL

A1S 1A7

H (709) 368-1730

C(709) 699-0149

C(709) 690-3228

Renee A. Boyd

From: Erin Best
Sent: Sunday, January 21, 2018 12:19 PM
To: erin.mitchell@rogers.com
Cc: Renee A. Boyd
Subject: RE: Afterlife Action

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

On January 12th a proposed class action was filed in the Federal Court of Canada against Afterlife. If the proceeding is certified then each Canadian copyright owner whose copyright was infringed by Afterlife will become a member of the class. Notices will be posted providing information as to how the proceeding is progressing and also alerting copyright owners of their opportunity to participate or opt out of the class action.

Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best

Erin E. Best*
 Partner
 D: 709.570.8833
 ebest@stewartmckelvey.com

*MBA, Trademark Agent

-----Original Message-----

From: erin.mitchell@rogers.com [mailto:erin.mitchell@rogers.com]
 Sent: Saturday, January 20, 2018 12:31 PM
 To: Erin Best <ebest@stewartmckelvey.com>
 Subject: Afterlife Action

Dear Erin,

I recently read several news articles surrounding the website 'Afterlife' and their business model which publishes captured obituaries from across North America in an effort to sell services to the public. I was shocked and saddened to read the articles, and having recently lost my mother, I attended the Afterlife website to determine how this site operated. To my great shock and dismay, my mother's obituary appears on this site; I had no knowledge of this site, nor had I granted permission for her obituary to be republished in this manner or by this company.

It was such a shock to see her obituary, which had been heavily edited, along with an invitation to 'attend and celebrate' her life. Perhaps what was more distressing was the invitation to 'light a candle', which is apparently 'meaningful and eternal' and will support the family and others. Upon reading the FAQ page I was disgusted that the fees collected for 'lighting the candle' would be used to 'develop the company'; I find this appalling!

I am writing to lend my support to your efforts to end this 'exploitation' of bereaved families, friends and deceased persons in an attempt to generate income. To build a business whose sole intention is to 'cash in' on grief and loss, is offensive, to say the least. Having had no knowledge of the website, nor granting permission for the obituary to

appear, would suggest to me that the intention of this company is not to support my grieving and loss, but play on the grief of individuals who may not be aware of their questionable business tactics.

Upon reviewing the site, the FAQ advises that they will contact the family to advise of grief messages, candle lighting and floral orders; the question that remains is 'how much information does this company actually have about me' and how was it collected? Further, should an individual attempt to order flowers for the family, would they ever be received by the family, or would their money simply be gone.

I applaud your efforts and would very much appreciate hearing of your success to stop this company from continuing with their current business practices. Please feel free to connect with me if I may be able to provide any assistance in this matter.

Best Regards,

Erin Mitchell
Southampton ON

Renee A. Boyd

From: joanne murphy <joannemurphy215@yahoo.ca>
Sent: Monday, January 08, 2018 8:59 AM
To: Erin Best
Subject: Afterlife
Attachments: image1.PNG

Hi Erin,

My name is joanne lewis I'm originally from Holyrood NI , A friend of mine back home send be a article out of the evening telegram I just wanted to touch bases with you cause I was affected by afterlife ,I woke Thursday morning to see my late husband picture all over facebook with false date of birth and date of death myself and my family were devistated ,I have enclosed a copy of the picture that showed up in my daughters facebook wall I hope this people are stopped soon cause it's hurting so many people You can feel free to contact me if you have any questions I just want a stop put to this cause I called the funeral home where my husband was waking at I also called Vocm news ,here is the picture of the obituary that showed up on Thursday and that pic had to be taken from the website of the funeral home were tom was resting cause no one else should have a copy of that pic cause the funeral home director cropped it so we would have a nice pic of tom

Sent from my iPhone

Renee A. Boyd

From: Erin Best
Sent: Wednesday, January 17, 2018 11:40 AM
To: Sharon Porter-Trask
Cc: Renee A. Boyd
Subject: RE: Obituary for David J Trask

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

On January 12th a proposed class action was filed in the Federal Court of Canada against Afterlife. If the proceeding is certified then each Canadian copyright owner whose copyright was infringed by Afterlife will become a member of the class. Notices will be posted providing information as to how the proceeding is progressing and also alerting copyright owners of their opportunity to participate or opt out of the class action.

Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: Sharon Porter-Trask [mailto:ssportertrask@outlook.com]
Sent: Wednesday, January 17, 2018 11:36 AM
To: Erin Best <ebest@stewartmckelvey.com>
Cc: Sharon Porter-Trask <ssportertrask@outlook.com>
Subject: FW: Obituary for David J Trask
Importance: High

Hello Ms. Best

Please include me and my energy in your efforts to put a stop to this hurtful and awful practice. My husband died tragically November 16 2017 , two days after a Dr visit and after being given a strong antidepressant. I am devastated by actions of health care and medical examiner's office and nowhere to turn.

All the best
 Sharon

000248

From: Sharon Porter-Trask [mailto:ssportertrask@outlook.com]
Sent: January 17, 2018 11:28 AM
To: jordon@afterlife.co
Cc: Sharon Porter-Trask <ssportertrask@outlook.com>
Subject: Obituary for David J Trask
Importance: High

Please , this is my second attempt to make contact requesting that my husband's obituary be removed from your site.
You do not have my permission to use this for your site , and the information is inaccurate.

How dare you take his death and turn it into a financial adventure.

Reply to this confirming that this action has been taken.

Sharon

ssportertrask@outlook.com
(709)689-0321 c

"A Joy Shared is A Joy Doubled" ~ Johann Wolfgang von Goethe

Renee A. Boyd

From: Erin Best
Sent: Wednesday, January 17, 2018 2:57 PM
To: Mary Kranenburg
Cc: Renee A. Boyd
Subject: RE: Afterlife

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

On January 12th a proposed class action was filed in the Federal Court of Canada against Afterlife. If the proceeding is certified then each Canadian copyright owner whose copyright was infringed by Afterlife will become a member of the class. Notices will be posted providing information as to how the proceeding is progressing and also alerting copyright owners of their opportunity to participate or opt out of the class action.

Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: Mary Kranenburg [mailto:meg53@nf.sympatico.ca]
Sent: Wednesday, January 17, 2018 2:31 PM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: Afterlife

Dear Ms. Best,

I am so glad that someone is going after at least one scam artist in this current atmosphere of numerous shisters!!

Please count me IN, should you decide to prosecute Afterlife. My husband's obituary was published on this website. He left us on August 5, 2015, suddenly, after a six week illness.

I wrote that obituary and the picture, that we included in the obituary, was one that was taken during and in addition to, a family portrait. Therefore, Afterlife had no right to publish this on their webpage and profit

from my husband's passing. They also got some facts incorrect on the notice...I don't know if that was their sneaky way to bypass publishing rights etc., but they should be stopped!

Thank goodness for Mr. Murphy for bringing it to the forefront! (My daughter did a little research and found the publication of her father's obituary.) And thank goodness for you, Ms. Best, for trying to look after people who are vulnerable to such scams.

Should you wish to contact me, I can be reached via e-mail or telephone.

Thanking you in advance for your kind consideration,

Mary Kranenburg

meg53@nf.sympatico.ca

709-753-0682

Renee A. Boyd

000251

From: Erin Best
Sent: Thursday, January 18, 2018 9:54 AM
To: Gina MacArthur
Cc: Renee A. Boyd
Subject: RE: Afterlife Class Action

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

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Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
Partner
stewartmckelvey.com/StJohns
D: 709.570.8833
ebest@stewartmckelvey.com
*MBA, Trademark Agent

From: Gina MacArthur [mailto:4macs@bellaliant.net]
Sent: Wednesday, January 17, 2018 8:38 PM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: Afterlife Class Action

Hi Erin,

I would like to join the class action against Afterlife.co. Our son Ian's obituary was posted on the site, as was my grandmother, Susie Feltham's. I emailed the company and asked for them to be removed and they did comply, but I am still angry that they attempted to profit from our son's obituary. Please let me know what we need to do next.

Gina MacArthur
709-649-5592

Renee A. Boyd

From: Erin Best
Sent: Thursday, January 18, 2018 11:12 AM
To: Anita Burt
Cc: Renee A. Boyd
Subject: RE: Afterlife Obituaries

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

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Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: Anita Burt [mailto:anitagail1980@outlook.com]

Sent: Thursday, January 18, 2018 11:04 AM

To: Erin Best <ebest@stewartmckelvey.com>

Subject: Afterlife Obituaries

Hi,

My name is Anita Burt and I have recently discovered the obituaries of my mother and father in law as well as my grandfather on this website. My husband and I am very upset over this. What do I need to do? Do I contact them? Do we join you law suit?

I am contacting you because I saw an article linking you to this case. Any advice you can offer would be appreciated.

Thank you,
 Anita & Darrell Burt

[Get Outlook for Android](#)

Renee A. Boyd

From: Jamie Moran <jmoranpro@hotmail.com>
Sent: Thursday, January 18, 2018 8:39 PM
To: Erin Best; Renee A. Boyd
Subject: Inquiry: Class Action Lawsuit Afterlife.com

Follow Up Flag: Follow up
Flag Status: Completed

Hello Ms. Best,

I will try to keep this brief, as I know you must be busy.

This evening I saw an article on CBC in which you were interviewed and mentioned that you are representing a group of people in a class action lawsuit against "Afterlife.com".

Very sadly, I lost my mother, Catherine Moran on November 17th, 2017 in Salmon Arm, B.C. at the age of 67 years old.

My wife recently saw the story circulating about 'Afterlife.com' posting obituaries without permission of the families involved. My wife decided to go to "Afterlife.com" and search my mother's name. My Mother's obituary, that I had written, was indeed posted on the website 'Afterlife.com', word for word. My wife anonymously (in that she did not identify which person's obituary she was inquiring about), emailed 'Afterlife.com' and ask them some questions, including: that is listed has an option on the website to send the family a sympathy message. She asked how would the family would receive the sympathy message that was left, if Afterlife.com did not have the family's contact information. (My wife's concern was that someone would have left them a message of sympathy and we would not be made aware/notified of the sympathy extended to us). Afterlife responded that families could 'go to Afterlife.com and create a log in, so they could receive notifications if someone has left a message, sent flowers, or lit a candle.' My wife followed up in another email asking: that 'if the family is not aware that the deceased family member's obituary up on the site, then how would they know to even contact Afterlife.com. Especially if they had never even heard of them.' They did not send another reply as of yet.

My wife also inquired about a button that was on the screen that said "edit this obituary" or something to that affect. My wife asked why would they hold such a button for edits to be made (worried that someone could change the information). Afterlife's response was that:

"Currently, the funeral service events can only be edited. Those edits will be confirmed by us after we confirm the correct date and time with the funeral holding the services. If an edit wants to be made to the obituary, requests can be made to customer service."

We were waiting to hear back from the company for further information, and they have yet to contact us. We have saved a copy of our emails and their response.

I would be interested in being a part of the class action suit of which you are representing. Can you please tell me how I would go about this, and if you would be interested in including me in the class action lawsuit?

Thank you for your time and helping the families of the deceased who are victims of this shady business.

I look forward to hearing from you.

Kind Regards,

Jamie Moran

jmoranpro@hotmail.com

(H) 752-3252/ (C) 769-3811

Renee A. Boyd

From: St. John's Reception
Sent: Friday, January 19, 2018 8:29 AM
To: Erin Best
Cc: Renee A. Boyd
Subject: FW: Erin Best!

Follow Up Flag: Follow up
Flag Status: Completed

Maria

-----Original Message-----

From: cavellrodgers@nf.sympatico.ca [mailto:cavellrodgers@nf.sympatico.ca]
Sent: January-18-18 10:18 PM
To: St. John's Reception <sjs-reception@stewartmckelvey.com>
Subject: Erin Best!

Hi, my name is Cavell Rodgers and I understand you are investigating the afterlife website...I discovered that my fathers obituary was on there and after I emailed it was removed!! My father, Raymond E. Riggs passed away on December 8, 2016 and his obituary was written by his family as a tribute to him and I feel so violated knowing that it was there for the world to see!! I check every day to make sure it's not back on the site because I've heard that some that had been taken down were put back there again!!

My contact information is: 745-4067(h), 689-4067(c) Thank you, Cavell Rodgers Sent from my iPhone

Renee A. Boyd

From: St. John's Reception
Sent: Friday, January 19, 2018 8:30 AM
To: Erin Best
Cc: Renee A. Boyd
Subject: FW: Afterlife

Follow Up Flag: Follow up
Flag Status: Completed

Maria

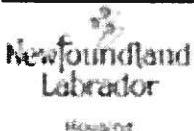
From: Laura Brennan [mailto:lbrennan@nlhc.nl.ca]
Sent: January-19-18 8:20 AM
To: St. John's Reception <sjs-reception@stewartmckelvey.com>
Subject: Afterlife

Dear Ms. Best

I too found my father's photo and obituary on this website.
My father passed away May of 2016.
I sent an email to them requesting to have it taken down and I had to email them twice.

Thanks
Laura Brennan
709-730-5648

Laura Brennan /Clerk A, ARO Maintenance
Newfoundland Labrador Housing
P.O. Box 220, 2 Canada Drive, St. John's, NL, A1C 5J2
(P) 724-3114 / (F): 724-3037
lbrennan@nlhc.nl.ca / www.nlhc.nl.ca



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Renee A. Boyd

From: Erin Best
Sent: Sunday, January 21, 2018 12:02 PM
To: Mark Mitchell
Cc: Renee A. Boyd
Subject: RE: Afterlife!!!

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

On January 12th a proposed class action was filed in the Federal Court of Canada against Afterlife. If the proceeding is certified then each Canadian copyright owner whose copyright was infringed by Afterlife will become a member of the class. Notices will be posted providing information as to how the proceeding is progressing and also alerting copyright owners of their opportunity to participate or opt out of the class action.

Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: Mark Mitchell [mailto:mitchell6969mitchell@gmail.com]
Sent: Saturday, January 20, 2018 9:22 PM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: Afterlife!!!

My name is Mark Mitchell and I am very upset about this. I have 5 family members there it is ridiculous.. Just looking to speak with you on this matter...my number is 1-709-393-0765..or my email is marcuss69er@hotmail.com...If someone can please contact me asap...it would be so appreciate... Thank you for your time

Renee A. Boyd

From: Erin Best
Sent: Sunday, January 21, 2018 12:02 PM
To: Terri & Peter
Cc: Renee A. Boyd
Subject: RE: Afterlife class action participation

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

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Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
Partner
stewartmckelvey.com/StJohns
D: 709.570.8833
ebest@stewartmckelvey.com
*MBA, Trademark Agent

From: Terri & Peter [mailto:kirchcrew@gmail.com]
Sent: Sunday, January 21, 2018 12:49 AM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: Afterlife class action participation

Please add my mother's obituary to the list of unauthorized publications by the dirtbag company, Afterlife. Dorothea Kirchberger

Peter Kirchberger
Mono, Ontario

Renee A. Boyd

From: Erin Best
Sent: Sunday, January 21, 2018 12:03 PM
To: Melissa
Cc: Renee A. Boyd
Subject: RE: Afterlife lawsuit

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

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Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best

Erin E. Best*
Partner
D: 709.570.8833
ebest@stewartmckelvey.com

*MBA, Trademark Agent

-----Original Message-----

From: Melissa [mailto:melissagirdzius@gmail.com]
Sent: Saturday, January 20, 2018 8:11 PM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: Afterlife lawsuit

Hi Erin

I saw on the news about your class action lawsuit against "afterlife". I went on there website out of curiosity & found my uncle Charles Lajoie who just passed in Nov 2017. He has no family (wife/kids) is this something I should tell my mom about & possible pursue? If so what would be involved for her to do as I know she is slightly overwhelmed with trying to get his estate in order.

Any information would be appreciated.

Thank you
Melissa Girdzius

Sent from my iPhone

Renee A. Boyd

From: Erin Best
Sent: Sunday, January 21, 2018 12:07 PM
To: Roger Plante
Cc: Renee A. Boyd
Subject: RE: Afterlife

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

On January 12th a proposed class action was filed in the Federal Court of Canada against Afterlife. If the proceeding is certified then each Canadian copyright owner whose copyright was infringed by Afterlife will become a member of the class. Notices will be posted providing information as to how the proceeding is progressing and also alerting copyright owners of their opportunity to participate or opt out of the class action.

Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: Roger Plante [mailto:rogerplante@outlook.com]
Sent: Saturday, January 20, 2018 10:58 AM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: Afterlife

Hi,

I found my mom's obituary on afterlife. I knew it would be on the local funeral home's website, but my sister and I never agreed to anything more. We are coming up to the one year anniversary of her passing which is hard enough.

I would like to be included should the class action lawsuit come to fruition.

Roger

Renee A. Boyd

From: Erin Best
Sent: Sunday, January 21, 2018 12:13 PM
To: Terry Wilson
Cc: Renee A. Boyd
Subject: RE: Afterlife Obit.

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

On January 12th a proposed class action was filed in the Federal Court of Canada against Afterlife. If the proceeding is certified then each Canadian copyright owner whose copyright was infringed by Afterlife will become a member of the class. Notices will be posted providing information as to how the proceeding is progressing and also alerting copyright owners of their opportunity to participate or opt out of the class action.

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Kindest regards,

Erin Best

Erin E. Best*
Partner
D: 709.570.8833
ebest@stewartmckelvey.com

*MBA, Trademark Agent

-----Original Message-----

From: Terry Wilson [mailto:tbear51@hotmail.com]
Sent: Friday, January 19, 2018 6:46 PM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: Afterlife Obit.

I would like to let you know that I too found my Mom's obituary posted on this web site after hearing about the problem on the local news. Two things made this especially upsetting for me, my Mom was a very private person, she stated in her requests that her obit only be posted in the local paper, which we tried to honour. Also it was 2 days from the one year anniversary of her passing when I found this posting. I did request that it be taken down, & posted my contact info. They did not contact me, but the obituary was taken down. Just thought you might want to know, my Mom would have been very upset. Thank you very much for your interest, and concern.
Terry Wilson on behalf of my deceased Mother Lorna Hardacre.

Renee A. Boyd

From: Erin Best
Sent: Sunday, January 21, 2018 12:13 PM
To: Patsy Corcoran
Cc: Renee A. Boyd
Subject: RE: Afterlife

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

On January 12th a proposed class action was filed in the Federal Court of Canada against Afterlife. If the proceeding is certified then each Canadian copyright owner whose copyright was infringed by Afterlife will become a member of the class. Notices will be posted providing information as to how the proceeding is progressing and also alerting copyright owners of their opportunity to participate or opt out of the class action.

Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: Patsy Corcoran [mailto:patsy.corcoran@hotmail.com]
Sent: Friday, January 19, 2018 5:31 PM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: Afterlife

Hello
 I am emailing you for my Mom, Lillian Doody. She is very upset about this issue. We only last my Dad the end of October, and she has found out that my Dad's obituary was posted on the Afterlife website.
 I am looking forward to your reply. Thank you.
 Patricia Corcoran

Sent from Mail for Windows 10

Renee A. Boyd

From: Erin Best
Sent: Sunday, January 21, 2018 12:33 PM
To: Christopher Goodridge
Cc: Renee A. Boyd
Subject: RE: AfterLife

Follow Up Flag: Follow up
Flag Status: Completed

Chris,

Hope you are well. Thanks for writing. This has been an upsetting thing for many. I'm sorry to hear that your Mom's obit was up there. We have filed a class action. Here's the form response I've been sending to people who have sent emails:

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

On January 12th a proposed class action was filed in the Federal Court of Canada against Afterlife. If the proceeding is certified then each Canadian copyright owner whose copyright was infringed by Afterlife will become a member of the class. Notices will be posted providing information as to how the proceeding is progressing and also alerting copyright owners of their opportunity to participate or opt out of the class action.

Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best

Erin E. Best*
 Partner
 D: 709.570.8833
 ebest@stewartmckelvey.com

*MBA, Trademark Agent

-----Original Message-----

From: Christopher Goodridge [mailto:cgoodrid@unb.ca]
 Sent: Saturday, January 20, 2018 4:07 PM
 To: Erin Best <ebest@stewartmckelvey.com>
 Subject: AfterLife

Hi Erin,

After reading the CBC article regarding AfterLife you shared, I checked and found my mother's obit on their website (without our family's consent). I shared it with my dad, and as you can imagine he's pretty upset by it.

It is a dishonest representation to make it appear like it was written by our family. Essentially, it is a complete fraud, crafted in such a way to use my mother's name, DOB, etc. for their own profits.

I've reported it on the website, but wanted to know if there's anything else we should do to ensure it's doesn't happen again.

000254

Thanks in advance,

CDG

Sent from my iPhone

Renee A. Boyd

From: Erin Best
Sent: Sunday, January 21, 2018 3:56 PM
To: Sandra and Paul McCabe
Cc: Renee A. Boyd
Subject: RE: CBC news : Posting obits without permission could be copyright infringement, says lawyer

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

On January 12th a proposed class action was filed in the Federal Court of Canada against Afterlife. If the proceeding is certified then each Canadian copyright owner whose copyright was infringed by Afterlife will become a member of the class. Notices will be posted providing information as to how the proceeding is progressing and also alerting copyright owners of their opportunity to participate or opt out of the class action.

Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: Sandra and Paul McCabe [mailto:psmccabe@hotmail.ca]
Sent: Sunday, January 21, 2018 2:31 PM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: Fwd: CBC news : Posting obits without permission could be copyright infringement, says lawyer

Erin

We wanted to get in touch with you to tell you that our father's obt was posted on this site also. This was upsetting to our mother.

We just asked to have it removed and wld like to participate in your class action.
 How do we get info on this action?

Regards
 Sandra McCabe

Begin forwarded message:

From: PS Hotmail <psmccabe@hotmail.ca>

Date: January 16, 2018 at 18:34:07 NST

To: everett.squires@nf.sympatico.ca, Carol Lynn Bennett <carolbennettlynn@hotmail.com>,
Pauline & Paul Sincl <Sinclair@nexicom.net>

Subject: Fwd: CBC news : Posting obits without permission could be copyright infringement, says lawyer

Regards
Sandra McCabe

Begin forwarded message:

From: PS Hotmail <psmccabe@hotmail.ca>

Date: January 10, 2018 at 16:30:29 NST

To: carol bennett <carolbennettlynn@hotmail.com>

Subject: Re: CBC news : Posting obits without permission could be copyright infringement, says lawyer

https://www.afterlife.co/ca/obituary-canada?first_name=Everett&last_name=Squires

Regards
Sandra McCabe

On Jan 10, 2018, at 15:59, carol bennett <carolbennettlynn@hotmail.com> wrote:

I don't see dad's

Sent from my Bell Samsung device over Canada's largest network.

----- Original message -----

From: Sandra and Paul McCabe <psmccabe@hotmail.ca>

Date: 2018-01-10 3:43 PM (GMT-03:30)

To: Carol Lynn Bennett <carolbennettlynn@hotmail.com>,
Pauline & Paul Sincl <Sinclair@nexicom.net>

Subject: CBC news : Posting obits without permission could be copyright infringement, says lawyer

Dads obt is there without our permission. What shld we do?

A St. John's lawyer is weighing into the controversy about a company that takes obituaries and posts them on its website, while also selling digital candles to light in their honour.

000267

<http://www.cbc.ca/news/canada/newfoundland-labrador/obituaries-copyright-act-st-john-s-best-erin-afterlife-1.4479584>

Shared from the CBC News App for iPhone

<Image-1.jpg>

Regards
Sandra McCabe

Renee A. Boyd

From: Erin Best
Sent: Sunday, January 28, 2018 11:39 AM
To: Rita D
Cc: Renee A. Boyd
Subject: RE: afterlife

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

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Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: Rita D [mailto:ritad551@yahoo.ca]
Sent: Sunday, January 21, 2018 7:58 PM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: afterlife

Hello
 In regards to this company and class action lawsuit please add my name to this growing list of upset and angry people. My son Dwayne passed away Sept 9, 2017. I was unaware of this site until it came up as a write up in our local paper. A friend of mine actually told me that she had did a search for people that she knew had recently passed away. I did search and yes there was the obituary that had been in our local newspaper, and funeral home. To say that I was upset is beyond how I feel. My son was 35 and has a 13 year old daughter, to which in the write up we had stated in lieu of flowers a donation to his daughters education would be appreciated. So with that being said and also the possibilities of someone paying for flowers or a candle I hate to think how much money they may have received, taking advantage of a families loss. I did email them to have it taken down, although they never replied to me it was removed from the web site I have also contacted the Beauvrement Authority of Ontario to which they are also looking into this issue.

Hope to hear from you in regards to this and what steps may need to be taken.

Rita Desbiens
705 752 5496

000269

Renee A. Boyd

From: Erin Best
Sent: Sunday, January 28, 2018 11:39 AM
To: Adele MacDonald
Cc: Renee A. Boyd
Subject: RE: Afterlife class action

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

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Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: Adele MacDonald [mailto:addiemac1@gmail.com]

Sent: Sunday, January 21, 2018 10:11 PM

To: Erin Best <ebest@stewartmckelvey.com>

Subject: Afterlife class action

Hello Erin,

I read a news article about your possible class action.

I was sick with anger to discover my recently deceased father, Leander Kirwer, listed on Afterlife.co - the obituary riddled with errors.

I demanded they remove it - they did - but I have no way of knowing if anyone was swindled into giving them money through the page they had for my Dad.

If I can participate please let me know - I can be reached by email or by phone at 902-412-5945 (I'm in Nova Scotia).

000271

Thank you for taking this on,

Adele (Kirwer) MacDonald

Renee A. Boyd

From: Erin Best
Sent: Sunday, January 28, 2018 11:41 AM
To: Power, Cathy (St. John's)
Cc: cpower@bellaliант.net; Renee A. Boyd
Subject: RE: Class Action Lawsuit - Obituary website

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

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Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: Power, Cathy (St. John's) [mailto:cpower@coxandpalmer.com]
Sent: Monday, January 22, 2018 10:35 AM
To: Erin Best <ebest@stewartmckelvey.com>
Cc: cpower@bellaliант.net
Subject: Class Action Lawsuit - Obituary website

Hi Erin,

Hope all is well with you.

My mom passed away in February, 2017 and her obituary and picture were posted on this AfterLife website. When I heard George Murphy on the radio speaking about it, I immediately went to the website and saw my mom's name and picture posted to it as well. When George Murphy gave out the email address of the contact person, I in turn emailed that person and asked them to remove my mom's obituary and picture from their website as they were never given my permission to post it. (I do have a copy of my email to them). I have since checked the AfterLife website and the obituary and picture has been taken down.

My family, as well as George Murphy's family and others were very upset upon seeing the posting and with an option to send flowers or light candles. (I don't know where they were going to send flowers to).

Many thanks,
Cathy

Cathy Power | Cox & Palmer | Residential Real Estate Paralegal

Direct 709 570 5550 Fax 709 738 7755 Web coxandpalmerlaw.com
Address Suite 1100 Scotia Centre 235 Water Street St. John's NL A1C 1B6

000274

Renee A. Boyd

From: Erin Best
Sent: Sunday, January 28, 2018 11:41 AM
To: Marian Buechert
Cc: Renee A. Boyd
Subject: RE: class action suit re Afterlife

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

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Kindest regards,

Erin Best



Erin E. Best*
Partner
stewartmckelvey.com/StJohns
D: 709.570.8833
ebest@stewartmckelvey.com
*MBA, Trademark Agent

From: Marian Buechert [mailto:MarianB@stpub.com]
Sent: Monday, January 22, 2018 6:16 PM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: class action suit re Afterlife

Dear Ms. Best

Our 17-year-old son, Bryn Hutchinson, was killed by a careless driver on July 6, 2016.

In June, 2017, my husband paid for a “Memorium” in *The Vancouver Sun*. This memorial was subsequently posted on Afterlife without my husband’s permission. We find this to be offensive and degrading to our son’s memory.

We would like to know more about the class action suit you are filing against Afterlife.

Marian Buechert
Mark Hutchinson

000275

Renee A. Boyd

From: Erin Best
Sent: Sunday, January 28, 2018 11:43 AM
To: Joy Dawe
Cc: Renee A. Boyd
Subject: RE: Afterlife

Follow Up Flag: Follow up
Flag Status: Completed

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Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: Joy Dawe [mailto:jdawe@ntv.ca]
Sent: Wednesday, January 24, 2018 11:14 AM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: Afterlife

Hi there,

I wasn't really sure where to go for answers on this then I read your article.
 My father passed away in June 2017 which was very devastating for my family , it was a sudden death. Once I heard all the buzz surrounding this website my mother had asked me to check to see if in fact my father's obituary was there and sure enough it was.

I have since emailed them asking them to remove it , but it is absolute disgusting to see that something like this could even happen.

My father was 66 when he died and it was very hard for my family, but he had lived a very good life. I can't even begin to imagine what other families are dealing with seeing the loss of a child posted on a social media page without consent. It just makes you relive all of the emotions all over again.

I just wanted to tell you my story on this website and I wish you luck .

Thank you
Joy Dawe

000277

Joy Dawe
Accounts Payable
NTV (CJON)/OZFM (CHOZ)
446 Logy Bay Road
P.O. Box 2020
St. John's, NL A1C 5S2
p. 709-570-5390
f. 709-726-5233
jdawe@ntv.ca

Renee A. Boyd

From: Erin Best
Sent: Sunday, January 28, 2018 11:43 AM
To: Sandee Wilson
Cc: Renee A. Boyd
Subject: RE: Afterlife

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

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Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: Sandee Wilson [mailto:superstormsandee@gmail.com]

Sent: Wednesday, January 24, 2018 11:52 AM

To: Erin Best <ebest@stewartmckelvey.com>

Subject: Afterlife

Hi Erin,

I saw on our local Calgary CTV news station that you are pursuing action against "Afterlife". My coworker Lea Stevenson and I were featured on CTV local news in Calgary and nationally on Friday Jan 19. We were both profoundly impacted by this website.

How do we assist you with legal action?

I'm prepared to do what it takes to remove this horrible website.

Sincerely,

Sandee Wilson (Calgary Alberta)

Renee A. Boyd

From: Erin Best
Sent: Sunday, January 28, 2018 11:43 AM
To: Brenda Crane
Cc: Renee A. Boyd
Subject: RE: Afterlife Class Action

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

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Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: Brenda Crane [mailto:brendacrane@hotmail.com]

Sent: Wednesday, January 24, 2018 4:26 PM

To: Erin Best <ebest@stewartmckelvey.com>

Subject: Afterlife Class Action

Ms. Best

I was given your email by Glenda Best at RMM. My husband passed away in Feb 27, 2013 at the age of 50. His obituary was listed twice on this website. It was posted word for word and the same picture was used as written at the time of death. I did email them twice earlier this month and it was removed. Glenda mentioned you had started a class action and to contact you. I would be interested in any info you can offer on this.

Brenda Crane
595-2161

Renee A. Boyd

From: Erin Best
Sent: Friday, February 02, 2018 9:30 AM
To: Rhonda
Cc: Renee A. Boyd
Subject: RE: Classaction lawsuit claim

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

On January 12th a proposed class action was filed in the Federal Court of Canada against Afterlife. On January 30th, a certification motion was filed along with supporting materials. If the proceeding is certified then each Canadian copyright owner whose copyright was infringed by Afterlife will become a member of the class. Notices will be posted providing information as to how the proceeding is progressing and also alerting copyright owners of their opportunity to participate or opt out of the class action.

A copy of the application and certification motion record are available on the Stewart McKelvey website [here](#). Please continue to check the Stewart McKelvey website for further updates.

Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: Rhonda [mailto:hamourir@gmail.com]
Sent: Thursday, February 01, 2018 2:53 PM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: Classaction lawsuit claim

Good afternoon, Erin,

My father passed away in Sept 2016. His name was Bahjat Hamoui. They also added our pics and info about him in their website without our knowledge etc. Their info about him is wrong and mis stated.

I would also like to be part of this class action suit. If there is any other info you need from me please let me know.

Thank you for doing this, my family and I appreciate it very much!

000281

Cheers,

Rhonda Hamoui
613-355-2017

Renee A. Boyd

From: Erin Best
Sent: Friday, February 02, 2018 9:31 AM
To: Bradley Strange
Cc: Renee A. Boyd
Subject: RE: Afterlife

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

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Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



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 Partner
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 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: Bradley Strange [mailto:bradstrange@live.ca]
Sent: Tuesday, January 30, 2018 7:25 AM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: Afterlife

Hello Erin,

My grandmother passed away Friday, and we were outraged to find out that her obituary is featured on Afterlife. Not only was it infuriating to find out, but when we found it, the details listed were very wrong, listing that she passed in Hamilton Ontario when she died here in her home. After finding my grandfathers on the site a short while ago, this latest blow is definitely not going to let us ignore what they are doing.

If you need to reach out in any way, feel free to respond to the email, or call me at

728-0696

009283

Thank you,

Brad Strange

[https://www.afterlife.co/ca/
obituary-hamilton-barbara-
strange-6824406](https://www.afterlife.co/ca/obituary-hamilton-barbara-strange-6824406)



**Barbara Strange
Obituary - 2018 -
Hamilton, ON - After...**

afterlife.co

<https://www.afterlife.co/ca/obituary-hamilton-barbara-strange-6824406>

<http://www.inmemoriam.ca/view-announcement-2321170-barbara-joan-strange.html>

Sent from my iPhone

Renee A. Boyd

From: Erin Best
Sent: Friday, February 02, 2018 9:32 AM
To: Nicholas Good
Cc: Renee A. Boyd
Subject: RE: False obituary

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

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A copy of the application and certification motion record are available on the Stewart McKelvey website here: <http://www.stewartmckelvey.com/en/home/classaction/afterlifeco.aspx>. Please continue to check the Stewart McKelvey website for further updates.

Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best

Erin E. Best*
 Partner
 D: 709.570.8833
 ebest@stewartmckelvey.com

*MBA, Trademark Agent

-----Original Message-----

From: Nicholas Good [mailto:nicgood01@gmail.com]
 Sent: Tuesday, January 30, 2018 4:12 PM
 To: Erin Best <ebest@stewartmckelvey.com>
 Subject: False obituary

Hello Erin,

Thank you for speaking with me briefly on the phone today. Hopefully your conference call went through.

Like I mentioned, I saw the news story about afterlife.co and decided to have a look at their website. My dad, Russell Glenn Good, passed away on December 6, 2017 and we put one obituary in the Edmonton Journal paper. When I went to the website I discovered that Afterlife had fabricated their own obituary which was very disturbing to read. My dad had specifically requested that he did not want a funeral service and that is what we stated in the obituary that we wrote. Afterlife had taken it upon themselves to announce a date and time for a funeral which did not happen! It is just appalling that website like this is able to operate and write something entirely inaccurate about someone who has passed away. Originally the obituary on afterlife said that the funeral would be held on December

11. That has since been removed and a generic statement about a funeral is written instead. They must have changed what they wrote at some point.

I would like to know what I can do to assist in shutting this website down. I am very interested in talking with you more about the lawsuit that you are putting together against Afterlife.

I look forward to speaking with you soon.

Regards,

Nic Good

Renee A. Boyd

From: Erin Best
Sent: Monday, February 12, 2018 8:51 AM
To: Michele Pieroway
Cc: Renee A. Boyd
Subject: RE: Afterlife.co

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

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Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
Partner
stewartmckelvey.com/StJohns
D: 709.570.8833
ebest@stewartmckelvey.com
*MBA, Trademark Agent

From: Michele Pieroway [mailto:michelepieroway@yahoo.com]
Sent: Tuesday, February 06, 2018 1:47 PM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: Afterlife.co

On Tuesday, February 6, 2018 9:33 AM, Michele Pieroway <michelepieroway@yahoo.com> wrote:

Dear Erin;

This is an email regarding our phone conversation this morning concerning the afterlife.co lawsuit.

My husband (Roger Bennett) passed away May 13, 2015 at Muskrat Falls. Afterlife was using his obituary for advertisement on their site.

I seen it on their site but when I went to look again they only had until up to 2016. I think this is ridiculous I am going through enough since 2015 since the loss of my husband.

If you have any questions please email me back or phone me at (709) 721-2029.

Thank you for your time have a great day, looking forward to your reply.

sincerely,

Michele Pieroway Bennett

Renee A. Boyd

From: Heather Greene <hgreene@brotherslaw.ca>
Sent: Monday, February 12, 2018 4:04 PM
To: Erin Best
Cc: Renee A. Boyd
Subject: Class Action - Afterlife.co

Importance: High

Good day,

I'd like to have my name or the name of my deceased relative, added to the list pertaining to the class action suit against Afterlife.co.

I was the author of my late Aunt's obituary and located same on the Afterlife.co website without my knowledge or consent. My Aunt's name is Velma Jean Tulk (of Pasadena, NL).

Let me know if there is anything further you require from me at this time.

Kind regards,
Heather Greene

Heather Greene
Brothers & Associates Law Office PLC Inc.
89 West Valley Road
Corner Brook, NL A2H 2X4
(T) 709.639.3400
(F) 709.639.3410

Website: www.brotherslaw.ca

This E-mail is SOLICITOR-CLIENT PRIVILEGED and contains information intended only for the person(s) named. Any other distribution, copying or disclosure is strictly prohibited. If you have received this E-mail in error, please notify us immediately by telephone (709)639-3400 or reply by E-mail to the sender.

Renee A. Boyd

From: Erin Best
Sent: Monday, February 12, 2018 4:13 PM
To: Greene, Beverley
Cc: Renee A. Boyd
Subject: RE: Sister's obituary

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

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Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best

Erin E. Best*
Partner
D: 709.570.8833
ebest@stewartmckelvey.com

*MBA, Trademark Agent

-----Original Message-----

From: Greene, Beverley [mailto:bgreen@grenfell.mun.ca]
Sent: Monday, February 12, 2018 4:08 PM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: Sister's obituary

Hello Ms. Best:

I have been meaning to send you a message for several weeks and I do apologize for the tardiness. I understand that you are in the process of dealing with Afterlife.co and their use of obituaries without permission. My sister Ramona Cole passed away in 2015 and I did write up her obituary. At no time was I contacted by them nor did I ever give them permission to use it.

Will this email be sufficient to be included in your dealings with them? I have no idea what exactly you may need from me but please feel free to contact me at any time for further information or clarification.

Thank you for your attention.

Beverley Greene
67 Carter Avenue
Corner Brook, NL

000290

A2H 6Y8
(709)639-8728

Sent from my iPad

This electronic communication is governed by the terms and conditions at <http://www.grenfell.mun.ca/campus-services/Pages/information-technology-services/electronic-communications-disclaimer.aspx>

Renee A. Boyd

From: Erin Best
Sent: Tuesday, February 13, 2018 11:49 AM
To: April Neary
Cc: Renee A. Boyd
Subject: RE: Class action lawsuit vs afterlife.co

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

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Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: April Neary [mailto:april_mayj@hotmail.com]

Sent: Tuesday, February 13, 2018 10:52 AM

To: Erin Best <ebest@stewartmckelvey.com>

Subject: RE: Class action lawsuit vs afterlife.co

Hello Ms. Best

I seen the news a few weeks ago that you were looking to file a class action lawsuit to afterlife.co for violating copyright laws by them using obituaries for monetary gain without consent/permission. I've been told that your file has been approved. Afterlife had my husband's information on their site and to say the least I was completely enraged as my husband's death was tragic and very sudden and our family has gone through enough.

When I seen his information on there I became very upset too upset to even contact them. A friend of mine inquired with afterlife online about "lighting a candle" and they were more than please to take the money until my friend made them aware that they didn't have permission to have his obituary on their website. All of a sudden she got a message back that their "office was closed" and to contact them next business day. My husband's cousin contacted them and demanded that his information be removed immediately. They did remove it but not before she took a screen shot of his obituary they had posted on their site.

I'm not sure if I can be added to the lawsuit as they removed it immediately when they were "caught" and called out on it.

I have attached the screen shot for you to review. If I qualify for this lawsuit please contact me by email or phone at 709-986-9393 to advise me of where I go from here.

Not only are they violating copyright laws but what their doing is insensitive, inhumane and very greedy to make money off the loss and grief of a beloved family member.

Thank you for your time

April Nearn

Sent from my Samsung Galaxy smartphone.

Renee A. Boyd

From: Erin Best
Sent: Thursday, March 08, 2018 9:12 AM
To: Kris and Shirley H
Cc: Renee A. Boyd
Subject: RE: Afterlife

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

On January 12th a proposed class action was filed in the Federal Court of Canada against Afterlife. On January 30th, a certification motion was filed along with supporting materials. If the proceeding is certified then each Canadian copyright owner whose copyright was infringed by Afterlife will become a member of the class. Notices will be posted providing information as to how the proceeding is progressing and also alerting copyright owners of their opportunity to participate or opt out of the class action.

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Thank you again for writing. We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Court.

Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: Kris and Shirley H [mailto:4hills@live.ca]
Sent: Thursday, March 08, 2018 1:12 AM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: Afterlife

Thank you for spear-heading the Class Action Lawsuit against Afterlife. This was a very disturbing thing to see my moms obituary posted all over the internet after her passing. Please add my email to your contacts if you are collecting a list for the lawsuit. Thanks.

Shirley Hill
4hills@live.ca

Renee A. Boyd

From: Erin Best
Sent: Sunday, January 21, 2018 12:15 PM
To: sha v
Cc: Renee A. Boyd
Subject: RE: Afterlife

Follow Up Flag: Follow up
Flag Status: Completed

Thank you for your email regarding the unauthorized use of an obituary and/or photograph that has appeared on the Afterlife.co website.

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Kindest regards,

Erin Best



Erin E. Best*
 Partner
stewartmckelvey.com/StJohns
 D: 709.570.8833
ebest@stewartmckelvey.com
 *MBA, Trademark Agent

From: sha v [mailto:sha7730.tv@gmail.com]
Sent: Friday, January 19, 2018 12:37 PM
To: Erin Best <ebest@stewartmckelvey.com>
Subject: Afterlife

Good morning Erin,

My name is Trisha Valiquette and I currently live in Kanata Ontario Canada.
 My mother past away after a brief but brutal battle with stage 4 lung cancer on May 7 2017.
 As per her wishes I never posted an obituary, and after I heard about the recent finds of Afterlife.ca I decided to check myself.
 It never occurred to me that this could have been a possibility, sadly I did indeed come across a obituary on their site that was the most general and basic.
 Again as for my mother's wishes I never posted one nor gave permission to anyone.
 To make matters worse a long hidden secret from my mother's past has now been revealed, when my mother was 16 she place a baby up for adoption and had gone to extremes to ensure that this was never allowed to be revealed.

Sadly because of this breach of privacy it has now been revealed, I had promised my mother many years ago that I would never look for this child of hers.
So now this is revealed and I am furious with this website, I feel violated and angry, they had no right to do this and I honestly have no idea what I should do.

I feel this has now tainted my mother's memory and I'm just sick over this.

Attached is 2 screenshots of the obituary as well as the posting from this woman who believes my mother was her biological parent.

If you would like to speak with or have any suggestions of what I can do please contact me at either this email or you may call me @ 613-204-0804

Thank you for your time and I hope to hear from you.

Trisha

This is Exhibit "B" referred to in the Second Supplementary Affidavit of Dawn Thomson sworn to or affirmed before me this 29th day of November, 2018.



Commissioner of Oaths

Erin E. Best
Barrister, NL



000297

Pages - My SmartNet

Obituaries - Where loved

Secure | <https://www.everhere.com/ca/>

Pages - My SmartNet

Obituaries - Where loved

Secure | <https://www.everhere.com/ca/>

Where loved Ones are Eternal

Everhere is a free tool used to help society find out who has passed away and allows you to send flowers easily and quickly using local florists. You may also receive daily obituary notices for the city of your choice through our free subscription.

OBITUARIES FUNERAL HOMES  SHOP COMMUNITY PROFILE Q

Search for a loved one's obituary

FIRST NAME LAST NAME SEARCH

 Add Obituary

 Sympathy Flowers

Send flowers directly to the funeral home

Connecting...

 Family Tree

Discover your family history and start your family tree. Try free and access

000298



AVIS DE DÉCÈS MAISONS FUNÉRAIRES

BOUTIQUE COMMUNAUTÉ

PROFIL Q

Là où les êtres chers sont éternels

Everhere est un outil gratuit utilisé pour aider la société à savoir qui est décédé et vous permet d'envoyer des fleurs facilement et rapidement en utilisant des fleuristes locaux. Vous pouvez également recevoir des avis de décès quotidiennement pour la ville de votre choix grâce à notre abonnement gratuit.

Rechercher l'avis de décès d'un proche

PRÉNOM

NOM

RECHERCHE

Fleurs de sympathie

Ajouter un avis de décès

Envoyez des fleurs directement au

everhere.com vous permet d'ajouter l'avis de décès d'un être cher

Arbre Généalogique

Découvrez votre histoire et démarrez votre arbre généalogique. Essayez le

379882 v1

00299



Add Obituary

everytree.com allows you to add the obituary of a loved one for free.

[CREATE FOR FREE →](#)

Passed away: June 11, 2018
Location: Mississauga, Ontario

[VIEW OBITUARY](#)



Gregory Warnock

Passed away: June 11, 2018

Location: Naughton, Ontario

It is with great sadness that we announce the death of Gregory Warnock of Naughton, Ontario, who passed away on June 11, 2018, leaving to mourn family.

[VIEW OBITUARY](#)



Frances Catherine Leslie

Passed away: June 11, 2018

Location: Sainte-Marie, Ontario

Sadly on June 11, 2018, Frances Catherine Leslie of Sainte-Marie, Ontario left us for a better place. Family and friends are welcome to send flowers.

[VIEW OBITUARY](#)



Ronald Machos Runge

Passed away: June 11, 2018

Location: Mississauga, Ontario

Sadly on June 11, 2018, Ronald Machos Runge of Mississauga, Ontario left us for a better place. Family and friends are welcome to send flowers or...

[VIEW OBITUARY](#)



Real Roppe

Passed away: June 11, 2018

Location: Repentigny, Québec

It is with great sadness that we announce the death of Réal Roppe of Repentigny, Québec, who passed away on June 11, 2018, leaving to mourn family.

[VIEW OBITUARY](#)



Judy Goodear

Passed away: June 11, 2018

Location: Torbay, Newfoundland

It is with great sadness that we announce the death of Judy Goodear of Torbay, Newfoundland, who passed away on June 11, 2018, leaving to mourn family.

[VIEW OBITUARY](#)



Guy Plaude

Passed away: June 11, 2018

Location: Edmundston, New Brunswick

It is always difficult saying goodbye to someone we love and cherish. Family and friends must say goodbye to their beloved Guy Plaude of Edmunds...

[VIEW OBITUARY](#)



Dusan Jokanovic

Passed away: June 11, 2018

Location: Toronto, Ontario

With heavy hearts, we announce the death of Dusan Jokanovic, who passed away on June 11, 2018. Family and friends are welcome to send flowers and condolences...

[VIEW OBITUARY](#)



Wilma Reid

Passed away: June 11, 2018

Location: New Glasgow, Nova Scotia

It is always difficult saying goodbye to someone we love and cherish. Family and friends must say goodbye to their beloved Wilma Reid of New G...

[VIEW OBITUARY](#)



3799882 v1

Examples of Everhere Obituaries

Secure | <https://www.everhere.com/ca/obituary-naughton-gregory-warnock-7547940>

The screenshot shows a memorial page for Gregory Warnock. At the top, there is a large circular photo of a white plate with pink cherry blossoms. Below the photo, the name "Gregory Warnock" is displayed, followed by his date of birth "(1957 - 2018)" and location "Naughton, Ontario". There is also a "Share" button. On the right side, there are two blue buttons: "SEND FLOWERS" and "LIGHT A CANDLE".

Obituary

Events 2

Tributes

Photos

Gregory Warnock Obituary



Date of Birth : Apr 6 1957

Date Deceased: June 11 2018

Location : Naughton, Ontario

It is with great sadness that we announce the death of **Gregory Warnock** of [Naughton, Ontario](#), who passed away on June 11 2018, leaving to mourn family and friends. Family and friends can send flowers and condolences in memory of the loved one. Leave a sympathy message to the family on the memorial page of **Gregory Warnock** to pay them a last tribute.

He was loved and cherished by many people including : his wife, Theresa; his children, Travis (Lyndsay), Amy (Josiah); his siblings, Karen, Daria, Ken, Sheila; his nieces and nephews, Cheryl Ann, Paula, Todd, Rod, Tammy, Becky, Rachel, Vanessa, Jason Allison, Devon. Donations to the Maison McCulloch Hospice would be appreciated. For the visitation and funeral service information please see event section below.

Report this memorial

Are you from the family? Share the full notice



It appears there is no longer an option to remove the obituary for \$4.99, however, there is now a link inquiring whether you are a family member and want to share the full notice – “Are you from the family? Share the full notice.” There is also now an option to ‘Submit A Photo’.

000300



Avis de décès

Événements 2

Hommages

Photos

Avis de décès de Réal Riopel



Date de décès : 11 Juin 2018

Localisation : Repentigny, Québec

C'est avec grande tristesse que nous annonçons le décès de Réal Riopel de [Repentigny, Québec](#), qui nous a quitté le 11 juin 2018, laissant dans le deuil parents et amis. Parents et amis peuvent envoyer des fleurs et des condoéances en sa mémoire. Laissez un message de sympathie sur la page commémorative de Réal Riopel pour montrer votre soutien.

Il était aimé de plusieurs personnes incluant : son épouse, Gertrude Andrews; ses filles, Edith (Michel Gagné), Marie-Eve (Jonathan Richardet); ses petits-enfants, Constance, Jérémie, William, Logan, Antoine; ses arrière-petit-enfants, Mathéo, Milane; ses frères et soeurs, Roger (Thérèse), Lise, Diane (Danièle), Denis (Denise); ses beaux-frères et belles-sœurs, Daniel (Sylvie), Henri (Danielle), Brigitte (Yves). Il était également aimé de ses neveux, nièces, parents et amis. Des dons à la Société Canadienne du Cancer seraient appréciés.

Pour les informations concernant les visites et le service funéraire, veuillez voir la section événement ci-dessous.

Don suggéré : [Société canadienne du cancer](#)

Recevez les avis de décès de Repentigny

Reportez cette page commémorative

Vous êtes de la famille ? Partagez l'avis complet.

“Soumettre Une Photo” – “Submit A Photo”

“Vous êtes de la famille? Partagez l’avis complet.” - “Are you from the family? Share the full notice.”

000502

Pages - My SmartNet [Captain Denis Drown Obituary](#) <https://www.everhere.com/ca/obituary-st-johns-captain-denis-drown-7519267>

OBITUARIES FUNERAL HOMES  SHOP COMMUNITY



Captain Denis Drown
Died: June 4, 2018
St. John's, Newfoundland
Submitted by: St. John's Obituaries



 SEND FLOWERS
 LIGHT A CANDLE

 Tributes

 Events 1

 Obituary



Captain Denis Drown Obituary

Date of Birth: Jan 20 1934
Date Deceased: June 4 2018
Location: St. John's, Newfoundland

It is with deep sorrow that we announce the death of Captain Denis Drown of [St. John's, Newfoundland](#), who passed away on June 4, 2018, leaving to mourn family and friends. You can send your sympathy in the guestbook provided and share it with the family. You may also light a candle in honor of Captain Denis Drown or send a beautiful flower arrangement to the funeral service.

He was loved and cherished by many people including: his parents, Frederick Clarissa; his sister, Hilda; his wife, Jane; his children, Paul (Shirley), Heather (Jim), Lucy (Eddie), Hannah (Matthew); his grandchildren, Carl, Nathaniel, Cary. Donations to the Health Care Foundation Community Nurses Program or the SPCA are gratefully accepted. For the visitation and funeral service information please see event section below.

Receive obituaries from St. John's  Like





Are you from the family? Share the full notice.

Connecting...

379886 v1

000303

Pages - MySmarther.net X ∞ Robert Bailey Obituary - X

Secure | https://www.everwhere.com/ca/obituary/gander-robert-bailey-3253284

Profile Q Q ☆ :

OBITUARIES FUNERAL HOMES Shop COMMUNITY

OBITUARIES FAMILY TREE

Robert Bailey LIGHT A CANDLE

○ 1938 - 2017
▽ Gander, Newfoundland
✉ SURNAMAPOLIS



Obituary Tributes Photos

Robert Bailey Obituary

Date of Birth : June 21 1938 Date Deceased : May 29 2017

Location : Gander, Newfoundland

It is with great sadness that we announce the death of Robert Bailey of Gander, Newfoundland, who passed away on May 29 2017, leaving to mourn family and friends. Family and friends can send flowers and condolences in memory of the loved one. Leave a sympathy message to the family on the memorial page of Robert Bailey to pay them a last tribute.

Receive obituaries from Gander Like

Report this memorial

Are you from the family? Share the full notice.

FAMILY TREE LIGHT A CANDLE

000304

Pages - My SmartNet X [Anita Mary Schenk Obituary](#) X

Secure <https://www.everhere.com/us/obituary-santa-clara-anita-mary-schenk-5356643>



Anita Mary Schenk
Oct 24, 1935 - Nov 6, 2016
Santa Clara, California
[SUBMIT A MEMORIAL](#)

OBITUARIES FUNERAL HOMES  SHOP COMMUNITY

 Tributes

 Photos

 Obituary

Anita Mary Schenk Obituary

Date of Birth : Oct 24 1935 Date Deceased : Nov 6 2016 Location : Santa Clara, California

It is always difficult saying goodbye to someone we love and cherish. Family and friends must say goodbye to their beloved Anita Mary Schenk of [Santa Clara, California](#), who passed away on November 6 2016. You can send your sympathy in the guestbook provided and share it with the family.

You may also light a candle in honor of Anita Mary Schenk or send a beautiful flower arrangement to the funeral service. For the visitation and funeral service information please see event section below.

Receive obituaries from Santa Clara  Like 

 Report this memorial

 Are you from the family? Share the full notice.

 FAMILY TREE  LIGHT A CANDLE

Connecting...

000305

379886 v1

Pages - My Smartherer | Joseph Jeddore Obituary | Secure | https://www.everhere.com/ca/obituary-harbour-breton-joseph-jeddore-1251599

2

Q PEOPLE

Q Photos

Q Tributes

Q Obituary

Shop COMMUNITY

OBTUARIES FUNERAL HOMES

Joseph Jeddore
② (1965 - 2017)
Harbour Breton, Newfoundland
[?] SEE PROFILE

FAMILY TREE

GIFT A CANDLE

Date of Birth : Dec 4 1966

Date Deceased : Apr 8 2017

Location : Harbour Breton, Newfoundland

It is always difficult saying goodbye to someone we love and cherish. Family and friends must say goodbye to their beloved Joseph Jeddore of Harbour Breton, Newfoundland, who passed away on April 8 2017. You can send your sympathy in the guestbook provided and share it with the family.

You may also light a candle in honor of Joseph Jeddore or send a beautiful flower arrangement to the funeral service.

[?] Report this memorial

[?] Are you from the family? Share the full notice.

FAMILY TREE

GIFT A CANDLE

000306



OBITUARIES

FUNERAL HOMES

NEWSPAPERS

BLOGS

SEND FLOWERS



FAMILY TREE

REMOV E AD

Please enter your information in the form below to remove the ads permanently from
Robert Moffat's obituary page.

Your Information

Full Name

Email Address

\$4.99 CAD

Payment Method

Choose a Payment Method

CREDIT CARD

PAYPAL

Credit Card

1234 1234 1234 1234

[REMOVE ADS](#)

*All fees are subject to applicable taxes.

[BACK](#)

Receive our obituaries

Sign up now and receive daily obituaries for the city of your choice by Facebook or by Email.

[SUBSCRIBE](#)

000308

general. You can find more than 8 million obituaries and death notices of people throughout North America, Australia, and New Zealand. You can also find a complete list of funeral homes. In addition, our site allows users to add or edit existing information of the deceased, along with uploading photos. Our "light a candle" and "send flowers" options give users the ability to send their condolences in more ways than one. Everhere, where loved ones are eternal.

[Terms of Service](#)[Privacy Policy](#)[FAQ](#)[Contact Us](#)[About Us](#)[Affiliates Program](#)

© 2018 Everhere Network

000309

This is Exhibit "C" referred to in the Second Supplementary Affidavit of Dawn Thomson sworn to or affirmed before me this 29th day of November, 2018.



Commissioner of Oaths

Erin E. Best
Barrister, NL





Certificate of Amendment

Canada Business Corporations Act

Certificat de modification

Loi canadienne sur les sociétés par actions

Everhere Inc.
Ici à jamais inc.

Corporate name / Dénomination sociale

1063870-6

Corporation number / Numéro de société

I HEREBY CERTIFY that the articles of the above-named corporation are amended under section 178 of the *Canada Business Corporations Act* as set out in the attached articles of amendment.

JE CERTIFIE que les statuts de la société susmentionnée sont modifiés aux termes de l'article 178 de la *Loi canadienne sur les sociétés par actions*, tel qu'il est indiqué dans les clauses modificatrices ci-jointes.

Virginie Ethier

Director / Directeur

2018-08-02

Date of amendment (YYYY-MM-DD)
Date de modification (AAAA-MM-JJ)



Form 4
Articles of Amendment
*Canada Business Corporations Act
(CBCA) (s. 27 or 177)*

Formulaire 4
Clauses modificatrices
*Loi canadienne sur les sociétés par
actions (LCSA) (art. 27 ou 177)*

1 Corporate name

Dénomination sociale

10638706 CANADA INC.

2 Corporation number

Numéro de la société

1063870-6

3 The articles are amended as follows

Les statuts sont modifiés de la façon suivante

The corporation changes its name to:

La dénomination sociale est modifiée pour :

Everhere Inc.

Ici à jamais inc.

The corporation makes other changes as follows:

La société apporte d'autres changements aux statuts comme suit :

See attached schedule / Voir l'annexe ci-jointe

4 Declaration: I certify that I am a director or an officer of the corporation.

Déclaration : J'atteste que je suis un administrateur ou un dirigeant de la société.

Original signed by / Original signé par
Pascal Leclerc

Pascal Leclerc
418-261-6433

Misrepresentation constitutes an offence and, on summary conviction, a person is liable to a fine not exceeding \$5000 or to imprisonment for a term not exceeding six months or both (subsection 250 (1) of the CBCA).

Faire une fausse déclaration constitue une infraction et son auteur, sur déclaration de culpabilité par procédure sommaire, est passible d'une amende maximale de 5 000 \$ et d'un emprisonnement maximal de six mois, ou l'une de ces peines (paragraphe 250(1) de la LCSA).

You are providing information required by the CBCA. Note that both the CBCA and the *Privacy Act* allow this information to be disclosed to the public. It will be stored in personal information bank number IC_PPU-049.

Vous fournissez des renseignements exigés par la LCSA. Il est à noter que la LCSA et la *Loi sur les renseignements personnels* permettent que de tels renseignements soient divulgués au public. Ils seront stockés dans la banque de renseignements personnels numéro IC_PPU-049.

ANNEXE A
AUX CLAUSES MODIFICATRICES DE
10638706 CANADA INC.

Le capital social autorisé de la société qui est composé d'un nombre illimité d'actions ordinaires des catégories « A » et « B », et actions privilégiés des catégories « C », « D », « E », « F », « G », « H » et « I », est modifié de la façon suivante :

- i) Par l'abrogation des actions privilégiées des catégories « C », « D », « E », « F », « G », « H » et « I », dont aucune n'est émise;
- ii) Par l'abrogation des paragraphes « 2) Restrictions » se retrouvant dans les descriptions des actions ordinaires des catégories « A » et « B » des statuts de constitution;
- iii) Par la création d'une nouvelle catégorie d'actions, à savoir les actions ordinaires de catégorie « C » ayant un nombre illimités d'actions et comportant les droits, privilèges, conditions et restrictions prévus ci-après;
- iv) Par le remplacement du paragraphe suivant de la Partie I dans la description des actions ordinaires de catégorie « A » dans les statuts de constitution:
 - 1) *Dividende et participation. Les détenteurs d'actions de la catégorie «A», de pair avec les détenteurs d'actions de la catégorie «B» et proportionnellement au nombre d'actions détenues par chacun d'eux, ont droit, sous réserve des droits et privilèges conférés par les autres catégories d'actions, de:*

Avec le paragraphe suivant :

- 1) Dividende et participation. Les détenteurs d'actions de la catégorie « A », de pair avec les détenteurs d'actions des catégories « B » et « C » et proportionnellement au nombre d'actions détenues par chacun d'eux, ont droit, sous réserve des droits et privilèges conférés par les autres catégories d'actions, de:
- v) Par le remplacement du paragraphe suivant de la Partie I dans la description des actions ordinaires de catégorie « B » dans les statuts de constitution:
 - 1) *Dividende et participation. Les détenteurs d'actions de la catégorie «B», de pair avec les détenteurs d'actions de la catégorie «A» et proportionnellement au nombre d'actions détenues par chacun d'eux, ont droit, sous réserve des droits et privilèges conférés par les autres catégories d'actions, de:*

Avec le paragraphe suivant :

- 1) Dividende et participation. Les détenteurs d'actions de la catégorie « B », de pair avec les détenteurs d'actions des catégories « A » et « C » et proportionnellement au nombre d'actions détenues par chacun d'eux, ont droit, sous réserve des droits et priviléges conférés par les autres catégories d'actions, de:
 - vi) Par l'abrogation de la Partie II – Exercice de certains droits se retrouvant dans les statuts de constitution

C. ACTIONS ORDINAIRES DE CATÉGORIE « C »:

Le nombre d'actions de la catégorie « C » est illimité et la contrepartie, versée au compte capital déclaré tenu pour ces actions, est également illimitée; ces actions comportent les droits, priviléges, conditions et restrictions suivants:

- 1) Dividende et participation. Les détenteurs d'actions de la catégorie « C », de pair avec les détenteurs d'actions des catégories « A » et « B » et proportionnellement au nombre d'actions détenues par chacun d'eux, ont droit, sous réserve des droits et priviléges conférés par les autres catégories d'actions, de:
 - a) participer aux biens, aux profits et aux surplus d'actif de la société et, à cette fin, de recevoir tout dividende déclaré par la société dont le montant ainsi que le moment et les modalités de versement sont laissés à l'entièvre discréction du conseil d'administration;
 - b) recevoir, lors du partage de reliquat, le paiement d'une somme correspondant à un centième de un pourcent ($1/100$ de 1%) du montant versé sur ces actions en priorité sur les actions des catégories « A » et « B »; et
 - c) après le versement mentionné précédemment, se partager le reliquat des biens lors de la dissolution, de la liquidation volontaire, de la liquidation forcée ou de toute autre répartition des biens de la société.
- 2) Absence de droit de vote. Sous réserve des dispositions de la *Loi canadienne sur les sociétés par actions*, les détenteurs d'actions de la catégorie « C » n'ont pas, à ce seul titre, droit de vote aux assemblées des actionnaires de la société ou droit d'y assister ou d'en recevoir l'avis de convocation.



Form 2
Initial Registered Office Address
and First Board of Directors
Canada Business Corporations Act
(*CBCA*) (s. 19 and 106)

Formulaire 2
Siège social initial et premier
conseil d'administration
Loi canadienne sur les sociétés par
actions (LCSA) (art. 19 et 106)

1 Corporate name
Dénomination sociale

10638706 CANADA INC.

2 Address of registered office
Adresse du siège social

5100, rue des Tournelles #500
Québec QC G2J 1E4

3 Additional address
Autre adresse

4 Members of the board of directors
Membres du conseil d'administration

Pascal Leclerc

5100 rue des Tournelles #500, Québec QC
G2J 1E4, Canada

Resident Canadian
Résident Canadien

Yes / Oui

5 Declaration: I certify that I have relevant knowledge and that I am authorized to sign this form.
Déclaration : J'atteste que je possède une connaissance suffisante et que je suis autorisé(e) à signer le présent
formulaire.

Original signed by / Original signé par
Pascal Leclerc

Pascal Leclerc
418-261-6433

Misrepresentation constitutes an offence and, on summary conviction, a person is liable to a fine not exceeding \$5000 or to imprisonment for a term not exceeding six months or both (subsection 250(1) of the CBCA).

Faire une fausse déclaration constitue une infraction et son auteur, sur déclaration de culpabilité par procédure sommaire, est passible d'une amende maximale de 5 000 \$ et d'un emprisonnement maximal de six mois, ou l'une de ces peines (paragraphe 250(1) de la LCSA).

You are providing information required by the CBCA. Note that both the CBCA and the *Privacy Act* allow this information to be disclosed to the public. It will be stored in personal information bank number IC/PPU-049.

Vous fournissez des renseignements exigés par la LCSA. Il est à noter que la LCSA et la *Loi sur les renseignements personnels* permettent que de tels renseignements soient divulgués au public. Ils seront stockés dans la banque de renseignements personnels numéro IC/PPU-049.



Certificate of Incorporation

Canada Business Corporations Act

Certificat de constitution

Loi canadienne sur les sociétés par actions

10638706 CANADA INC.

Corporate name / Dénomination sociale

1063870-6

Corporation number / Numéro de société

I HEREBY CERTIFY that the above-named corporation, the articles of incorporation of which are attached, is incorporated under the *Canada Business Corporations Act*.

JE CERTIFIE que la société susmentionnée, dont les statuts constitutifs sont joints, est constituée en vertu de la *Loi canadienne sur les sociétés par actions*.

Virginie Ethier

Director / Directeur

2018-02-19

Date of Incorporation (YYYY-MM-DD)

Date de constitution (AAAA-MM-JJ)



Form 1
Articles of Incorporation
*Canada Business Corporations
Act (s. 6)*

Formulaire 1
Statuts constitutifs
*Loi canadienne sur les sociétés
par actions (art. 6)*

1 Corporate name

Dénomination sociale

10638706 CANADA INC.

2 The province or territory in Canada where the registered office is situated

La province ou le territoire au Canada où est situé le siège social

QC

3 The classes and any maximum number of shares that the corporation is authorized to issue

Catégories et le nombre maximal d'actions que la société est autorisée à émettre

See attached schedule / Voir l'annexe ci-jointe

4 Restrictions on share transfers

Restrictions sur le transfert des actions

See attached schedule / Voir l'annexe ci-jointe

5 Minimum and maximum number of directors

Nombre minimal et maximal d'administrateurs

Min. 1 Max. 10

6 Restrictions on the business the corporation may carry on

Limites imposées à l'activité commerciale de la société

Aucune

7 Other Provisions

Autres dispositions

See attached schedule / Voir l'annexe ci-jointe

8 Incorporator's Declaration: I hereby certify that I am authorized to sign and submit this form.

Déclaration des fondateurs : J'atteste que je suis autorisé à signer et à soumettre le présent formulaire.

Name(s) - Nom(s)

Original Signed by - Original signé par

Pascal Leclerc

Pascal Leclerc

Pascal Leclerc

Misrepresentation constitutes an offence and, on summary conviction, a person is liable to a fine not exceeding \$5000 or to imprisonment for a term not exceeding six months or both (subsection 250(1) of the CBCA).

Faire une fausse déclaration constitue une infraction et son auteur, sur déclaration de culpabilité par procédure sommaire, est passible d'une amende maximale de 5 000 \$ et d'un emprisonnement maximal de six mois, ou l'une de ces peines (paragraphe 250(1) de la LCSA).

You are providing information required by the CBCA. Note that both the CBCA and the *Privacy Act* allow this information to be disclosed to the public. It will be stored in personal information bank number IC_PPU-049.

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Schedule / Annexe
Description of Classes of Shares / Description des catégories d'action

Le capital social illimité de la société se compose de neuf (9) catégories d'actions auxquelles se rattachent les droits, priviléges, conditions et restrictions suivants, dont certains peuvent être exercés selon la procédure qui suit:

PARTDEI — DROITS AFFERENTS AUX ACTIONS

A. ACTIONS ORDINAIRES DE CATÉGORIE «A»: Le nombre d'actions de la catégorie «A» est illimité et la contrepartie, versée au compte capital déclaré tenu pour ces actions, est également illimitée; ces actions comportent les droits, priviléges, conditions et restrictions suivants:

- 1) Dividende et participation. Les détenteurs d'actions de la catégorie «A», de pair avec les détenteurs d'actions de la catégorie «B» et proportionnellement au nombre d'actions détenues par chacun d'eux, ont droit, sous réserve des droits et priviléges conférés par les autres catégories d'actions, de:
 - a) participer aux biens, aux profits et aux surplus d'actif de la société et, à cette fin, de recevoir tout dividende déclaré par la société dont le montant ainsi que le moment et les modalités de versement sont laissés à l'entièvre discréction du conseil d'administration; et
 - b) se partager le reliquat des biens lors de la dissolution, de la liquidation volontaire, de la liquidation forcée ou de toute autre répartition des biens de la société.
- 2) Restriction. Outre les conditions imposées par l'article 42 et par les paragraphes 34(2) et 35(3) de la Loi canadienne sur les sociétés par actions, L.R.C. 1985, chap. C-44 respectivement, la société ne peut ni verser un dividende à l'égard des actions de la catégorie «A», ni acheter de gré &gré ou autrement acquérir de ces actions, si, de ce fait, la société ne peut légalement procéder au rachat ou au paiement du prix de rachat des actions des catégories «E», «F» et «G».
- 3) Droit de vote. Les détenteurs d'actions de la catégorie «A» ont droit de recevoir 1'avis de convocation & toute assemble des actionnaires de la société, d'y assister et d'y voter, sauf lors d'une assemblée où le droit de vote se limite aux détenteurs d'une autre catégorie d'actions; chaque action de la catégorie «A» leur confère une (1) voix.

B. ACTIONS ORDINAIRES DE CATÉGORIE «B»: Le nombre d'actions de la catégorie «B» est illimité et la contrepartie, versée au compte capital déclaré tenu pour ces actions, est également illimitée; ces actions comportent les droits, priviléges, conditions et restrictions suivants:

- 1) Dividende et participation. Les détenteurs d'actions de la catégorie «B», de pair avec les détenteurs d'actions de la catégorie «A» et proportionnellement au nombre d'actions détenues par chacun d'eux, ont droit, sous réserve des droits et priviléges conférés par les autres catégories d'actions, de:
 - a) participer aux biens, aux profits et aux surplus d'actif de la société et, à cette fin, de recevoir tout dividende déclaré par la société dont le montant ainsi que le moment et les modalités de versement sont laissés à l'entièvre discréction du conseil d'administration; et
 - b) se partager le reliquat des biens lors de la dissolution, de la liquidation volontaire, de la liquidation forcée ou de toute autre répartition des biens de la société.
- 2) Restriction. Outre les conditions imposées par l'article 42 et par les paragraphes 34(2) et 35(3) de la Loi canadienne sur les sociétés par actions respectivement, la société ne peut ni verser un dividende à l'égard des actions de la catégorie «B», ni acheter de gré à gré ou autrement acquérir de ces actions, si, de ce fait, la société ne peut légalement procéder au rachat ou au paiement du prix de rachat des actions des catégories «E», «F» et «G».

3) Absence de droit de vote. Sous réserve des dispositions de la Loi canadienne sur les sociétés par actions, les détenteurs d'actions de la catégorie «B» n'ont pas, à ce seul titre, droit de vote aux assemblées des actionnaires de la société ou droit d'y assister ou d'en recevoir l'avis de convocation.

C. ACTIONS PRIVILEGIEES DE CATÉGORIE «C»: Le nombre d'actions de la catégorie «C» est illimité et la contrepartie, versée au compte capital déclaré tenu pour ces actions, est également illimitée; ces actions comportent les droits, priviléges, conditions et restrictions suivants:

1) Absence de dividende et de participation. Les détenteurs d'actions de la catégorie «C» ne participent ni aux biens, ni aux profits ou encore aux surplus d'actif de la société et, à cette fin, n'ont droit à aucun dividende déclaré par la société.

2) Remboursement Si, pour tout motif, et notamment en cas de dissolution, de liquidation volontaire ou de liquidation forcée, il y a répartition partielle ou totale des biens de la société entre les détenteurs d'actions, chaque détenteur d'actions de la catégorie «C» a droit, en priorité sur les détenteurs d'actions des catégories «A», «B», «D», «H» et «I», mais subséquemment aux détenteurs d'actions des catégories «E», «F» et «G», au remboursement du montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «C».

Actif insuffisant

Si l'actif de la société s'avère insuffisant pour payer en entier le montant qui revient aux détenteurs d'actions de la catégorie «C» conformément à ce qui précède, ces derniers se le partagent proportionnellement au nombre d'actions de la catégorie «C» qu'ils détiennent.

3) Restriction. Outre les conditions imposées par l'article 42 et par les paragraphes 34(2) et 35(3) de la Loi canadienne sur les sociétés par actions respectivement, la société ne peut ni acheter de gré à gré les actions de la catégorie «C», ni effectuer un rachat conformément aux présents statuts, à une convention entre actionnaires ou toute autre entente, si, de ce fait, la société ne peut également procéder au rachat ou au paiement du prix de rachat des actions des catégories «E», «F» et «G».

4) Droit de vote. Les détenteurs d'actions de la catégorie «C» ont droit de recevoir l'avis de convocation à toute assemblée des actionnaires de la société, d'y assister et d'y voter, sauf lors d'une assemblée où le droit de vote se limite aux détenteurs d'une autre catégorie d'actions; chaque action de la catégorie «C» leur confère une (1) voix.

5) Rachat au décès du détenteur d'actions. Sous réserve des dispositions du paragraphe 36(2) de la Loi canadienne sur les sociétés par actions, la société rachète la totalité des actions de la catégorie «C» que possède un détenteur d'actions à son décès, sur réception du ou des certificats représentant les actions faisant l'objet du rachat conformément à la procédure Stable à l'article A) de la Partie II ci-après. Le prix de rachat est égal au montant versé pour ces actions au compte capital déclaré tenu pour les actions faisant l'objet du rachat. Le rachat vise également les actions qui sont détenues, pour le compte du détenteur d'actions décède, par un fiduciaire ou par un mandataire- dépositaire, dans la mesure où le défunt est le détenteur d'actions et non le fiduciaire ou le mandataire-dépositaire.

6) Droit d'achat de gré à gré. Sous réserve des dispositions des paragraphes 34(2) et 35(3) de la Loi canadienne sur les sociétés par actions, la société peut, en tout temps, lorsqu'elle le juge à propos et sans donner avis ou tenir compte des autres catégories d'actions, acheter ou autrement acquérir de gré à gré et au meilleur prix possible, la totalité ou une partie des actions de la catégorie «C» émises et en circulation.

D. ACTIONS PRIVILEGIEES DE CATÉGORIE «D»: Le nombre d'actions de la catégorie «D» est illimité et la contrepartie, versée au compte capital déclaré tenu pour ces actions, est également illimitée; ces actions comportent les droits, priviléges, conditions et restrictions suivants:

1) Dividende. Advenant le décès d'un détenteur d'actions de la catégorie «D», les autres détenteurs

d'actions de la catégorie «D», dont les actions sont encore émises et en cours après le rachat des actions de la catégorie «D» détenues par le défunt, tel que mentionné au titre «Rachat au décès du détenteur d'actions» auront, de préférence aux détenteurs de toutes autres catégories d'actions, le droit de recevoir un dividende immédiatement après ce rachat. Sujet à ce que ce dividende soit déclaré par le conseil d'administration de la société, il sera distribué proportionnellement au nombre d'actions de la catégorie «D» détenues par chacun des détenteurs d'actions de la catégorie «D» émises et en cours au moment de la déclaration de ce dividende. Le montant du dividende ne pourra excéder les sommes nécessaires aux détenteurs des actions de la catégorie «D» alors émises et en cours afin de financer le paiement du prix d'achat de toutes catégories d'actions détenues par la succession, les héritiers, légataires, liquidateurs, cessionnaires, mandataires, représentants légaux ou ayant cause du défunt. Ce dividende devra être constitué uniquement du produit de toute police d'assurance repue ou h recevoir par la société en conséquence du décès du détenteur d'actions.

Il est entendu que le conseil d'administration de la société devra, au moment de la déclaration du dividende prévu au paragraphe ci-devant, s'assurer que la déclaration de ce dividende fasse l'objet de tout choix requis en application de la Loi de l'impôt sur le revenu (S.R. 1970-71-72, chap. 63) et de la Loi sur les impôts (Québec) (L.R.Q., c.l-3) afin que ce dividende soit considéré comme étant un dividende en capital au sens des lois précitées et ce, jusqu'h concurrence de l'augmentation du montant attribuable au compte de dividende en capital de la société résultant de la réception par la société du produit de toute assurance-vie détenue par la société sur la vie du défunt

Les administrateurs pourront créer, à cette fin, un fonds de réserve pour un montant égal à celui mentionné au paragraphe précédent, lequel fonds de réserve ne sera pas susceptible de distribution autrement qu'aux détenteurs d'actions de la catégorie «D» encore émises et en cours après le rachat d'actions de la catégorie «D» mentionné au titre «Rachat au décès du détenteur d'actions».

2) Remboursement. Si, pour tout motif, et notamment en cas de dissolution, de liquidation volontaire ou de liquidation forcée, il y a répartition partielle ou totale des biens de la société entre les détenteurs d'actions, chaque détenteur d'actions de la catégorie «D» a droit, en priorité sur les détenteurs d'actions des catégories «A», «B», «H» et «I», mais subséquemment aux détenteurs d'actions des catégories «C», «E», «F» et «G», au remboursement du montant verse pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «D», auquel montant s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés à l'égard des actions de la catégorie «D».

Actif insuffisant

Si l'actif de la société s'avère insuffisant pour payer en entier le montant qui revient aux détenteurs d'actions de la catégorie «D» conformément à ce qui précède, ces derniers se le partagent proportionnellement au nombre d'actions de la catégorie «D» qu'ils détiennent

3) Absence de participation additionnelle. Les actions de la catégorie «D» ne confèrent aucun autre droit de participation aux biens, aux profits ou aux surplus d'actif de la société.

4) Absence de droit de vote. Sous réserve des dispositions de la Loi canadienne sur les sociétés par actions, les détenteurs d'actions de la catégorie «D» n'ont pas, & ce seul titre, droit de vote aux assemblées des actionnaires de la société ou droit d'y assister ou d'en recevoir l'avis de convocation.

5) Rachat au décès du détenteur d'actions. Sous réserve des dispositions du paragraphe 36(2) de la Loi canadienne sur les sociétés par actions, la société rachète la totalité des actions de la catégorie «D» que possède un détenteur d'actions à son décès, sur réception du ou des certificats représentant les actions faisant l'objet du rachat conformément à la procédure établie à l'article A) de la Partie II ci-après. Le prix de

rachat est égal au montant verse pour ces actions au compte capital déclaré tenu pour les actions faisant l'objet du rachat. Le rachat vise également les actions qui sont détenues, pour le compte du détenteur d'actions décédé, par un fiduciaire ou par un mandataire-dépositaire, dans la mesure où le défunt est le détenteur d'actions et non le fiduciaire ou le mandataire-dépositaire,

6) Droit d'achat de gré à gré. Sous réserve des dispositions des paragraphes 34(2) et 33(3) de la Loi canadienne sur les sociétés par actions, la société peut, en tout temps, lorsqu'elle le juge à propos et sans donner avis ou tenir compte des autres catégories d'actions, acheter ou autrement acquérir de gré à gré et au meilleur prix possible, la totalité ou une partie des actions de la catégorie «D» émises et en circulation.

E. ACTIONS PRIVILEGIEES DE CATÉGORIE «E»: Le nombre d'actions de la catégorie «E» est illimité et la contrepartie, versée au compte capital déclaré tenu pour ces actions, est également illimitée; ces actions component les droits, priviléges, conditions et restrictions suivants:

1) Dividende. Lorsque la société déclare un dividende, chaque détenteur d'actions de la catégorie «E» a droit de recevoir, jusqu'à concurrence du dividende déclaré, en priorité sur les détenteurs d'actions de toutes les autres catégories, et à même les fonds déclarés aux fins de versement de dividendes, un dividende mensuel, préférence et non cumulatif maximal de un pour cent (1%) par mois, calculé sur la «valeur de rachat des actions de la catégorie «E», tel que le paragraphe 5) ci-après définit cette «valeur de rachat». Il incombe aux administrateurs d'en déterminer le moment et les modalités de versement.

2) Remboursement. Si, pour tout motif, et notamment en cas de dissolution, de liquidation volontaire ou de liquidation forcée, il y a répartition partielle ou totale des biens de la société entre les détenteurs d'actions, chaque détenteur d'actions de la catégorie «E» a droit, en priorité sur les détenteurs d'actions de toutes les autres catégories, mais de pair avec les détenteurs d'actions des catégories «F» et «G», au versement de la «valeur de rachat» des actions de la catégorie «E», tel que le paragraphe 5) ci-après définit cette «valeur de rachat», à laquelle valeur s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés à l'égard des actions de la catégorie «E».

Actif insuffisant

Si l'actif de la société s'avère insuffisant pour payer en entier le montant qui revient aux détenteurs d'actions de la catégorie «E» conformément à ce qui précède, il devra être partage concurremment et proportionnellement entre les détenteurs des actions des catégories «E», «F» et «G».

3) Absence de participation additionnelle. Les actions de la catégorie «E» ne confèrent aucun autre droit de participation aux biens, aux profits ou aux surplus d'actif de la société.

4) Absence de droit de vote. Sous réserve des dispositions de la Loi canadienne sur les sociétés par actions, les détenteurs d'actions de la catégorie «E» n'ont pas, à ce seul titre, droit de vote aux assemblées des actionnaires de la société ou droit d'y assister ou d'en recevoir 1'avis de convocation.

5) Droit de rachat à la demande du détenteur d'actions. Sous réserve des dispositions du paragraphe 36(2) de la Loi canadienne sur les sociétés par actions, chaque détenteur d'actions de la catégorie «E», en tout temps et à son gré, a droit d'exiger, sur avis écrit, le rachat par la société de la totalité ou d'une partie de ses actions à un prix égal à leur «valeur de rachat», & laquelle valeur s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés à l'égard des actions de la catégorie «E». Le rachat s'effectue conformément à la procédure établie à l'article B) de la Partie II ci-après.

a) Valeur de rachat

La «valeur de rachat» correspond au montant versé pour ces actions au compte de capital déclaré tenu pour les actions de la catégorie «E», auquel montant s'ajoute une prime égale à l'excédent de la juste valeur marchande de la contrepartie reçue par la société lors de remise de ces actions de la catégorie «E» sur le total formé par:

- (i) le montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «E»; et
- (ii) la juste valeur marchande de tout bien, autre qu'une action de la catégorie «E», donné par la société en paiement de cette contrepartie.

b) Détermination de la juste valeur marchande de la contrepartie

Lors de rémission des actions de la catégorie «E», la society et chaque souscripteur d'actions de la catégorie «E» déterminent d'un commun accord, en toute bonne foi et à l'aide d'une méthode jugée juste et raisonnable, la juste valeur marchande de chacun des biens faisant partie de la contrepartie reçue par la société lors de rémission de ces actions de la catégorie «E».

c) Ajustement de la prime en cas de contestation ministérielle

En cas de désaccord du ministère du Revenu national, du ministère du Revenu du Québec, ou des deux, quant à l'évaluation de la juste valeur marchande d'un ou plusieurs des biens faisant partie de la contrepartie reçue par la société lors de l'émission des actions de la catégorie «E», réévaluation ministérielle en question prévaut. Le montant de la prime se rapportant au rachat des actions de la catégorie «E» est rajuste en conséquence, si le ministère en question fournit à la société et à chaque détenteur d'actions, ou, en cas de rachat intégral des actions, à la société et à chaque ancien détenteur d'actions, de la catégorie «E» l'occasion de contester son évaluation auprès du ministère concerné ou devant les tribunaux. En cas de divergence entre l'évaluation fédérale et l'évaluation provinciale, la moins élevée des évaluations fixées conformément à une cotisation non contestée ou à un jugement final, le cas échéant, est retenue.

6) Droit d'achat de gré à gré. Sous réserve des dispositions des paragraphes 34(2) et 35(3) de la Loi canadienne sur les sociétés par actions, la société peut, en tout temps, lorsqu'elle le juge à propos et sans donner avis ou tenir compte des autres catégories d'actions, acheter ou autrement acquérir de gré à gré et au meilleur prix possible, la totalité ou une partie des actions de la catégorie «E» émises et en circulation.

F. ACTIONS PRTVILEGIEES DE CATÉGORIE «F»: Le nombre d'actions de la catégorie «F» est illimité et la contrepartie, versé au compte capital déclaré tenu pour ces actions, est également illimité; ces actions comportent les droits, priviléges, conditions et restrictions suivants:

1) Dividende. Lorsque la société déclare un dividende, chaque détenteur d'actions de la catégorie «F» a droit de recevoir, jusqu'ici concurrence du dividende déclaré, en priorité sur les détenteurs d'actions des catégories «A», «B», «G», «H» et «I», mais subséquemment aux détenteurs d'actions de la catégorie «E», et à même les fonds déclarés aux fins de versement de dividendes, un dividende mensuel, préférentiel et non cumulatif maximal de un pour cent (1%) par mois, calcule sur la «valeur de rachat» des actions de la catégorie «F», tel que le paragraphe 5) ci-après définit cette «valeur de rachat». Il incombe aux administrateurs d'en déterminer le moment et les modalités de versement.

2) Remboursement. Si, pour tout motif et notamment en cas de dissolution, de liquidation volontaire ou de liquidation forcée, il y a répartition partielle ou totale des biens de la société entre les détenteurs d'actions, chaque détenteur d'actions de la catégorie «F» a droit, en priorité sur les détenteurs d'actions de toutes les autres catégories, mais de pair avec les détenteurs d'actions des catégories «E» et «G», au versement de la «valeur de rachat» des actions de la catégorie «F», tel que le paragraphe 5) ci-après définit cette «valeur de rachat», à laquelle valeur s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés à l'égard des actions de la catégorie «F».

Actif insuffisant

Si l'actif de la société s'avère insuffisant pour payer en entier le montant qui revient aux détenteurs d'actions de la catégorie «F» conformément à ce qui précède, il devra être partagé concurremment et

proportionnellement entre les détenteurs d'actions des catégories «E», «F» et «G».

3) Absence de participation additionnelle. Les actions de la catégorie «F» ne confèrent aucun autre droit de participation aux biens, aux profits ou aux surplus d'actif de la société.

4) Absence de droit de vote. Sous réserve des dispositions de la Loi canadienne sur les society par actions, les détenteurs d'actions de la catégorie «F» n'ont pas, à ce seul titre, droit de vote aux assemblées des actionnaires de la société ou droit d'y assister ou d'en recevoir 1'avis de convocation.

5) Droit de rachat a la demande du détenteur d'actions. Sous réserve des dispositions du paragraphe 36(2) de la Loi canadienne sur les sociétés par actions, chaque détenteur d'actions de la catégorie «F», en tout temps et à son gré, a droit d'exiger, sur avis écrit, le rachat par la société de la totalité ou d'une partie de ses actions à un prix égal a leur «valeur de rachat», a laquelle valeur s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés à l'égard des actions de la catégorie «F». Le rachat s'effectue conformément à la procédure établie 4 l'article B) de la Partie II ci- après.

a) Valeur de rachat

La «valeur de rachat» correspond au montant versé pour ces actions au compte de capital déclaré tenu pour les actions de La catégorie «F», auquel montant s'ajoute une prime égale à l'excédent de la juste valeur marchande de La contrepartie reçue par la society lors de 1'émission de ces actions de la catégorie «F» sur le total formé par:

- (i) le montant verse pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «F»; et
- (ii) la juste valeur marchande de tout bien, autre qu'une action de la catégorie «F», donné par la société en paiement de cette contrepartie.

b) Détermination de la juste valeur marchande de la contrepartie

Lors de rémission des actions de la catégorie «F», la société et chaque souscripteur d'actions de la catégorie «F» déterminent d'un commun accord, en toute bonne foi et à l'aide d'une méthode jugée juste et raisonnable, la juste valeur marchande de chacun des biens faisant partie de la contrepartie reçue par la société lors de 1'émission de ces actions de la catégorie «F».

c) Ajustement de la prime en cas de contestation ministérielle

En cas de désaccord du ministère du Revenu national, du ministère du Revenu du Québec, ou des deux, quant à l'évaluation de la juste valeur marchande d'un ou plusieurs des biens faisant partie de la contrepartie reçue par la société lors de 1'émission des actions de la catégorie «F», réévaluation ministérielle en question prévaut. Le montant de la prime se rapportant au rachat des actions de la catégorie «F» est rajuste en conséquence, si le ministère en question fournit a la société et a chaque détenteur d'actions, ou, en cas de rachat intégral des actions, à la society et a chaque ancien détenteur d'actions, de la catégorie «F» l'occasion de contester son Évaluation auprès du ministère concerné ou devant les tribunaux. En cas de divergence entre l'évaluation fédérale et l'évaluation provinciale, la moins élevée des Évaluations fixées conformément & une cotisation non contestée ou a un jugement final, le cas Échéant, entretenue.

6) Droit d'achat de gré £ gré. Sous réserve des dispositions des paragraphes 34(2) et 35(3) de la Loi canadienne sur les society par actions, la société peut, en tout temps, lorsqu'elle le juge à propos et sans donner avis ou tenir compte des autres catégories d'actions, acheter ou autrement acquérir de gré à gré et au meilleur prix possible, la totalité ou une partie des actions de la catégorie «F» Émises et en circulation.

G. ACTIONS PRIVILEGIEES DE CATÉGORIE «G»: Le nombre d'actions de la catégorie «G» est illimité et la contrepartie, versée au compte capital déclaré tenu pour ces actions, est également illimitée; ces actions comportent les droits, priviléges, conditions et restrictions suivants:

- 1) Dividende. Lorsque la société déclare un dividende, chaque détenteur d'actions de la catégorie «G»

a droit de recevoir, jusqu'à concurrence du dividende déclaré, en priorité sur les détenteurs d'actions des catégories «A», «B», «H» et «I», mais subséquemment aux détenteurs d'actions des catégories «E» et «F», et à même les fonds déclarés aux fins de versement de dividendes, un dividende annuel, préférentiel et non cumulatif maximal au taux préférentiel des prêts commerciaux de l'institution bancaire ou financière de la société à la date de la déclaration du dividende plus un pour cent (1%), calculé sur la «valeur de rachat» des actions de la catégorie «G», tel que le paragraphe 5) ci-après définit cette «valeur de rachat». Il incombe aux administrateurs d'en déterminer le moment et les modalités de versement.

2) Remboursement. Si, pour tout motif, et notamment en cas de dissolution, de liquidation volontaire ou de liquidation forcée, il y a répartition partielle ou totale des biens de la société entre les détenteurs d'actions, chaque détenteur d'actions de la catégorie «G» a droit, en priorité sur les détenteurs des actions de toutes les autres catégories, mais de pair avec les détenteurs d'actions des catégories «E» et «F», au versement de la «valeur de rachat des actions de la catégorie «G», tel que le paragraphe 5) ci-après définit cette «valeur de rachat». Laquelle valeur s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés à l'égard des actions de la catégorie «G».

Actif insuffisant

Si l'actif de la société s'avère insuffisant pour payer en entier le montant qui revient aux détenteurs d'actions de la catégorie «G» conformément à ce qui précède, il devra être partagé concurremment et proportionnellement entre les détenteurs d'actions des catégories «E», «F» et «G».

3) Absence de participation additionnelle. Les actions de la catégorie «G» ne confèrent aucun autre droit de participation aux biens, aux profits ou aux surplus d'actif de la société.

4) Absence de droit de vote. Sous réserve des dispositions de la Loi canadienne sur les sociétés par actions, les détenteurs d'actions de la catégorie «G» n'ont pas, à ce seul titre, droit de vote aux assemblées des actionnaires de la société ou droit d'y assister ou d'en recevoir l'avis de convocation.

5) Droit de rachat à la demande du détenteur d'actions. Sous réserve des dispositions du paragraphe 36(2) de la Loi canadienne sur les sociétés par actions, chaque détenteur d'actions de la catégorie «G», en tout temps et à son gré, a droit d'exiger, sur avis écrit, le rachat par la société de la totalité ou d'une partie de ses actions à un prix gal de leur «valeur de rachat», à laquelle valeur s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés à l'égard des actions de la catégorie «G». Le rachat s'effectue conformément à la procédure établie à l'article B de la Partie II ci-après.

a) Valeur de rachat

La «valeur de rachat» correspond au montant versé pour ces actions au compte de capital déclaré tenu pour les actions de la catégorie «G», auquel montant s'ajoute une prime égale à l'excédent de la juste valeur marchande de la contrepartie repue par la société lors de rémission de ces actions de la catégorie «G» sur le total formé par:

- (i) le montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «G»; et
- (ii) la juste valeur marchande de tout bien, autre qu'une action de la catégorie «G», donné par la société en paiement de cette contrepartie.

b) Détermination de la juste valeur marchande de la contrepartie

Lors de rémission des actions de la catégorie «G», la société et chaque souscripteur d'actions de la catégorie «G» déterminent d'un commun accord, en toute bonne foi et à l'aide d'une méthode jugé juste et raisonnable, la juste valeur marchande de chacun des biens faisant partie de la contrepartie repue par la société lors de l'émission de ces actions de la catégorie «G».

c) Ajustement de la prime en cas de contestation ministérielle

En cas de désaccord du ministère du Revenu national, du ministère du Revenu du Québec, ou des deux, quant à l'évaluation de la juste valeur marchande d'un ou plusieurs des biens faisant partie de la contrepartie repue par la société lors de rémission des actions de la catégorie «G», l'évaluation ministérielle en question prévaut. Le montant de la prime se rapportant au rachat des actions de la catégorie «G» est rajuste en conséquence, si le ministère en question fournit à la société et à chaque détenteur d'actions, ou, en cas de rachat intégral des actions, à la société et à chaque ancien détenteur d'actions, de la catégorie «G» l'occasion de contester son Évaluation auprès du ministère concerné ou devant les tribunaux. En cas de divergence entre l'évaluation fédérale et l'évaluation provinciale, la moins élevée des Évaluations fixées conformément à une cotisation non contesté ou à un jugement final, le cas échéant, est retenue.

6) Droit d'achat de gré à gré. Sous réserve des dispositions des paragraphes 34(2) et 35(3) de la Loi canadienne sur les sociétés par actions, la société peut, en tout temps, lorsqu'elle le juge d'après propos et sans donner avis ou tenir compte des autres catégories d'actions, acheter ou autrement acquérir de gré à gré et au meilleur prix possible, la total Ltd ou une partie des actions de la catégorie «G» émises et en circulation.

H. ACTIONS PRIVILEGIEES DE CATÉGORIE «H»: Le nombre d'actions de la catégorie «H» est illimité et la contrepartie, versée au compte capital déclaré tenu pour ces actions, est également illimitée; ces actions comportent les droits, priviléges, conditions et restrictions suivants:

1) Dividende. Lorsque la société déclare un dividende, chaque détenteur d'actions de la catégorie «H» a droit de recevoir, jusqu'à concurrence du dividende déclaré, en priorité sur les détenteurs d'actions des catégories «A», «B» et «I», mais subséquemment aux détenteurs d'actions des catégories «E», «F» et «G», et a même les fonds déclarés aux fins de versement de dividendes, un dividende annuel, préférentiel et non cumulatif maximal de huit pour cent (8%) par année, calculé sur le montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «H». Il incombe aux administrateurs d'en déterminer le moment et les modalités de versement.

2) Remboursement. Si, pour tout motif, et notamment en cas de dissolution, de liquidation volontaire ou de liquidation forcée, il y a répartition partielle ou totale des biens de la société entre les détenteurs d'actions, chaque détenteur d'actions de la catégorie «H» a droit, en priorité sur les détenteurs d'actions des catégories «A», «B» et «I», mais subséquemment aux détenteurs d'actions des catégories «C», «D», «E», «F» et «G», au remboursement du montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «H», auquel montant s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés à l'égard des actions de la catégorie «H».

Actif insuffisant

Si l'actif de la société s'avère insuffisant pour payer en entier le montant qui revient aux détenteurs d'actions de la catégorie «H» conformément à ce qui précède, ces derniers se le partagent proportionnellement au nombre d'actions de la catégorie «H» qu'ils détiennent.

3) Restriction. Outre les conditions imposées par l'article 42 et par les paragraphes 34(2) et 35(3) de la Loi canadienne sur les sociétés par actions respectivement, la société ne peut ni verser un dividende à l'égard des actions de la catégorie «H», ni acheter de gré à gré de ces actions et ni effectuer un rachat conformément aux présents statuts, à une convention entre actionnaires ou toute autre entente, si, de ce fait, la société ne peut légalement procéder au rachat ou au paiement du prix de rachat des actions des catégories «E», «F» et «G».

4) Absence de participation additionnelle. Les actions de la catégorie «H» ne confèrent aucun autre droit de participation aux biens, aux profits ou aux surplus d'actif de la société.

5) Absence de droit de vote. Sous réserve des dispositions de la Loi canadienne sur les sociétés par

actions, les détenteurs d'actions de la catégorie «H» n'ont pas, A ce seul titre, droit de vote aux assemblées des actionnaires de la société ou droit d'y assister ou d'en recevoir l'avis de convocation.

6) Droit de rachat A la demande du détenteur d'actions. Sous réserve des dispositions du paragraphe 36(2) de la Loi canadienne sur les sociétés par actions, chaque détenteur d'actions de la catégorie «H», en tout temps et à son gré, a droit d'exiger, sur avis écrit, le rachat par la société de la totalité ou d'une partie de ses actions A un prix égal au montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «H», auquel montant s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés A l'égard des actions de la catégorie «H». Le rachat s'effectue conformément A La procédure établie A l'article B) de la Partie II ci-après.

7) Droit d'achat de gré à gré. Sous réserve des dispositions des paragraphes 34(2) et 35(3) de la Loi canadienne sur les sociétés par actions, la société peut, en tout temps, lorsqu'elle le juge à propos et sans donner avis ou tenir compte des autres catégories d'actions, acheter ou autrement acquérir de gré à gré et au meilleur prix possible, la totalité ou une partie des actions de la catégorie «H» émises et en circulation.

I. ACTIONS PRIVILEGIEES DE CATÉGORIE «I»: Le nombre d'actions de la catégorie «I» est illimité et la contrepartie, versée au compte capital déclaré tenu pour ces actions, est également illimitée; ces actions comportent les droits, priviléges, conditions et restrictions suivants:

1) Dividende. Lorsque la société déclare un dividende, chaque détenteur d'actions de la catégorie «I» a droit de recevoir, jusqu'à concurrence du dividende déclaré, en priorité sur les détenteurs d'actions des catégories «A» et «B», mais subséquemment aux détenteurs d'actions des catégories «E», «F», «G» et «H», et a même les fonds déclarés aux fins de versement de dividendes, un dividende annuel, préférentiel et non cumulatif maximal de huit pour cent (8%) par année, calculé sur le montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «I». Il incombe aux administrateurs d'en déterminer le moment et les modalités de versement.

2) Remboursement. Si, pour tout motif, et notamment en cas de dissolution, de liquidation volontaire ou de liquidation forcée, il y a répartition partielle ou totale des biens de la société entre les détenteurs d'actions, chaque détenteur d'actions de la catégorie «I» a droit, en priorité sur les détenteurs d'actions des catégories «A» et «B», mais subséquemment aux détenteurs d'actions des catégories «C», «D», «E», «F», «G» et «H», au remboursement du montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «I», auquel montant s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés 4 l'égard des actions de la catégorie «I».

Actif insuffisant

Si l'actif de la société s'avère insuffisant pour payer en entier le montant qui revient aux détenteurs d'actions de la catégorie «I» conformément 4 ce qui précède, ces derniers se le partagent proportionnellement au nombre d'actions de la catégorie «I» qu'ils détiennent.

3) Restriction, Outre les conditions imposées par l'article 42 et par les paragraphes 34(2) et 35(3) de la Loi canadienne sur les sociétés par actions respectivement, la société ne peut ni verser un dividende à l'égard des actions de la catégorie «1», ni acheter de gré £ gré de ces actions et ni effectuer un rachat conformément aux présents statuts, à une convention entre actionnaires ou toute autre entente, si, de ce fait, la société ne peut légalement procéder au rachat ou au paiement du prix de rachat des actions des catégories «E» «F» et «G».

4) Absence de participation additionnelle. Les actions de la catégorie «I» ne confèrent aucun autre droit de participation aux biens, aux profits ou aux surplus d'actif de la société.

5) Absence de droit de vote. Sous réserve des dispositions de la Loi canadienne sur les sociétés par

actions, les détenteurs d'actions de la catégorie «I» n'ont pas, à ce seul titre, droit de vote aux assemblées des actionnaires de la société ou droit d'y assister ou d'en recevoir l'avis de convocation.

6) Droit de rachat unilatéral par la société. Sous réserve des dispositions du paragraphe 36(2) de la Loi canadienne sur les sociétés par actions, la société, en tout temps, lorsqu'elle le juge à propos et sur avis écrit d'au moins trente (30) jours, a le droit de racheter unilatéralement la totalité ou une partie des actions de la catégorie «I» à un prix égal au montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «I», auquel montant s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés à l'égard des actions de la catégorie «I». Le rachat s'effectue conformément à la procédure établie A l'article C) de la Partie n ci-après.

7) Droit d'achat de gré A gré. Sous réserve des dispositions des paragraphes 34(2) et 35(3) de la Loi canadienne sur les sociétés par actions, la société peut, en tout temps, lorsqu'elle le juge à propos et sans donner avis ou tenir compte des autres catégories d'actions, acheter ou autrement acquérir de gré A gré et au meilleur prix possible, la totalité ou une partie des actions de la catégorie «I» émises et en circulation.

PARTIE II — EXERCICE DE CERTAINS DROITS

RACHAT AU DÉCÈS DU DÉTENDEUR D'ACTIONS

1) Procédure de rachat. Des la réception du ou des certificats représentant les actions de la catégorie «C» ou «D» qui doivent faire l'objet du rachat, la société, sans tenir compte des autres catégories d'actions, procède au rachat de ces actions de la catégorie «C» ou «D», et, pourvu qu'elle puisse légalement le faire, la société dispose d'un délai de trente (30) jours à compter de la date du décès pour verser aux héritiers, légataires, liquidateurs ou exécuteurs testamentaires, cessionnaires, mandataires, représentants légaux ou ayants cause du détenteur d'actions dans un prix égal au montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «C» ou «D».

2) Paiement au-delà du délai. Si les dispositions du paragraphe 36(2) de la Loi canadienne sur les sociétés par actions ne lui permettent pas de payer le prix total de rachat aux héritiers, légataires, liquidateurs ou exécuteurs testamentaires, cessionnaires, mandataires, représentants légaux ou ayants cause du détenteur d'actions dans le délai susmentionné, la société verse une première partie du prix de rachat A l'intérieur du délai de trente (30) jours, pourvu qu'elle puisse légalement le faire, et verse tout solde impayé aussitôt qu'elle peut légalement le faire.

3) Ajustement du compte capital déclaré. Les actions de la catégorie «C» ou «D» ainsi rachetées au décès du détenteur d'actions sont automatiquement annulés A la date de leur rachat et la société débite en conséquence le compte capital déclaré tenu pour les actions de la catégorie «C» ou «D», le tout conformément aux dispositions de la Loi canadienne sur les sociétés par actions.

DROIT DE RACHAT A LA DEMANDE DU DÉTENDEUR D'ACTIONS

1) Procédure de rachat. S'il désire exercer son droit de rachat, chaque détenteur d'actions de la catégorie, «E», «F», «G» ou «H», selon le cas, remet au siège social de la société ou au bureau de son agent de transfert un avis écrit qui indique le nombre des actions de la catégorie concerné qui doivent être rachetées par la société ainsi que la date à laquelle il désire que le rachat s'effectue. Cet avis s'accompagne du ou des certificats représentant les actions de la catégorie concerné qui font l'objet du rachat et porte la signature de la personne qui est inscrite au Livre de la société en qualité de détenteur de ces actions de la catégorie concernée ou la signature de son mandataire dûment autorisé. Sur réception de l'avis et du ou des certificats représentant les actions de la catégorie concerné qui font l'objet du rachat, la société procède au rachat des actions de la catégorie concernée de sans tenir compte des autres catégories d'actions, et dispose d'un délai de trente (30) jours à compter de la date du rachat pour verser au détenteur d'actions, ou, en cas de rachat intégral des actions, à l'ancien détenteur d'actions de la catégorie concernée, le prix de rachat de ses actions.

- 2) Paiement au-delà du délai. Si les dispositions du paragraphe 36(2) de la Loi canadienne sur les sociétés par actions ne lui permettent pas de payer le prix total de rachat à un détenteur d'actions ou si un ancien détenteur d'actions dans le délai susmentionné, la société verse une première partie du prix de rachat à l'intérieur du délai de trente (30) jours, pourvu qu'elle puisse légalement le faire, et verse tout solde impayé aussitôt qu'elle peut légalement le faire.
- 3) Rachat partiel. Si le rachat ne vise qu'une partie des actions du détenteur d'actions de la catégorie «E», «F», «G» ou «H», selon le cas, alors émises et en circulation, la société doit, sans frais, émettre au détenteur d'actions concerné un nouveau certificat représentant ses actions non rachetées de chaque catégorie.
- 4) Ajustement du compte capital déclaré. Les actions de la catégorie «E», «F», «G» ou «H», selon le cas, ainsi rachetées à la demande d'un détenteur d'actions, sont automatiquement annulées à la date de leur rachat et la société débite en conséquence le compte capital déclaré tenu pour les actions de la catégorie concernée, le tout conformément aux dispositions de la Loi canadienne sur les sociétés par actions.

DROIT DE RACHAT UNILATERAL PAR LA SOCIÉTÉ

- 1) Procédure de rachat. Lorsque la société se propose d'effectuer un rachat d'actions de la catégorie «I», elle doit, au moins trente (30) jours avant la date prévue pour ce rachat, donner un avis écrit de son intention à tout détenteur d'actions de la catégorie «I» dont les actions sont visées par le rachat et qui est inscrit au Livre de la société le jour de l'envoi de l'avis. Tel avis doit être transmis par courrier recommandé ou certifié à chaque détenteur d'actions ainsi inscrit dont les actions sont visées par le rachat, à sa dernière adresse figurant dans le Livre de la société. Le défaut accidentel ou l'omission involontaire de donner un tel avis à un ou plusieurs desdits détenteurs d'actions n'affecte en rien la validité du rachat à l'égard des actions des autres détenteurs d'actions l'ayant reçus.
- 2) Rachat partiel. Si la société précède à un rachat partiel des actions de la catégorie «I», ce rachat s'effectue proportionnellement au nombre des actions de la catégorie «I» émises et en circulation, sans tenir compte des fractions d'actions. La société doit, sans frais, émettre au détenteur d'actions concerné un nouveau certificat représentant ses actions de catégorie «I» non rachetées.
- 3) Contenu de l'avis. L'avis doit dénoncer le prix par action auquel le rachat doit s'effectuer, la date du rachat et, si le rachat ne vise qu'une partie des actions de la catégorie «I» émises et en circulation, le nombre d'actions soumises au rachat. L'avis doit également indiquer à tout détenteur d'actions la date, l'heure et le lieu ainsi que la procédure prévus pour la remise du ou des certificats représentant les actions devant être rachetées et pour le paiement du prix de rachat.
- 4) Ajustement du compte capital déclaré. Les actions de la catégorie «I» ainsi rachetés unilatéralement par la société sont automatiquement annulées à la date de leur rachat et la société débite en conséquence le compte capital déclaré tenu pour les actions de la catégorie «I», le tout conformément aux dispositions de la Loi canadienne sur les sociétés par actions.

D. DROIT D'ACHAT DE GRÉ À GRÉ

Les actions de la catégorie «C», «D», «E», «F», «G», «H» ou «I», selon le cas, achetés ou autrement acquises de gré à gré sont automatiquement annulées à la date de leur achat ou de leur acquisition et la société débite en conséquence le compte capital déclaré tenu pour les actions de la catégorie concernée, le tout conformément aux dispositions de la Loi canadienne sur les sociétés par actions.

Schedule / Annexe**Restrictions on Share Transfers / Restrictions sur le transfert des actions**

Tout actionnaire qui désire transférer ses actions doit présenter à la société une demande de consentement écrite qui fournit le nom et les coordonnées de l'acquéreur ainsi que le certificat d'actions dument endosse, s'il en existe un. Ce transfert d'actions est assujetti au consentement du conseil d'administration. Le conseil d'administration doit rendre sa décision dans les soixante (60) jours de la réception de la demande, la consigner par écrit dans une résolution et fournir ses motifs en cas de refus. À défaut pour le conseil de rendre sa décision dans le délai prescrit, il est réputé avoir accepté le transfert.

Schedule / Annexe
Other Provisions / Autres dispositions

1 POUVOIR D'EMPRUNT

En plus des pouvoirs conférés par ses statuts et sans restreindre la portée des pouvoirs conférés au conseil d'administration par l'article 189 de la Loi canadienne sur les sociétés par actions, L.R.C. 1985, chap. C- 44, le conseil d'administration peut, lorsqu'il le juge opportun et sans avoir à obtenir l'autorisation des détenteurs d'actions:

- a) contracter des emprunts, compte tenu du crédit de la société;
- b) émettre, réémettre, vendre ou donner en garantie les titres de créance de la société;
- c) garantir, au nom de la société, l'exécutions d'une obligation à la charge d'une autre personne;
- d) consentir une hypothèque, même ouverte, sur une universalité de biens, meubles ou immeubles, présents ou à venir, corporels ou incorporels, de la société; et
- e) déléguer un (1) ou plusieurs des pouvoirs susmentionnés à un administrateur, à un comité exécutif, à un comité du conseil d'administration ou à un dirigeant de la société.

2 CONVENTION UNANIME DES ACTIONNAIRES

Lorsqu'un pouvoir, qui, en vertu des statuts, doit être exercé par le conseil d'administration, a été retiré au conseil d'administration pour être assumé par les actionnaires aux termes d'une convention unanime des actionnaires selon l'article 146 de la Loi canadienne sur les sociétés par actions, toute référence dans les statuts ou dans les règlements à l'exercice de ce pouvoir par le conseil d'administration ou par un ou plusieurs administrateurs doit se lire comme étant une référence à l'exercice de ce pouvoir par l'assemblée des actionnaires aux termes de la convention unanime des actionnaires.

3 RESTRICTIONS A LA CESSION DE TITRES

La cession de titres, autres que des actions et des titres de créance non convertibles, est assujettie à la restriction et aux modalités suivantes:

- a) Tout porteur qui veut céder ses titres doit présenter à la société une demande de consentement écrite qui fournit le nom et les coordonnées de l'acquéreur ainsi que tout document constatant le droit conféré par le titre, s'il en existe un. Dans ce cas, celui-ci doit être dûment endosse. Cette cession de titres est assujettie au consentement du conseil d'administration. Le conseil d'administration doit rendre sa décision dans les soixante (60) jours de la réception de la demande, la consigner par écrit dans une résolution et fournir ses motifs en cas de refus. A défaut pour le conseil de rendre sa décision dans le délai prescrit, il est réputé avoir accepté le transfert.
- b) En cas de cession de titres dont le document les constatant a été perdu, volé ou détruit, la société émet au porteur de titres un nouveau document si la demande de remplacement lui a été présentée avant d'avoir été avisée de l'acquisition du ou des titres par un acquéreur de bonne foi, si le porteur de titres lui fournit un cautionnement suffisant et s'il satisfait aux autres exigences raisonnables établies par la société.
- c) Toute restriction à la cession des titres doit être mentionnée clairement sur tout document constatant le droit conféré par le ou les titres.



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000330

Federal Corporation Information - 889048-0

Corporate Docs Attached.

~~Buy copies of corporate documents~~

AB

① Note

This information is available to the public in accordance with legislation (see [Public disclosure of corporate information](#)).

Corporation Number

889048-0

Business Number (BN)

812156172RC0001

Corporate Name

RÉSEAU APRÈS LA VIE INC.

AFTERLIFE NETWORK INC.

Status

Active

Governing Legislation

Canada Business Corporations Act - 2014-05-16

Registered Office Address

5100, rue des Tournelles
bureau 500
Québec QC G2J 1E4
Canada

① Note

Active CBCA corporations are required to [update this information](#) within 15 days of any change. A [corporation key](#) is required. If you are not authorized to update this information, you can either contact the corporation or contact [Corporations Canada](#). We will inform the corporation of its [reporting obligations](#).

Directors

Minimum 1

Maximum 10

Pascal Leclerc

111, rue Sommerville

Montréal QC H3L 1A1

Canada

Benoit Tessier
505-2300 rue du Barachois
Québec QC G2C 0G3
Canada

000331

i Note

Active CBCA corporations are required to update director information (names, addresses, etc.) within 15 days of any change. A corporation key is required. If you are not authorized to update this information, you can either contact the corporation or contact Corporations Canada. We will inform the corporation of its reporting obligations.

Annual Filings

Anniversary Date (MM-DD)

05-16

Date of Last Annual Meeting

2015-05-04

Annual Filing Period (MM-DD)

05-16 to 07-15

Type of Corporation

Non-distributing corporation with 50 or fewer shareholders

Status of Annual Filings

2018 - Not due

2017 - Filed

2016 - Filed

Corporate History

Corporate Name

History

2014-05-16 to
Present

RÉSEAU APRÈS LA
VIE INC.

2014-05-16 to
Present

AFTERLIFE
NETWORK INC.

Certificates and Filings

Certificate of Incorporation

2014-05-16

Certificate of Amendment :

2016-08-09

Amendment details: Other

000352

* Amendment details are only available for amendments effected after 2010-03-20.
Some certificates issued prior to 2000 may not be listed. For more information,
contact Corporations Canada.

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Date Modified:

2017-11-23

000333



Innovation, Science and
Economic Development Canada
Corporations Canada

Innovation, Sciences et
Développement économique Canada
Corporations Canada

Form 22
Annual Return
Canada Business Corporations Act
(CBCA)(s. 263)

Formulaire 22
Rapport annuel
Loi canadienne sur les sociétés par
actions (LCSA)(art. 263)

Received Date (YYYY-MM-DD): 2017-07-13
Date de réception (AAAA-MM-JJ):

- 1 Corporate name
Dénomination sociale
RÉSEAU APRÈS LA VIE INC.
AFTERLIFE NETWORK INC.
- 2 Corporation number
Numéro de la société
889048-0
- 3 Year of filing
Année de dépôt
2017
- 4 Date of last annual meeting of shareholders or date of written resolution in lieu of meeting (YYYY-MM-DD)
Date de la dernière assemblée annuelle des actionnaires ou date de la résolution écrite tenant lieu d'assemblée
(AAAA-MM-JJ)
2015-05-04
- 5 Type of corporation
Type de société
Non-distributing corporation with 50 or fewer shareholders
Société n'ayant pas fait appel au public, de 50 actionnaires ou moins

- 6 Declaration: I certify that I have relevant knowledge of the corporation and that I am authorized to sign this form.
Déclaration : Je déclare que je possède une connaissance suffisante de la société et que je suis autorisé(e) à signer le présent formulaire.

Original signed by / Original signé par

Jennifer Dumetz
Jennifer Dumetz
418-522-7900

Misrepresentation constitutes an offence and, on summary conviction, a person is liable to a fine not exceeding \$3000 or to imprisonment for a term not exceeding six months or both (subsection 250(1) of the CBCA).

Faire une fausse déclaration constitue une infraction et son auteur, sur déclaration de culpabilité par procédure sommaire, est passible d'une amende maximale de 5 000 \$ et d'un emprisonnement maximal de six mois, ou l'une de ces peines (paragraphe 250(1) de la LCSA).

You are providing information required by the CBCA. Note that both the CBCA and the *Privacy Act* allow this information to be disclosed to the public. It will be stored in personal information bank number IC_PPU-049.

Vous fournissez des renseignements exigés par la LCSA. Il est à noter que la LCSA et la *Loi sur les renseignements personnels* permettent que de tels renseignements soient divulgués au public. Ils seront stockés dans la banque de renseignements personnels numéro IC_PPU-049.

Canada

IC 2580 (2008/04)

000334



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Form 3
Change of Registered Office Address
Canada Business Corporations Act (CBCA) (s. 19)

Formulaire 3
Changement d'adresse du siège social
Loi canadienne sur les sociétés par actions (LCSA) (art. 19)

Received Date (YYYY-MM-DD): 2016-10-24
Date de réception (AAAA-MM-JJ):

- 1 Corporate name
Dénomination sociale
RÉSEAU APRÈS LA VIE INC.
AFTERLIFE NETWORK INC.
- 2 Corporation number
Numéro de la société
889048-0
- 3 New registered office address
Nouvelle adresse du siège social
5100, rue des Tournelles
bureau 500
Québec QC G2J 1E4
- 4 Additional address
Autre adresse

- 5 Declaration: I certify that I have relevant knowledge of the corporation and that I am authorized to sign this form.
Déclaration : J'atteste que je possède une connaissance suffisante de la société et que je suis autorisé(e) à signer le présent formulaire.

Original signed by / Original signé par
Jennifer Dumetz

Jennifer Dumetz
418-522-7900

Misrepresentation constitutes an offence and, on summary conviction, a person is liable to a fine not exceeding \$5000 or to imprisonment for a term not exceeding six months or both (subsection 250(1) of the CBCA).

Faire une fausse déclaration constitue une infraction et son auteur, sur déclaration de culpabilité par procédure sommaire, est passible d'une amende maximale de 5 000 \$ et d'un emprisonnement maximal de six mois, ou l'une de ces peines (paragraphe 250(1) de la LCSA).

You are providing information required by the CBCA. Note that both the CBCA and the *Privacy Act* allow this information to be disclosed to the public. It will be stored in personal information bank number IC_PPU-049.

Vous fournissez des renseignements exigés par la LCSA. Il est à noter que la LCSA et la *Loi sur les renseignements personnels* permettent que de tels renseignements soient divulgués au public. Ils seront stockés dans la banque de renseignements personnels numéro IC_PPU-049.

Canada

IC 3420 (2008/04)



Industry
Canada Industrie
Canada

Form 22
Annual Return
Canada Business Corporations Act
(CBCA)(s. 263)

Formulaire 22
Rapport annuel
Loi canadienne sur les sociétés par
actions (LCSA)(art. 263)

Received Date (YYYY-MM-DD): 2016-07-01
Date de réception (AAAA-MM-JJ): 2016-07-01

-
- 1 Corporate name
Dénomination sociale
RÉSEAU APRÈS LA VIE INC.
AFTERLIFE NETWORK INC.
-
- 2 Corporation number
Numéro de la société
889048-0
-
- 3 Year of filing
Année de dépôt
2016
-
- 4 Date of last annual meeting of shareholders or date of written resolution in lieu of meeting (YYYY-MM-DD)
Date de la dernière assemblée annuelle des actionnaires ou date de la résolution écrite tenant lieu d'assemblée
(AAAA-MM-JJ)
-
- 5 Type of corporation
Type de société
Non-distributing corporation with 50 or fewer shareholders
Société n'ayant pas fait appel au public, de 50 actionnaires ou moins
-
- 6 Declaration: I certify that I have relevant knowledge of the corporation and that I am authorized to sign this form.
Déclaration : Je déclare que je possède une connaissance suffisante de la société et que je suis autorisé(e) à signer le présent formulaire.

Original signed by / Original signé par

Benoit Tessier
Benoit Tessier
4185232142

Misrepresentation constitutes an offence and, on summary conviction, a person is liable to a fine not exceeding \$3000 or to imprisonment for a term not exceeding six months or both (subsection 250(1) of the CBCA).

Faire une fausse déclaration constitue une infraction et son auteur, sur déclaration de culpabilité par procédure sommaire, est passible d'une amende maximale de 5 000 \$ et d'un emprisonnement maximal de six mois, ou l'une de ces peines (paragraphe 250(1) de la LCSA).

You are providing information required by the CBCA. Note that both the CBCA and the *Privacy Act* allow this information to be disclosed to the public. It will be stored in personal information bank number IC_PPU-049.

Vous fournissez des renseignements exigés par la LCSA. Il est à noter que la LCSA et la *Loi sur les renseignements personnels* permettent que de tels renseignements soient divulgués au public. Ils seront stockés dans la banque de renseignements personnels numéro IC_PPU-049.

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IC 2580 (2008/04)



Industry
Canada Industrie
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Form 22
Annual Return
*Canada Business Corporations Act
(CBCA)(s. 263)*

Formulaire 22
Rapport annuel
*Loi canadienne sur les sociétés par
actions (LCSA)(art. 263)*

Received Date (YYYY-MM-DD): 2015-08-14
Date de réception (AAAA-MM-JJ): 2015-08-14

- 1 Corporate name
Dénomination sociale
RÉSEAU APRÈS LA VIE INC.
AFTERLIFE NETWORK INC.
- 2 Corporation number
Numéro de la société
889048-0
- 3 Year of filing
Année de dépôt
2015
- 4 Date of last annual meeting of shareholders or date of written resolution in lieu of meeting (YYYY-MM-DD)
Date de la dernière assemblée annuelle des actionnaires ou date de la résolution écrite tenant lieu d'assemblée
(YYYY-MM-DD)
2015-05-04
- 5 Type of corporation
Type de société
Non-distributing corporation with 50 or fewer shareholders
Société n'ayant pas fait appel au public, de 50 actionnaires ou moins
- 6 Declaration: I certify that I have relevant knowledge of the corporation and that I am authorized to sign this form.
Déclaration : Je déclare que je possède une connaissance suffisante de la société et que je suis autorisé(e) à signer le présent formulaire.

Original signed by / Original signé par

Benoit Tessier
Benoit Tessier
418-523-2142

Misrepresentation constitutes an offence and, on summary conviction, a person is liable to a fine not exceeding \$5000 or to imprisonment for a term not exceeding six months or both (subsection 250(1) of the CBCA).

Faire une fausse déclaration constitue une infraction et son auteur, sur déclaration de culpabilité par procédure sommaire, est passible d'une amende maximale de 5 000 \$ et d'un emprisonnement maximal de six mois, ou l'une de ces peines (paragraphe 250(1) de la LCSA).

You are providing information required by the CBCA. Note that both the CBCA and the *Privacy Act* allow this information to be disclosed to the public. It will be stored in personal information bank number IC/PPU-049.

Vous fournissez des renseignements exigés par la LCSA. Il est à noter que la LCSA et la *Loi sur les renseignements personnels* permettent que de tels renseignements soient divulgués au public. Ils seront stockés dans la banque de renseignements personnels numéro IC/PPU-049.

Canada

IC 2580 (2008/04)

Certificate of Amendment*Canada Business Corporations Act***Certificat de modification***Loi canadienne sur les sociétés par actions*

**RÉSEAU APRÈS LA VIE INC.
AFTERLIFE NETWORK INC.**

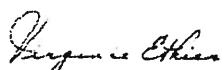
Corporate name / Dénomination sociale

889048-0

Corporation number / Numéro de société

I HEREBY CERTIFY that the articles of the above-named corporation are amended under section 178 of the *Canada Business Corporations Act* as set out in the attached articles of amendment.

JE CERTIFIE que les statuts de la société susmentionnée sont modifiés aux termes de l'article 178 de la *Loi canadienne sur les sociétés par actions*, tel qu'il est indiqué dans les clauses modificatrices ci-jointes.


Virginie Ethier

Director / Directeur

2016-08-09

Date of Amendment (YYYY-MM-DD)
Date de modification (AAAA-MM-JJ)



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du Canada

Form 4
Articles of Amendment
*Canada Business Corporations Act
(CBCA) (s. 27 or 177)*

Formulaire 4
Clauses modificatrices
*Loi canadienne sur les sociétés par
actions (LCSA) (art. 27 ou 177)*

-
- 1 Corporate name
Dénomination sociale
RÉSEAU APRÈS LA VIE INC.
AFTERLIFE NETWORK INC.
 - 2 Corporation number
Numéro de la société
889048-0
 - 3 The articles are amended as follows
Les statuts sont modifiés de la façon suivante
-

See attached schedule / Voir l'annexe ci-jointe

-
- 4 Declaration: I certify that I am a director or an officer of the corporation.
Déclaration : J'atteste que je suis un administrateur ou un dirigeant de la société.
-

Original signed by / Original signé par

Pascal Leclerc

Pascal Leclerc

418-523-2142

Misrepresentation constitutes an offence and, on summary conviction, a person is liable to a fine not exceeding \$5000 or to imprisonment for a term not exceeding six months or both (subsection 250(1) of the CBCA).

Faire une fausse déclaration constitue une infraction et son auteur, sur déclaration de culpabilité par procédure sommaire, est passible d'une amende maximale de 5 000 \$ et d'un emprisonnement maximal de six mois, ou l'une de ces peines (paragraphe 250(1) de la LCSA).

You are providing information required by the CBCA. Note that both the CBCA and the *Privacy Act* allow this information to be disclosed to the public. It will be stored in personal information bank number IC_PPU-049.

Vous fournissez des renseignements exigés par la LCSA. Il est à noter que la LCSA et la *Loi sur les renseignements personnels* permettent que de tels renseignements soient divulgués au public. Ils seront stockés dans la banque de renseignements personnels numéro IC_PPU-049.

Canada

IC 3069 (2008/04)

ANNEXE « A »

AUX CLAUSES MODIFICATRICES DE

RÉSEAU APRÈS LA VIE INC.

CAPITAL-ACTIONS AUTORISÉ

La rubrique 3 des statuts constitutifs de la société datés du 16 mai 2014 relative aux actions que la société est autorisée à émettre, est par les présentes modifiée pour y ajouter les dispositions suivantes :

1. Les actions de catégorie « A », dont neuf cent quatre-vingt-dix (990) sont actuellement émises et en circulation, sont par les présentes fractionnées en neuf millions neuf cent mille (9 900 000) actions de cette même catégorie, sur la base de dix mille (10 000) actions pour chaque action détenue.

2. Les actions de catégorie « B », dont dix (10) sont actuellement émises et en circulation, sont par les présentes fractionnées en cent mille (100 000) actions de cette même catégorie, sur la base de dix mille (10 000) actions pour chaque action détenue.



Industry
Canada Industrie
Canada

Form 6
Changes Regarding Directors
Canada Business Corporations Act
(CBCA) (s. 106 and 113)

Formulaire 6
Changements concernant les
administrateurs
Loi canadienne sur les sociétés par
actions (LCSA) (art. 106 et 113)

Received Date (YYYY-MM-DD): 2014-09-11
 Date de réception (AAAA-MM-JJ):

- 1 Corporate name
 Dénomination sociale

RÉSEAU APRÈS LA VIE INC.
 AFTERLIFE NETWORK INC.

- 2 Corporation number
 Numéro de la société

889048-0

- 3 Members of the Board of Directors (**new directors in bold**)

Membres du conseil d'administration (les nouveaux administrateurs sont indiqués en caractère gras)

Name Nom	Start Date Date d'entrée en fonction	Address Adresse	Resident Canadian Résident Canadien
Pascal Leclerc	2014-05-16	111, rue Sommerville, Montréal QC H3L 1A1, Canada	Yes
Benoit Tessier	2014-05-16	505-2300 rue du Barachois, Québec QC G2C 0G3, Canada	Yes

- 4 The following individuals are no longer directors

Les individus suivants ont cessé d'être administrateur de la société

Name Nom	End Date Date de fin de mandat
	YYYY-MM-DD AAAA-MM-DD

- 5 Declaration: I certify that I have relevant knowledge of the corporation and that I am authorized to sign this form.
 Déclaration: J'atteste que je possède une connaissance suffisante de la société et que je suis autorisé(e) à signer le présent formulaire.

Original signed by / Original signé par
 Audrey Ally

Audrey Ally
 418-627-2442x104

Misrepresentation constitutes an offence and, on summary conviction, a person is liable to a fine not exceeding \$5000 or to imprisonment for a term not exceeding six months or both (subsection 250(1) of the CBCA).

Faire une fausse déclaration constitue une infraction et son auteur, sur déclaration de culpabilité par procédure sommaire, est passible d'une amende maximale de 5 000 \$ et d'un emprisonnement maximal de six mois, ou l'une de ces peines (paragraphe 250(1) de la LCSA).

You are providing information required by the CBCA. Note that both the CBCA and the *Privacy Act* allow this information to be disclosed to the public. It will be stored in personal information bank number IC_PPU-049.

Vous fournissez des renseignements exigés par la LCSA. Il est à noter que la LCSA et la *Loi sur les renseignements personnels* permettent que de tels renseignements soient divulgués au public. Ils seront stockés dans la banque de renseignements personnels numéro IC_PPU-049.

000341



Industry
Canada Industrie
Canada

Form 3
Change of Registered Office
Address
Canada Business Corporations Act
(CBCA) (s. 19)

Formulaire 3
Changement d'adresse du
siège social
Loi canadienne sur les sociétés par
actions (LCSA) (art. 19)

Received Date (YYYY-MM-DD): 2014-06-10
Date de réception (AAAA-MM-JJ):

- 1 Corporate name
Dénomination sociale
RÉSEAU APRÈS LA VIE INC.
AFTERLIFE NETWORK INC.
 - 2 Corporation number
Numéro de la société
889048-0
 - 3 New registered office address
Nouvelle adresse du siège social
1415, rue Frank-Carrel, suite 130
Québec QC G1N 4N7
 - 4 Additional address
Autre adresse
-
- 5 Declaration: I certify that I have relevant knowledge of the corporation and that I am authorized to sign this form.
Déclaration : J'atteste que je possède une connaissance suffisante de la société et que je suis autorisé(e) à signer le présent formulaire.

Original signed by / Original signé par
Audrey Ally

Audrey Ally
418-627-2442

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Canada

IC 3420 (2008/04)

Certificate of Incorporation*Canada Business Corporations Act***Certificat de constitution***Loi canadienne sur les sociétés par actions*

RÉSEAU APRÈS LA VIE INC.
AFTERLIFE NETWORK INC.

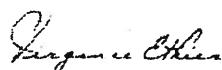
Corporate name / Dénomination sociale

889048-0

Corporation number / Numéro de société

I HEREBY CERTIFY that the above-named corporation, the articles of incorporation of which are attached, is incorporated under the *Canada Business Corporations Act*.

JE CERTIFIE que la société susmentionnée, dont les statuts constitutifs sont joints, est constituée en vertu de la *Loi canadienne sur les sociétés par actions*.



Virginie Ethier

Director / Directeur

2014-05-16

Date of Incorporation (YYYY-MM-DD)

Date de constitution (AAAA-MM-JJ)

000343



Industry
Canada Industrie
Canada

Form 1
Articles of Incorporation
*Canada Business Corporations
Act (s. 6)*

Formulaire 1
Statuts constitutifs
*Loi canadienne sur les sociétés
par actions (art. 6)*

- 1 Corporate name
Dénomination sociale
RÉSEAU APRÈS LA VIE INC.
AFTERLIFE NETWORK INC.
- 2 The province or territory in Canada where the registered office is situated
La province ou le territoire au Canada où est situé le siège social
QC
- 3 The classes and any maximum number of shares that the corporation is authorized to issue
Catégories et le nombre maximal d'actions que la société est autorisée à émettre
See attached schedule / Voir l'annexe ci-jointe
- 4 Restrictions on share transfers
Restrictions sur le transfert des actions
See attached schedule / Voir l'annexe ci-jointe
- 5 Minimum and maximum number of directors
Nombre minimal et maximal d'administrateurs
Min. 1 Max. 10
- 6 Restrictions on the business the corporation may carry on
Limites imposées à l'activité commerciale de la société
Sans objet
- 7 Other Provisions
Autres dispositions
See attached schedule / Voir l'annexe ci-jointe
- 8 Incorporator's Declaration: I hereby certify that I am authorized to sign and submit this form.
Déclaration des fondateurs : J'atteste que je suis autorisé à signer et à soumettre le présent formulaire.

Name(s) - Nom(s)

Original Signed by - Original signé par

Audrey Ally**Audrey Ally****Audrey Ally**

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Faire une fausse déclaration constitue une infraction et son auteur, sur déclaration de culpabilité par procédure sommaire, est passible d'une amende maximale de 5 000 \$ et d'un emprisonnement maximal de six mois, ou l'une de ces peines (paragraphe 250(1) de la LCSA).

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IC 3419 (2008/04)

ANNEXE A

relative au

CAPITAL SOCIAL

Le capital social illimité de la société se compose de neuf (9) catégories d'actions auxquelles se rattachent les droits, priviléges, conditions et restrictions suivants, dont certains peuvent être exercés selon la procédure qui suit:

PARTIE I — DROITS AFFÉRENTS AUX ACTIONS

A. ACTIONS ORDINAIRES DE CATÉGORIE «A»: Le nombre d'actions de la catégorie «A» est illimité et la contrepartie, versée au compte capital déclaré tenu pour ces actions, est également illimitée; ces actions comportent les droits, priviléges, conditions et restrictions suivants:

- 1) **Dividende et participation.** Les détenteurs d'actions de la catégorie «A», de pair avec les détenteurs d'actions de la catégorie «B» et proportionnellement au nombre d'actions détenues par chacun d'eux, ont droit, sous réserve des droits et priviléges conférés par les autres catégories d'actions, de:
 - a) participer aux biens, aux profits et aux surplus d'actif de la société et, à cette fin, de recevoir tout dividende déclaré par la société dont le montant ainsi que le moment et les modalités de versement sont laissés à l'entière discréTION du conseil d'administration; et
 - b) se partager le reliquat des biens lors de la dissolution, de la liquidation volontaire, de la liquidation forcée ou de toute autre répartition des biens de la société.
- 2) **Restriction.** Outre les conditions imposées par l'article 42 et par les paragraphes 34(2) et 35(3) de la *Loi canadienne sur les sociétés par actions*, L.R.C. 1985, chap. C-44 respectivement, la société ne peut ni verser un dividende à l'égard des actions de la catégorie «A», ni acheter de gré à gré ou autrement acquérir de ces actions, si, de ce fait, la société ne peut légalement procéder au rachat ou au paiement du prix de rachat des actions des catégories «E», «F» et «G».
- 3) **Droit de vote.** Les détenteurs d'actions de la catégorie «A» ont droit de recevoir l'avis de convocation à toute assemblée des actionnaires de la société, d'y assister et d'y voter, sauf lors d'une assemblée où le droit de vote se limite aux détenteurs d'une autre catégorie d'actions; chaque action de la catégorie «A» leur confère une (1) voix.

B. ACTIONS ORDINAIRES DE CATÉGORIE «B»: Le nombre d'actions de la catégorie «B» est illimité et la contrepartie, versée au compte capital déclaré tenu pour ces actions, est également illimitée; ces actions comportent les droits, priviléges, conditions et restrictions suivants:

1) **Dividende et participation.** Les détenteurs d'actions de la catégorie «B», de pair avec les détenteurs d'actions de la catégorie «A» et proportionnellement au nombre d'actions détenues par chacun d'eux, ont droit, sous réserve des droits et priviléges conférés par les autres catégories d'actions, de:

- a) participer aux biens, aux profits et aux surplus d'actif de la société et, à cette fin, de recevoir tout dividende déclaré par la société dont le montant ainsi que le moment et les modalités de versement sont laissés à l'entière discréTION du conseil d'administration; et
- b) se partager le reliquat des biens lors de la dissolution, de la liquidation volontaire, de la liquidation forcée ou de toute autre répartition des biens de la société.

2) **Restriction.** Outre les conditions imposées par l'article 42 et par les paragraphes 34(2) et 35(3) de la *Loi canadienne sur les sociétés par actions* respectivement, la société ne peut ni verser un dividende à l'égard des actions de la catégorie «B», ni acheter de gré à gré ou autrement acquérir de ces actions, si, de ce fait, la société ne peut légalement procéder au rachat ou au paiement du prix de rachat des actions des catégories «E», «F» et «G».

3) **Absence de droit de vote.** Sous réserve des dispositions de la *Loi canadienne sur les sociétés par actions*, les détenteurs d'actions de la catégorie «B» n'ont pas, à ce seul titre, droit de vote aux assemblées des actionnaires de la société ou droit d'y assister ou d'en recevoir l'avis de convocation.

C. **ACTIONS PRIVILÉGIÉES DE CATÉGORIE «C»:** Le nombre d'actions de la catégorie «C» est illimité et la contrepartie, versée au compte capital déclaré tenu pour ces actions, est également illimitée; ces actions comportent les droits, priviléges, conditions et restrictions suivants:

1) **Absence de dividende et de participation.** Les détenteurs d'actions de la catégorie «C» ne participent ni aux biens, ni aux profits ou encore aux surplus d'actif de la société et, à cette fin, n'ont droit à aucun dividende déclaré par la société.

2) **Remboursement.** Si, pour tout motif, et notamment en cas de dissolution, de liquidation volontaire ou de liquidation forcée, il y a répartition partielle ou totale des biens de la société entre les détenteurs d'actions, chaque détenteur d'actions de la catégorie «C» a droit, en priorité sur les détenteurs d'actions des catégories «A», «B», «D», «H» et «I», mais subséquemment aux détenteurs d'actions des catégories «E», «F» et «G», au remboursement du montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «C».

Actif insuffisant

Si l'actif de la société s'avère insuffisant pour payer en entier le montant qui revient aux détenteurs d'actions de la catégorie «C» conformément à ce qui précède, ces derniers se le partagent proportionnellement au nombre d'actions de la catégorie «C» qu'ils détiennent.

3) **Restriction.** Outre les conditions imposées par l'article 42 et par les paragraphes 34(2) et 35(3) de la *Loi canadienne sur les sociétés par actions* respectivement, la société ne peut ni acheter de gré à gré les actions de la catégorie «C», ni effectuer un rachat conformément aux présents statuts,

à une convention entre actionnaires ou toute autre entente, si, de ce fait, la société ne peut légalement procéder au rachat ou au paiement du prix de rachat des actions des catégories «E», «F» et «G».

4) **Droit de vote.** Les détenteurs d'actions de la catégorie «C» ont droit de recevoir l'avis de convocation à toute assemblée des actionnaires de la société, d'y assister et d'y voter, sauf lors d'une assemblée où le droit de vote se limite aux détenteurs d'une autre catégorie d'actions; chaque action de la catégorie «C» leur confère une (1) voix.

5) **Rachat au décès du détenteur d'actions.** Sous réserve des dispositions du paragraphe 36(2) de la *Loi canadienne sur les sociétés par actions*, la société rachète la totalité des actions de la catégorie «C» que possède un détenteur d'actions à son décès, sur réception du ou des certificats représentant les actions faisant l'objet du rachat conformément à la procédure établie à l'article A) de la Partie II ci-après. Le prix de rachat est égal au montant versé pour ces actions au compte capital déclaré tenu pour les actions faisant l'objet du rachat. Le rachat vise également les actions qui sont détenues, pour le compte du détenteur d'actions décédé, par un fiduciaire ou par un mandataire-dépositaire, dans la mesure où le défunt est le détenteur d'actions et non le fiduciaire ou le mandataire-dépositaire.

6) **Droit d'achat de gré à gré.** Sous réserve des dispositions des paragraphes 34(2) et 35(3) de la *Loi canadienne sur les sociétés par actions*, la société peut, en tout temps, lorsqu'elle le juge à propos et sans donner avis ou tenir compte des autres catégories d'actions, acheter ou autrement acquérir de gré à gré et au meilleur prix possible, la totalité ou une partie des actions de la catégorie «C» émises et en circulation.

D. ACTIONS PRIVILÉGIÉES DE CATÉGORIE «D»: Le nombre d'actions de la catégorie «D» est illimité et la contrepartie, versée au compte capital déclaré tenu pour ces actions, est également illimitée; ces actions comportent les droits, priviléges, conditions et restrictions suivants:

1) **Dividende.** Advenant le décès d'un détenteur d'actions de la catégorie «D», les autres détenteurs d'actions de la catégorie «D», dont les actions sont encore émises et en cours après le rachat des actions de la catégorie «D» détenues par le défunt, tel que mentionné au titre «Rachat au décès du détenteur d'actions» auront, de préférence aux détenteurs de toutes autres catégories d'actions, le droit de recevoir un dividende immédiatement après ce rachat. Sujet à ce que ce dividende soit déclaré par le conseil d'administration de la société, il sera distribué proportionnellement au nombre d'actions de la catégorie «D» détenues par chacun des détenteurs d'actions de la catégorie «D» émises et en cours au moment de la déclaration de ce dividende. Le montant du dividende ne pourra excéder les sommes nécessaires aux détenteurs des actions de la catégorie «D» alors émises et en cours afin de financer le paiement du prix d'achat de toutes catégories d'actions détenues par la succession, les héritiers, légataires, liquidateurs, cessionnaires, mandataires, représentants légaux ou ayant cause du défunt. Ce dividende devra être constitué uniquement du produit de toute police d'assurance reçue ou à recevoir par la société en conséquence du décès du détenteur d'actions.

Il est entendu que le conseil d'administration de la société devra, au moment de la déclaration du dividende prévu au paragraphe ci-devant, s'assurer que la déclaration de ce dividende fasse l'objet de tout choix requis en application de la *Loi de l'impôt sur le revenu* (S.R. 1970-71-72, chap. 63) et de la *Loi sur les impôts* (Québec) (L.R.Q., c.I-3) afin que ce dividende soit considéré comme étant un dividende en capital au sens des lois précitées et ce, jusqu'à concurrence de l'augmentation du

montant attribuable au compte de dividende en capital de la société résultant de la réception par la société du produit de toute assurance-vie détenue par la société sur la vie du défunt.

Les administrateurs pourront créer, à cette fin, un fonds de réserve pour un montant égal à celui mentionné au paragraphe précédent, lequel fonds de réserve ne sera pas susceptible de distribution autrement qu'aux détenteurs d'actions de la catégorie «D» encore émises et en cours après le rachat d'actions de la catégorie «D» mentionné au titre «Rachat au décès du détenteur d'actions».

2) **Remboursement.** Si, pour tout motif, et notamment en cas de dissolution, de liquidation volontaire ou de liquidation forcée, il y a répartition partielle ou totale des biens de la société entre les détenteurs d'actions, chaque détenteur d'actions de la catégorie «D» a droit, en priorité sur les détenteurs d'actions des catégories «A», «B», «H» et «I», mais subséquemment aux détenteurs d'actions des catégories «C», «E», «F» et «G», au remboursement du montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «D», auquel montant s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés à l'égard des actions de la catégorie «D».

Actif insuffisant

Si l'actif de la société s'avère insuffisant pour payer en entier le montant qui revient aux détenteurs d'actions de la catégorie «D» conformément à ce qui précède, ces derniers se le partagent proportionnellement au nombre d'actions de la catégorie «D» qu'ils détiennent.

3) **Absence de participation additionnelle.** Les actions de la catégorie «D» ne confèrent aucun autre droit de participation aux biens, aux profits ou aux surplus d'actif de la société.

4) **Absence de droit de vote.** Sous réserve des dispositions de la *Loi canadienne sur les sociétés par actions*, les détenteurs d'actions de la catégorie «D» n'ont pas, à ce seul titre, droit de vote aux assemblées des actionnaires de la société ou droit d'y assister ou d'en recevoir l'avis de convocation.

5) **Rachat au décès du détenteur d'actions.** Sous réserve des dispositions du paragraphe 36(2) de la *Loi canadienne sur les sociétés par actions*, la société rachète la totalité des actions de la catégorie «D» que possède un détenteur d'actions à son décès, sur réception du ou des certificats représentant les actions faisant l'objet du rachat conformément à la procédure établie à l'article A) de la Partie II ci-après. Le prix de rachat est égal au montant versé pour ces actions au compte capital déclaré tenu pour les actions faisant l'objet du rachat. Le rachat vise également les actions qui sont détenues, pour le compte du détenteur d'actions décédé, par un fiduciaire ou par un mandataire-dépositaire, dans la mesure où le défunt est le détenteur d'actions et non le fiduciaire ou le mandataire-dépositaire.

6) **Droit d'achat de gré à gré.** Sous réserve des dispositions des paragraphes 34(2) et 35(3) de la *Loi canadienne sur les sociétés par actions*, la société peut, en tout temps, lorsqu'elle le juge à propos et sans donner avis ou tenir compte des autres catégories d'actions, acheter ou autrement acquérir de gré à gré et au meilleur prix possible, la totalité ou une partie des actions de la catégorie «D» émises et en circulation.

E. ACTIONS PRIVILÉGIÉES DE CATÉGORIE «E»: Le nombre d'actions de la catégorie «E» est illimité et la contrepartie, versée au compte capital déclaré tenu pour ces actions, est également illimitée; ces actions comportent les droits, priviléges, conditions et restrictions suivants:

- 1) **Dividende.** Lorsque la société déclare un dividende, chaque détenteur d'actions de la catégorie «E» a droit de recevoir, jusqu'à concurrence du dividende déclaré, en priorité sur les détenteurs d'actions de toutes les autres catégories, et à même les fonds déclarés aux fins de versement de dividendes, un dividende mensuel, préférentiel et non cumulatif maximal de un pour cent (1%) par mois, calculé sur la «valeur de rachat» des actions de la catégorie «E», tel que le paragraphe 5) ci-après définit cette «valeur de rachat». Il incombe aux administrateurs d'en déterminer le moment et les modalités de versement.
- 2) **Remboursement.** Si, pour tout motif, et notamment en cas de dissolution, de liquidation volontaire ou de liquidation forcée, il y a répartition partielle ou totale des biens de la société entre les détenteurs d'actions, chaque détenteur d'actions de la catégorie «E» a droit, en priorité sur les détenteurs d'actions de toutes les autres catégories, mais de pair avec les détenteurs d'actions des catégories «F» et «G», au versement de la «valeur de rachat» des actions de la catégorie «E», tel que le paragraphe 5) ci-après définit cette «valeur de rachat», à laquelle valeur s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés à l'égard des actions de la catégorie «E».

Actif insuffisant

Si l'actif de la société s'avère insuffisant pour payer en entier le montant qui revient aux détenteurs d'actions de la catégorie «E» conformément à ce qui précède, il devra être partagé concurremment et proportionnellement entre les détenteurs des actions des catégories «E», «F» et «G».

- 3) **Absence de participation additionnelle.** Les actions de la catégorie «E» ne confèrent aucun autre droit de participation aux biens, aux profits ou aux surplus d'actif de la société.
- 4) **Absence de droit de vote.** Sous réserve des dispositions de la *Loi canadienne sur les sociétés par actions*, les détenteurs d'actions de la catégorie «E» n'ont pas, à ce seul titre, droit de vote aux assemblées des actionnaires de la société ou droit d'y assister ou d'en recevoir l'avis de convocation.
- 5) **Droit de rachat à la demande du détenteur d'actions.** Sous réserve des dispositions du paragraphe 36(2) de la *Loi canadienne sur les sociétés par actions*, chaque détenteur d'actions de la catégorie «E», en tout temps et à son gré, a droit d'exiger, sur avis écrit, le rachat par la société de la totalité ou d'une partie de ses actions à un prix égal à leur «valeur de rachat», à laquelle valeur s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés à l'égard des actions de la catégorie «E». Le rachat s'effectue conformément à la procédure établie à l'article B) de la Partie II ci-après.

a) *Valeur de rachat*

La «valeur de rachat» correspond au montant versé pour ces actions au compte de capital déclaré tenu pour les actions de la catégorie «E», auquel montant s'ajoute une prime égale à l'excédent de la juste valeur marchande de la contrepartie reçue par la société lors de l'émission de ces actions de la catégorie «E» sur le total formé par:

- (i) le montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «E»; et
- (ii) la juste valeur marchande de tout bien, autre qu'une action de la catégorie «E», donné par la société en paiement de cette contrepartie.

b) *Détermination de la juste valeur marchande de la contrepartie*

Lors de l'émission des actions de la catégorie «E», la société et chaque souscripteur d'actions de la catégorie «E» déterminent d'un commun accord, en toute bonne foi et à l'aide d'une méthode jugée juste et raisonnable, la juste valeur marchande de chacun des biens faisant partie de la contrepartie reçue par la société lors de l'émission de ces actions de la catégorie «E».

c) *Ajustement de la prime en cas de contestation ministérielle*

En cas de désaccord du ministère du Revenu national, du ministère du Revenu du Québec, ou des deux, quant à l'évaluation de la juste valeur marchande d'un ou plusieurs des biens faisant partie de la contrepartie reçue par la société lors de l'émission des actions de la catégorie «E», l'évaluation ministérielle en question prévaut. Le montant de la prime se rapportant au rachat des actions de la catégorie «E» est rajusté en conséquence, si le ministère en question fournit à la société et à chaque détenteur d'actions, ou, en cas de rachat intégral des actions, à la société et à chaque ancien détenteur d'actions, de la catégorie «E» l'occasion de contester son évaluation auprès du ministère concerné ou devant les tribunaux. En cas de divergence entre l'évaluation fédérale et l'évaluation provinciale, la moins élevée des évaluations fixées conformément à une cotisation non contestée ou à un jugement final, le cas échéant, est retenue.

6) Droit d'achat de gré à gré. Sous réserve des dispositions des paragraphes 34(2) et 35(3) de la *Loi canadienne sur les sociétés par actions*, la société peut, en tout temps, lorsqu'elle le juge à propos et sans donner avis ou tenir compte des autres catégories d'actions, acheter ou autrement acquérir de gré à gré et au meilleur prix possible, la totalité ou une partie des actions de la catégorie «E» émises et en circulation.

F. **ACTIONS PRIVILÉGIÉES DE CATÉGORIE «F»:** Le nombre d'actions de la catégorie «F» est illimité et la contrepartie, versée au compte capital déclaré tenu pour ces actions, est également illimitée; ces actions comportent les droits, priviléges, conditions et restrictions suivants:

1) **Dividende.** Lorsque la société déclare un dividende, chaque détenteur d'actions de la catégorie «F» a droit de recevoir, jusqu'à concurrence du dividende déclaré, en priorité sur les détenteurs d'actions des catégories «A», «B», «G», «H» et «I», mais subséquemment aux détenteurs d'actions de la catégorie «E», et à même les fonds déclarés aux fins de versement de dividendes, un dividende mensuel, préférentiel et non cumulatif maximal de un pour cent (1%) par mois, calculé sur la «valeur de rachat» des actions de la catégorie «F», tel que le paragraphe 5) ci-après définit cette «valeur de rachat». Il incombe aux administrateurs d'en déterminer le moment et les modalités de versement.

2) **Remboursement.** Si, pour tout motif, et notamment en cas de dissolution, de liquidation volontaire ou de liquidation forcée, il y a répartition partielle ou totale des biens de la société entre les détenteurs d'actions, chaque détenteur d'actions de la catégorie «F» a droit, en priorité sur les détenteurs d'actions de toutes les autres catégories, mais de pair avec les détenteurs d'actions des

catégories «E» et «G», au versement de la «valeur de rachat» des actions de la catégorie «F», tel que le paragraphe 5) ci-après définit cette «valeur de rachat», à laquelle valeur s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés à l'égard des actions de la catégorie «F».

Actif insuffisant

Si l'actif de la société s'avère insuffisant pour payer en entier le montant qui revient aux détenteurs d'actions de la catégorie «F» conformément à ce qui précède, il devra être partagé concurremment et proportionnellement entre les détenteurs d'actions des catégories «E», «F» et «G».

3) **Absence de participation additionnelle.** Les actions de la catégorie «F» ne confèrent aucun autre droit de participation aux biens, aux profits ou aux surplus d'actif de la société.

4) **Absence de droit de vote.** Sous réserve des dispositions de la *Loi canadienne sur les sociétés par actions*, les détenteurs d'actions de la catégorie «F» n'ont pas, à ce seul titre, droit de vote aux assemblées des actionnaires de la société ou droit d'y assister ou d'en recevoir l'avis de convocation.

5) **Droit de rachat à la demande du détenteur d'actions.** Sous réserve des dispositions du paragraphe 36(2) de la *Loi canadienne sur les sociétés par actions*, chaque détenteur d'actions de la catégorie «F», en tout temps et à son gré, a droit d'exiger, sur avis écrit, le rachat par la société de la totalité ou d'une partie de ses actions à un prix égal à leur «valeur de rachat», à laquelle valeur s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés à l'égard des actions de la catégorie «F». Le rachat s'effectue conformément à la procédure établie à l'article B) de la Partie II ci-après.

a) *Valeur de rachat*

La «valeur de rachat» correspond au montant versé pour ces actions au compte de capital déclaré tenu pour les actions de la catégorie «F», auquel montant s'ajoute une prime égale à l'excédent de la juste valeur marchande de la contrepartie reçue par la société lors de l'émission de ces actions de la catégorie «F» sur le total formé par:

- (i) le montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «F»; et
- (ii) la juste valeur marchande de tout bien, autre qu'une action de la catégorie «F», donné par la société en paiement de cette contrepartie.

b) *Détermination de la juste valeur marchande de la contrepartie*

Lors de l'émission des actions de la catégorie «F», la société et chaque souscripteur d'actions de la catégorie «F» déterminent d'un commun accord, en toute bonne foi et à l'aide d'une méthode jugée juste et raisonnable, la juste valeur marchande de chacun des biens faisant partie de la contrepartie reçue par la société lors de l'émission de ces actions de la catégorie «F».

c) *Ajustement de la prime en cas de contestation ministérielle*

En cas de désaccord du ministère du Revenu national, du ministère du Revenu du Québec, ou des deux, quant à l'évaluation de la juste valeur marchande d'un ou plusieurs des biens faisant partie de la contrepartie reçue par la société lors de l'émission des actions de la catégorie «F», l'évaluation ministérielle en question prévaut. Le montant de la prime se rapportant au rachat des actions de la

catégorie «F» est rajusté en conséquence, si le ministère en question fournit à la société et à chaque détenteur d'actions, ou, en cas de rachat intégral des actions, à la société et à chaque ancien détenteur d'actions, de la catégorie «F» l'occasion de contester son évaluation auprès du ministère concerné ou devant les tribunaux. En cas de divergence entre l'évaluation fédérale et l'évaluation provinciale, la moins élevée des évaluations fixées conformément à une cotisation non contestée ou à un jugement final, le cas échéant, est retenue.

6) **Droit d'achat de gré à gré.** Sous réserve des dispositions des paragraphes 34(2) et 35(3) de la *Loi canadienne sur les sociétés par actions*, la société peut, en tout temps, lorsqu'elle le juge à propos et sans donner avis ou tenir compte des autres catégories d'actions, acheter ou autrement acquérir de gré à gré et au meilleur prix possible, la totalité ou une partie des actions de la catégorie «F» émises et en circulation.

G. ACTIONS PRIVILÉGIÉES DE CATÉGORIE «G»: Le nombre d'actions de la catégorie «G» est illimité et la contrepartie, versée au compte capital déclaré tenu pour ces actions, est également illimitée; ces actions comportent les droits, priviléges, conditions et restrictions suivants:

1) **Dividende.** Lorsque la société déclare un dividende, chaque détenteur d'actions de la catégorie «G» a droit de recevoir, jusqu'à concurrence du dividende déclaré, en priorité sur les détenteurs d'actions des catégories «A», «B», «H» et «I», mais subséquemment aux détenteurs d'actions des catégories «E» et «F», et à même les fonds déclarés aux fins de versement de dividendes, un dividende annuel, préférentiel et non cumulatif maximal au taux préférentiel des prêts commerciaux de l'institution bancaire ou financière de la société à la date de la déclaration du dividende plus un pour cent (1%), calculé sur la «valeur de rachat» des actions de la catégorie «G», tel que le paragraphe 5) ci-après définit cette «valeur de rachat». Il incombe aux administrateurs d'en déterminer le moment et les modalités de versement.

2) **Remboursement.** Si, pour tout motif, et notamment en cas de dissolution, de liquidation volontaire ou de liquidation forcée, il y a répartition partielle ou totale des biens de la société entre les détenteurs d'actions, chaque détenteur d'actions de la catégorie «G» a droit, en priorité sur les détenteurs des actions de toutes les autres catégories, mais de pair avec les détenteurs d'actions des catégories «E» et «F», au versement de la «valeur de rachat» des actions de la catégorie «G», tel que le paragraphe 5) ci-après définit cette «valeur de rachat», à laquelle valeur s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés à l'égard des actions de la catégorie «G».

Actif insuffisant

Si l'actif de la société s'avère insuffisant pour payer en entier le montant qui revient aux détenteurs d'actions de la catégorie «G» conformément à ce qui précède, il devra être partagé concurremment et proportionnellement entre les détenteurs d'actions des catégories «E», «F» et «G».

3) **Absence de participation additionnelle.** Les actions de la catégorie «G» ne confèrent aucun autre droit de participation aux biens, aux profits ou aux surplus d'actif de la société.

4) **Absence de droit de vote.** Sous réserve des dispositions de la *Loi canadienne sur les sociétés par actions*, les détenteurs d'actions de la catégorie «G» n'ont pas, à ce seul titre, droit de vote aux assemblées des actionnaires de la société ou droit d'y assister ou d'en recevoir l'avis de convocation.

5) **Droit de rachat à la demande du détenteur d'actions.** Sous réserve des dispositions du paragraphe 36(2) de la *Loi canadienne sur les sociétés par actions*, chaque détenteur d'actions de la catégorie «G», en tout temps et à son gré, a droit d'exiger, sur avis écrit, le rachat par la société de la totalité ou d'une partie de ses actions à un prix égal à leur «valeur de rachat», à laquelle valeur s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés à l'égard des actions de la catégorie «G». Le rachat s'effectue conformément à la procédure établie à l'article B) de la Partie II ci-après.

a) *Valeur de rachat*

La «valeur de rachat» correspond au montant versé pour ces actions au compte de capital déclaré tenu pour les actions de la catégorie «G», auquel montant s'ajoute une prime égale à l'excédent de la juste valeur marchande de la contrepartie reçue par la société lors de l'émission de ces actions de la catégorie «G» sur le total formé par:

- (i) le montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «G»; et
- (ii) la juste valeur marchande de tout bien, autre qu'une action de la catégorie «G», donné par la société en paiement de cette contrepartie.

b) *Détermination de la juste valeur marchande de la contrepartie*

Lors de l'émission des actions de la catégorie «G», la société et chaque souscripteur d'actions de la catégorie «G» déterminent d'un commun accord, en toute bonne foi et à l'aide d'une méthode jugée juste et raisonnable, la juste valeur marchande de chacun des biens faisant partie de la contrepartie reçue par la société lors de l'émission de ces actions de la catégorie «G».

c) *Ajustement de la prime en cas de contestation ministérielle*

En cas de désaccord du ministère du Revenu national, du ministère du Revenu du Québec, ou des deux, quant à l'évaluation de la juste valeur marchande d'un ou plusieurs des biens faisant partie de la contrepartie reçue par la société lors de l'émission des actions de la catégorie «G», l'évaluation ministérielle en question prévaut. Le montant de la prime se rapportant au rachat des actions de la catégorie «G» est rajusté en conséquence, si le ministère en question fournit à la société et à chaque détenteur d'actions, ou, en cas de rachat intégral des actions, à la société et à chaque ancien détenteur d'actions, de la catégorie «G» l'occasion de contester son évaluation auprès du ministère concerné ou devant les tribunaux. En cas de divergence entre l'évaluation fédérale et l'évaluation provinciale, la moins élevée des évaluations fixées conformément à une cotisation non contestée ou à un jugement final, le cas échéant, est retenue.

6) **Droit d'achat de gré à gré.** Sous réserve des dispositions des paragraphes 34(2) et 35(3) de la *Loi canadienne sur les sociétés par actions*, la société peut, en tout temps, lorsqu'elle le juge à propos et sans donner avis ou tenir compte des autres catégories d'actions, acheter ou autrement acquérir de gré à gré et au meilleur prix possible, la totalité ou une partie des actions de la catégorie «G» émises et en circulation.

H. ACTIONS PRIVILÉGIÉES DE CATÉGORIE «H»: Le nombre d'actions de la catégorie «H» est illimité et la contrepartie, versée au compte capital déclaré tenu pour ces actions, est également illimitée; ces actions comportent les droits, priviléges, conditions et restrictions suivants:

- 1) **Dividende.** Lorsque la société déclare un dividende, chaque détenteur d'actions de la catégorie «H» a droit de recevoir, jusqu'à concurrence du dividende déclaré, en priorité sur les détenteurs d'actions des catégories «A», «B» et «I», mais subséquemment aux détenteurs d'actions des catégories «E», «F» et «G», et à même les fonds déclarés aux fins de versement de dividendes, un dividende annuel, préférentiel et non cumulatif maximal de huit pour cent (8%) par année, calculé sur le montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «H». Il incombe aux administrateurs d'en déterminer le moment et les modalités de versement.
- 2) **Remboursement.** Si, pour tout motif, et notamment en cas de dissolution, de liquidation volontaire ou de liquidation forcée, il y a répartition partielle ou totale des biens de la société entre les détenteurs d'actions, chaque détenteur d'actions de la catégorie «H» a droit, en priorité sur les détenteurs d'actions des catégories «A», «B» et «I», mais subséquemment aux détenteurs d'actions des catégories «C», «D», «E», «F» et «G», au remboursement du montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «H», auquel montant s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés à l'égard des actions de la catégorie «H».

Actif insuffisant

Si l'actif de la société s'avère insuffisant pour payer en entier le montant qui revient aux détenteurs d'actions de la catégorie «H» conformément à ce qui précède, ces derniers se le partagent proportionnellement au nombre d'actions de la catégorie «H» qu'ils détiennent.

- 3) **Restriction.** Outre les conditions imposées par l'article 42 et par les paragraphes 34(2) et 35(3) de la *Loi canadienne sur les sociétés par actions* respectivement, la société ne peut ni verser un dividende à l'égard des actions de la catégorie «H», ni acheter de gré à gré de ces actions et ni effectuer un rachat conformément aux présents statuts, à une convention entre actionnaires ou toute autre entente, si, de ce fait, la société ne peut légalement procéder au rachat ou au paiement du prix de rachat des actions des catégories «E», «F» et «G».
- 4) **Absence de participation additionnelle.** Les actions de la catégorie «H» ne confèrent aucun autre droit de participation aux biens, aux profits ou aux surplus d'actif de la société.
- 5) **Absence de droit de vote.** Sous réserve des dispositions de la *Loi canadienne sur les sociétés par actions*, les détenteurs d'actions de la catégorie «H» n'ont pas, à ce seul titre, droit de vote aux assemblées des actionnaires de la société ou droit d'y assister ou d'en recevoir l'avis de convocation.
- 6) **Droit de rachat à la demande du détenteur d'actions.** Sous réserve des dispositions du paragraphe 36(2) de la *Loi canadienne sur les sociétés par actions*, chaque détenteur d'actions de la catégorie «H», en tout temps et à son gré, a droit d'exiger, sur avis écrit, le rachat par la société de la totalité ou d'une partie de ses actions à un prix égal au montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «H», auquel montant s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés à l'égard des actions de la catégorie «H». Le rachat s'effectue conformément à la procédure établie à l'article B) de la Partie II ci-après.

7) **Droit d'achat de gré à gré.** Sous réserve des dispositions des paragraphes 34(2) et 35(3) de la *Loi canadienne sur les sociétés par actions*, la société peut, en tout temps, lorsqu'elle le juge à propos et sans donner avis ou tenir compte des autres catégories d'actions, acheter ou autrement acquérir de gré à gré et au meilleur prix possible, la totalité ou une partie des actions de la catégorie «H» émises et en circulation.

I. ACTIONS PRIVILÉGIÉES DE CATÉGORIE «I»: Le nombre d'actions de la catégorie «I» est illimité et la contrepartie, versée au compte capital déclaré tenu pour ces actions, est également illimitée; ces actions comportent les droits, priviléges, conditions et restrictions suivants:

- 1) **Dividende.** Lorsque la société déclare un dividende, chaque détenteur d'actions de la catégorie «I» a droit de recevoir, jusqu'à concurrence du dividende déclaré, en priorité sur les détenteurs d'actions des catégories «A» et «B», mais subséquemment aux détenteurs d'actions des catégories «E», «F», «G» et «H», et à même les fonds déclarés aux fins de versement de dividendes, un dividende annuel, préférentiel et non cumulatif maximal de huit pour cent (8%) par année, calculé sur le montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «I». Il incombe aux administrateurs d'en déterminer le moment et les modalités de versement.
- 2) **Remboursement.** Si, pour tout motif, et notamment en cas de dissolution, de liquidation volontaire ou de liquidation forcée, il y a répartition partielle ou totale des biens de la société entre les détenteurs d'actions, chaque détenteur d'actions de la catégorie «I» a droit, en priorité sur les détenteurs d'actions des catégories «A» et «B», mais subséquemment aux détenteurs d'actions des catégories «C», «D», «E», «F», «G» et «H», au remboursement du montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «I», auquel montant s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés à l'égard des actions de la catégorie «I».

Actif insuffisant

Si l'actif de la société s'avère insuffisant pour payer en entier le montant qui revient aux détenteurs d'actions de la catégorie «I» conformément à ce qui précède, ces derniers se le partagent proportionnellement au nombre d'actions de la catégorie «I» qu'ils détiennent.

- 3) **Restriction.** Outre les conditions imposées par l'article 42 et par les paragraphes 34(2) et 35(3) de la *Loi canadienne sur les sociétés par actions* respectivement, la société ne peut ni verser un dividende à l'égard des actions de la catégorie «I», ni acheter de gré à gré de ces actions et ni effectuer un rachat conformément aux présents statuts, à une convention entre actionnaires ou toute autre entente, si, de ce fait, la société ne peut légalement procéder au rachat ou au paiement du prix de rachat des actions des catégories «E» «F» et «G».
- 4) **Absence de participation additionnelle.** Les actions de la catégorie «I» ne confèrent aucun autre droit de participation aux biens, aux profits ou aux surplus d'actif de la société.
- 5) **Absence de droit de vote.** Sous réserve des dispositions de la *Loi canadienne sur les sociétés par actions*, les détenteurs d'actions de la catégorie «I» n'ont pas, à ce seul titre, droit de vote aux assemblées des actionnaires de la société ou droit d'y assister ou d'en recevoir l'avis de convocation.

6) **Droit de rachat unilatéral par la société.** Sous réserve des dispositions du paragraphe 36(2) de la *Loi canadienne sur les sociétés par actions*, la société, en tout temps, lorsqu'elle le juge à propos et sur avis écrit d'au moins trente (30) jours, a le droit de racheter unilatéralement la totalité ou une partie des actions de la catégorie «I» à un prix égal au montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «I», auquel montant s'ajoute, le cas échéant, le montant des dividendes déclarés mais non versés à l'égard des actions de la catégorie «I». Le rachat s'effectue conformément à la procédure établie à l'article C) de la Partie II ci-après.

7) **Droit d'achat de gré à gré.** Sous réserve des dispositions des paragraphes 34(2) et 35(3) de la *Loi canadienne sur les sociétés par actions*, la société peut, en tout temps, lorsqu'elle le juge à propos et sans donner avis ou tenir compte des autres catégories d'actions, acheter ou autrement acquérir de gré à gré et au meilleur prix possible, la totalité ou une partie des actions de la catégorie «I» émises et en circulation.

PARTIE II — EXERCICE DE CERTAINS DROITS

A. RACHAT AU DÉCÈS DU DÉTENTEUR D'ACTIONS

- 1) **Procédure de rachat.** Dès la réception du ou des certificats représentant les actions de la catégorie «C» ou «D» qui doivent faire l'objet du rachat, la société, sans tenir compte des autres catégories d'actions, procède au rachat de ces actions de la catégorie «C» ou «D», et, pourvu qu'elle puisse légalement le faire, la société dispose d'un délai de trente (30) jours à compter de la date du décès pour verser aux héritiers, légataires, liquidateurs ou exécuteurs testamentaires, cessionnaires, mandataires, représentants légaux ou ayant cause du détenteur d'actions décédé un prix égal au montant versé pour ces actions au compte capital déclaré tenu pour les actions de la catégorie «C» ou «D».
- 2) **Paiement au-delà du délai.** Si les dispositions du paragraphe 36(2) de la *Loi canadienne sur les sociétés par actions* ne lui permettent pas de payer le prix total de rachat aux héritiers, légataires, liquidateurs ou exécuteurs testamentaires, cessionnaires, mandataires, représentants légaux ou ayant cause du détenteur d'actions décédé dans le délai susmentionné, la société verse une première partie du prix de rachat à l'intérieur du délai de trente (30) jours, pourvu qu'elle puisse légalement le faire, et verse tout solde impayé aussitôt qu'elle peut légalement le faire.
- 3) **Ajustement du compte capital déclaré.** Les actions de la catégorie «C» ou «D» ainsi rachetées au décès du détenteur d'actions sont automatiquement annulées à la date de leur rachat et la société débite en conséquence le compte capital déclaré tenu pour les actions de la catégorie «C» ou «D», le tout conformément aux dispositions de la *Loi canadienne sur les sociétés par actions*.

B. DROIT DE RACHAT À LA DEMANDE DU DÉTENTEUR D'ACTIONS

- 1) **Procédure de rachat.** S'il désire exercer son droit de rachat, chaque détenteur d'actions de la catégorie, «E», «F», «G» ou «H», selon le cas, remet au siège social de la société ou au bureau de son agent de transfert un avis écrit qui indique le nombre des actions de la

catégorie concernée qui doivent être rachetées par la société ainsi que la date à laquelle il désire que le rachat s'effectue. Cet avis s'accompagne du ou des certificats représentant les actions de la catégorie concernée qui font l'objet du rachat et porte la signature de la personne qui est inscrite au Livre de la société en qualité de détenteur de ces actions de la catégorie concernée ou la signature de son mandataire dûment autorisé. Sur réception de l'avis et du ou des certificats représentant les actions de la catégorie concernée qui font l'objet du rachat, la société procède au rachat des actions de la catégorie concernée sans tenir compte des autres catégories d'actions, et dispose d'un délai de trente (30) jours à compter de la date du rachat pour verser au détenteur d'actions, ou, en cas de rachat intégral des actions, à l'ancien détenteur d'actions de la catégorie concernée, le prix de rachat de ses actions.

- 2) **Paiement au-delà du délai.** Si les dispositions du paragraphe 36(2) de la *Loi canadienne sur les sociétés par actions* ne lui permettent pas de payer le prix total de rachat à un détenteur d'actions ou à un ancien détenteur d'actions dans le délai susmentionné, la société verse une première partie du prix de rachat à l'intérieur du délai de trente (30) jours, pourvu qu'elle puisse légalement le faire, et verse tout solde impayé aussitôt qu'elle peut légalement le faire.
- 3) **Rachat partiel.** Si le rachat ne vise qu'une partie des actions du détenteur d'actions de la catégorie «E», «F», «G» ou «H», selon le cas, alors émises et en circulation, la société doit, sans frais, émettre au détenteur d'actions concerné un nouveau certificat représentant ses actions non rachetées de chaque catégorie.
- 4) **Ajustement du compte capital déclaré.** Les actions de la catégorie «E», «F», «G» ou «H», selon le cas, ainsi rachetées à la demande d'un détenteur d'actions, sont automatiquement annulées à la date de leur rachat et la société débite en conséquence le compte capital déclaré tenu pour les actions de la catégorie concernée, le tout conformément aux dispositions de la *Loi canadienne sur les sociétés par actions*.

C. DROIT DE RACHAT UNILATÉRAL PAR LA SOCIÉTÉ

- 1) **Procédure de rachat.** Lorsque la société se propose d'effectuer un rachat d'actions de la catégorie «I», elle doit, au moins trente (30) jours avant la date prévue pour ce rachat, donner un avis écrit de son intention à tout détenteur d'actions de la catégorie «I» dont les actions sont visées par le rachat et qui est inscrit au Livre de la société le jour de l'envoi de l'avis. Tel avis doit être transmis par courrier recommandé ou certifié à chaque détenteur d'actions ainsi inscrit dont les actions sont visées par le rachat, à sa dernière adresse figurant dans le Livre de la société. Le défaut accidentel ou l'omission involontaire de donner un tel avis à un ou plusieurs desdits détenteurs d'actions n'affecte en rien la validité du rachat à l'égard des actions des autres détenteurs d'actions l'ayant reçu.
- 2) **Rachat partiel.** Si la société procède à un rachat partiel des actions de la catégorie «I», ce rachat s'effectue proportionnellement au nombre des actions de la catégorie «I» émises et en circulation, sans tenir compte des fractions d'actions. La société doit, sans frais, émettre au détenteur d'actions concerné un nouveau certificat représentant ses actions de catégorie «I» non rachetées.
- 3) **Contenu de l'avis.** L'avis doit énoncer le prix par action auquel le rachat doit s'effectuer, la date du rachat et, si le rachat ne vise qu'une partie des actions de la catégorie «I» émises et en

circulation, le nombre d'actions soumises au rachat. L'avis doit également indiquer à tout détenteur d'actions la date, l'heure et le lieu ainsi que la procédure prévus pour la remise du ou des certificats représentant les actions devant être rachetées et pour le paiement du prix de rachat.

- 4) **Ajustement du compte capital déclaré.** Les actions de la catégorie «I» ainsi rachetées unilatéralement par la société sont automatiquement annulées à la date de leur rachat et la société débite en conséquence le compte capital déclaré tenu pour les actions de la catégorie «I», le tout conformément aux dispositions de la *Loi canadienne sur les sociétés par actions*.

D. DROIT D'ACHAT DE GRÉ À GRÉ

Les actions de la catégorie «C», «D», «E», «F», «G», «H» ou «I», selon le cas, achetées ou autrement acquises de gré à gré sont automatiquement annulées à la date de leur achat ou de leur acquisition et la société débite en conséquence le compte capital déclaré tenu pour les actions de la catégorie concernée, le tout conformément aux dispositions de la *Loi canadienne sur les sociétés par actions*.

ANNEXE B**RELATIVE AUX****RESTRICTIONS SUR LE TRANSFERT DES ACTIONS DE LA SOCIÉTÉ
RÉGIE PAR LA LOI CANADIENNE SUR LES SOCIÉTÉS PAR ACTIONS**

Le transfert des actions est assujetti à la restriction et aux modalités suivantes:

Tout actionnaire qui désire transférer ses actions doit présenter à la société une demande de consentement écrite qui fournit le nom et les coordonnées de l'acquéreur ainsi que le certificat d'actions dûment endossé, s'il en existe un. Ce transfert d'actions est assujetti au consentement du conseil d'administration. Le conseil d'administration doit rendre sa décision dans les soixante (60) jours de la réception de la demande, la consigner par écrit dans une résolution et fournir ses motifs en cas de refus. À défaut pour le conseil de rendre sa décision dans le délai prescrit, il est réputé avoir accepté le transfert.

ANNEXE C

RELATIVE AUX

AUTRES DISPOSITIONS DE LA SOCIÉTÉ RÉGIE PAR LA LOI CANADIENNE SUR LES SOCIÉTÉS PAR ACTIONS

1 POUVOIR D'EMPRUNT

En plus des pouvoirs conférés par ses statuts et sans restreindre la portée des pouvoirs conférés au conseil d'administration par l'article 189 de la *Loi canadienne sur les sociétés par actions*, L.R.C. 1985, chap. C-44, le conseil d'administration peut, lorsqu'il le juge opportun et sans avoir à obtenir l'autorisation des détenteurs d'actions:

- a) contracter des emprunts, compte tenu du crédit de la société;
- b) émettre, réémettre, vendre ou donner en garantie les titres de créance de la société;
- c) garantir, au nom de la société, l'exécution d'une obligation à la charge d'une autre personne;
- d) consentir une hypothèque, même ouverte, sur une universalité de biens, meubles ou immeubles, présents ou à venir, corporels ou incorporels, de la société; et
- e) déléguer un (1) ou plusieurs des pouvoirs susmentionnés à un administrateur, à un comité exécutif, à un comité du conseil d'administration ou à un dirigeant de la société.

2 CONVENTION UNANIME DES ACTIONNAIRES

Lorsqu'un pouvoir, qui, en vertu des statuts, doit être exercé par le conseil d'administration, a été retiré au conseil d'administration pour être assumé par les actionnaires aux termes d'une convention unanime des actionnaires selon l'article 146 de la *Loi canadienne sur les sociétés par actions*, toute référence dans les statuts ou dans les règlements à l'exercice de ce pouvoir par le conseil d'administration ou par un ou plusieurs administrateurs doit se lire comme étant une référence à l'exercice de ce pouvoir par l'assemblée des actionnaires aux termes de la convention unanime des actionnaires.

3 RESTRICTIONS À LA CESSION DE TITRES

La cession de titres, autres que des actions et des titres de créance non convertibles, est assujettie à la restriction et aux modalités suivantes:

- a) Tout porteur qui veut céder ses titres doit présenter à la société une demande de consentement écrite qui fournit le nom et les coordonnées de l'acquéreur ainsi que tout document constatant le droit conféré par le titre, s'il en existe un. Dans ce cas, celui-ci doit être dûment endossé. Cette cession de titres est assujettie au consentement du conseil d'administration. Le conseil d'administration doit rendre sa décision dans les soixante (60) jours de la réception de la demande, la consigner par écrit dans une résolution et fournir ses motifs en cas de refus. À défaut pour le conseil de rendre sa décision dans le délai prescrit, il est réputé avoir accepté le transfert.
- b) En cas de cession de titres dont le document les constatant a été perdu, volé ou détruit, la société émet au porteur de titres un nouveau document si la demande de remplacement lui a été présentée avant d'avoir été avisée de l'acquisition du ou des titres par un acquéreur de bonne foi, si le porteur de titres lui fournit un cautionnement suffisant et s'il satisfait aux autres exigences raisonnables établies par la société.

- c) Toute restriction à la cession des titres doit être mentionnée clairement sur tout document constatant le droit conféré par le ou les titres.



Industry
Canada Industrie
Canada

Form 2

**Initial Registered Office Address
and First Board of Directors**

*Canada Business Corporations Act
(CBCA) (s. 19 and 106)*

Formulaire 2

**Siège social initial et premier
conseil d'administration**

*Loi canadienne sur les sociétés par
actions (LCSA) (art. 19 et 106)*

1 Corporate name

Dénomination sociale

**RÉSEAU APRÈS LA VIE INC.
AFTERLIFE NETWORK INC.**

2 Address of registered office

Adresse du siège social

**211-440 rue De La Gauchetière E
Montréal QC H2L 2M5**

3 Additional address

Autre adresse

4 Members of the board of directors

Membres du conseil d'administration

**Resident Canadian
Résident Canadien**

Yes / Oui

Benoit Tessier 505-2300 rue du Barachois, Québec QC
G2C 0G3, Canada

Pascal Leclerc 211-440 rue De La Gauchetière E, Montréal QC
H2L 2M5, Canada

Yes / Oui

**5 Declaration: I certify that I have relevant knowledge and that I am authorized to sign this form.
Déclaration : J'atteste que je possède une connaissance suffisante et que je suis autorisé(e) à signer le présent
formulaire.**

**Original signed by / Original signé par
Audrey Ally**

**Audrey Ally
(418)627-2442**

Misrepresentation constitutes an offence and, on summary conviction, a person is liable to a fine not exceeding \$5000 or to imprisonment for a term not exceeding six months or both (subsection 250(1) of the CBCA).

Faire une fausse déclaration constitue une infraction et son auteur, sur déclaration de culpabilité par procédure sommaire, est passible d'une amende maximale de 5 000 \$ et d'un emprisonnement maximal de six mois, ou l'une de ces peines (paragraphe 250(1) de la LCSA).

You are providing information required by the CBCA. Note that both the CBCA and the Privacy Act allow this information to be disclosed to the public. It will be stored in personal information bank number IC PPU-049.

Vous fournissez des renseignements exigés par la LCSA. Il est à noter que la LCSA et la Loi sur les renseignements personnels permettent que de tels renseignements soient divulgués au public. Ils seront stockés dans la banque de renseignements personnels numéro IC PPU-049.

000352

This is Exhibit "D" referred to in the Second Supplementary Affidavit of Dawn Thomson sworn to or affirmed before me this 29th day of November, 2018.



Commissioner of Oaths

Erin E. Best
Barrister, NL





Q Search

000363
Premium[Get a quote - McGill University alumni get preferred rates with TD Insurance.](#) Ad ...**Paco Leclerc** • 3rd

Founder Everhere.com

Canada

**Experience****CEO**

Everhere.com

Feb 2013 – Present · 10 mos

**Everhere**

1 yr 11 mos

Founder

Mar 2018 – Present · 9 mos

As a co-founder Thaizone.ca was sold to MTY group - Public company. I was then VP for 18 months.

As an ex retailer the Tech Industry became my new passion.

... See more

Founder and CEO

Jan 2017 – Present · 1 yr 11 mos

Skills & Endorsements**Entrepreneurship** 9

Endorsed by Yanik Guillemette and 1 other who is highly skilled at this

Management 7

Yanik Guillemette and 6 connections have given endorsements for this skill

Marketing Strategy 6

Yanik Guillemette and 5 connections have given endorsements for this skill

[Show more ▾](#)**Everhere.com**

See contact info

500+ connections

People Also Viewed**Zachary Alexander Chute** ...
Founder**Sophie Théodore** • 3rd
Chasseur de têtes - LaVente.ca**Charlie Aubie** • 3rd
Founder & President scc**Corey MacPhee** • 2nd
Founder and CEO National Water Solutions INC.**Martin Crosbie** • 3rd
Founder at BookDoggy**John Xidos** • 2nd
CEO at woopla gaming**Patrick Kuprowski, P.Eng.** ...
President & CEO**Steve Wadden** • 2nd
Regional Vice President Career Solutions Force Atlantic Canada**Baneet Gurwara** • 3rd
Founder at Grover Essentials**Brian M.** • 2nd
FOUNDER PIVOT POINT MANAG CORP

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Viewers: 20,530**Sales Coaching**
Viewers: 27,782**Advanced Lead Gene**

Reactivate
Reconnect
000334Paco
Leclerc

000365

This is Exhibit "E" referred to in the Second
Supplementary Affidavit of Dawn Thomson
sworn to or affirmed before me this 29th day of
November, 2018.



Commissioner of Oaths

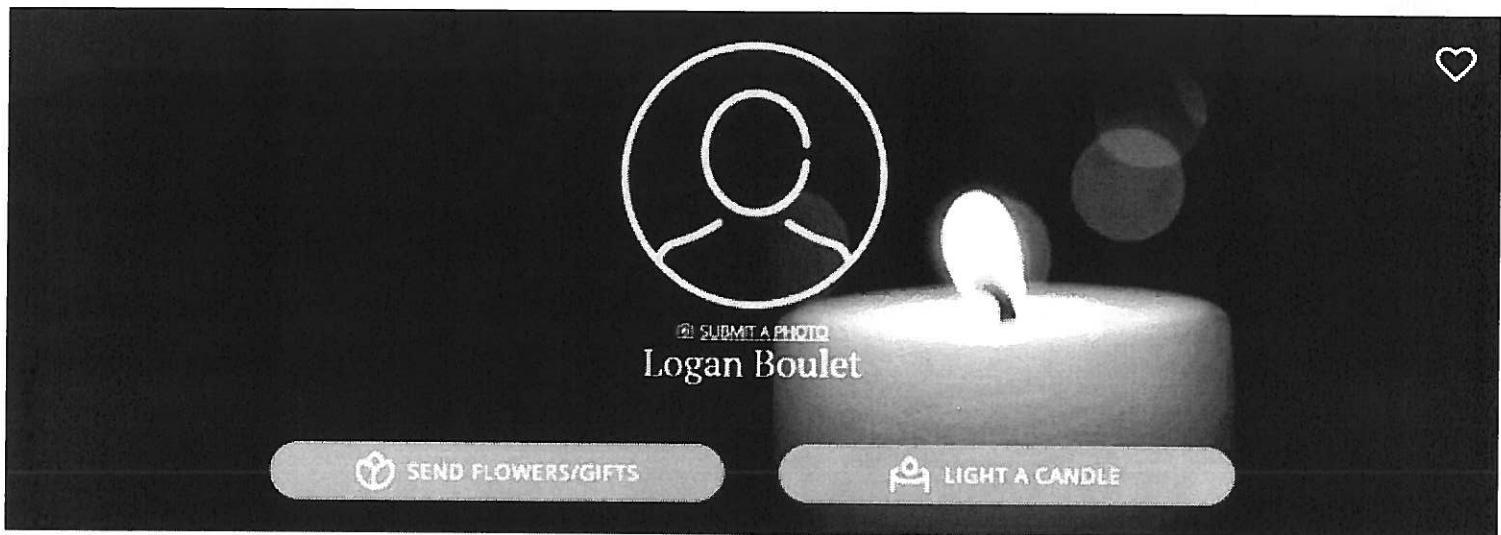
Erin E. Best
Barrister, NL



Obituary website sells memorials for Humboldt victims without family permission

Everhere runs ads alongside death notices, gets victims' details wrong

Anis Heydari · CBC News · Posted: Apr 21, 2018 2:00 AM MT | Last Updated: April 22



Obituary

Events

Guestbook (3)

Photos

In loving memory of Logan Boulet



An unauthorized obituary for Logan Boulet of the Humboldt Broncos on the obituary site Everhere incorrectly lists his place of death. The site gathers obituaries from across Canada, adding offers to purchase gifts and memorials. (Everhere)

Obituaries for victims of the Humboldt Broncos crash have appeared on a website that aggregates death notices from across Canada, while adding offers to purchase gifts and memorials, without the involvement or permission of the families.

The site also has connections to Afterlife, another obituary site which shut down earlier this year amid criticism.

Everhere posted obituaries for 12 of the 16 people who were killed on April 6 in the Broncos bus crash between Tisdale and Nipawin, Sask.

- **Humboldt GoFundMe closes, raises more than \$15M**

Funeral officials and family members tell CBC News the obituaries were listed without their permission.

Many of them are also inaccurate, with an incorrect place of death noted for most of the victims.

Everhere calls itself a "database of obituaries that are found online" and runs advertisements alongside them. The site charges \$4.99 to remove the ads.

This obituary on Everhere for Broncos player Logan Schatz was unavailable after Friday afternoon.
(Everhere)

It also provides links to purchase flowers and to light digital memorial candles, which sell from \$5.99 up to \$29.99.

As of Saturday evening, two people appeared to have purchased digital memorial candles on Everhere in honour of Broncos defenceman Logan Boulet.

Chris Jong, general manager for Martin Brothers Funeral Chapel in Lethbridge, Alta. — which provided funeral services for Boulet — said he's never heard of Everhere and the obituary provided on the website was not authorized by the family.

"I'm fourth generation funeral director. I've been 15 years in funeral service just myself. I've never seen anything like this before," said Jong.

Jong said he doesn't have any idea where money spent on Boulet's Everhere obituary may have gone, because it did not go to the family's chosen funeral provider.

'Unbelievable'

Bonnie Schatz, mother of crash victim Logan Schatz, said her family did not place an obituary with Everhere.

"Unbelievable that people would do something like that," she said.

Everhere listed Logan's place of death as Martensville, Sask., a community some 200 kilometres from the crash site.

- **Humboldt cartoon stolen for T-shirt and chance 'to grab some free cash'**

That obituary has since disappeared from the site.

It is not clear if any families of the crash victims dealt with Everhere.

Everhere CEO Pascal (Paco) Leclerc declined to be interviewed by CBC News. But, in an exchange of emails, said the obituaries posted on the site without the involvement of families use only "basic facts of the deceased."

He said the company's mission is to connect society with grieving families, and that family members can ask for obituaries to be removed.

Everhere posted obituaries for 12 of the 16 people who were killed in the April 6 bus crash between Tisdale and Nipawin, Sask. Many of them are inaccurate. (Jonathan Hayward/Canadian Press)

Taking advantage?

Schatz said the site "obviously ... took it from the original," referring to the obituary placed in the Saskatoon StarPhoenix and on the Saskatoon Funeral Home's website.

The funeral home provided the obituary, as written by the family, to the newspaper but not to Everhere.com, according to funeral director Morgan Edwards.

Funeral home websites are provided as a service, said Edwards, and don't sell "condolence items."

- **N.L. man says website tried to profit off late mother's obituary**
- **Too early to talk charges in fatal Humboldt Broncos bus crash, police say**

"It's basically a hub for the family to go to and refer friends to share memories and share stories," he said.

Edwards said sites like Everhere should not divert people from more traditional obituary providers.

"It's taking away from the hub of where this information should be collected ... rather than a standalone site that really is only in it for money," he said.

"It could lead to a situation where families are feeling taken advantage of by for-profit websites."

Connections to Afterlife

The site bears a resemblance — and has some of the same staff, including Leclerc — to Afterlife, a site which closed down in January amid criticism it was running obituaries, without permission, in an attempt to sell merchandise.

Visitors to that site, Afterlife.co, are automatically redirected to Everhere.com. Jordon Le Brun, formerly of Afterlife, also works at Everhere.

It is not clear who owns either domain because, according to internet records, they were registered through anonymizing services.

The federal government's corporate registry continues to list Afterlife Network Inc., or Réseau Après La Vie Inc., as an active corporation based in Quebec City, with Leclerc listed as the only director. There are no entries for Everhere in the federal or Quebec registries.

Leclerc denies the two websites are related.

This obituary was provided by the Schatz family to the Saskatoon Funeral Home, which distributed it with permission to the Saskatoon StarPhoenix. (Screenshot/Saskatoon Funeral Home)

"Everhere is not the successor [to Afterlife.co]. It's an entirely new company and business model," Leclerc wrote in an email.

One critic of Afterlife is disappointed a similar site has appeared.

"It kind of feels like we failed," said Amy Lavier, the Pembroke, Ont., woman who criticized Afterlife after it published her four-year-old son's obituary without her permission.

"To see it's happening again, it's just not right what they're doing," she said.

Where does the money go?

According to the Everhere site, if flowers are purchased on their site the order is passed on to local florists.

However, the site also includes information on an "affiliate program" that encourages people to add obituaries themselves. The program offers participants "10 per cent from flowers and 50 per cent from candles purchased through your shared obituaries."

Leclerc said that money is allocated to funeral homes and newspapers.

"Through our Affiliate Program, funeral homes and newspapers receive shared revenues that can go towards helping families in need with their funeral costs," he wrote.

He said funding from the digital candles go toward operational costs.

- **MORE ALBERTA NEWS | Crash kills 3 people, badly injures young child near Irricana**
- **MORE CALGARY NEWS | 2 dead, police searching for suspect in northwest Calgary shooting**

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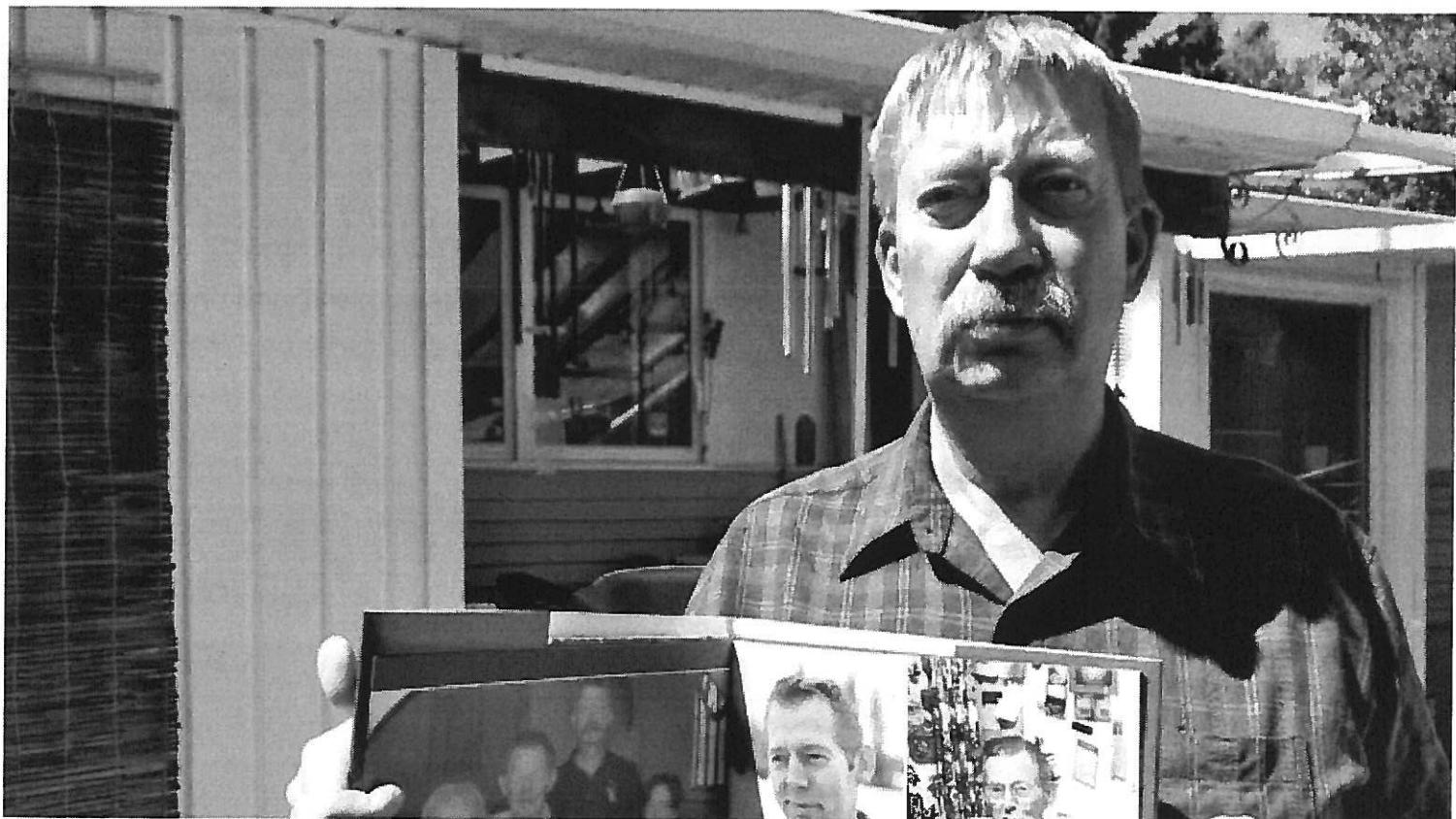
Visitez Radio-Canada.ca

Obituary website criticized for risking revelation of husband's death to dementia-suffering widow



Everhere.com published memorial without permission and offered condolence flowers against family wishes

Anis Heydari · CBC News · Posted: Jul 09, 2018 8:42 AM MT | Last Updated: July 9



Rick Laursen holds up photos of his late father Erik. (Anis Heydari/CBC)

An obituary website is being criticized by a Calgary family after an unauthorized tribute to their deceased father solicited unwanted flowers, which could have inadvertently revealed his death to their mother, who suffers from dementia.

The Laursen family submitted an obituary for father Erik shortly after his death on July 4. The day after it was published on a Strathmore funeral home website, an unauthorized

obituary was available on Everhere.com.

000374



Obituary Events (1) Tributes Memories

Erik Laursen - Obituary



Date of Birth: Nov. 21, 1934

Date Deceased: July 4, 2018

Location: Calgary, Alberta

Sadly, on July 4th 2018, Erik Laursen of [Calgary, Alberta](#) left us for a better place. Family and friends can send flowers and condolences in memory of the loved one. Leave a sympathy message to the family on the memorial page of Erik Laursen to pay them a last tribute.

A cached copy of the now-removed, unauthorized obituary for Erik Laursen solicits the purchase of flowers for the family against their wishes. (Everhere/Google Cache)

The site had previously posted unauthorized and inaccurate obituaries for victims of the Humboldt Broncos bus crash, and has connections to Afterlife, another obituary site which shut down earlier this year amid criticism.

“My mother.. would have found out inadvertently that her husband of over 60 years was no longer alive.”

- Rick Laursen

Everhere's obituary actively solicited visitors to send flowers, while the version approved by the family included an explicit request that mourners donate to charity in lieu of sending flowers.

"Potentially there could have been flowers showing up at the door [of the family home]," said Erik's son Rick Laursen.

"My mother... had she read the card, then she would have found out inadvertently that her husband of over 60 years was no longer alive."

Margaret Laursen's dementia is connected with a series of mini-strokes she had previously suffered. According to son Rick, medical professionals have determined she must not be told of her husband's death to protect her own health.

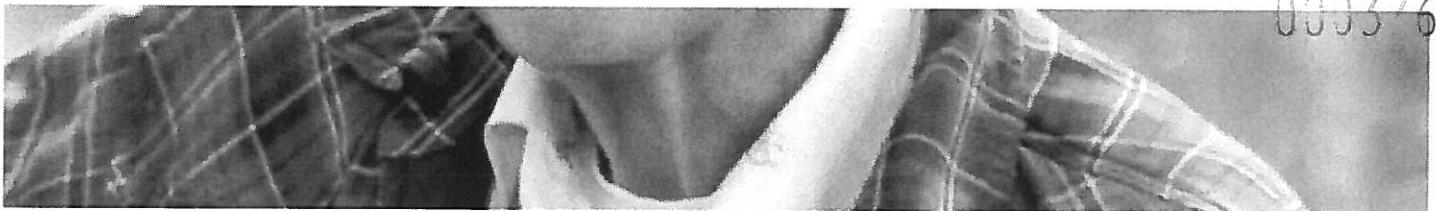
"Any reminders of that, such as people coming to the house to offer condolences, would just be upsetting to her and would cause more permanent damage to the way her brain functions," said Rick Laursen.

"The most horrible thing I can imagine... like looting"

The family only found out about the unauthorized obituary when a close friend of their late father came across the obituary after a web search. Initially, neighbour Joseph Verba did not realize it was not legitimate.

"It looked very legit, it looked quite nice. When I was reading it there was something that just didn't add up because of the family situation, they did not wish to have any flowers, any condolences, sympathy cards of that sort delivered to the house," said Joseph Verba.





Erik Laursen died on July 4, 2018. An unauthorized obituary with no involvement from the family appeared on everhere.com by the next day. (Supplied by Rick Laursen)

Verba lived across the street from the late Erik Laursen for decades and called him "a second father." After he realized the obituary wasn't authorized or legitimate, he was emotional.

"This is the most horrible thing I can imagine. It's like looting," said Verba.

Obituary removed within a day

Rick Laursen says no flowers have shown up at his parents' home yet, and the obituary has been removed from Everhere after he filled out an online form to request its removal.

However, he calls Everhere's publication of his father's obituary "very deceitful" and says it caused a huge amount of stress, as this happened while he was managing his mother's health and planning his late father's funeral.

"Had it not been for my friend [Verba] warning me about this I would have been unaware," said Laursen.

The image shows a dark-themed obituary template. At the top center is a large, empty circular placeholder for a profile picture. To the right of the placeholder is a glowing candle icon. Below the candle, the name "Logan Boulet" is displayed in a serif font. Underneath the name are two prominent buttons: a rounded rectangle for "SEND FLOWERS/GIFTS" and another for "LIGHT A CANDLE". Both buttons feature small icons: a flower for the first and a candle for the second. The overall design is minimalist and哀悼相关的.

In loving memory of Logan Boulet



Errors were found in Everhere's unauthorized obituaries for some of those killed in the Humboldt Broncos bus crash. (Everhere)

Laursen was hoping to speak with someone at Everhere about the situation but has not been able to make contact other than what he believes was an auto-generated email reply.

"The website said... if it was important that I remove it quickly I should call them by telephone," said Laursen.

"I did want to talk to them about it."

Everhere did not respond to multiple interview requests from CBC News.

- **MORE CALGARY NEWS | How the Calgary Stampede makes and spends \$150M per year**
- **MORE CALGARY NEWS | Bass music shakes Calgary woman's house**
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Court File No. T-38-18

Federal Court

BETWEEN

DAWN THOMSON

Applicant

-and-

AFTERLIFE NETWORK INC. (O/A AFTERLIFE.CO)

Respondent

AFFIDAVIT OF RENEE BOYD

I, Renee Boyd, Legal Assistant, of the Town of Conception Bay South, in the Province of Newfoundland and Labrador, SWEAR THAT:

1. On August 8, 2018, I sent an email to myself, blind copying all of the Class members who had contacted Stewart McKelvey and provided their email address, attaching a copy of the Certification Order. My email also advised the Class members of their option to opt out of this proceeding. A copy of my email, with attachments, is attached as Exhibit "A".
2. The information in my aforementioned email is also located on the Stewart McKelvey website. A copy of the website page is attached as Exhibit "B".
3. The information in my aforementioned email is also located on the Stewart McKelvey website. A copy of the website page is attached as Exhibit "B".

Sworn before me at the City of St. John's, in the Province of Newfoundland on November 30, 2018.


Commissioner for Taking Affidavits
(or as the case may be)

Erin E. Best
Barrister, NL


(Signature of Deponent)

SOR/2004-283, s. 35

This is Exhibit "A" referred to in the Affidavit of
Renee Boyd sworn to or affirmed before me
this 30th day of November, 2018.



Commissioner of Oaths

Erin E. Best
Barrister, NL

Renee A. Boyd

From: Renee A. Boyd
Sent: Wednesday, August 08, 2018 2:14 PM
To: Renee A. Boyd
Subject: Important Update regarding Afterlife Class Action; Mise à jour importante
Attachments: Afterlife Certification Order.pdf; Afterlife Opt-Out Form.pdf

Importance: High
Categories: TIPS

Important Update Regarding Afterlife Class Action (français à suivre):

By Order of the Honourable Justice Locke dated 27 July 2018, the class action of *Dawn Thomson v. Afterlife Network Inc. (o/a Afterlife.co)* has been certified and Stewart McKelvey has been appointed as Class Counsel. The complete Order is attached to this email.

The Order describes the Class as follows:

All natural persons and estates in Canada who have authored or received by assignment an obituary that has been reproduced, in whole or in substantial part, without permission on www.afterlife.co/ca; and all persons in Canada who have authored or received by assignment or the terms of the Copyright Act a photograph that was reproduced, in whole or in substantial part, without permission on www.afterlife.co/ca.

Excluded from the Class are all directors, shareholders, officers and employees of the Respondent.

IMPORTANT: Class members may opt out of this Class Proceeding by completing and delivering the attached opt-out form to Class Counsel by no later than October 1, 2018 to the following address:

Stewart McKelvey
Attn: Renee Boyd
1100-100 New Gower Street
P.O. Box 5038
St. John's, NL A1C 5V3

Please consult our website at <https://www.stewartmckelvey.com/en/home/classaction/afterlifeco.aspx> for further updates.

Mise à jour importante: Par ordonnance de l'honorable juge Locke, datée du 27 juillet 2018, ce recours collectif *Dawn Thomson v. Afterlife Network Inc. (o/a Afterlife.co)* a été certifié et Stewart McKelvey a été nommé avocat du groupe. Vous pouvez consulter l'ordonnance qui est jointe à ce courriel.

L'ordonnance décrit le recours collectif comme suit :

Toutes les personnes physiques et successions au Canada ayant rédigé une notice nécrologique ou reçu par cession une telle notice qui a été reproduite, dans sa totalité ou pour l'essentiel, et sans autorisation, sur www.afterlife.co/ca; et toutes les personnes au Canada ayant pris ou reçu par cession ou aux termes de la Loi sur le droit d'auteur une photographie qui a été reproduite, dans sa totalité ou pour l'essentiel, et sans autorisation, sur www.afterlife.co/ca .

Sont exclus du recours collectif les administrateurs, actionnaires, dirigeants et employés de l'intimé.

IMPORTANT : Les membres du groupe peuvent se retirer de la procédure en recours collectif en remplissant le formulaire ci-joint de retrait et en l'envoyant à l'avocat du groupe avant le 1er octobre 2018 à l'adresse suivante:

**Stewart McKelvey
Attn: Renee Boyd
1100-100 New Gower Street
P.O. Box 5038
St. John's, NL A1C 5V3**

Pour d'autres mises à jour, veuillez consulter notre site Web à l'adresse:
<https://www.stewartmckelvey.com/en/home/classaction/afterlifeco.aspx>



Renee A. Boyd
Legal Assistant
stewartmckelvey.com/StJohns
D: 709.722.4270 ext. 54299
raboyd@stewartmckelvey.com

Federal Court



Cour fédérale

Facsimile Transmittal Form / Formulaire d'acheminement par télécopieur**TO / DESTINATAIRE(S) :**

1. Name / Nom : Ms Erin E. Best

Facsimile / Télécopieur : 709-722-4565

Telephone / Téléphone :

2. Name / Nom : Mr L.E. Trent Horne

Facsimile / Télécopieur : 416-863-1515

Telephone / Téléphone :

3. Name / Nom : Mr Pascal Leclerc

Facsimile / Télécopieur : 418-627-6656

Telephone / Téléphone :

4. Name / Nom :

Facsimile / Télécopieur :

Telephone / Téléphone :

FROM / EXPÉDITEUR : Sonya Brault

DATE : July 27, 2018

Telephone / Téléphone : 514-283-9580

TIME / HEURE : 11:54 AM

Facsimile / Télécopieur : 514-283-6004

Total number of pages (including this page) / Nombre de pages
(incluant cette page) : 9**SUBJECT / OBJET :** Order of the Court.

Court File No. / N° du dossier de la Cour: T-38-18

Between / entre: DAWN THOMSON v. AFTERLIFE NETWORK INC. (O/A AFTERLIFE.CO)

Enclosed is a copy of the Order of: // Vous trouverez ci-joint une copie de l'ordonnance de :

Mr Justice Locke dated / daté(e) du : July 27, 2018.

COMMENTS / REMARQUES :

Pursuant to section 20 of the Official Languages Act all final decisions, orders and judgments, including any reasons given therefore, issued by the Court are issued in both official languages. In the event that such documents are issued in the first instance in only one of the official languages, a copy of the version in the other official language will be forwarded on request when it is available.

Conformément à l'article 20 de la Loi sur les langues officielles, les décisions, ordonnances et jugements définitifs avec les motifs y afférents, sont émis dans les deux langues officielles. Au cas où ces documents ne seraient émis, en premier lieu, que dans l'une des deux langues officielles, une copie de la version dans l'autre langue officielle sera transmise, sur demande, dès qu'elle sera disponible.

N.B.: If you do not receive all pages being transmitted, please call the sender at the above telephone number. / Si vous ne recevez pas toutes les pages transmises, prière de communiquer avec l'expéditeur au numéro de téléphone ci-haut.

Federal Court



Cour fédérale

Date: 20180727

Docket: T-38-18

Montréal, Quebec, July 27, 2018

PRESENT: The Honourable Mr. Justice Locke

BETWEEN:

DAWN THOMSON

Applicant

and

AFTERTLIFE NETWORK INC. (O/A
AFTERTLIFE.CO)

Respondent

ORDER

UPON motion for an order:

- a) if necessary, abridging the time for service, filing and hearing of the certification motion, pursuant to rule 8 of the *Federal Courts Rules*, SOR/98-106 [*Rules*];
- b) certifying this application as a class proceeding, pursuant to rule 334.16 of the *Rules* and on terms and conditions pursuant to rule 334.17 of the *Rules*;

- c) describing the "Class" as:

All natural persons and estates in Canada who have authored or received by assignment an obituary that has been reproduced, in whole or in substantial part, without permission on www.afterlife.co/ca; and all persons in Canada who have authored or received by assignment or the terms of the *Copyright Act* a photograph that was reproduced, in whole or in substantial part, without permission on www.afterlife.co/ca.

Excluded from the Class are all directors, shareholders, officers, and employees of the respondent.

- d) appointing Dawn Thomson as the Representative Applicant of the Class;
- e) stating that the nature of the claims asserted on behalf of the Class are for copyright infringement and infringement of moral rights pursuant to the *Copyright Act*, RSC 1985, c C-42 [*Copyright Act*];
- f) stating that the relief claimed by the Class is as follows:
- i. An interlocutory and permanent injunction, pursuant to s. 34 of the *Copyright Act*, restraining the respondent, its officers, directors and all others over whom it exercises control from infringing the copyright and moral rights of the applicant and the Class members;

- ii. A wide injunction, pursuant to s. 39.1 of the *Copyright Act*, restraining the respondent, its officers, directors and all others over whom it exercises control from infringing the copyright and moral rights in other copyrighted works owned by the applicant and members of the Class;
 - iii. Statutory damages pursuant to s. 38.1(1)(a) of the *Copyright Act*;
 - iv. Punitive damages;
 - v. Aggravated damages;
 - vi. Pre-judgment interest;
 - vii. Costs; and,
 - viii. Such further relief as this Honourable Court may deem mete and just.
- g) setting out the common questions of law or fact for the Class;
 - h) specifying the time and manner for Class Members to opt out of the class proceeding;
 - i) appointing Stewart McKelvey as counsel to the Class (Class Counsel);
 - j) approving the form and content of notice to the Class (Notice);
 - k) specifying the means that shall be used to publish the Notice; and,

1) requiring the respondent to pay the cost of the Notice programme.

AND UPON reading the materials filed and hearing the submissions of counsel for the applicant;

AND UPON noting the respondent's indication that it would not make any representations on the present motion;

AND UPON being satisfied that this is an appropriate proceeding for certification as a class proceeding upon the terms posted;

THIS COURT ORDERS that:

1. This application is certified as a class proceeding against the respondent Afterlife Network Inc. (O/A Afterlife.co).
2. The Class in this proceeding is defined as follows:

All natural persons and estates in Canada who have authored or received by assignment an obituary that has been reproduced, in whole or in substantial part, without permission on www.afterlife.co/ca; and all natural persons and estates in Canada who have authored or received by assignment or the terms of the *Copyright Act* a photograph that was reproduced, in whole or in substantial part, without permission on www.afterlife.co/ca.

Excluded from the Class are all directors, shareholders, officers, and employees of the Respondent.

3. Dawn Thomson is appointed as the Representative Applicant.
4. Stewart McKelvey is appointed as Class Counsel.
5. The nature of the claims made, and relief requested, on behalf of the Class are:
 - i. An interlocutory and permanent Injunction, pursuant to s. 34 of the *Copyright Act*, restraining the respondent, its officers, directors and all others over whom it exercises control from infringing the copyright and moral rights of the applicant and the Class members;
 - ii. A wide injunction, pursuant to s. 39.1 of the *Copyright Act*, restraining the respondent, its officers, directors and all others over whom it exercises control from infringing the copyright and moral rights in other copyrighted works owned by the applicant and members of the Class;
 - iii. Statutory damages pursuant to s. 38.1(1)(a) of the *Copyright Act*;
 - iv. Punitive damages;
 - v. Aggravated damages;
 - vi. Pre-judgment interest;
 - vii. Costs; and
 - viii. Such further relief as this Honourable Court may deem mete and just.

6. The common questions of law or fact in this proceeding are certified as follows:

- i. Did the respondent infringe the copyright and moral rights of the Class members when it reproduced the obituaries and/or photographs on the Domain (afterlife.co/ca) without permission?
- ii. Are the Class members entitled to injunctive relief as against the respondent?
- iii. Can monetary relief be measured on an aggregate, Class-wide basis and, if so, what is the amount of aggregate monetary relief?
- iv. Should punitive and/or aggravated damages be awarded against the respondent and, if so, in what amount?

7. Class members may opt out of this Class Proceeding by completing and delivering the opt-out form attached as Schedule "A" to Class Counsel by no later than October 1, 2018.

8. Class Counsel will forthwith post a copy of this Order, and the opt-out form, on <http://www.stewartmckelvey.com/en/home/classaction/default.aspx>.

9. No costs are payable on this motion for certification in accordance with rule 334.39 of the *Rules*.

"George R. Locke"

Judge

SCHEDULE "A"**OPT-OUT FORM**

This is not a claim form. This form EXCLUDES you from participating in the Afterlife Class Proceeding. DO NOT fill out this form if you wish to participate in the Afterlife Class Proceeding.

A class proceeding was commenced in the Federal Court of Canada alleging that Afterlife Network Inc. (O/A Afterlife.co) infringed copyright and moral rights of Class Members when it reproduced obituaries and photographs on the domain www.afterlife.co/ca without permission ("the Afterlife Class Proceeding").

The Federal Court has certified the Afterlife Class Proceeding for the following Class:

All natural persons and estates in Canada who have authored or received by assignment an obituary that has been reproduced, in whole or in substantial part, without permission on www.afterlife.co/ca; and all natural persons and estates in Canada who have authored or received by assignment or the terms of the Copyright Act a photograph that was reproduced, in whole or in substantial part, without permission on www.afterlife.co/ca.

Excluded from the Class are directors, shareholders, officers and employees of the Respondent.

Any payments to Class Counsel from the proceeds of the Afterlife Class Proceeding must be approved by the Court. As presently advised, Class Counsel will request full recovery of out-of-pocket disbursements, plus up to 35% of the amount recovered. The amount that will actually be requested will depend, among other things, on the time spent, the result, the amount recovered, and amounts approved in similar cases.

If you want to opt out (in which case you cannot participate in the Afterlife Class Proceeding), this Opt Out Form must be completed, signed, sent and postmarked by regular mail or email, by no later than October 1, 2018, to the address listed at the end of this Opt Out Form. No further opportunity to opt out will be provided without a further order of the Court.

By completing this Opt-Out Form, you are choosing to irrevocably opt out of the Afterlife Class Proceeding.

By opting out, you are confirming that you do not wish to participate in the Afterlife Class Proceeding and you will be excluded from any settlement or any damages that may be awarded by the Court.

Once you opt out of the Afterlife Class Proceeding, you will receive no further communications regarding this proceeding from class counsel, but for a confirmation that your Opt-Out Form has been received.

For more information on the Afterlife Class Action, please visit
<http://www.stewartmckelvey.com/en/home/classaction/afterlifeco.aspx> or contact Class Counsel.

Your Name: _____ (required)

Your Address: _____

_____ (required)

Your telephone number: (____) _____ (required)

Your email address: _____ (required)

DECLARATION

I declare that I wish to opt out of the Afterlife Class Proceeding.

I understand that by submitting this Opt-Out Form, I will be excluded from the Afterlife Class Proceeding and will not be bound by its outcome. As a result, I will be excluded from any settlement or any damages that may be awarded by the Court.

Signature

Date

Return your completed Opt-Out Form to:

Stewart McKelvey
Attn: Erin E. Best
Suite 1100, Cabot Place
100 New Gower St.
St. John's, NL A1C 5V3

raboyd@stewartmckelvey.com

**PLEASE DO NOT CALL DAWN THOMSON OR THE FEDERAL COURT ABOUT
THIS PROCEEDING. THEY WILL NOT BE ABLE TO ANSWER YOUR QUESTIONS.**

OPT-OUT FORM

This is not a claim form. This form **EXCLUDES** you from participating in the Afterlife Class Proceeding. **DO NOT** fill out this form if you wish to participate in the Afterlife Class Proceeding.

A class proceeding was commenced in the Federal Court of Canada alleging that Afterlife Network Inc. (O/A Afterlife.co) infringed copyright and moral rights of Class Members when it reproduced obituaries and photographs on the domain www.afterlife.co/ca without permission ("the Afterlife Class Proceeding").

The Federal Court has certified the Afterlife Class Proceeding for the following Class:

All natural persons and estates in Canada who have authored or received by assignment an obituary that has been reproduced, in whole or in substantial part, without permission on www.afterlife.co/ca; and all natural persons and estates in Canada who have authored or received by assignment or the terms of the *Copyright Act* a photograph that was reproduced, in whole or in substantial part, without permission on www.afterlife.co/ca.

Excluded from the Class are directors, shareholders, officers and employees of the Respondent.

Any payments to Class Counsel from the proceeds of the Afterlife Class Proceeding must be approved by the Court. As presently advised, Class Counsel will request full recovery of out-of-pocket disbursements, plus up to 35% of the amount recovered. The amount that will actually be requested will depend, among other things, on the time spent, the result, the amount recovered, and amounts approved in similar cases.

If you want to opt out (in which case you cannot participate in the Afterlife Class Proceeding), this Opt Out Form must be completed, signed, sent and postmarked by regular mail or email, by no later than October 1, 2018 to the address listed at the end of this Opt Out Form. No further opportunity to opt out will be provided without a further order of the Court.

By completing this Opt-Out Form, you are choosing to irrevocably opt out of the Afterlife Class Proceeding.

By opting out, you are confirming that you do not wish to participate in the Afterlife Class Proceeding and you will be excluded from any settlement or any damages that may be awarded by the Court.

Once you opt out of the Afterlife Class Proceeding, you will receive no further communications regarding this proceeding from class counsel, but for a confirmation that your Opt-Out Form has been received.

This form must be fully completed and must be received no later than October 1, 2018. Opt-Out Forms received after that date will not be accepted.

For more information on the Afterlife Class Action, please click [here](#), or contact Class Counsel.

Your Name: _____ (required)

Your Address: _____

_____ (required)

Your telephone number: (_____) _____ (required)

Your email address: _____ (required)

DECLARATION

I declare that I wish to opt out of the Afterlife Class Proceeding.

I understand that by submitting this Opt-Out Form, I will be excluded from the Afterlife Class Proceeding and will not be bound by its outcome. As a result, I will be excluded from any settlement or any damages that may be awarded by the Court.

Signature

Date

Return your completed Opt-Out Form to:

Stewart McKelvey
Attn: Erin E. Best
Suite 1100, Cabot Place
100 New Gower St.
St. John's, NL A1C 5V3

raboyd@stewartmckelvey.com

**PLEASE DO NOT CALL DAWN THOMSON OR THE FEDERAL COURT ABOUT THIS
PROCEEDING. THEY WILL NOT BE ABLE TO ANSWER YOUR QUESTIONS.**

000393

This is Exhibit "B" referred to in the Affidavit of
Renee Boyd sworn to or affirmed before me
this 30th day of November, 2018.



Commissioner of Oaths

Erin E. Best
Barrister, NL

CLASS ACTIONS : AFTERLIFE.CO

January 31, 2018

On January 12, 2018, a class action was initiated by Stewart McKelvey against Afterlife.co in response to the unauthorized use of obituaries and photographs on the Afterlife.co.ca website. A copy of the application issued by the Federal Courts of Canada is available [here](#). Should the class be certified, each Canadian who authored works that were used by Afterlife without permission will become a member of the class. Notices will be posted to this page providing information as to how the proceeding is progressing and alerting class members of their opportunity to participate in or opt out of the class action.

We will be providing information to all potential class members as it becomes available, and in a manner approved by the Federal Courts.

Please continue to check this webpage for further updates.

Media inquiries should be directed to Erin Best at ebest@stewartmckelvey.com.

Update: The Applicant's Certification Motion Record was filed on January 30, 2018. A copy of the record is available [here](#).

Update: The Respondent filed a Notice of Appearance on February 1, 2018.

Important update (27 July 2018): By Order of the Honourable Justice Locke dated 27 July 2018, this class action has been certified and Stewart McKelvey has been appointed as Class Counsel. You can see the complete Order [here](#).

The Order describes the class as follows:

All natural persons and estates in Canada who have authored or received by assignment an obituary that has been reproduced, in whole or in substantial part, without permission on www.afterlife.co/ca; and all persons in Canada who have authored or received by assignment or the terms of the Copyright Act a photograph that was reproduced, in whole or in substantial part, without permission on www.afterlife.co/ca.

Excluded from the Class are all directors, shareholders, officers and employees of the Respondent.

IMPORTANT: Class members may opt out of this Class Proceeding by completing and delivering the opt-out form to Class Counsel by no later than October 1, 2018. The opt-out form can be found [here](#).

Le 12 janvier 2018, Stewart McKelvey a intenté un recours collectif à l'encontre de Afterlife.co en réponse à la publication non-autorisée sur leur site Web Afterlife.co.ca d'avis de décès et de photographies. Une copie de la demande, délivrée par la cour fédérale du Canada, est consultable [ici](#). En cas d'homologation du recours, tous les Canadiens dont le travail aurait été illégalement utilisé par Afterlife deviendront membres du recours collectif. Des bulletins d'information seront publiés sur cette page afin de permettre aux membres du recours de suivre l'évolution de l'affaire et leur donner l'occasion d'y prendre part ou de s'en retirer.

Nous tiendrons chacun des membres potentiels au courant de l'évolution de l'affaire selon la façon approuvée par les tribunaux fédéraux.

Merci de visiter régulièrement cette page Web pour vous tenir au courant de l'évolution de l'affaire.

Les médias sont priés d'adresser leurs questions directement à Erin Best à ebest@stewartmckelvey.com.

Mise à jour: les documents de demande de certification du demandeur ont été déposés le 30 janvier 2018. Les documents peuvent être consultés [ici](#).

Mise à jour: le défendeur a déposé un avis de comparution le 1 février 2018.

Mise à jour importante (27 juillet 2018) : Par ordonnance de l'honorable juge Locke, datée du 27 juillet 2018, ce recours collectif a été certifié et Stewart McKelvey a été nommé avocat du groupe. Vous pouvez consulter l'ordonnance [ici](#).

L'ordonnance décrit le recours collectif comme suit :

Toutes les personnes physiques et successions au Canada ayant rédigé une notice nécrologique ou reçue par cession une telle notice qui a été reproduite, dans sa totalité ou pour l'essentiel, et sans autorisation, sur www.afterlife.co/ca; et toutes les personnes physiques et successions au Canada ayant pris ou reçu par cession ou aux termes de la Loi sur le droit d'auteur une photographie qui a été reproduite, dans sa totalité ou pour l'essentiel, et sans autorisation, sur www.afterlife.co/ca.
Sont exclus du recours collectif les administrateurs, actionnaires, dirigeants et employés de l'intimé.

IMPORTANT : Les membres du groupe peuvent se retirer de la procédure en recours collectif en remplissant le formulaire de retrait et en l'envoyant à l'avocat du groupe avant le 1er octobre 2018. Accédez au formulaire de retrait [ici](#).

Court File No. T-38-18

FEDERAL COURT**CLASS PROCEEDING**

BETWEEN:

DAWN THOMSON

Applicant

-and-

AFTERLIFE NETWORK INC. (O/A AFTERLIFE.CO)

Respondent

APPLICANT'S MEMORANDUM OF FACT AND LAW**Stewart McKelvey**

Cabot Place, Suite 1100, 100 New Gower Street
P.O. Box 5038
St. John's, NL A1C 5V3

Erin E. Best

Telephone: 709.570.8833
Facsimile: 709.722.4565
Solicitors for the Applicant / Moving Party

Aird & Berlis LLP

Brookfield Place , 181 Bay Street, Suite 1800
Toronto, Canada M5J 2T9

L.E. Trent Horne

Telephone: 416.865.3428
Fax: 416.863.1515
Solicitors for the Applicant / Moving Party

TO: **The Administrator**

PART I – Statement of Fact**Overview**

1. The respondent operated a web site, www.afterlife.co/ca, which contained over a million obituaries and accompanying photographs that were copied, without permission, from the web sites of Canadian funeral homes.
2. By the unauthorized reproduction of these literary and artistic works, the respondent infringed copyright belonging to the applicant and Class members.
3. The www.afterlife.co/ca web site generated revenue by displaying the advertising of third party businesses and by permitting users to light virtual candles and send flowers. The web site created the false and misleading impression that the respondent's activities were licensed or endorsed by the copyright owners and/or the families of the deceased, which is not the case. The respondent infringed moral rights belonging to the applicant and Class members.
4. The application should be allowed. To end the respondent's rampant infringement, and to prevent bereaved relatives and friends from being duped by an unscrupulous business practice, the respondent must be permanently enjoined from infringing the copyright and moral rights of the Class members. The respondent's conduct also requires payment of significant compensatory and punitive damages.

The Applicant's Rights

5. The facts relating to the applicant are typical of and representative of the class.

6. Dawn Thomson is the daughter of Denis "Brian" Trainor. When Mr. Trainor passed away in January 2017, Ms. Thomson was the sole author and copyright owner of an obituary for her father ("the Obituary").¹

7. The Obituary is an original literary work that is protected by copyright. Pursuant to the *Copyright Act*, Ms. Thomson has the sole right to reproduce all or a substantial part the Obituary, or to authorize reproduction of all or a substantial part of the Obituary.²

8. Ms. Thomson gave a limited license to Fahey's Funeral Home and the Green's Harbour Community Channel to publish the Obituary.³ Ms. Thomson has otherwise never given a license to anyone to reproduce all or a substantial part of the Obituary.⁴

9. Ms. Thomson is the owner of all moral rights associated with the Obituary.⁵

10. Ms. Thomson also took a photograph of Mr. Trainor in or about 2010 ("the Photograph").⁶ The Photograph is an original artistic work that is protected by copyright. Pursuant to the *Copyright Act*, Ms. Thomson, as the copyright owner, has the sole right to reproduce all or a substantial part the Photograph, or to authorize reproduction of all or a substantial part of the Photograph.

11. Ms. Thomson gave a limited license to Fahey's Funeral Home and the Green's Harbour Community Channel to publish the Photograph to accompany the Obituary for Mr. Trainor. Ms.

¹ First affidavit of Dawn Thomson, paragraph 3, application record, tab 16.

² *Copyright Act*, RSC 1985, c. C-42, s 3, as amended. All references to sections in this memorandum are to sections of the *Copyright Act*.

³ First affidavit of Dawn Thomson, paragraph 5, application record, tab 16.

⁴ First affidavit of Dawn Thomson, paragraph 6, application record, tab 16.

⁵ Second Supplementary Affidavit of Dawn Thomson at paragraph 3, application record, tab 18.

⁶ First affidavit of Dawn Thomson, paragraphs 3-4, application record, tab 16.

Thomson has otherwise never given a license to anyone to reproduce all or a substantial part of the Photograph.⁷

12. Ms. Thomson is the owner of all moral rights associated with the Photograph.⁸

The Respondent's Illegal Activities

13. The respondent ("Afterlife") owns the domain www.afterlife.co/ca ("the Domain").

14. Afterlife claimed that it is Canada's largest database of deceased people, and that users could access more than 7 million obituaries and death notices of people throughout North America, Australia and New Zealand.⁹ Immediately before this proceeding was commenced, Afterlife stated that 1,141,790 obituaries were available on the Domain.¹⁰ Shortly after the notice of application was issued, Afterlife stated that 246,197 Canadian obituaries were available.¹¹

15. To obtain content for the Domain, Afterlife copied and reproduced obituaries and accompanying photographs from the web sites of funeral homes across Canada.

16. In addition to reproducing obituaries, Afterlife posted advertisements for third party businesses, offered virtual candles and a flower ordering/delivery service.¹² The Domain created the false and misleading impression that it was authorized by the family members of the deceased, or that donations and gifts were shared with or for the benefit of family members.¹³

⁷ First affidavit of Dawn Thomson, paragraph 5, application record, tab 16.

⁸ Second Supplementary Affidavit of Dawn Thomson at paragraph 3, application record, tab 18.

⁹ First affidavit of Dawn Thomson, paragraph 17, application record, tab 16.

¹⁰ First affidavit of Dawn Thomson, Exhibit C, application record, tab 16.

¹¹ First affidavit of Dawn Thomson, paragraph 15, application record, tab 16.

¹² First affidavit of Dawn Thomson, paragraph 10, application record, tab 16.

¹³ First affidavit of Dawn Thomson, paragraph 11, application record, tab 16.

17. Afterlife never sought permission from the owners of copyright in obituaries and accompanying photographs to reproduce these works on the Domain.¹⁴

18. The offering of virtual candles was also used by the respondent to collect personal information from Canadians, such as names, mailing addresses and email addresses.

19. The use of obituaries and photographs in association with this misleading scheme compromises the integrity of the obituaries and photographs, and infringes the authors' moral rights.

The Certification Order

20. This application was certified as a class proceeding by order of Justice Locke dated July 27, 2018.¹⁵

21. The Class has been defined as:

All natural persons and estates in Canada who have authored or received by assignment an obituary that has been reproduced, in whole or in substantial part, without permission on www.afterlife.co/ca; and all persons in Canada who have authored or received by assignment or the terms of the *Copyright Act* a photograph that was reproduced, in whole or in substantial part, without permission on www.afterlife.co/ca.

Excluded from the Class are all directors, shareholders, officers, and employees of the Respondent.¹⁶

22. Under the terms of the certification order, Class members could opt out of the class proceeding by completing and delivering an opt-out form by no later than October 1, 2018. No opt-out forms have been received.¹⁷

¹⁴ First affidavit of Dawn Thomson, paragraphs 6 and 8, application record, tab 16.

¹⁵ Certification Order, application record, tab 13.

¹⁶ Certification Order, application record, tab 13.

¹⁷ Affidavit of Renee Boyd, dated November 29, 2018, application record, tab 19.

The Respondent Fails to Participate

23. The respondent retained counsel and served a notice of appearance on February 1, 2018.¹⁸

24. A case conference was conducted on March 12, 2018. During the case conference, counsel for the respondent indicated that his retainer had been terminated, and that he would be moving to be removed as counsel of record. In a direction issued the same day, Prothonotary Aylen directed that “[t]he Respondent shall, by no later than March 30, 2018, serve and file a notice of appointment of solicitor or shall bring a motion pursuant to Rule 120 for leave to be represented by an officer of the Respondent for the purpose of this proceeding”.¹⁹ The respondent failed to do so.

25. A further direction of the Court dated April 3, 2018 set a date for the hearing of the certification motion.²⁰ Mr. Pascal Leclerc, an officer or director of the respondent, received a copy of this direction, but did nothing. The respondent filed no materials on the certification motion, and did not attend the hearing.

26. Prothonotary Aylen issued a further direction on September 12, 2018 requiring the parties to provide the Court with a status update and proposed timetable by October 10.²¹ Mr. Leclerc was provided with a copy of this direction, and did not respond to it.

27. On October 19, Prothonotary Aylen issued an order that provided, among other things, that the applicant is not required to serve the respondent with any further documents in this

¹⁸ Notice of Appearance, application record, tab 2.

¹⁹ Direction of Prothonotary Aylen, application record, tab 8.

²⁰ Direction of Prothonotary Aylen, application record, tab 10.

²¹ Direction of Prothonotary Aylen, application record, tab 14.

proceeding until final judgment; the respondent is not entitled to cross-examine on any affidavits included in the applicant's record; and absent leave of the Court, the respondent may not serve affidavits or submit a record in this proceeding.²² The respondent has not sought leave of the Court, nor has it appealed the order.

28. The allegations of infringement, and the nature of the claims being made, were set out in the notice of application and the materials filed in support of the certification motion. It is apparent that the respondent does not contest the factual and legal claims made by the applicant on behalf of the Class, and has no interest in defending the proceeding.

Everhere

29. Afterlife Network Inc. is a Federal corporation that was created on about May 16, 2014. Pascal Leclerc is an officer or director of Afterlife.

30. About a month after these proceedings were commenced, Mr. Leclerc played a corporate shell game. Afterlife disappeared, and was replaced by another obituary web site, Everhere.

31. The Everhere web site has the same look and feel as the Domain. It still posts obituaries and offers candles and other services.²³ The obituaries appear to be generated with templates.

32. Behind the scenes, Mr. Leclerc incorporated Everhere Inc. on February 19, 2018. If there was a legitimate business reason to incorporate the new company and run the Everhere web site, Mr. Leclerc chose not to participate in these proceedings and provide it. The only inference that

²² Order of Prothonotary Aylen, application record, tab 15.

²³ Second Supplementary Affidavit of Dawn Thomson at paragraph 12, Exhibit B, application record, tab 18.

can be drawn is that Mr. Leclerc is using a different corporate vehicle in order to avoid liability in this proceeding.

33. The Everhere web site, like the Afterlife one before it, has attracted controversy and critique. The following news articles indicate that people find Everhere's conduct to be objectionable:

- a) CBC, April 21, 2018, "*Obituary web site sells memorials for Humboldt victims without family permission*":

Funeral officials and family members tell CBC News the obituaries were listed without their permission.

Many of them are also inaccurate, with an incorrect place of death noted for most of the victims.

Bonnie Schatz, mother of crash victim Logan Schatz, said her family did not place an obituary with Everhere.

"Unbelievable that people would do something like that," she said.

"It kind of feels like we failed," said Amy Lavier, the Pembroke, Ont., woman who criticized Afterlife after it published her four-year-old son's obituary without her permission.

"To see it's happening again, it's just not right what they're doing," she said.

(<https://www.cbc.ca/news/canada/calgary/humboldt-obituaries-web-site-everhere-1.4629281>)

- b) CBC, July 9, 2018, "*Obituary web site criticized for risking revelation of husband's death to dementia-suffering widow*":

Everhere's obituary actively solicited visitors to send flowers, while the version approved by the family included an explicit request that mourners donate to charity in lieu of sending flowers.

"My mother... had she read the card, then she would have found out inadvertently that her husband of over 60 years was no longer alive."

"This is the most horrible thing I can imagine. It's like looting," said Verba.

Rick Laursen says no flowers have shown up at his parents' home yet, and the obituary has been removed from Everhere after he filled out an online form to request its removal.

However, he calls Everhere's publication of his father's obituary "very deceitful" and says it caused a huge amount of stress, as this happened while he was managing his mother's health and planning his late father's funeral.

(<https://www.cbc.ca/news/canada/calgary/everhere-unauthorized-obituary-calgary-1.4738865>)²⁴

PART II – Points in Issue

34. The points in issue on this application are the common questions of law or fact that were certified as:

- i. Did the respondent infringe the copyright and moral rights of the Class members when it reproduced the obituaries and/or photographs on the Domain without permission?
- ii. Are the Class members entitled to injunctive relief as against the respondent?
- iii. Can monetary relief be measured on an aggregate, Class-wide basis and, if so, what is the amount of aggregate monetary relief?
- iv. Should punitive and/or aggravated damages be awarded against the Respondent and, if so, in what amount?

²⁴ Second Supplementary Affidavit of Dawn Thomson at paragraph 15, Exhibit E, application record, tab 18.

PART III – Submissions

Ownership and Infringement of Copyright

35. Copyright subsists in Canada in every original literary, dramatic, musical and artistic work.²⁵

36. The threshold for an “original” work is a low one. The work must originate from the author and not be copied from another source. Further, an original work must be the product of an author’s exercise of skill and judgment. The exercise of skill and judgment required to produce the work must not be so trivial that it could be characterized as a purely mechanical exercise. While creative works will by definition be “original” and covered by copyright, creativity is not required to make a work “original”.²⁶

37. Copyright exists the moment the work is created. There is no need for the author to apply for, register or take any action in order for copyright to exist, and for the provisions of the *Copyright Act* to apply.

38. Subject to certain exceptions, the author of a work is presumed to be the copyright owner.²⁷

39. Copyright owners have a number of rights, including the exclusive right to reproduce all or a substantial part of the work in any material form.²⁸ It is an infringement of copyright for any

²⁵ Section 5.

²⁶ *CCH Canadian Ltd. v. Law Society of Upper Canada*, 2004 SCC 13 at para 25

²⁷ Section 13.

²⁸ Section 3.

person to do, without the consent of the copyright owner, anything that the copyright owner has the exclusive right to do.²⁹

40. The Obituary authored by Dawn Thomson is an original literary work. The Photograph taken by Ms. Thomson is an original artistic work. At the time the Obituary was authored and the Photograph taken, Ms. Thomson was a citizen of and ordinarily resident in Canada.³⁰ Pursuant to sections 5(a) and 13(1), copyright subsists in the Obituary and the Photograph, and Ms. Thomson is the owner of all copyright.

41. Copyright, in relation to a work, means the sole right to produce or reproduce all or a substantial part of a work.³¹ Only Ms. Thomson has the right to reproduce or authorize the reproduction of all or part of the Obituary and the Photograph.

42. It is an infringement of copyright for any person to do, without the consent of the copyright owner, anything that only the copyright owner has the right to do.³²

43. Ms. Thomson never granted permission or license for the respondent to reproduce all or a substantial part of the Obituary or the Photograph.³³

44. The facts relating to Ms. Thomson, and her authorship and ownership of copyright in the Obituary or the Photograph, are representative of the Class. There is no evidence that the respondent had permission or license from any of the Class members to reproduce their original obituaries or photographs.

²⁹ Section 27.

³⁰ Second Supplementary Affidavit of Dawn Thomson at paragraph 2, application record, tab 18.

³¹ Section 5.

³² Section 27.

³³ First affidavit of Dawn Thomson at paragraph 6, application record, tab 16.

45. On the Domain, the respondent claimed to have posted over one million Canadian obituaries.³⁴ By reproducing obituaries and photographs without permission, the respondent infringed copyright belonging to Class members.

Ownership and Infringement of Moral Rights

46. The author of a work has the right to the integrity of the work, and where reasonable in the circumstances, to be associated with the work as its author by name and the right to remain anonymous.³⁵

47. Ms. Thomson has moral rights associated with the Obituary and the Photograph. Class members have moral rights associated with their original obituaries and photographs.

48. Any act or omission that is contrary to any of the moral rights of the author of a work or of the performer of a performer's performance is, in the absence of the author's or performer's consent, an infringement of those rights.³⁶

49. Infringement of moral rights is addressed in section 28.2:

28.2 (1) The author's or performer's right to the integrity of a work or performer's performance is infringed only if the work or the performance is, to the prejudice of its author's or performer's honour or reputation,

(a) distorted, mutilated or otherwise modified; or

(b) used in association with a product, service, cause or institution.³⁷

³⁴ First affidavit of Dawn Thomson at Exhibit C, application record, tab 16.

³⁵ Section 14.

³⁶ Section 28.1.

³⁷ Section 28.2(1).

50. Section 28.2 speaks to the performer's "honour or reputation".³⁸ By using the disjunctive "or" it was plainly the intention of the legislature to create a separation between these two terms.

51. The Shorter Oxford English Dictionary defines "honour" as:

"high respect, esteem, or reverence accorded to exalted work or rank; deferential admiration or approbation"³⁹

52. And "reputation" as:

"the common or general estimate of a person with respect to character or other qualities; the relative esteem in which a person is held".⁴⁰

53. "Honour" therefore suggests a sense of morality that is self-adjudged and based on internal self-perception, and "reputation" suggests something that is external and is adjudged by others. Moral rights therefore protects against acts that are either damaging to the owner's self-perception or standing in the community.

54. A leading decision on moral rights is *Snow v. Eaton Centre Ltd.*⁴¹. There, the Ontario High Court reviewed an application which sought to prevent the distortion of the copyright in the sculpture known as "flight stop", when the defendant attached ribbons to the necks of 60 geese forming the sculpture displayed in the Toronto Eaton Centre. O'Brien J stated that, in his view,

³⁸ Section 28.2.

³⁹ W Little et al, eds, *The Shorter Oxford English Dictionary*, (Oxford, UK: Calrendon Press, 1973) sub verbo "honour".

⁴⁰ W Little et al, eds, *The Shorter Oxford English Dictionary*, (Oxford, UK: Calrendon Press, 1973) sub verbo "reputation".

⁴¹ *Snow v. Eaton Centre Ltd.*, 70 C.P.R. (2d) 105 (Ont HCJ) [Snow].

the words "prejudicial to his honour or reputation"⁴² involve a certain subjective element or judgment on the part of the author so long as it is reasonably arrived at".⁴³

55. The fundamental purpose of moral rights supports the use of a subjective standard to determine prejudice. Moral rights are inherently individualistic. Moral rights confer on an artist rights beyond the economic rights traditionally protected by Canadian copyright law. As highlighted by Binnie J in *Galerie d'art du Petit Champlain inc. c. Théberge*:

Moral rights, by contrast, descend from the civil law tradition. They adopt a more elevated and less dollars and cents view of the relationship between an artist and his or her work. They treat the artist's oeuvre as an extension of his or her personality, possessing a dignity which is deserving of protection. They focus on the artist's right (which by s. 14.1(2) is not assignable, though it may be waived) to protect throughout the duration of the economic rights (even where these have been assigned elsewhere) both the integrity of the work and his or her authorship of it (or anonymity, as the author wishes).⁴⁴

[Emphasis added]

56. Thus, a remedy following moral rights infringement provides recourse against those who present the work differently from the way the author or performer originally intended. There is no one better placed than the artist or performer to determine whether a work that is effectively an extension of them has been used prejudicially against their honour or reputation. Thus, significant weight must be given to Ms. Thomson's view as to whether prejudice has occurred.

57. Ms. Thomson's evidence is that the unauthorized use of the Obituary and Photograph was very offensive.⁴⁵ She felt that her reputation and honour were diminished because someone looking at the Domain would be likely to think that she authorized the use of the Works and that

⁴² Snow, *ibid* at p 106. As included in then s. 12(7) of the *Copyright Act*, RSC 1970, c. C-30.

⁴³ Snow, *ibid*.

⁴⁴ *Théberge c. Galerie d'Art du Petit Champlain Inc*, 2002 SCC 34, at para 15.

⁴⁵ Second Supplementary Affidavit of Dawn Thomson at paragraph 4, application record, tab 18.

she was trying to profit from her father's death, which was not the case.⁴⁶ She felt that the use of the works in this way compromised her dignity.⁴⁷

58. Other members of the Class expressed similar feelings. Below are some quotes from Class members:

- i. "*I am writing you today with a heavy heart and a furious mind...My son Maurice was just 25 years young when he died during surgery. Our family had to deal with the sudden loss of a funny courageous, loving man but we also had to deal with the many emotions that came when his obituary was posted on Afterlife...I was mortified. There it was, the obituary that was written for family and friends, was now being plastered all over this other site for monetary purposes...I found myself struggling with many emotions. I was disappointed that someone would do this for their own benefit. I was mad and angry. I was hurt... It's like being punched in the stomach.*" - Monica Saunders⁴⁸
- ii. "*I am very upset seeing this company make a profit from something so personal and devastating.*" – Paula Ash⁴⁹
- iii. "*It has been reported to me that the obituary I wrote can be found on this site, afterlife. I find this very disturbing, upsetting and morally unethical...We are shocked that someone is looking to profit from our grief and hope you are able to help stop these atrocities from occurring as no family should have to endure such cold and callous actions.*" – Rod Jeddore⁵⁰
- iv. "*We were horrified to find my Grandfather's picture and obituary on the web site and disgusted that they were selling flowers and "lighting candles" in his memory without our permission.*" – Cameron Stoyles⁵¹
- v. "*My daughter died at 19 years old on Christmas Day 2017. Her name was Danielle Nepinak. Afterlife has her obituary posted. It is very upsetting that people are profiting on her death!*" – Wendy Elson⁵²
- vi. "*Thank you for your efforts to stop this disgusting web site from making money off of someone else's pain...It causes us great distress to find the obituary my family collectively authored stolen and used for profit on the Afterlife web site. The shameless individuals*

⁴⁶ Second Supplementary Affidavit of Dawn Thomson at paragraph 7, application record, tab 18.

⁴⁷ *Ibid.*

⁴⁸ Second Supplementary Affidavit of Dawn Thomson at paragraph 11, Exhibit A, application record, tab 18.

⁴⁹ Second Supplementary Affidavit of Dawn Thomson at paragraph 11, Exhibit A, application record, tab 18.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² *Ibid.*

responsible for this indignity have taken this information...My family and I wish you every success in your efforts in stopping this unauthorized, obscene use of our family's sorrow."
 – Linda Palmer Nielsen⁵³

- vii. *"I was horrified to find that this site afterlife had his picture and obituary posted and tried to profit off our heart break...we find it disgusting that they would take advantage of our sadness without our permission to make a profit." – Darlene & Shawn Howlett⁵⁴*
 - viii. *"To my great shock and dismay, my mother's obituary appears on this site; I had no knowledge of this site, nor had I granted permission for her obituary to be republished in this manner or by this company...Perhaps what was more distressing was the invitation to 'light a candle', which is apparently 'meaningful and eternal' and will support the family and others. Upon reading the FAQ page I was disgusted that the fees collected for 'lighting the candle' would be used to 'develop the company'; I find this appalling! I am writing to lend my support to your efforts to end this 'exploitation' of bereaved families, friends and deceased persons in an attempt to generate income. To build a business whose sole intention is to 'cash in' on grief and loss, is offensive, to say the least. Having had no knowledge of the web site, nor granting permission for the obituary to appear, would suggest to me that the intention of this company is not to support my grieving and loss, but play on the grief of individuals who may not be aware of their questionable business tactics." – Erin Mitchell⁵⁵*
 - ix. *Fighting back tears, it's the anger in June Taylor's voice that keeps her speaking ... "It just blew me away. I froze when I saw it, knowing a businessperson somewhere was taking advantage of my deceased daughter to make money"*
(<https://www.thetelegram.com/news/woman-wants-others-to-be-aware-of-obituaries-on-afterlife.com-175597/>)⁵⁶
 - x. *"The thing that really irked us was the fact that they said that a funeral service would be announced at a later date and that flowers could be sent. And my aunty didn't want flowers and she definitely didn't want a funeral service,"*
(<https://globalnews.ca/news/3945593/alberta-family-says-obituary-posted-to-web-site-afterlife-without-their-permission/>)⁵⁷
59. There should be no debate that the respondent used the works in association with a profit-driven service, and that such use was found to be deeply offensive by Ms. Thomson and the

⁵³ *Ibid.*

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

⁵⁶ First affidavit of Dawn Thomson at Exhibit D, application record, tab 16.

⁵⁷ *Ibid.*

Class members, prejudicing their honour and reputation. The moral rights of the Class members have been infringed.

Remedies

60. The *Copyright Act* provides a range of monetary and equitable remedies for infringement of copyright and moral rights. These include an injunction, statutory damages, costs and other remedies that "may be conferred by law".⁵⁸ Each of the remedies sought in the notice of application are authorized by the *Copyright Act*, and should be granted as a consequence of the respondent's prolific infringement.

i) Injunction

61. An injunction is the normal remedy for infringement of copyright.⁵⁹

62. The injunction requested by the Class members is as against the respondent, as well as "its officers, directors and all others over whom it exercises control".

63. Pascal Leclerc is an officer or director of Afterlife and its apparent successor, Everhere.⁶⁰ Mr. Leclerc is determined to generate revenues from obituaries. Given his conduct in this proceeding, he should be specifically named in the injunction as an officer or director of the respondent.

⁵⁸ Sections 34 and 38.1.

⁵⁹ *Nintendo of America Inc. v. King*, 2017 FC 246 at para 175

⁶⁰ Second Supplementary Affidavit of Dawn Thomson at paragraph 13, Exhibit B, application record, tab 18.

ii) Wide injunction

64. Section 39.1 provides that when granting an injunction in respect of copyright in a work, the Court may further enjoin the defendant from infringing copyright in other works, provided the plaintiff is the copyright owner and the Court is satisfied that the defendant will likely infringe the copyright in those other works unless enjoined from doing so.⁶¹ A wide injunction can even extend to works that did not exist when the proceedings were commenced.

65. There are few cases considering the application of a wide injunction, however the remedy was tailor made for cases such as this.

66. The respondent's infringement was rapacious. Based on information provided on the Domain, the intellectual property of millions of Canadians was appropriated. Obituaries, lovingly and carefully authored at a time of great grief and hardship were appropriated and used for private commercial gain.

67. A prudent business owner would have investigated whether obituaries and photographs could be copied and used without permission. What advice, if any, the respondent obtained is unknown. But if sensible advice (*i.e.* do not build a business on a foundation of copyright infringement) was given, it was ignored.

68. When confronted with complaints, claims of infringement and litigation, the respondent's immediate reaction was to stay the course, only offering to remove specific obituaries upon request. In effect, the respondent maintained its perceived entitlement to use obituaries and photographs as it saw fit, willfully ignoring the copyright and moral rights of the Class.

⁶¹ Section 39.1.

69. It appears that the prosecution of this class proceeding was the only way to effect change, demonstrating that only court proceedings will modify the respondent's behavior. New obituaries are created every day. Class members should not be compelled to commence further proceedings in the event the respondent resumes its infringing activities once judgment in this proceeding has been granted. A wide injunction is a fair and reasonable measure to afford protection to these works.

iii) Aggregate Damages

70. One of the certified common questions of law or fact is whether monetary relief can be measured on an aggregate, Class-wide basis, and if so, what is the amount of aggregate monetary relief?⁶²

71. Rule 334.28 provides that a judge may make any order in respect of the assessment of monetary relief, including aggregate assessments due to a class.⁶³

72. Aggregate damage awards are available even if identifying class members who would be entitled to an award would be impractical or would require a case-by-case analysis. As explained by the Ontario Court of Appeal in *Markson v MBNA Canada Bank*, 2007 ONCA 334 at para 48:

[...] where the court makes an aggregate assessment, but the circumstances render impracticable the determination of those class members entitled to share in the award or the exact share that should be allocated to particular class members, the court should be empowered to order that the members of the class are entitled to share in the award on an average or proportional basis where the failure to do so would deny recovery to a substantial number of class members who have been injured.⁶⁴

⁶² Certification order, paragraph 6 iii, application record, tab 13.

⁶³ *Federal Courts Rules*, SOR/98-106

⁶⁴ *Cuzzetto v. Business In Motion International Corporation*, 2014 FC 17 at para 103.

73. This case is similar to *Cuzzetto*, cited above. That certified class proceeding involved a pyramid marketing scheme which was found to offend the *Competition Act*. As with this application, the defendants did not participate in proceedings.

74. In *Cuzzetto*, it was probable that the defendants had records which would allow the Court to assess damages with greater accuracy. But the absence of these documents did not frustrate the assessment of damages. Defendants, like Afterlife, should not be allowed to shield themselves from an aggregate assessment of damages simply by ignoring the existence of a certified class proceeding.⁶⁵

75. It would be contrary to the objectives of class proceedings, and indeed, defeat the intent of justice, to limit an aggregate award by reason of the respondent's failure to appear. An uncooperative respondent should not be able to defeat or limit an otherwise legitimate claim. Aggregate awards, by their very nature, are not exacting, and are based on some reasonable estimation of loss.⁶⁶

76. An aggregate assessment of damages in this proceeding is appropriate. It would avoid a cumbersome individual assessment, and would allow Class counsel to act to secure any assets remaining if the award is not paid promptly.

iv) Compensatory damages

77. The respondent had claimed that it had an archive of over a million Canadian obituaries. Most obituaries were accompanied by a photo.⁶⁷ Therefore, approximately two million infringements occurred.

⁶⁵ *Cuzzetto*, *supra*, at para 104.

⁶⁶ *Cuzzetto*, *supra*, at para 109.

⁶⁷ First affidavit of Dawn Thomson at paragraph 16, application record, tab 16.

78. It is conceded that the obituaries and photos copied by the respondent did not have great commercial value since they were not created for the purpose of sale. However, as Ms. Thomson stated in her affidavit:

*The fact that I chose not to profit from the Works does not mean that they do not have value. In fact, the respondent's use of them for a commercial purpose indicates to me that they do have value.*⁶⁸

79. Any amount awarded for compensatory damages can be a combination of damages for infringement of copyright, infringement of moral rights and aggravated damages. The Court has considerable flexibility when assessing how these damages should be aggregated.

Damages – Copyright Infringement

80. The applicant elects statutory damages, pursuant to section 38.1(1)(a).

81. The respondent used the Class members' copyrighted works for a commercial purpose. As such, the presumptive range for statutory damages is not less than \$500 and not more than \$20,000 per work infringed.⁶⁹

82. This case is similar to *Twentieth Century Fox Film Corporation v. Hernandez*.⁷⁰

83. In *Fox*, the defendant uploaded episodes of *The Simpsons* and *Family Guy*. Like the respondent, Hernandez received revenue from his infringing activities on the false pretense that the activities were lawful. Statutory damages of \$10 million were awarded. \$500,000 in punitive damages were also awarded.

⁶⁸ Second Supplementary Affidavit of Dawn Thomson at paragraph 6, application record, tab 18.

⁶⁹ Section 38.1(1).

⁷⁰ *Twentieth Century Fox Film Corporation v. Hernandez*, Judgment dated December 3, 2013, Court File No. T-1618-13.

84. It is noteworthy that the amount awarded was based on the scope of the infringement and the defendant's bad faith. The award was not tempered on account of any ability (or inability) for the defendant to pay, or the revenues received. The same principles should apply here.

85. The applicant acknowledges that, even at the lowest end of the statutory damage range, \$500 per infringement multiplied by two million obituaries would add up to an award of \$1 billion. At the highest end of the range, \$20,000 per infringement, the award would be \$40 billion. The Court retains discretion to reduce an award in the event the mathematical application of statutory damages is grossly out of proportion to the infringement.

86. The applicant request that statutory damages should be assessed at no less than \$10 million. The \$10 million requested is consistent with *Fox*, and is conservative when considering the amounts to which each Class member may be entitled.

Damages – Moral Rights

87. The applicant submits that an additional award of not less than \$100 million in damages is appropriate due to the infringement of the Class member's moral rights.

88. The works taken by respondent were intensely personal. The unauthorized commercial use of them was deeply offensive to Canadians from coast to coast.

89. This may be the most egregious and widespread infringement of moral rights ever put before the Federal Courts. As described above and in Ms. Thomson's affidavits, the Class members were "mortified" by the use of their works in association with the commercial activities on the Domain.⁷¹ Many felt as though the use of the works forced them to relive the pain of losing

⁷¹ Second Supplementary Affidavit of Dawn Thomson Exhibit A, application record, tab 18.

their loved one.⁷² Others felt that it was deeply unethical to profit so unfairly from someone's grief.⁷³ All agreed that the behavior should be stopped.

Aggravated Damages

90. Aggravated damages describe an award that aims at compensation, but takes full account of the intangible injuries, such as distress and humiliation, that may have been caused by the defendant's insulting behaviour.⁷⁴

91. The applicant submits that in this case aggravated damages and damages for the infringement of moral rights overlap somewhat, but not fully, therefore an additional award of not less than \$10 million in aggravated damages is appropriate.

92. In her affidavit, Ms. Thomson describes the character of the respondent's conduct which was uniquely despicable and aggravated the nature of her suffering that resulted from the infringements. She states:

The respondent took advantage of me by copying my Works without my permission when I was at my most vulnerable, grieving the loss of my father.⁷⁵

and further, she goes on to describe how this caused her to suffer anger and stress:

The idea that someone might think that I tried to profit from my father's death is beyond embarrassing and has caused me to feel anger and stress as a result of the Works being used on the Domain by the respondent.⁷⁶

93. Class members similarly suffered from the particularly reprehensible character of the respondent's actions. Some further statements from Class members include the following:

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ *Fidler v. Sun Life Assurance Co. of Canada*, 2006 SCC 30 at para 50.

⁷⁵ Second Supplementary Affidavit of Dawn Thomson, paragraph 4, application record, tab 18.

⁷⁶ Second Supplementary Affidavit of Dawn Thomson, paragraph 7, application record, tab 18.

"I just clicked the link and I put in my son's name to see if he was on it, and all of a sudden his gorgeous face showed up on this computer screen and I just about threw up, I was just absolutely gutted that somebody would do that to my child."

"I was mad and angry. I was hurt... It's like being punched in the stomach."

*"It's reprehensible to take personal advantage of a person's death this way."*⁷⁷

94. The character of the respondent's actions, in creating the Domain, copying the works without permission, and attempting to profit from the works, without any regard for the feelings of a group of people that it should have known were particularly vulnerable, is reprehensible. It resulted in increased suffering of Class members and warrants an award of aggravated damages.

iv) Punitive Damages

95. Punitive damages are awarded when a party's conduct has been malicious, oppressive and high-handed, offends the court's sense of decency, and represents a marked departure from ordinary standards of decent behaviour.⁷⁸

96. Punitive damages are awarded if all other penalties have been taken into account and found to be inadequate to accomplish the objectives of retribution, deterrence, and denunciation.⁷⁹

97. The need for denunciation is augmented when conduct is more reprehensible. The Supreme Court of Canada has set out factors that inform the inquiry into a defendant's blameworthiness. These are:

- a. whether the misconduct was planned and deliberate;
- b. the intent and motive of the defendant;

⁷⁷ Second Supplementary Affidavit of Dawn Thomson Exhibit A, application record, tab 18.

⁷⁸ *Whiten v Pilot Insurance Co.*, 2002 SCC 18, at paragraph 36; *Louis Vuitton Malletier S.A. v. Singga Enterprises (Canada) Inc.*, 2011 FC 776 at para 168.

⁷⁹ *Whiten* *supra* at para 123; *Louis Vuitton* *supra* at para 169.

- c. whether the defendant persisted in the outrageous conduct over a lengthy period of time;
- d. whether the defendant concealed or attempted to cover up its misconduct;
- e. the defendant's awareness that what he or she was doing was wrong;
- f. whether the defendant profited from its misconduct; and
- g. whether the interest violated by the misconduct was known to be deeply personal to the plaintiff or a thing that was irreplaceable.⁸⁰

98. The respondent had every opportunity to participate in this proceeding and explain its motivation and conduct. It chose not to. The only inference that can be drawn is that the respondent is indifferent to the outcome, has no reasonable explanation or excuse, or both.

99. One of the most aggravating factors against the respondent is that it sought to prevent others from doing the exact things that created its business. The terms and conditions of the Domain included at section 5:

5.1. *The content of the web site afterlife.co (including news, texts, photos, images, illustrations, audio extracts, videos and software) are protected by Copyright and other intellectual property protection over the world and is owned by or under the control of afterlife.co.*

5.2. *All reproduction, whether partial or integral, of afterlife.co is illegal.*

5.3. *Users are forbidden to modify, adapt, copy, distribute, post, publish, display, dissect, dismantle, transfer or sell any information, software, products or services obtained through afterlife.co or to create products inspired from afterlife.co.*

5.4. *All partial or integral publication, broadcast, reproduction or transfer of a third party's work without that party's prior consent is a violation of this person's rights and is the sole responsibility of the user.⁸¹*

⁸⁰ Whiten *supra* at paras 112-113.

⁸¹ First affidavit of Dawn Thomson at paragraph 18, application record, tab 16.

100. By its own terms and conditions, the respondent falsely claimed ownership in the works that it stole, and prohibited others from doing the same. The respondent knew its business practices were illegal, and deliberately carried on with them until confronted with this proceeding.

101. The applicant submits that an award of not less than \$5 million in punitive damages is appropriate.

PART IV – Order Sought

102. The applicant requests an order:

- a) a permanent injunction restraining the respondent, its officers, directors and all others over whom it exercises control (which includes, but is not limited to, Pascal Leclerc) from infringing the copyright and moral rights of the applicant and the Class members;
- b) a wide injunction restraining the respondent, its officers, directors and all others over whom it exercises control (which includes, but is not limited to, Pascal Leclerc) from infringing the copyright and moral rights in other copyrighted works owned by the applicant and the Class members;
- c) statutory damages in an amount not less than \$10,000,000;
- d) damages for infringement of moral rights in an amount not less than \$100,000,000;
- e) aggravated damages in an amount not less than 10,000,000
- f) punitive damages in an amount not less than \$5,000,000; and
- g) directions for costs and payment to Class members.

November 30, 2018



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PART V - Authorities

1. *Copyright Act R.S.C. 1985, c. C-42, as amended, sections 3, 5, 13, 14, 27, 28.1, 28.2, 34, 38.1 and 39.1*
2. *CCH Canadian Ltd. v. Law Society of Upper Canada*, 2004 SCC 13
3. W Little et al, eds, *The Shorter Oxford English Dictionary*, (Oxford, UK: Clarendon Press, 1973)
4. *Snow v. Eaton Centre Ltd.*, 70 C.P.R. (2nd) 105 (ont HCJ) [Snow]
5. *Théberge v. Galarie d'Art du Petit Champlain Inc.*, 2002 SCC 34
6. *Nintendo of America Inc. v. King*, 2017 FC 246
7. *Federal Courts Rules*, SOR/98-106
8. *Cuzzetto v. Business In Motion International Corporation*, 2014 FC 17
9. *Twentieth Century Fox Film Corporation v. Hernandez*, 2013 CarswellNat 6160
- Judgment dated December 6, 2013, Court File No. T-1616-13
10. *Fidler v. Sun Life Assurance Co. of Canada*, 2006 SCC 30
11. *Whitten v. Pilot Insurance Co.*, 2002 SCC 18
12. *Louis Vuitton Malletier S.A. v. Singga Enterprises (Canada) Inc.*, 2011 FC 776