

## NOTICE OF CERTIFICATION

THIS NOTICE MAY AFFECT YOUR LEGAL RIGHTS – PLEASE READ IT  
CAREFULLY

DATE

BY MAIL/EMAIL

[INSERT NAME AND ADDRESS]

Dear \_\_\_\_\_:

**Re: Escobar v Ocean Pacific Hotels Ltd.**

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A class action lawsuit has been certified in British Columbia against Ocean Pacific Hotels Ltd., claiming that Ocean Pacific wrongfully dismissed employees at the Pan Pacific Hotel by terminating them without cause and without providing them sufficient notice: *Romuel Escobar v Ocean Pacific Hotels Ltd.*, Supreme Court of British Columbia, Vancouver Registry No S-210614.

You are receiving this notice because Ocean Pacific's records show that you may be included in the class. You may be included if you:

1. Are or were a regular hourly employee of the Pan Pacific Hotel as of February 20, 2020,

AND

2. Stopped receiving regular shifts from the Pan Pacific Hotel on or after February 20, 2020, and never re-commenced receiving regular shifts.

### Summary

The lawsuit makes the following claims against Ocean Pacific Hotels Ltd., which owns and operates the Pan Pacific Hotel Vancouver:

1. That Ocean Pacific changed a material term of the class members' contracts when it stopped providing them with regular shifts due to the COVID-19 pandemic.
2. That Ocean Pacific owes class members increased pay in lieu of notice due to the limited availability of other employment in the context of the COVID-19 pandemic.
3. That Ocean Pacific intentionally mislead class members about the prospect that they would return to active employment with it, knowing full well that it planned to terminate all of their employment.

4. That Ocean Pacific owes damages for the lost earnings experienced by class members during the period when the Hotel misled them into believing they would return to work there.
5. That Ocean Pacific should pay additional, punitive damages for its actions.

Ocean Pacific denies the allegations against it. The claims have not been proven. At this point, the court has only approved this action to proceed as a class action and has not made any determinations about the merits of the claims.

You can view documents related to this lawsuit online at <https://aqrlaw.ca/class-action/>.

### **How can I be part of this Class Action?**

You do not need to do anything to participate in this action. Class members are automatically included in the class action unless they choose to exclude themselves from the class by opting out (discussed below).

### **How can I exclude myself from the Class Action (opt out)?**

To opt out of this class action, deliver a completed Opt-Out Form by email, mail, or fax to:

**Allevato, Quail and Roy**  
1943 East Hastings Street  
Vancouver, BC V5L 1T5  
Fax 604.424.8632  
[classaction@aqrlaw.ca](mailto:classaction@aqrlaw.ca)

The Opt-Out Form is enclosed and also available at [www.aqrlaw.ca/classaction](http://www.aqrlaw.ca/classaction).

Emailed Opt-Out Forms must be received by 5 pm PST on May 30, 2022. Mailed Opt-Out forms must postmarked by 5 pm PST on May 30, 2022. Forms received or postmarked after that time will not be accepted and will be invalid.

If you opt out of the class action, you should be aware that there are time limits within which you must take formal legal action to pursue your claim. By opting out of the class action, you will take full responsibility for obtaining legal advice about the limitation period and for taking all legal steps necessary to protect or advance your claim.

### **What are the possible financial consequences?**

There is no cost to you to participate in the class action.

If the class action is successful at trial, the court will establish a further process to determine the amount of compensation each individual member of the class (including you) may be entitled to receive. In addition, after that process takes place, the court may award compensation to the class as a whole and you may receive a portion.

If the class action is unsuccessful at trial, class members will not be awarded any compensation. Class members will also not have any financial obligations in respect of the lawsuit.

Whether or not the class action is successful, all class members who do not opt out will be bound by the final judgment of the court.

**Where can I get more information?**

Please contact **Allevato Quail & Roy** at 604-424-8631 or [classaction@aqrlaw.ca](mailto:classaction@aqrlaw.ca) with any questions or for further information.

This notice has been approved by the BC Supreme Court.

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN

ROMUEL ESCOBAR

PLAINTIFFS

AND

OCEAN PACIFIC LTD.

DEFENDANT

**Brought Under the *Class Proceedings Act***

**OPT OUT FORM**

I, Name: \_\_\_\_\_

Address: \_\_\_\_\_

**DO NOT WISH TO PARTICIPATE** in this class action.

**I understand that this class action is brought on behalf of the following class:**

All regular hourly employees of the Defendant working at or from the Pan Pacific Hotel Vancouver as of February 20, 2020, excluding on-call or casual employees, who stopped receiving regular shifts from the Defendant on or after February 20, 2020, and never re-commenced receiving regular shifts, whether or not they were issued formal notice of termination.

I understand that if I opt out and complete this form I will not take part in the class action, I agree to be excluded from the class action, and I will not be bound by the result whether favourable or unfavourable.

**I also understand that a lawsuit must be commenced within a specified period or it will be legally barred. By opting out of the class action, I take full responsibility for obtaining legal**

**advice about any claim I may have against the Defendant for the matters at issue in this lawsuit and any limitation period concerning my possible claims.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Witness

**MAIL OR DELIVER NO LATER THAN MAY 30, 2022 TO:**

Allevato Quail Roy  
1943 East Hastings St  
Vancouver, BC V5L 1 T5  
Phone: 604-424-8631  
Fax: 604-424-8632  
Email: [classaction@aqrlaw.ca](mailto:classaction@aqrlaw.ca)