



No. S-229449
Vancouver Registry

In the Supreme Court of British Columbia

Between

James Mayer

Plaintiff

and

Merchant Law Group LLP

Defendant

BROUGHT UNDER THE *CLASS PROCEEDINGS ACT*, R.S.B.C. 1996, c. 50

ORDER MADE AFTER APPLICATION

☒ BEFORE THE HONOURABLE JUSTICE BRANCH) 16/June/2025
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ON THE APPLICATION of the Plaintiff, James Mayer, heard at the Courthouse, 800 Smithe Street, Vancouver, BC, on 23 - 24/Apr/2025 and on hearing Margaret Waddell, Naomi Kovak, and Romi Laskin, counsel for the plaintiff and Anthony Tibbs, counsel for the defendant all appearing in person;

AND ON judgment being reserved to this date;

THIS COURT ORDERS that:

1. The Plaintiff's application to certify this action as a class proceeding pursuant to the *Class Proceedings Act*, RSBC 1996 c 50 is granted;
2. The classes are defined as follows:
 - (a) A class of all persons who made a retainer payment to Merchant Law Group LLP in respect of either an intended class action relating to their participation in the Global Learning Gifting Initiative or in *Piett v. Global Learning Group Inc.*, QBG 590/16 (the "*Piett Action*") which was not refunded, and excluding Lorne Pielt, Randy Shoeman, Ryan Mitchell, and any Defendant or Third Party in the Pielt Action or in Ontario Superior Court

of Justice Court File No.: CV-17-583573-OOCP (the “**Class**” and the “**Class Members**”); and

- (b) A subclass of all Class Members who signed a written retainer agreement between the Class Member and Merchant Law Group LLP (the “**Subclass**” and the “**Subclass Members**”).

3. The plaintiff, James Mayer, is appointed as the representative plaintiff on behalf of the Class and the Subclass.

4. The nature of the claims asserted on behalf of the Class and Subclass are:

- (a) Breach of trust;
- (b) Negligence;
- (c) Breach of Art. 1457 of the *Civil Code of Quebec*, CQLR, c CCQ-1991;
- (d) Negligent or fraudulent misrepresentation/deceit;
- (e) Breach of fiduciary duty/equitable fraud; and
- (f) Unjust enrichment.

5. The Class seeks the following relief:

- (a) Declarations;
- (b) General damages;
- (c) Restitution of the retainer payments;
- (d) Disgorgement of the retainer payments;
- (e) Special damages;
- (f) Aggravated; exemplary; and punitive damages;
- (g) Pre-judgment and post-judgment interest pursuant to the *Court Order Interest Act*, RSBC 1996, c 78, s 128;
- (h) Costs of this action; and
- (i) Costs of all notices to the Class and for the administration of the plan of distribution for relief obtained in this action, including all taxes.

6. The common issues certified are set out in **Schedule “A”**.

7. The litigation plan set out in **Schedule “B”** is approved.

8. The plaintiff is directed to amend the Notice of Civil Claim as identified in the struck out and underlined form of the Amended Notice of Civil Claim attached as **Schedule "C"**.

9. The parties must set down a further hearing to address the notice issues.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:

RL

Signature of lawyer for the plaintiff

**Margaret Waddell
Naomi Kovak
Romi Laskin**

By the Court

[Signature]
Registrar

Anthony Tibbs

Signature of lawyer for the
defendant
Anthony Tibbs



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CFM LAWYERS LLP
#400 – 856 Homer Street
Vancouver, BC V6B 2W5

Tel: (604) 689-7555
Fax: (604) 689-7554
Email: service@cfmlawyers.ca