

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

SAMUEL BERG

Plaintiff

and

CANADIAN HOCKEY LEAGUE, ONTARIO MAJOR JUNIOR HOCKEY LEAGUE, ONTARIO HOCKEY LEAGUE, WESTERN HOCKEY LEAGUE, QUEBEC MAJOR JUNIOR HOCKEY LEAGUE INC., WINDSOR SPITFIRES INC., LONDON KNIGHTS HOCKEY INC., BARRIE COLTS JUNIOR HOCKEY LTD., BELLEVILLE SPORTS AND ENTERTAINMENT CORP., ERIE HOCKEY CLUB LIMITED, GUELPH STORM LIMITED, KINGSTON FRONTENAC HOCKEY LTD., 2325224 ONTARIO INC., NIAGARA ICEDOGS HOCKEY CLUB INC., BRAMPTON BATTALION HOCKEY CLUB LTD., GENERALS HOCKEY INC., OTTAWA 67'S LIMITED PARTNERSHIP, THE OWEN SOUND ATTACK INC., PETERBOROUGH PETES LIMITED., COMPUWARE SPORTS CORPORATION, SAGINAW HOCKEY CLUB, L.L.C., 649643 ONTARIO INC c.o.b. as SARNIA STING, SOO GREYHOUNDS INC., McCRIMMON HOLDINGS, LTD. AND 32155 MANITOBA LTD., A PARTNERSHIP c.o.b. as BRANDON WHEAT KINGS., 1056648 ONTARIO INC., REXALL SPORTS CORP., EHT, INC., KAMLOOPS BLAZERS HOCKEY CLUB, INC., KELOWNA ROCKETS HOCKEY ENTERPRISES LTD., HURRICANES HOCKEY LIMITED PARTNERSHIP, PRINCE ALBERT RAIDERS HOCKEY CLUB INC., BRODSKY WEST HOLDINGS LTD., REBELS SPORTS LTD., QUEEN CITY SPORTS & ENTERTAINMENT GROUP LTD., SASKATOON BLADES HOCKEY CLUB LTD., VANCOUVER JUNIOR HOCKEY LIMITED PARTNERSHIP, 8487693 CANADA INC., CLUB DE HOCKEY JUNIOR MAJEUR DE BAIE-COMEAU INC., CLUB DE HOCKEY DRUMMOND INC., CAPE BRETON MAJOR JUNIOR HOCKEY CLUB LIMITED, LES OLYMPIQUES DE GATINEAU INC., HALIFAX MOOSEHEADS HOCKEY CLUB INC., CLUB HOCKEY LES REMPARTS DE QUEBEC INC., LE CLUB DE HOCKEY JUNIOR ARMADA INC., MONCTON WILDCATS HOCKEY CLUB LIMITED, LE CLUB DE HOCKEY L'OCEANIC DE RIMOUSKI INC., LES HUSKIES DE ROUYN-NORANDA INC., 8515182 CANADA INC. c.o.b. as CHARLOTTETOWN ISLANDERS, LES TIGRES DE VICTORIAVILLE (1991) INC., SAINT JOHN MAJOR JUNIOR HOCKEY CLUB LIMITED, CLUB DE HOCKEY SHAWINIGAN INC., and CLUB DE HOCKEY JUNIOR MAJEUR VAL D'OR INC.

Defendants

Proceeding under the *Class Proceedings Act, 1992*, S.O. 1992, C.6

AFFIDAVIT OF BRENDAN O'GRADY

Sworn November 25, 2016

(Motion for Certification)

I, **BRENDAN O'GRADY**, of the City of Toronto, in the Province of Ontario, make oath and say:

1. I am a lawyer with the law firm Charney Lawyers PC, counsel for the plaintiff in this action and companion actions in Alberta (*Walter v. Western Hockey League et al.*) and Quebec (*Walter v. Quebec Major Junior Hockey League et al.*), and as such I have knowledge of the matters to which I hereinafter depose.

2. I maintain two websites on behalf of my law firm, located at <http://classactioninquiry.com/chl-class-action> and <http://www.chl-classaction.ca>, where putative class members are encouraged to submit their contact information to plaintiff's counsel, as well as details about the seasons and teams on which they played. This information is then compiled into a centralized registrant database which I review regularly.

3. As of the swearing of this affidavit, the registrant database currently includes 351 unique registrants.

ONTARIO HOCKEY LEAGUE

4. A total of 102 registrants have indicated that they played for an Ontario Hockey League ("OHL") club. Of those registrants, 79 played for an OHL club during the proposed class period.

5. 52 registrants appear to fall within the plaintiff's proposed class definition in this action, including a number of registrants who are currently playing for OHL clubs. These registrants represent all of the OHL teams, as follows:

| Club | Number Of Players |
|---|--------------------------|
| Barrie Colts | 5 |
| Erie Otters | 12 |
| Flint Firebirds (Plymouth Whalers) | 2 |
| Guelph Storm | 1 |
| Hamilton Bulldogs (Belleville Bulls) | 3 |
| Kingston Frontenacs | 5 |
| Kitchener Rangers | 3 |
| London Knights | 3 |
| Mississauga Steelheads (Mississauga St. | 3 |

| | |
|--|----|
| Michael's Majors) | |
| Niagara IceDogs | 10 |
| North Bay Battalion (Brampton Battalion) | 2 |
| Oshawa Generals | 6 |
| Ottawa 67's | 2 |
| Owen Sound Attack | 3 |
| Peterborough Petes | 4 |
| Saginaw Spirit | 4 |
| Sarnia Sting | 7 |
| Sault Ste. Marie Greyhounds | 4 |
| Sudbury Wolves | 9 |
| Windsor Spitfires | 6 |

WESTERN HOCKEY LEAGUE

6. A total of 119 registrants have indicated that they played for a Western Hockey League ("WHL") club. Of those registrants, 101 played for a WHL club during the proposed class period.

7. 72 registrants appear to fall within the plaintiff's proposed class definition in the *Walter v. Western Hockey League et al.* action, including a number of registrants who are currently playing for WHL clubs. These registrants represent all of the WHL teams, as follows:

| Club | Number Of Players |
|-----------------------|-------------------|
| Brandon Wheat Kings | 6 |
| Calgary Hitmen | 6 |
| Edmonton Oil Kings | 4 |
| Everett Silvertips | 6 |
| Kamloops Blazers | 8 |
| Kelowna Rockets | 1 |
| Kootenay Ice | 8 |
| Lethbridge Hurricanes | 8 |
| Medicine Hat Tigers | 8 |
| Moose Jaw Warriors | 13 |

| | |
|-------------------------------------|----|
| Portland Winterhawks | 8 |
| Prince Albert Raiders | 8 |
| Prince George Cougars | 9 |
| Red Deer Rebels | 12 |
| Regina Pats | 3 |
| Saskatoon Blades | 13 |
| Seattle Thunderbirds | 8 |
| Spokane Chiefs | 4 |
| Swift Current Broncos | 6 |
| Tri-City Americans | 5 |
| Vancouver Giants | 3 |
| Victoria Royals (Chilliwack Bruins) | 3 |

QUEBEC MAJOR JUNIOR HOCKEY LEAGUE

8. A total of 145 registrants have indicated that they played for a Quebec Major Junior Hockey League (“QMJHL”) club. Of those registrants, 136 played for a QMJHL club during the proposed class period.

9. 113 registrants appear to fall within the plaintiff’s proposed class definition in the *Walter v. Quebec Major Junior Hockey League et al.* action, including a number of registrants who are currently playing for QMJHL clubs. These registrants represent all of the QMJHL teams, as follows:

| Club | Number Of Players |
|--|-------------------|
| Acadie-Bathurst Titan | 13 |
| Baie-Comeau Drakkar | 14 |
| Blainville-Boisbriand Armada (Montréal Junior Hockey Club) | 11 |
| Cape Breton Screaming Eagles | 14 |
| Charlottetown Islanders (Prince Edward Island Rocket) | 5 |
| Chicoutimi Saguenéens | 18 |
| Drummondville Voltigeurs | 12 |

| | |
|-----------------------|----|
| Gatineau Olympiques | 11 |
| Halifax Mooseheads | 3 |
| Moncton Wildcats | 9 |
| Quebec Remparts | 11 |
| Rimouski Océanic | 11 |
| Rouyn-Noranda Huskies | 9 |
| Saint John Sea Dogs | 3 |
| Shawinigan Cataractes | 13 |
| Sherbrooke Phoenix | 8 |
| Val-d'Or Foreurs | 11 |
| Victoriaville Tigres | 7 |

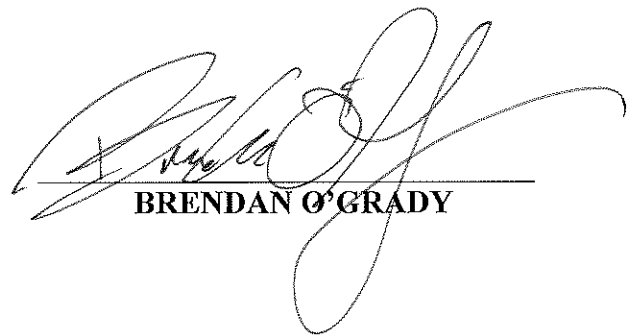
10. We continue to receive registrations on a daily basis.

11. I swear this affidavit in support of the plaintiff's motion for certification and for no improper purpose.

SWORN BEFORE ME at the)
))
City of Toronto, in the Province of)
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Ontario, this 25th day of November, 2016)
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(A Commissioner, etc.)



BRENDAN O'GRADY

SAMUEL BERG
Plaintiff

- and- **CANADIAN HOCKEY LEAGUE et al**
Defendants

ONTARIO
SUPERIOR COURT OF JUSTICE

Proceedings commenced at Toronto

AFFIDAVIT OF BRENDAN O'GRADY
(Motion for Certification)
Sworn November 25, 2016

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