

**NISSAN CANADA DATA SECURITY INCIDENT CLASS ACTION:
NOTICE OF SETTLEMENT APPROVAL HEARING**

Please read this Notice carefully. Your legal rights may be affected regardless of whether or not you act.

This Notice is for all persons residing in Canada, including their estates, executors or personal representatives but excluding persons resident in Quebec, who had active leases or loans with Nissan Canada Inc. or Nissan Canada Financial Services Inc. Services Financiers Nissan Canada Inc. in the period from December 22, 2016 to January 12, 2017 (“Ontario Class” or “Ontario Class Members”).

This Notice is to inform you that a proposed Settlement has been reached in two certified class action lawsuits against Nissan Canada Inc., Nissan Canada Financial Services Inc. / *Services Financier Nissan Canada Inc.* and Nissan North America, Inc. (“Nissan”): *Boris Grossman and Michael Arntfield v. Nissan Canada Inc., c.o.b. as Nissan Canada Finance and c.o.b. as Infinity Financial Services Canada, Nissan Canada Financial Services Inc., Services Financiers Nissan Canada Inc. and Nissan North America, Inc.*, Ontario Superior Court of Justice Court File No., CV-18-00590402-00CP (the “Ontario Action”); and, *Karine Levy v. Nissan Canada Inc.*, Superior Court of Quebec Court File No.: 500-06-000907-184 (the “Quebec Action”).

The proposed Settlement applies to Class Members in the Ontario Action and Class Members in the Quebec Action (“Settlement Class” or “Settlement Class Members”).

The lawsuits allege that Nissan is liable for damages resulting from an incident in which it received an anonymous email from an unknown attacker claiming to have information about Nissan customers, and demanding a ransom be paid to return the data (the “Data Incident”). Nissan does not admit to any of the allegations, and none of the allegations have been proven. Nissan and the plaintiffs have instead decided to settle the lawsuit.

Nissan has agreed to provide a settlement fund of CAD \$1,820,000 to pay Settlement Class Member claims.

If the Settlement is approved, Settlement Class Members would be eligible to submit either a Documented Claim or Undocumented Claim. Settlement Class Members who have suffered damages, losses, costs and/or unreimbursed expenses caused by the Data Incident and who submit a “Claim Form” evidencing (i) their membership in the Settlement Class; and (ii) documented damages incurred as a result of the Data Incident, would be eligible for the reimbursement of such damages up to **CAD \$2,500** (“Documented Claim”).

Settlement Class Members who do not have documentation or proof of damages and who submit a Claim Form establishing their membership in the Settlement Class would be entitled to **CAD \$35** for reimbursement of lost time (“Undocumented Claim”).

APPROVAL HEARING: The proposed Settlement must be approved by the Courts to become effective. The Approval Hearings will take place on:

- April 24, 2024: Ontario Superior Court of Justice,
- Date to be set: Superior Court of Quebec (each a “Court” and together, the “Courts”)

Check the Settlement Website regularly after these dates to see if the Settlement has been approved. You can also register with Class Counsel to be notified by email if the Settlement is approved.

YOUR LEGAL RIGHTS AND OPTIONS:

Participate in the Settlement, if approved by the Courts, and submit a claim for indemnification. If you wish to participate, you are not required to do anything until after the Settlement is approved.

Object to the Settlement before the Courts consider whether to approve it, and attend an Approval Hearing. If you wish to object, you must serve Class Counsel a written notice by April 4, 2024.

**TO OBTAIN MORE INFORMATION, VISIT WWW.NISSANDATASETTLEMENT.COM
OR CALL 1-877-206-7028**

YOU MAY ALSO CONTACT LAWYERS FOR THE ONTARIO CLASS

McKenzie Lake Lawyers LLP: 519-672-5666

Landy Marr Kats LLP: 416-221-9343

Du Vernet, Stewart: 416-231-1668

FREQUENTLY ASKED QUESTIONS

(1) Why did I receive this Notice?

You are receiving this Notice because Nissan's records indicate that you may be an Ontario Class Member and entitled to claim certain indemnification offered under the proposed Settlement, if the proposed Settlement is approved by the Courts and you submit a valid and timely Claim.

You have a right to know about the proposed Settlement, and your options, before the Courts decide whether to approve the proposed Settlement. If the Courts approve the proposed Settlement, Nissan will provide the payments agreed to in the Settlement Agreement to Settlement Class Members who submit valid and timely Claims. This Notice explains the class action lawsuits, the proposed Settlement, your legal rights, what indemnification is available, who is eligible for that indemnification, and how to make a Claim for that indemnification. Please read this entire Notice carefully.

(2) What are the class actions about?

The individuals who filed these lawsuits are referred to as the "Representative Plaintiffs", and Nissan Canada Inc., Nissan Canada Financial Services Inc. / *Services Financier Nissan Canada Inc.* and Nissan North America, Inc. (collectively "Nissan") are called the "Defendants" (the Representative Plaintiffs and the Defendants are, together, the "Parties"). The Representative Plaintiffs allege that Nissan is liable for damages resulting from an incident in which it received an anonymous email from an unknown attacker claiming to have information about Nissan customers, and demanding a ransom be paid to return the data (the "Data Incident"). Nissan does not admit to any of the Representative Plaintiffs' allegations.

The class actions consist of a national class action (*Boris Grossman and Michael Arntfield v. Nissan Canada Inc., c.o.b. as Nissan Canada Finance and c.o.b. as Infinity Financial Services Canada, Nissan Canada Financial Services Inc., Services Financiers Nissan Canada Inc. and Nissan North America, Inc.*, Ontario Superior Court of Justice Court File No.: CV-18-00590402-00CP) and a class action on behalf of residents of Quebec (*Karine Levy v. Nissan Canada Inc.*, Superior Court of Quebec Court File No.: 500-06-000907-184).

The Settlement Class is composed of Class Members in the Ontario Action and Class Members in the Quebec Action. Approval of the Settlement is being sought in both the Ontario Superior Court of Justice and the Quebec Superior Court of Justice.

(3) Why is there a Settlement?

The Parties have agreed to the proposed Settlement to avoid the cost and risk of further litigation, including potential trials, and to provide Settlement Class Members with reasonable compensation in exchange for releasing Nissan from any potential liability. The proposed Settlement does not mean that Nissan did anything wrong, and the Courts did not decide which Party was right.

The Parties entered into a Settlement Agreement. Representative Plaintiffs and Class Counsel believe that the proposed Settlement is fair, reasonable and in the best interests of the Settlement Class.

This Notice summarizes the essential terms of the Settlement. The Settlement Agreement along with all exhibits describe in greater detail the rights and obligations of all the parties and is available at www.NissanDataSettlement.com. If there is any conflict between this Notice and the Settlement Agreement, the Settlement Agreement governs.

(4) How do I know if I am part of the Settlement?

For the purposes of the proposed Settlement, the Ontario Class includes all persons residing in Canada, including their estates, executors or personal representatives but excluding persons resident in Quebec, who had active leases or loans with Nissan Canada Inc. or Nissan Canada Financial Services Inc. Services Financiers Nissan Canada Inc. in the period from December 22, 2016 to January 12, 2017. Not all Settlement Class Members are eligible to receive indemnification. Some exceptions apply (see below).

(5) Who is excluded from the Settlement?

Only Settlement Class Members who meet certain criteria are eligible to submit Claims in the proposed Settlement. You are excluded from making a Claim in the proposed Settlement if:

- (a) you are not a Settlement Class Member under the terms of the Settlement Agreement;
- (b) you previously and validly opted out of the Ontario Action or the Quebec Action in writing; or
- (c) you previously settled claims against Nissan and executed a release in favour of Nissan in relation to matters that are the subject of the Ontario or Quebec Actions.

(6) What is available under the Settlement?

Under the proposed Settlement, Nissan has agreed to provide a settlement fund of CAD \$1,820,000 to pay Settlement Class Member claims. The Documented Claims Fund is capped at a maximum of CAD \$410,000 and the Undocumented Claims Fund is capped at a maximum of CAD \$1,410,000. This is the maximum amount that will be settled and paid for by Nissan in satisfaction of any Documented Claims and Undocumented Claims.

Under the proposed Settlement, Ontario Class Members may be eligible for indemnification under one of the following Claim Funds, provided that they submit a valid and timely Claim:

(a) Documented Claims

Ontario Class Members who suffered damages, losses, costs and/or unreimbursed expenses caused by the Data Incident may be eligible to claim reimbursement of such damages. This includes damages, losses, costs and/or unreimbursed expenses related to fraud or identity theft. To be eligible for a Documented Claim, the Ontario Class Member must submit a Claim Form and include evidence of the following: (i) they are a member of the Ontario Class; and (ii) documented damages, losses, costs and/or unreimbursed expenses caused by the Data Incident.

The evidence for a Documented Claim must be objective, reliable and credible, such as credit card statements, invoices, and receipts of out-of-pocket expenses incurred. Only expenses actually incurred by the Class Member and directly caused by the Data Incident will be approved.

Ontario Class Members who submit a Claim that is approved as a Documented Claim will be eligible for the reimbursement of their damages, up to a maximum of **CAD \$2,500**.

(b) Undocumented Claims

Ontario Class Members who do not have a Documented Claim may be eligible for an Undocumented Claim. To be eligible for an Undocumented Claim, the Class Member must submit a Claim Form establishing that they are a member of the Settlement Class.

Ontario Class Members who submit a Claim that is approved as an Undocumented Claim will be entitled to **CAD \$35** for reimbursement of lost time.

Settlement Class Members are not eligible to receive payment for both a Documented Claim and an Undocumented Claim (i.e., Settlement Class Members will be entitled only to submit either a Documented Claim or an Undocumented Claim).

If either the Capped Documented Claims Fund or the Capped Undocumented Claims Fund is insufficient to pay all approved Documents or Undocumented Claims, respectively, each approved Claim will be proportionally reduced.

(7) How do I make a Claim?

The claims process has not yet begun. If the proposed Settlement is approved by the Court at the Settlement Approval Hearing to be held on April 24, 2024, you may make a Claim by doing the following:

- (1) fill out the Claim Form;
- (2) include the requisite evidence for a Documented Claim; and
- (3) submit the Claim Form and supporting evidence to the Claims Administrator by mail (at the address listed on the Claim Form)

Please keep a copy of your completed Claim Form and all of the supporting evidence and documentation you submit for your own records.

If you fail to submit a Claim Form and supporting evidence and documentation, you will not be eligible for any indemnification whatsoever (i.e., you will not get paid). Sending in a Claim Form late will be the same as doing nothing.

(8) What evidence do I need to prove my Claim?

Supporting documentation must be submitted with the Claim Form to be eligible for a Documented Claim. The supporting documentation required for a Documented Claim is evidence of: (i) membership in the Settlement Class; and (ii) documented damages incurred as a result of the Data Incident.

Settlement Class Members who submit an Undocumented Claim must establish their membership in the Settlement Class but do not need to provide any documentation or proof of harm.

(9) Can I submit a Claim on behalf of someone else?

Yes, you can submit a Claim on behalf of someone else if you have legal authority to do so. If a Claim is being submitted on behalf of someone else, the person completing the Claim must explain on the Claim Form why he/she has the authority to act and must attach a copy of any Certificate of Appointment of Estate Trustee, Power of Attorney or other document establishing that authority.

(10) If my Claim is successful, when will I receive my payment?

Payments will be distributed at the end of the Claims Period.

(11) Who will review my Claim?

A third-party Claims Administrator has been appointed by the Courts to administer the Settlement and the verification of Claims. Once you submit a Claim, it will be reviewed by the Claims Administrator and if the claim is valid, the Claims Administrator will send you the payment directly.

The Claims Administrator has the sole and exclusive responsibility for the verification of claims. The Claims Administrator will ensure that each Claim Form contains the requisite evidence of either a Documented Claim or Undocumented Claim before approving the Claim.

(12) What if my Claim is found to be incomplete?

Settlement Class Members that submit deficient Claims will be notified by the Claims Administrator by email. The Settlement Class Member will then have thirty (30) days to submit materials to cure any deficiencies. The Claims Administrator will then make a final decision regarding the admissibility of the Claim and advise the Settlement Class Member accordingly.

(13) Do I have a lawyer in this case?

Yes. The law firms representing the Ontario Class (Class Counsel) are listed below. You will not be charged for contacting these lawyers for more information. If you want to be represented by your own lawyer, you may hire one at your own expense.

McKenzie Lake Lawyers LLP

140 Fullarton Street, Suite 1800

London, ON N6A 5P2

Toll-Free Telephone: 1-844-672-5666

Email: nissandatabreachclassaction@mckenzielake.com

Landy Marr Kats LLP

2 Sheppard Avenue East, Suite 900

Toronto, ON M2N 5Y7

Telephone: 416-221-9343

Email: nissandatabreachclassaction@lmklawyers.com

Du Vernet, Stewart

1392 Hurontario Street

Mississauga, ON L5G 3H4

Telephone: 416-231-1668

Email: nissandatabreachclassaction@duvernet.ca

(14) How will the lawyers representing the Settlement Class be paid?

At the same time as the Settlement Approval Hearing, Class Counsel will ask the Court for approval of the payment of their fees and other expenses. As part of the Settlement, in addition to the Capped Settlement Funds and subject to the Courts' approval, Nissan agrees to pay a contribution to Class Counsel fees in the amount of CAD \$490,000. Class Counsel will request an all-inclusive sum that is 30% of the Total Settlement Amount, plus applicable GST, HST and QST. Class Counsel will request this fee be first payable from Nissan's contribution to Class Counsel fees in its entirety and then payable from the Capped Settlement Funds. The Court may award something less than the amount requested by Class Counsel.

You may continue to check on the progress of Class Counsel's request for fees and expenses by visiting www.NissanDataSettlement.com.

(15) What if I don't agree with the Settlement?

If you are a Settlement Class Member, you can tell the Court that you don't agree with the proposed Settlement or some part of it by filing an objection. In an objection, you can give the Court reasons why you think the Court should not approve the Settlement. The Court will consider your views.

To object, you must serve Class Counsel with a **signed** written notice ("Objection Form") on or before April 4, 2024. Objections submitted after this date will not be considered. Be sure to include the following information:

- (i) a heading that refers to the Ontario Action and court file number (i.e. *Boris Grossman and Michael Arntfield v. Nissan Canada Inc., c.o.b. as Nissan Canada Finance and c.o.b. as Infinity Financial Services Canada, Nissan Canada Financial Services Inc., Services Financiers Nissan Canada Inc. and Nissan North America, Inc.*, Ontario Superior Court of Justice Court File No.: CV-18-00590402-00CP);
- (ii) your name, address, telephone number and email address, and if represented by counsel, the name, address, telephone number, fax number, and email address of counsel;
- (iii) a statement as to whether you intend to appear at the Approval Hearing(s);
- (iv) a declaration that you consider yourself to be included in the Settlement Class;
- (v) a statement of the objection and the grounds supporting the objection;
- (vi) copies of any papers, briefs or other documents upon which the objection is based; and
- (vii) your signature.

If you want to speak at the Settlement Approval Hearing, you must indicate that you intend to do so in your Objection Form. You can hire a lawyer to appear on your behalf at your own expense or you may appear yourself. If you do not state your intention to appear in your Objection Form, or you do not submit a signed and completed Objection Form before April 4, 2024, you will waive all objections and can be barred from speaking at the Settlement Approval Hearing.

(16) What is the Settlement Approval Hearing?

The Courts will hold a hearing to decide whether to approve the proposed Settlement and Class Counsel Fees. You may attend and you may ask to speak, subject to the requirements above, but you do not have to attend.

(17) When is the Settlement Approval Hearing?

The Settlement Approval Hearing will take place on:

- April 24, 2024: Ontario Superior Court of Justice
- Date to be set: Superior Court of Quebec

At this Settlement Approval Hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and in the best interests of the Settlement Class. If there are objections, the Court will consider them. The Court will listen to Settlement Class Members who have asked to speak at the Settlement Approval Hearing. After the Settlement Approval Hearing, the Court will decide whether to approve the proposed Settlement. We do not know how long this decision will take.

(18) Do I have to attend the Settlement Approval Hearing?

No, you do not need to attend the Settlement Approval Hearing, but you are welcome to attend at your own expense.

If you submit an objection, you do not need to attend Court to talk about it. As long as you have served your signed and completed Objection Form on time, the Court will consider it. You may also attend or pay your own lawyer to attend, but it is not necessary.

Settlement Class Members do not need to attend the Settlement Approval Hearing or take any other action to indicate their approval of the proposed Settlement. Class Counsel will answer any questions that the Court may have.

(19) What happens if I do nothing at all?

If the Court approves the proposed Settlement and you do nothing at all, you will not receive any indemnification from the proposed Settlement. In order to receive indemnification in the proposed Settlement, you must submit a Claim Form with the supporting evidence specified on the Claim Form. Unless you previously and validly excluded yourself (opted out), you won't be able to start a lawsuit, continue a lawsuit, or be part of any other lawsuit against Nissan about the legal issues in this class action.

However, even if you take no action, you will keep your right to sue Nissan for any other claims not resolved by the Settlement, subject to any applicable limitation periods.

(20) How can I get more information?

This Notice summarizes the essential terms of the proposed Settlement. The Settlement Agreement and its schedules, which you can view at www.NissanDataSettlement.com, describe in greater detail the rights and obligations of all the Parties. If there is any conflict between this Notice and the Settlement Agreement, the Settlement Agreement governs.

Neither the Parties nor their counsel make any representation regarding the tax effects, if any, of receiving any benefits under this proposed Settlement. Consult your tax adviser for any tax questions you may have.

The court offices will be unable to answer any questions about the matters in this Notice. If you have any questions regarding the proposed Settlement or about the class action lawsuit in general, information is available on Class Counsels' websites, www.NissanDataSettlement.com, or by contacting Class Counsel directly:

McKenzie Lake Lawyers LLP

140 Fullarton Street, Suite 1800
London, ON N6A 5P2

Toll-Free Telephone: 1-844-672-5666

Email: nissandatabreachclassaction@mckenzielake.com

Landy Marr Kats LLP

2 Sheppard Avenue East, Suite 900
Toronto, ON M2N 5Y7

Telephone: 416-221-9343

Email: nissandatabreachclassaction@lmklawyers.com

Du Vernet, Stewart

1392 Hurontario Street
Mississauga, ON L5G 3H4

Telephone: 416-231-1668

Email: nissandatabreachclassaction@duvernet.ca

You can also call the 1-877-206-7028 toll-free or visit www.NissanDataSettlement.com, where you will find information and documents about the Settlement, a Claim Form, plus other information.

If the Courts approve the proposed Settlement and the Settlement Agreement is not terminated, Notice of Settlement Approval will be posted to Class Counsels' websites and www.NissanDataSettlement.com. Check these websites regularly after the Settlement Approval Hearing to see if the Settlement has been approved and for the most up-to-date information.

**This Notice was approved by order of the Ontario Superior Court of Justice.
This is not a solicitation from a lawyer.**