

NOTICE OF PROPOSED CLASS ACTION SETTLEMENT NISSAN CANADA INC. DATA INCIDENT CLASS ACTION

THIS IS A FORMAL NOTICE OF A PROPOSED SETTLEMENT OF CLASS ACTIONS OF WHICH YOU MAY BE A MEMBER OF THE CLASS. PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR RIGHTS.

This notice is for all persons in **Québec**: (i) whose personal or financial information held by Nissan Canada Inc. (“Nissan”) was compromised in a data breach of which Nissan was advised by the perpetrators by email on December 11, 2017, or (ii) who received a letter from Nissan on or about January 2018 informing them of such data breach (“Québec Class” or “Québec Class Members”).

PROCEEDINGS

On April 28, 2021, a class action was authorized against Nissan in the matter of *Levy v. Nissan Canada Inc.*, Superior Court of Quebec Court File No.: 500-06-000907-184 (the “Québec Action”).

This Notice is to inform you that a proposed settlement has been reached in the Québec Action as well as in a certified class action lawsuit in Ontario against Nissan, Nissan Canada Financial Services Inc./Services Financiers Nissan Canada Inc. and Nissan North America, Inc. in the matter of *Grossman and Arntfield v Nissan Canada Inc., c.o.b. as Nissan Canada Finance and c.o.b. as Infiniti 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”).

The proposed settlement applies to Québec Class Members as well as class members in the Ontario Action (“Settlement Class” or “Settlement Class Members”).

WHAT IS THIS LAWSUIT ABOUT?

The lawsuit alleges that Nissan is liable for damages resulting from an incident occurring on or about December 11, 2017 in which it received an anonymous email from an unknown individual claiming to have information about Nissan customers, and demanding a ransom be paid to return the data (the “Data Incident”). The lawsuit alleges the Data Incident caused Class customers to incur monetary damages. Nissan denies any wrongdoing, and no court has concluded to any wrongdoing by Nissan. The parties have instead decided to settle the lawsuit.

PROPOSED SETTLEMENT AGREEMENT

Nissan has agreed to provide, without any admission of liability, a settlement fund of CAD \$1,820,000.00 (“Capped Settlement Fund”) to pay Settlement Class Member claims.

If the Settlement is approved, Settlement Class Members would be eligible to submit either a “Documented Claim” or an “Undocumented Claim”.

1. **Documented Claims:** Settlement Class Members who have suffered damages, losses, costs and/or unreimbursed expenses caused by the Data Incident (including as a result of having received a letter informing them of the Data Security Incident in the Québec Action) 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 (including as a result of having received a letter informing them of the Data Security Incident in the Québec Action), would be eligible for

the reimbursement of such damages up to **CAD \$2,500**, less the levy payable to the *Fonds d'aide aux actions collectives*, which is equal to 2% for any claim that is less than \$2,000 or 5% for any claim exceeding \$2,000.

2. **Undocumented Claims:** 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, less 2% for the levy payable to the *Fonds d'aide aux actions collectives*.

If the total amount of claims to Settlement Class Members exceeds the total amount allocated for either the Documented Claims or the Undocumented Claims, the individual payments to Settlement Class Members may be reduced on a pro rata basis (proportionally).

A copy of the settlement agreement (the "Settlement Agreement") and other related documentation is available online at www.nissandatasettlement.com.

SETTLEMENT AGREEMENT APPROVAL HEARING

Before the Settlement Agreement becomes effective, the Superior Court of Québec (the "Court") must approve both the Settlement Agreement and the fees and expenses of class counsel, Lex Group Inc. ("Class Counsel"). The Court will review them to ensure that they are fair, reasonable and in the best interests of Class Members. **You have nothing to pay.**

The Approval Hearing will take place on June 6, 2024 at 9:30 A.M. at the Montreal Courthouse, 1 Notre-Dame Street East, in Montréal, Québec, Canada, in room 2.08 (or any other courtroom which will be indicated by the posting of a sign outside of courtroom 2.08 or designated by the Judge sitting in room 2.08). At this hearing, the Court will hear any objection(s) raised by Settlement Class Members with respect to the proposed Settlement Agreement, in accordance with the deadlines and procedure set forth in the Settlement Agreement. Settlement Class Members who do not oppose the proposed settlement are not required to attend this hearing or to take any action to indicate that they intend to be bound by it.

If you are a Settlement Class Member and do not object to the settlement, you do NOT have to do anything and you do NOT have to attend the settlement approval hearing.

AM I A CLASS MEMBER?

You are a Settlement Class Member if you are a Québec resident and correspond to one of the two following categories:

1. Your personal or financial information held by Nissan was compromised in the Data Incident;
- OR**
2. You received a letter from Nissan on or about January 2018 informing you of such Data Incident.

WHAT ARE MY OPTIONS?

If you are a Settlement Class Member, you have the following two (2) options:

1. **Do nothing.** If you do nothing, you will stay in the Class Action and be bound by the Settlement Agreement, if approved by the Court. If the Settlement Agreement is approved, you will then be eligible to participate in the settlement and make a valid claim in order to obtain compensation for a Documented Claim of up to \$2,500 (less the levy payable to the *Fonds d'aide aux actions collectives*) if you provide documentary evidence of your losses

or an Undocumented Claim of up to \$35 if you do not have such evidence (less the levy payable to the *Fonds d'aide aux actions collectives*); or

2. **Object to or comment on the settlement if you disagree with the Settlement Agreement.** For how to object to or comment on the Settlement Agreement, referring to the next section.

Note that Québec Class Members who have already excluded themselves from the Québec Action (opted-out) **cannot** object to or comment on the Settlement Agreement and will **not** be eligible to participate in the settlement, if approved.

WHAT IF I DISAGREE WITH THE PROPOSED SETTLEMENT?

What should I do if I disagree with the proposed settlement?

If you disagree with the proposed settlement, you can object to or comment on it by completing an objection form setting out the reasons why. The objection form is available online at www.nissandatasettlement.com. You must send this duly completed form no later than May 30, 2024 by registered mail to the Court at the following address:

Clerk of the Superior Court of Quebec
Palais de Justice de Montréal
(Re: *Levy v. Nissan Canada Inc.*, 500-06-000907-184)
1 Notre-Dame Street East, Room 1.120
Montréal, Québec H2Y 1B6

With copy to the Claim Administrator by mail to the following address:

Nissan Data Incident Class Action
c/o RicePoint Administration Inc.
P.O. Box 3355
London, ON N6A 4K3

You may also attend the Approval Hearing which will take place on June 6, 2024 in order to present your objection to the Court, but are not required to do so. After May 30, 2024, any objections must be made in person at the Approval Hearing.

WHAT CAN I GET FROM THE PROPOSED SETTLEMENT?

Each Settlement Class Member may be eligible for one of two types of benefits. If you have documentation, you can receive reimbursement for a Documented Claim of losses and/or expenses up to CAD \$2,500. If you do not have documentation, you may be eligible for an Undocumented Claim not exceeding CAD \$35. The amount of actual payments will depend on the total value of claims received and approved and may be proportionally reduced in case of insufficient funds, in accordance with the terms of the Settlement Agreement.

TELL ME MORE ABOUT WHAT A “DOCUMENTED CLAIM” MEANS

All Settlement Class Members who have suffered damages, losses, costs and/or unreimbursed expenses that were caused by the Data Incident (including as a result of having received a letter informing them of the Data Incident in the Québec Action) can, subject to providing reasonable documentary evidence as determined by the Claims Administrator, get reimbursed for these amounts up to CAD \$2,500. This documentary evidence may include invoices, receipts, financial records or photos. These losses and/or expenses could be related to:

- Disbursements incurred such as for purchasing extra insurance;
- Credit-related costs (such as buying credit reports, credit monitoring or identity theft protection, or costs to place a freeze or alert on your credit report); or
- Other costs or unreimbursed expenses as a result of the Data Incident.

HOW DO I MAKE A CLAIM?

To make a claim, you must:

- Complete a claim form online at www.nissandatasettlement.com; or
- Obtain a claim form in paper format from the Claims Administrator, complete it and send it by email or by mail to the Claims Administrator.

WHEN WILL I RECEIVE MY PAYMENT?

If you submit a complete, accurate, valid, and timely claim form, the Claims Administrator will send your payment to you after the settlement is finally approved and all appeals and other reviews have been exhausted.

DO I HAVE A LAWYER IN THIS CASE?

Yes. The lawyers representing the Québec Class Members are the law firm Lex Group Inc. You will not be charged by this law firm for its work on the case. If you want to be represented by your own lawyer, you may hire one at your own expense.

HOW WILL THE LAWYERS BE PAID?

At the same time as the 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 Fund and subject to the Court's approval, Nissan has agreed 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 Fund. The Court may award something less than the amount requested by Class Counsel. You have nothing to pay.

HOW DO I OBTAIN MORE INFORMATION?

The Settlement Agreement and further detailed information, including relevant judgments, are on the Settlement Website at www.nissandatasettlement.com.

For more information, you can also contact:

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| <p>Claims Administrator RicePoint Administration Inc. Nissan Data Incident Class Action P.O. Box 3355 London, ON N6A 4K3 1-877-206-7028</p> | <p>Class Counsel Lex Group Inc. 4101 Sherbrooke Street West Montréal, QC H3Z 1A7 514-451-5500 (ext. 101) / info@lexgroup.ca</p> |
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Please note that in case of any discrepancy between the terms of this Notice and the Settlement Agreement, the terms of the Settlement Agreement shall prevail. Any term not defined in this Notice shall have the meaning ascribed in the Settlement Agreement.

The publication of this notice has been authorized by the Superior Court of Québec.