

## SCHEDULE B-1

### 2011 MACBOOK PRO LAPTOP (15" OR 17" SCREEN)

### QUEBEC CLASS ACTION SETTLEMENT

### LONG FORM NOTICE OF HEARING FOR SETTLEMENT APPROVAL

**CHARBONNEAU V. APPLE CANADA INC. ET AL. CLASS ACTION**  
(Court File N°: 500-06-000722-146)

If you live in Quebec and purchased, own, or owned a 15" or 17" 2011 MacBook Pro Laptop ("Device(s)),

-or-

If you live elsewhere but purchased such a Device in Quebec,

This class action settlement notice concerns you.

**PLEASE READ THIS NOTICE CAREFULLY. IT MAY AFFECT YOUR RIGHTS.**

**THIS CLASS ACTION HAS BEEN SETTLED, SUBJECT TO COURT APPROVAL.**

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In December 2014, a class action was commenced in Quebec against Apple Canada Inc. and Apple Inc. (collectively "**Defendants**" or "**Apple**") alleging that the 15" and 17" 2011 MacBook Pro Laptops manufactured by Apple (the "**Device(s)**") suffer from a graphics issue or defect (the "**Class Action**").

The parties to the Class Action have reached a proposed settlement (the "**Settlement Agreement**") subject to obtaining the approval of the Superior Court of Quebec. The Settlement Agreement provides that Defendants agree to pay \$5,344,575.00 in settlement of the Class Action, as described below (the "**Total Settlement Fund**"). The Total Settlement Fund is inclusive of any and all class member claims, interest, all costs, including but not limited to settlement administration costs, class notice publication costs, distribution costs, third party costs, out of pocket costs, and taxes, though it does not include Class Counsel Fees payable to the attorneys representing Class Members (which will be paid separately, in addition to the Total Settlement Fund).

In return for the Total Settlement Fund, Defendants will receive a release from all class members and a declaration of settlement out of court of the Class Action.

The settlement is a compromise of disputed claims and is not an admission of liability, wrongdoing or fault on the part of Defendants.

## AUTHORIZATION OF THE CLASS ACTION

On October 5, 2018, the Honourable Justice Peacock of the Superior Court of Québec issued a revised rectified judgment authorizing the bringing of a class action against Defendants and ascribing the status of representative to Mr. René Charbonneau.

The class is defined as follows:

1. *all persons in Quebec, who purchased and/or own a 2011 MacBook Pro Laptop with a 15 inch or 17 inch screen; and*
2. *all persons, who purchased in Quebec a 2011 MacBook Pro Laptop with a 15 inch or 17 inch screen;*

(“Class” or “Class Members”).

## CLASS MEMBERS’ ENTITLEMENTS

### 1. The Reimbursement Group:

- \$750,000.00 of the Total Settlement Fund will be attributed to a **claims-based** fund for the Reimbursement Group. In order to make a valid claim, claimant Class Members must submit a valid and timely claim form attesting that:
  - The graphics issue affected their Device before January 1, 2017;
  - They paid for a repair (including without limitation, changing or repairing the logic board or graphics chip of the Device, resoldering the chips or other Device components, bypassing a graphics chip);
  - The repair is due to a graphics issue affecting their Device; and
  - They were not already reimbursed by Apple for said costs.
- A receipt for the repair, in the form of an original receipt, an email receipt, or a photocopy of a receipt, or other sufficient proof to be accepted by the Claims Administrator (at its discretion) (“**Receipt for Repair**”) must be provided to the Claims Administrator together with the claim form. The Receipt for Repair must be dated on or before December 31, 2017.
- If the claim is accepted by the Claims Administrator, the Reimbursement Group member will receive up to the full reimbursement of the amount indicated on the submitted Receipt for Repair of the graphics issue.
- In the event that the total amount of approved claims for the Reimbursement Group surpasses \$750,000.00, the Reimbursement Group members will be paid on a pro rata basis.

### 2. The Service Group:

- \$1,748,775.00 of the Total Settlement Fund will be attributed to the payment of up to \$175.00 to Class Members associated with the 9,993 Devices which the Apple has identified from its records as having received service from Apple for a graphics issue.

- Wherever possible, Apple this payment will be made directly to these members without them having to submit a claim to the Claims Administrator.
- All \$175.00 payments to Service Group members will be per Device.
- In the event that Apple has a record of more than one individual associated with a single Device in the Service Group, the \$175.00 payment will be divided evenly among them.

### **3. The Complaint Group:**

- \$1,040,025.00 of the Total Settlement Fund will be attributed to the payment of up to \$175.00 to Class Members associated with the 5,943 Devices about which Apple was contacted for an alleged graphics issue, but for which no service was obtained, according to Apple's records.
- Wherever possible, this payment will be made directly to these members without them having to submit a claim to the Claims Administrator.
- All \$175.00 payments to the Complaint Group members will be per Device.
- In the event that Apple has a record of more than one individual associated with a single Device in the Complaint Group, the \$175.00 payment will be divided evenly among them.

### **4. The Remaining Group:**

- \$1,405,775.00 of the Total Settlement Fund will be attributed to a **claims-based** fund for the Remaining Group. In order to make a valid claim under this fund, claimant Class Members must submit a valid and timely claim form and must:
  - Provide the Claims Administrator sufficient proof (which may include their current or past contact information) in order to confirm or establish that they owned a Device. This information or proof will be verified by the Claims Administrator.
  - Not be included in either the Service Group or the Complaint Group;
  - Attest that they experienced a graphics issue with their Device before January 1, 2017.
- Each Remaining Group member whose claim is accepted by the Claims Administrator will be entitled to receive up to \$175.00 per Device.
- In the event that more than one claim is made for a single Device in the Remaining Group, the \$175.00 payment will be divided evenly among the claimants for that Device.

**NOTE:** Class Members cannot be in more than one of the three following groups for a single Device: Service Group, Complaint Group or Remaining Group. However, any Class Member of one of these groups can also be a member of the Reimbursement Group.

### **SETTLEMENT APPROVAL HEARING WILL BE HELD IN MONTREAL, QUEBEC**

Before the Settlement Agreement can be implemented, it must be approved by the Court.

Class Members may, but are not required to, attend the virtual Settlement Approval Hearing which will be held on **April 28, 2021** at **09:30 a.m.**, by way of Microsoft Teams but originating at the Montreal courthouse located at 1, Notre-Dame East Street, Montreal, Quebec.

The Microsoft Teams link required in order to access the virtual hearing is not yet established but will be eventually posted on the the Settlement Website at [www.laptopgraphicsclassaction.com](http://www.laptopgraphicsclassaction.com) before the hearing date.

**Class Members who do not oppose the proposed Settlement Agreement do not need to appear at any hearing or take any other action to indicate their desire to support the proposed Settlement Agreement.**

### **CLASS COUNSEL FEES**

In addition to seeking the Court's approval of the Total Settlement Fund pursuant to the Settlement Agreement, Class Counsel Lex Group Inc. will seek the approval of its legal fees and disbursements (the "**Class Counsel Fees**"). The Class Counsel Fees will be paid separately by Apple, in addition to the Total Settlement Fund described above. Class Members will therefore **not** be asked to support or pay for any portion of the Class Counsel Fees.

### **CLASS MEMBERS MAY OBJECT TO OR COMMENT ON THE SETTLEMENT**

As a Class Member, you have a right to object to or comment on the Settlement.

If you wish to comment on, or make objection to, the approval by the Court of the Settlement Agreement, you must provide notice in writing of your intention to do so. Any such notice must be submitted to the Claims Administrator (at the address listed below) no later than **April 19, 2021**. The Claims Administrator will forward all such submissions to the Court, Class Counsel, and to Counsel for Defendants. You may attend at the Settlement Approval Hearing whether or not you deliver an objection. The Microsoft Teams link required in order to access the virtual hearing is not yet established but will be eventually posted on the the Settlement Website at [www.laptopgraphicsclassaction.com](http://www.laptopgraphicsclassaction.com) before the hearing date.

A written objection **must** include all of the following information:

- (a) The objector's name, address, telephone number(s), fax number (where applicable) and email address(es);
- (b) A brief statement outlining the nature of, and reason for, the objection; and
- (c) A statement as to whether the objector intends to appear at the Settlement Approval Hearing in person or by legal counsel and, if by legal counsel, the name, address, telephone number, fax number and email address of such legal counsel.

## **PROPOSED DISTRIBUTION OF THE TOTAL SETTLEMENT FUND**

If the Settlement Agreement is approved, the Total Settlement Fund will be distributed to Class Members who qualify in accordance with the Distribution Protocol, which, in general terms, will provide that:

- (a) In order to be eligible to receive compensation pursuant to the Settlement Agreement, you must be a Class Member.
- (b) Each Class Member's actual compensation from the Total Settlement Fund will be calculated in accordance with the Distribution Protocol.

If the Settlement Agreement is approved by the Court, all Class Members will be bound by the terms of the Settlement Agreement. Class Members cannot bring or maintain any other claim or legal proceeding against Apple in relation to the claims advanced in the Class Action.

**If the settlement is approved, another notice to Class Members will be sent, which will provide instructions on how to make a claim to receive compensation from the Settlement Agreement.**

## **MORE INFORMATION**

A copy of the Settlement Agreement and other relevant Judgments, notices or proceedings may be found on the Settlement Website at [\*\*www.laptopgraphicsclassaction.com\*\*](http://www.laptopgraphicsclassaction.com)

The attorneys representing the Class ("**Class Counsel**") are the firm of Lex Group Inc. (c/o Mtre David Assor), which can be contacted at [www.lexgroup.ca](http://www.lexgroup.ca).

## **INTERPRETATION**

If there is a conflict between the provisions of this Notice and the Settlement Agreement, the terms of the Settlement Agreement will prevail.

**QUESTIONS ABOUT THE PROPOSED SETTLEMENT SHOULD BE DIRECTED TO THE CLAIMS ADMINISTRATOR RICEPOINT ADMINISTRATION INC. AS BELOW:**

### **CLAIMS ADMINISTRATOR:**

**Laptop Graphics Class Action Administrator**  
c/o RicePoint Administration Inc.  
P.O. Box 4454, Toronto Station A  
25 The Esplanade  
Toronto, ON M5W 4B1  
**1-866-810-0904**

**THE PUBLICATION OF THIS NOTICE TO CLASS MEMBERS  
HAS BEEN APPROVED AND ORDERED BY THE SUPERIOR COURT OF QUEBEC.**