

SUPERIOR COURT

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL.

No.: 500-06-001078-209

DATE: May 25, 2023

BY THE HONOURABLE PIERRE NOLLET, J.S.C.

EVAN ZUCKERMAN

Plaintiff

v.

MGM RESORTS INTERNATIONAL

Defendant

JUDGMENT APPROVING THE AUTHORIZATION NOTICES AND NOTICE PLAN

- [1] Considering the Authorization Judgment rendered on August 3, 2022 ;
- [2] Considering the proposed notice plan submitted by the parties, which already incorporates the amendment required by the Court during the hearing of May 25, 2023, attached to the present Judgment as Annex 1 (the “**Notice Plan**”) ;
- [3] Considering the Short Form Authorization Notices (in both English and French) submitted by the parties, which already incorporate the amendments required by the Court during the hearing of May 25, 2023, attached to the present Judgment as Annex 2 (the “**Short Form Notices**”).

[4] Considering the Long Form Authorization Notices (in both English and French) submitted by the parties, which already incorporate the amendments required by the Court during the hearing of May 25, 2023, attached to the present Judgment as Annex 3 (the “**Long Form Notices**”) ;

[5] Considering the Opt Out Form (in both English and French) submitted by the parties, which are to be posted on Class Counsel’s website and which are attached to the present Judgment as Annex 4 (the “**Opt Out Forms**”) :

[6] Considering that the parties have jointly proposed that Velvet Payments (9258-5405 Quebec Inc.) (“**Velvet Payments**”) be designated by the Court to disseminate the authorization notices and complete the steps detailed in the Notice Plan ;

[7] Considering that Plaintiff’s counsel (Class Counsel) Lex Group Inc. verbally requested during the hearing of May 25, 2023 that the Court order Defendant to communicate to Class Counsel, on a confidential basis, copies of the Class Members’ lists which are to be communicated by Defendant to Velvet Payments pursuant to the Notice Plan, the whole in order for Class Counsel to be able to properly communicate with the Class Members it represents, following to the dissemination of the Notice Plan :

[8] Considering that Defendant contested this request and considering that the Court granted the said request during the hearing held on May 25, 2023 ;

[9] Considering that Defendant’s counsel indicated that the Quebec List and the Undefined List, as defined in the Notice Plan, could be communicated on or before June 2, 2023 ;

FOR THESE REASONS, THE COURT:

[10] **APPROVES** the Notice Plan, attached to the present Judgment as Annex 1.

[11] **APPROVES** the Short Form Notices, in both English and French, attached to the present Judgment as Annex 2.

[12] **APPROVES** the Long Form Notices, in both English and French, attached to the present Judgment as Annex 3.

[13] **APPROVES** the Opt Out Form, in both English and French, attached to the present Judgment as Annex 4, which are to be posted on Class Counsel’s website.

[14] **DESIGNATES** Velvet Payments (9258-5405 Quebec Inc.) to disseminate the authorization notices and complete the steps detailed in the Notice Plan.

[15] **ORDERS** Velvet Payments to initiate the Notice Program on or before June 23, 2023.

[16] **ORDERS** the Defendant to communicate to Velvet Payments the Quebec List and the Undefined List, as defined in the Notice Plan, on or before June 2, 2023.

[17] **ORDERS** the Defendant to communicate to Plaintiff's Counsel Lex Group Inc. the Quebec List and the Undefined List, as defined in the Notice Plan, on or before June 2, 2023.

[18] **ORDERS** Lex Group Inc. to maintain the confidentiality of the Quebec List and the Undefined List, as defined in the Notice Plan, and to use said lists for the purposes of verifying which person is a Class Member following the dissemination of the Notice Plan.

[19] **ORDERS** the Defendant to solely pay for all costs, fees and disbursements related to the Notice Plan, including all notice distribution fees payable to Velvet Payments, the whole as detailed in the Notice Plan.

[20] **DECLARES** that this Judgment constitutes a Judgment compelling the communications of the information by the Defendant within the meaning of applicable privacy laws and strictly to Velvet Payments and to Class Counsel;

[21] **THE WHOLE** without legal costs.

PIERRE NOLLET, J.S.C.

Me David Assor
Lex Group Inc.
Attorneys for the Plaintiff

Me Jessica Harding
Me Amanda Gravel
Osler, Hoskin & Harcourt S.E.N.C.R.L./s.r.l
Attorneys for MGM Resorts International

Hearing date: May 25, 2023

CANADA

(Class Action)

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

SUPERIOR COURT

N^o : 500-06-001078-209

EVAN ZUCKERMAN

Plaintiff

v.

MGM RESORTS INTERNATIONAL

Defendant

NOTICE PLAN – AUTHORIZATION NOTICES

Preliminary Notes:

- a) Class Definition (as per the Superior Court of Quebec's Authorization Judgment dated August 3, 2022):

All persons in Quebec, including their estates, executors or personal representatives, whose personal and/or financial information was lost by and/or stolen from Defendant as a result of the data breach that occurred on or about July 7, 2019.

- b) According to MGM, a total of approximately 2,615,193 records were identified as potentially associated with Canadian residents in the context of the "MGM Data Incident" (the "**List**").
- c) According to MGM, approximately 205,394 records contained in the List can be identified as potentially associated to the Province of Quebec, as such records have a full or partial Quebec address, have a Quebec telephone area code, and/or have a Quebec domain email address (such as videotron.ca or videotron.com) (the "**Quebec List**").
- d) According to MGM, there are approximately 30,789 records contained in the List for which there is an email address, but it is impossible to assess the province of residence (the "**Undefined List**").

Proposed Notice Plan:

1. The parties agree to mandate a third party notice administrator to complete the notice plan, namely: Velvet Payments.
2. MGM will solely pay for all costs, fees and disbursements related to the notice plan, including all notice distribution fees payable to Velvet Payments.
3. MGM will communicate the Quebec List and the Undefined List to Velvet Payments prior to June 2nd, 2023.
4. Lex Group Inc. (Class Counsel) will communicate the list of all individuals having registered in this file on its firm website, to Velvet Payments (the “**Class Members Registration List**”).
5. **Prior to June 23rd, 2023, direct email notification** of the Short Form Notice (in both languages), to be done by Velvet Payments, to:
 - i. the individuals in the **Quebec List** for whom MGM has a valid email address (approximately 123,110 records);
 - ii. the individuals in the **Undefined List** for whom MGM has a valid email address;
 - iii. to the individuals in the **Class Members Registration List**.
6. **Prior to June 23rd, 2023, direct mail notification:** If any of the above notification emails return as undelivered (bounce back), Velvet Payment will send printed copies of the Long Form Notice, in both languages, by regular mail, if a full postal address is available.
7. **Direct mail notification:** For individuals in the Quebec List for whom MGM only has a postal address (without an email address associated to that same individual) (approximately 78,169 records), Velvet Payment will send printed copies of the Long Form Notice, in both languages, by regular mail.
8. Before sending any printed notices to postal addresses, Velvet Payments will update and/or complete the postal addresses, as it sees fit, including by way of processing the lists through Canada Post's NCOA Mover Data service.
9. **Indirect notification campaign,** Velvet will issue a bilingual press release, through CISION (adapted from the Short Form Notices), at the same time as the emails launch day.
10. Copies of the Long Form Notices and the Short Form Notices will be posted on the Lex Group Inc. website and on the Quebec Class Action Registry.

11. Within 90 days of the sending of the first Direct Mail Notification envelopes, Velvet Payments will prepare and file a detailed report to the Court confirming the relevant information and steps it completed, including the total number of Direct Emails sent, how many emails were received, how emails many were opened, how many emails bounced back, and the total number of Direct Mail notifications sent and how many came back as undelivered.

MGM RESORTS INTERNATIONAL – QUEBEC DATA BREACH CLASS ACTION

This notice concerns you IF you were in the Province of Quebec after July 6, 2019

Object: Notice of Authorization of a Class Action by the Quebec Superior Court / *Avis d'autorisation d'une action collective par la Cour supérieure du Québec*

DO NOT REPLY – This is an automated message.

We are contacting you in accordance with the Quebec Superior Court judgment dated August 3, 2022 (file number 500-06-001078-209) which authorized a class action against MGM Resorts International (“**MGM**”) regarding a data breach which occurred on or about July 7, 2019 (the “**Data Breach**”). The class action seeks to obtain compensatory and/or moral damages allegedly resulting from the Data Breach, as well as punitive damages. The authorization judgment is a preliminary step that allows the class action to begin. This judgment did not determine any liability at this stage. The Plaintiff maintains that his class action against MGM is well founded both in fact and in law. MGM intends to vigorously contest the merits of this class action and will present its defense at trial.

Who is affected?

You are affected by the class action if you (including your estate, executors or personal representatives) are or were in **Quebec and** your personal and/or financial information was lost by and/or stolen from MGM as a result of the Data Breach that occurred on or about July 7, 2019. You may have previously received an email notice from MGM regarding this Data Breach.

If the class action is successful, all persons in Quebec corresponding to the criteria mentioned above may be eligible to receive compensation.

As class member, you do **not** have to pay for the attorneys’ fees and disbursements which will be paid from the damages that may be awarded through the class action, if applicable. The Court will be asked to decide the reasonableness of the class counsel legal fees. The Court may decide that such fees and costs will be **deducted** from the amounts owed to the class, if any.

Relevant information concerning the progress of the class action:

In the context of the legal proceedings in this case, which will occur in the District of Montreal, the Plaintiff asks the Court to determine whether MGM committed certain faults in relation to the Data Breach with regard to the protection of Class Members’ personal and or financial information and if MGM committed faults after learning of the Data Breach. The Court will also have to determine if MGM is liable to pay compensatory and/or moral damages, as well as punitive damages to the Class Members and if so in what amounts.

If you wish to be included in the class action, you have nothing to do.

As a Class Member, you have the right to intervene in the present class action (but no obligation to do so).

If you wish to exclude yourself (opt out) from the class action and avoid being bound by the judgment which will be rendered, you must send a notice no later than [**Insert DATE being 30 days following the date of the issuance of the notice**], in writing to the clerk of the Superior Court of Quebec in Montreal (with a copy to info@lexgroup.ca). The full procedure for opting out is explained in the Detailed version of the present notice. The Opt Out Form is available [**insert hyperlink**].

Please read carefully the Detailed Notice of Authorization of a Class Action available [insert hyperlink**].**

For more information on the class action:

Please visit the webpage dedicated to this class action on the class counsel's website: <https://www.lexgroup.ca/classaction/mgm-resorts-international-data-breach-quebec-class-action/> or contact the class counsel at the following coordinates (your name and any information provided will be kept confidential):

Lex Group Inc.
Mtre David Assor
4101 Sherbrooke Street West
Westmount, QC, H3Z 1A7
Phone: (514) 451-5500
Fax: (514) 940-1605
Email: info@lexgroup.ca
Website: www.lexgroup.ca

Please consult the Lex Group website for the Long Form version of the present Notice, including the full text of the principal issues / questions that the Court will be asked to deal with collectively and the list of orders that the Plaintiff is asking the Court to issue once it has decided these questions: www.lexgroup.ca

**THE CONTENT AND DISTRIBUTION OF THIS NOTICE HAS BEEN ORDERED BY
THE SUPERIOR COURT OF QUÉBEC.**

**MGM RESORTS INTERNATIONAL – ACTION COLLECTIVE QUÉBÉCOISE POUR
PERTE DE DONNÉES**

**CET AVIS VOUS CONCERNE SI VOUS ÉTIEZ DANS LA PROVINCE DE QUÉBEC APRÈS LE 6 JUILLET
2019**

Objet : Avis d'autorisation d'une action collective par la Cour supérieure du Québec /
Notice of Authorization of a Class Action by the Quebec Superior Court

****English text follows****

NE RÉPONDEZ PAS - Ceci est un message automatisé.

Nous communiquons avec vous conformément au jugement de la Cour supérieure du Québec daté du 3 août 2022 (numéro de dossier 500-06-001078-209) qui a autorisé une action collective contre MGM Resorts International (« **MGM** ») relativement à une brèche de données qui a eu lieu le ou vers le 7 juillet 2019 (la « **brèche de données** »). L'action collective vise à obtenir des dommages compensatoires et/ou moraux qui auraient pu être causés par la brèche de données, ainsi que des dommages-intérêts punitifs. Le jugement d'autorisation est une étape préliminaire qui permet de débiter l'action collective. Ce jugement ne décide aucunement de la responsabilité à ce stade. Le demandeur maintient que son action collective contre MGM est fondée en fait et en droit. MGM a l'intention de contester vigoureusement le bien-fondé de cette action collective et présentera sa défense lors du procès.

Qui est affecté.e?

Vous êtes affecté.e par cette action collective si vous (y compris votre succession, vos liquidateurs ou vos représentants personnels) vous trouvez (présentement ou antérieurement) au Québec **et** vos renseignements personnels et/ou financiers ont été perdus par et/ou volés à MGM à la suite de la brèche de données qui s'est produite le ou vers le 7 juillet 2019. Vous avez peut-être déjà reçu un avis par courriel de MGM concernant cette brèche de données.

Si l'action collective est couronnée de succès, toute personne au Québec correspondant aux critères mentionnés ci-dessus pourrait être éligible à obtenir une indemnisation.

En tant que membre du groupe, vous n'avez **pas** à payer les honoraires et frais d'avocats qui seront payés à partir des dommages-intérêts qui peuvent être accordés dans le cadre de l'action collective, le cas échéant. La Cour sera appelée à se prononcer sur le caractère raisonnable des honoraires des avocats du groupe. La Cour peut décider que ces honoraires et frais seront **déduits** des montants dus au groupe, le cas échéant.

Informations pertinentes concernant le déroulement de l'action collective :

Dans le cadre des procédures judiciaires dans cette affaire, qui se dérouleront dans le district de Montréal, le demandeur demande à la Cour de déterminer si MGM a commis certaines fautes en relation avec la brèche de données en ce qui concerne la protection

des renseignements personnels et/ou financiers des membres du groupe, et si MGM a commis des fautes après avoir pris connaissance de la brèche de données. La Cour devra également déterminer si MGM est tenue de payer des dommages compensatoires et/ou moraux, ainsi que des dommages-intérêts punitifs aux membres du groupe et, le cas échéant, de quels montants.

Si vous souhaitez être inclus dans l'action collective, vous n'avez rien à faire. En tant que membre du groupe, vous avez le droit d'intervenir dans la présente action collective (mais aucune obligation de le faire).

Si vous désirez vous exclure (vous retirer) de l'action collective et éviter d'être lié par le jugement qui sera rendu, vous devez envoyer un avis au plus tard le [insérer la DATE qui est le 30^e jour suivant l'envoi des avis], par écrit au greffier de la Cour supérieure du Québec à Montréal (avec copie à info@lexgroup.ca). La procédure complète de retrait est expliquée dans la version détaillée du présent avis. Le formulaire d'exclusion est disponible [insérer l'hyperlien].

Veillez lire attentivement l'avis détaillé de l'autorisation de l'action collective disponible [insérer l'hyperlien].

Pour plus d'informations sur l'action collective :

Veillez visiter la page Web dédiée à cette action collective sur le site web des avocats du groupe: <https://www.lexgroup.ca/classaction/mgm-resorts-international-data-breach-quebec-class-action/> ou contactez les avocats du groupe aux coordonnées suivantes (votre nom et toute information fournie resteront confidentiels):

Lex Group Inc.
Me David Assor
4101 rue Sherbrooke Ouest
Westmount, QC, H3Z 1A7
Téléphone: (514) 451-5500
Télécopieur : (514) 940-1605
Courriel: info@lexgroup.ca
Site web: www.lexgroup.ca

Veillez consulter le site web de Lex Group pour la version détaillée du présent avis, y compris le texte intégral des principaux enjeux / questions que la Cour sera appelée à traiter collectivement et la liste des ordonnances que le demandeur demande à la Cour de rendre une fois qu'elle aura tranché ces questions : www.lexgroup.ca.

**LE CONTENU ET LA DISSÉMINATION DU PRÉSENT AVIS ONT ÉTÉ ORDONNÉS
PAR LA COUR SUPÉRIEURE DU QUÉBEC.**

MGM RESORTS INTERNATIONAL – QUEBEC DATA BREACH CLASS ACTION

This notice concerns you IF you were in the Province of Quebec after July 6 2019

Proceedings

On August 3, 2022, the Superior Court of Quebec authorized a class action (file number 500-06-001078-209) against MGM Resorts International (“**MGM**”) regarding a data breach which occurred on or about July 7, 2019 (the “**Data Breach**”). The class action seeks to obtain compensatory and/or moral damages allegedly resulting from the Data Breach, as well as punitive damages.

Plaintiff Mr. Zuckerman was ascribed the status of representative to act on behalf of the Class Members.

The authorization judgment is a preliminary step that allows the class action to begin. This judgment did not determine any liability at this stage. The Plaintiff maintains that his class action against MGM is well founded both in fact and in law. MGM intends to vigorously contest the merits of this class action and will present its defense at trial.

Who is affected?

You are affected by the class action if you (including your estate, executors or personal representatives) are or were in **Quebec and** your personal and/or financial information was lost by and/or stolen from MGM as a result of the Data Breach that occurred on or about July 7, 2019. You may have previously received an email notice from MGM regarding this Data Breach.

As class member, you do **not** have to pay for the attorneys’ fees and disbursements which will be paid from the damages that may be awarded through the class action, if applicable. The Court will be asked to decide the reasonableness of the class counsel legal fees. The Court may decide that such fees and costs will be deducted from the amounts owed to the class, if any.

Relevant information concerning the progress of the class action:

1. This class action will be brought in the District of Montreal.

2. The Court will have to resolve the following principal issues of fact and law:

- a) Was MGM negligent and/or did MGM commit a fault in the storing and safekeeping of the personal information of the Class Members whose information was ultimately compromised, lost and/or stolen on or before July 7, 2019?
- b) Did MGM commit a fault and/or was negligent in the way in which it notified the Class Members about the Data Breach?

- c) Did MGM commit a fault and/or was negligent in the delay in which it notified the Class Members about the Data Breach?
- d) Is MGM liable to pay compensatory and/or moral damages to the Class Members as a result of the loss of said information, including without limitation actual monetary losses incurred, damages related to fraud or identity theft, decrease in credit score, out of pocket expenses, lost time, inconvenience, anxiety, fear and stress, and if so in what amounts?
- e) Is MGM liable to pay punitive and/or exemplary damages to the Class Members, and if so in what amount?

3. The Court, after having resolved the above questions, will decide if it should:

GRANT the Class Action of Plaintiff on behalf of all the Class Members against MGM;

ORDER MGM to pay to the Class Members compensatory damages for all monetary losses caused as a result of MGM's loss of Class Members' information, and **ORDER** collective recovery of these sums;

ORDER MGM to pay to the Class Members compensatory and/or moral damages, in the amount to be determined by the Court, as a result of MGM's loss of Class Members' information, including without limitation for actual monetary losses incurred, damages related to fraud or identity theft, decrease in credit score, out of pocket expenses, lost time, inconvenience, anxiety, fear, and stress, and **ORDER** collective recovery of these sums;

ORDER MGM to pay an amount in punitive / exemplary damages to every Class Member, in the amount to be determined by the Court, and **ORDER** collective recovery of these sums;

ORDER MGM to pay the interests and additional indemnity provided for in the Civil Code of Quebec and the full costs and expenses including experts' fees and publication fees to advise Class Members.

4. If you wish to exclude yourself (opt out) from the class action, you have to notify the clerk of the Superior Court of Quebec, District of Montreal no later than [Insert DATE, being 30 days following the issuance of the notice], in writing to the following address.

Superior Court of Québec

Zuckerman v. MGM Resorts International (500-06-001078-209)

1 Notre-Dame street East, Montreal,
Québec, Canada, H2Y 1B6

with a copy to the class counsel:

Lex Group Inc.
Mtre David Assor
4101 Sherbrooke Street West
Westmount, QC, H3Z 1A7
Email: info@lexgroup.ca

You **must** clearly state that you wish to exclude yourself from the class action *Zuckerman v. MGM Resorts International* (case number 500-06-001078-209). The Opt Out Form is available [\[insert hyperlink\]](#).

A Class Member **can no longer request exclusion from the class after** [\[Insert DATE, being 30 days following the issuance of the notice\]](#), unless specifically authorized by the Court.

As provided by the law, **a Class Member who has not requested exclusion is bound by any judgment** that may be rendered in the class action to be.

If you wish to be **included** in the class action, **you have nothing to do**.

As a Class Member, **you have the right to intervene** in the present class action, in the manner provided for by law (but no obligation to do so).

For more information on the class action:

Please visit the webpage dedicated to this class action on the class counsel's website: <https://www.lexgroup.ca/classaction/mgm-resorts-international-data-breach-quebec-class-action/> **or** contact the class counsel at the following coordinates (your name and any information provided will be kept confidential):

Lex Group Inc.
Mtre David Assor
4101 Sherbrooke Street West
Westmount, QC, H3Z 1A7
Phone: (514) 451-5500
Fax: (514) 940-1605
Email: info@lexgroup.ca
Website: www.lexgroup.ca

You can also consult the central Registry of class actions where all class actions proceedings must be published at: <https://www.registredesactionscollectives.quebec/en>

**THE CONTENT AND DISTRIBUTION OF THIS NOTICE HAS BEEN ORDERED BY
THE SUPERIOR COURT OF QUÉBEC.**

**MGM RESORTS INTERNATIONAL – ACTION COLLECTIVE QUÉBÉCOISE POUR
PERTE DE DONNÉES**

**CET AVIS VOUS CONCERNE SI VOUS ÉTIEZ DANS LA PROVINCE DE QUÉBEC APRÈS LE 6 JUILLET
2019**

Procédures

Le 3 août 2022, la Cour supérieure du Québec a autorisé une action collective (numéro de dossier 500-06-001078-209) contre MGM Resorts International (« **MGM** ») relativement à une brèche de données qui a eu lieu le ou vers le 7 juillet 2019 (la « **brèche de données** »). L'action collective vise à obtenir des dommages compensatoires et/ou moraux qui auraient pu être causés par la brèche de données, ainsi que des dommages punitifs.

Le demandeur M. Zuckerman s'est vu attribuer le statut de représentant afin d'agir au nom des membres du groupe.

Le jugement d'autorisation est une étape préliminaire qui permet de débiter l'action collective. Ce jugement ne décide aucunement de la responsabilité à ce stade. Le demandeur maintient que son action collective contre MGM est fondée en fait et en droit. MGM a l'intention de contester vigoureusement le bien-fondé de cette action collective et présentera sa défense lors du procès.

Qui est affecté.e?

Vous êtes affecté.e par cette action collective si vous (y compris votre succession, vos liquidateurs ou vos représentants personnels) vous trouvez (présentement ou antérieurement) au Québec **et** vos renseignements personnels et/ou financiers ont été perdus par et/ou volés à MGM à la suite de la brèche de données qui s'est produite le ou vers le 7 juillet 2019. Vous avez peut-être déjà reçu un avis par courriel de MGM concernant cette brèche de données.

En tant que membre du groupe, vous n'avez **pas** à payer les honoraires et frais d'avocats qui seront payés à partir des dommages-intérêts qui peuvent être accordés dans le cadre de l'action collective, le cas échéant. La Cour sera appelée à se prononcer sur le caractère raisonnable des honoraires des avocats du groupe. La Cour peut décider que ces honoraires et frais seront **déduits** des montants dus au groupe, le cas échéant.

Informations pertinentes concernant le déroulement de l'action collective :

1. Cette action collective se déroulera dans le **district judiciaire de Montréal**.
2. **Les principales questions de fait et de droit à déterminer collectivement par le tribunal sont les suivantes:**

- a. MGM a-t-elle fait preuve de négligence et/ou a-t-elle commis une faute dans le stockage et la conservation des renseignements personnels des membres du groupe dont les renseignements ont finalement été compromis, perdus et/ou volés le ou vers le 7 juillet 2019?
- b. MGM a-t-elle commis une faute et/ou a-t-elle fait preuve de négligence dans la manière dont elle a informé les membres du groupe de la brèche de données?
- c. MGM a-t-elle commis une faute et/ou a-t-elle fait preuve de négligence au regard du délai dans lequel elle a informé les membres du groupe de la brèche de données?
- d. MGM est-elle tenue de payer des dommages-intérêts compensatoires et/ou moraux aux membres du groupe à la suite de la perte de ces informations, y compris, sans limitation, les pertes monétaires réelles encourues, les dommages liés à la fraude ou au vol d'identité, la diminution de la cote de crédit, les dépenses personnelles, le temps perdu, les inconvénients, l'anxiété, la peur et le stress, et si oui, de quel montant?
- e. MGM est-elle tenue de payer des dommages-intérêts punitifs et/ou exemplaires aux membres du groupe, et si oui, de quel montant ?

3. La Cour, après avoir tranché les questions susmentionnées, décidera s'il y a lieu de :

ACCUEILLIR l'action collective du demandeur contre MGM au nom de tous les membres du groupe;

CONDAMNER MGM à payer aux membres du groupe des dommages-intérêts compensatoires pour toutes les pertes monétaires causées à la suite de la perte par MGM des informations des membres du groupe, et

ORDONNER le recouvrement collectif de ces montants;

CONDAMNER MGM à payer aux membres du groupe des dommages-intérêts compensatoires et/ou moraux, d'un montant à déterminer par le tribunal, à la suite de la perte par MGM des informations des membres du groupe, y compris, sans limitation, les pertes monétaires réelles encourues,

les dommages liés à la fraude ou au vol d'identité, la diminution de la cote de crédit, les dépenses personnelles, perte de temps, inconvénients, anxiété, peur et stress, et **ORDONNER** le recouvrement collectif de ce montant;

CONDAMNER MGM à payer à chaque membre du groupe un montant en dommages-intérêts punitifs / exemplaires, dont le montant sera déterminé par la Cour, et **ORDONNER** le recouvrement collectif de ce montant;

ORDONNER MGM à payer les intérêts et l'indemnité additionnelle prévus au Code civil du Québec et l'intégralité des frais et dépens incluant les honoraires d'experts et les frais de publication pour notifier les membres du groupe.

4. Si vous désirez vous exclure (vous retirer) de l'action collective, vous devez en aviser le **greffier de la Cour supérieure du Québec, district de Montréal** au plus tard le [insérer la **DATE** qui est le 30^e jour suivant l'envoi des avis], par écrit à l'adresse suivante:

Cour Supérieure du Québec
Zuckerman c. MGM Resorts International (500-06-001078-209)
1 rue Notre-Dame Est, Montréal,
Québec, Canada, H2Y 1B6

Avec copie aux avocats du Groupe:

Lex Group Inc.
Me David Assor
4101 rue Sherbrooke Ouest
Westmount, QC, H3Z 1A7
Courriel : info@lexgroup.ca

Vous **devez** indiquer clairement que vous souhaitez vous exclure de l'action collective *Zuckerman c. MGM Resorts International* (numéro de dossier 500-06-001078-209). Le formulaire d'exclusion est disponible [insérer l'hyperlien].

Un membre du groupe ne peut plus demander à être exclu du groupe après le **[insérer la DATE qui est le 30^e jour suivant l'envoi des avis]**, à moins d'y être expressément autorisé par le tribunal.

Comme le prévoit la loi, tout membre du Groupe **qui n'a pas demandé à s'exclure de la manière décrite ci-dessous sera lié par les jugements** qui seront rendus dans le cadre de l'action collective.

Si vous souhaitez être inclus dans l'action collective, **vous n'avez rien à faire.**

En tant que membre du groupe, **vous avez le droit d'intervenir** dans la présente action collective, de la manière prévue par la loi (mais aucune obligation de le faire).

Pour plus d'informations sur l'action collective :

Veuillez visiter la page Web dédiée à cette action collective sur le site web des avocats du groupe: <https://www.lexgroup.ca/classaction/mgm-resorts-international-data-breach-quebec-class-action/> **ou** contactez les avocats du groupe aux coordonnées suivantes (votre nom et toute information fournie resteront confidentiels):

Lex Group Inc.
Me David Assor
4101 rue Sherbrooke Ouest
Westmount, QC, H3Z 1A7
Téléphone: (514) 451-5500
Télécopieur: (514) 940-1605
Courriel: info@lexgroup.ca
Site web: www.lexgroup.ca

Vous pouvez également consulter le Registre des actions collectives où toutes les actions collectives doivent être publiées à l'adresse suivante :
<https://www.registredesactionscollectives.quebec/>

**LE CONTENU ET LA DISSÉMINATION DU PRÉSENT AVIS ONT ÉTÉ ORDONNÉS
PAR LA COUR SUPÉRIEURE DU QUÉBEC.**

OPT OUT FORM (Exclusion Form)
Zuckerman vs. MGM Resorts International, CSM n° 500-06-001078-209

I do **not** want to participate in the class action entitled *Zuckerman vs. MGM Resorts International*, Quebec Superior Court File No. 500-06-001078-209 (District of Montreal), relating to a Court authorized class action against MGM Resorts International ("**MGM**") regarding a data breach which occurred on or about July 7, 2019 (the "**MGM Data Breach**").

I understand that if I complete and deliver this opt out (exclusion) form:

- 1) I will not be included in the above Class Action (I will exclude myself from the Class Action); and
- 2) If I want to pursue a claim with respect to the MGM Data Breach, and/or claim damages regarding the MGM Data Breach, I will need to pursue my claim individually and at my own cost. **Strict legal prescription deadlines apply, and you should consult your own independent attorney in this regard.**

Name: _____

Address: _____

Telephone: _____

Current E-mail: _____

Date Signed: ____ / ____ / ____
 dd mm yyyy

Your Signature

This document must be delivered to the Clerk of the Superior Court of Quebec **by ■, 2023** at the following address:

Clerk of the Superior Court of Quebec
Palais de Justice de Montréal
(*Zuckerman vs. MGM Resorts International, CSM no 500-06-001078-209*)
1 Notre-Dame Street East, Room 1.120
Montréal, Québec H2Y 1B5

With a copy sent to Class Counsel Lex Group Inc. at: info@lexgroup.ca or by fax to: (514) 940-1605.

Requests received after ■, 2023, will not be honored and you will be included in the Class Action and bound by any Judgment rendered in this file thereafter.

Les demandes reçues après le 1^{er} 2023 ne seront pas acceptées et vous serez inclus(e) dans l'action collective et lié(e) par tout jugement rendu par la suite dans ce dossier.