

NOTICE TO MEMBERS

AUTHORIZATION OF A CLASS ACTION

Simon St-Onge v. Apple inc. and Apple Canada inc.

Superior Court File : 500-06-000893-178

**“ iPhone series 5 to 7:
Slowing down following update and replacement of batteries ”**

This notice concerns the judgments rendered by the Superior Court of Quebec (district of Montreal) dated March 20, 2019 and November 26, 2019 authorizing a class action against the defendants Apple Inc. and Apple Canada Inc. In her judgment modifying the authorized class dated November 26, 2019, the Honourable Madam Justice Corriveau (j.s.c.) describes the class as follows:

« All individuals and business entities in Québec who owned or leased an iPhone SE, 5, 6, 7 and their sub-series (hereinafter collectively referred to as the “Subject iPhones”) and have updated their iPhones to iOS 10 and iOS 11 or later versions of iOS, or any other group to be determined by the Court. »

The status of representative was ascribed to Mr. Simon St-Onge.

The nature of the class action brought by the plaintiff on behalf of the class members is a class action against Apple inc. and Apple Canada inc, for price reduction, and for pecuniary and punitive damages.

Mr. St-Onge is asking the Court to determine notably whether the Subject iPhones slowed down significantly, began to shut down abruptly, or froze after updating to iOS 10 and iOS 11 or later versions of iOS, and whether Apple knew (or should have known) and failed to warn class members that the functionality and/or the performance of the Subject iPhones would be negatively affected by the update. The Court will have to determine whether Apple is liable to pay damages to class members and, if so, in what amounts.

The main **relief sought** by the representative against the defendants can be summarized as follows:

- The payment of a sum to be determined, to cover the following reimbursements :
 - a) The cost of replacing the iPhone SE, and the iPhone 5, 6, 7 and their sub-series and/or
 - b) The cost of the protection plans and/or

c) The cost of the replacement batteries and/or

d) Other economic damages.

- The payment of punitive damages in a sum to be determined;
- An order from the Court to cease the wrongful conduct.

A member can choose to opt out or be excluded from the class action by _____, at 4:30PM, at the latest.

The members of the class cannot be called upon to pay the costs of the class action if the action is dismissed.

A new notice will be published when a final judgment is rendered.

The judgment authorizing this class action, and the formalities relating to the opt-out procedure can be found at the court office of the Superior Court in the district of Montreal, and in the Registry of class actions on the web site www.tribunaux.qc.ca.

The members of the class are represented by the following attorneys:

Delouya Markakis

428, rue Saint-Pierre, bureau 101

Montréal (Québec) H2Y 2M5

Email : info@delouyemarkakis.com

Telephone: 514.286.9889

Cabinet BG Avocat inc.

4725, Métropolitaine Est, bureau 207

Montréal (Québec) H1R 0C1

Email : bgamache@cabinetbg.ca

Telephone : 1-877-707-8008

THE PUBLICATION OF THIS NOTICE WAS ORDERED BY THE COURT

In the event of a discrepancy, the authorization judgment prevails.