

## **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 July 24, 2023, 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](mailto: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 here: [https://www.lexgroup.ca/wp-content/uploads/Opt-Out-Form\\_EN.pdf](https://www.lexgroup.ca/wp-content/uploads/Opt-Out-Form_EN.pdf).

A Class Member **can no longer request exclusion from the class after July 24, 2023**, 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](mailto:info@lexgroup.ca)  
Website: [www.lexgroup.ca](http://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.**