

**NOTICE OF HEARING FOR THE APPROVAL OF A SETTLEMENT AGREEMENT WITH
PRICELINE.COM, L.L.C.**

**Chafik Mihoubi v. Priceline.com, L.L.C. et al.
N° 500-06-001041-207**

PLEASE READ THIS NOTICE CAREFULLY, AS THE SETTLEMENT AGREEMENT DESCRIBED THEREIN COULD HAVE AN IMPACT ON YOUR RIGHTS.

Settlement Agreement

Plaintiff entered into a Settlement and Transaction Agreement (the "**Agreement**") with Defendant Priceline.com, L.L.C. ("**Priceline**").

The Agreement applies to the members of the class defined as follows (the "**Settlement Class**"):

Consumers within the meaning of the *Consumer Protection Act* who:

(1) made a reservation for accommodation with the Defendant Priceline.com, L.L.C. ("**Priceline**")

- on the website priceline.com between January 27, 2017 and June 17, 2023; or
- on Priceline's mobile application between January 27, 2017 and January 9, 2024 (for the mobile application available on the Google Play store) or January 12, 2024 (for the mobile application available on the Apple App Store);

(2) at the time of such reservation, resided in Québec and were located in Québec;

(3) made their reservation directly on Priceline's website or mobile application, and not via any intermediary, agency, or "white-label" business;

(4) did not cancel their reservation; and

(5) paid a price higher than the price initially advertised, with the exception of fees payable under a federal or provincial law when, under this law, these fees must be collected directly from the consumer to be remitted to a public authority.

Who is concerned by this notice?

This notice concerns you if you are a member of the Settlement Class defined above.

This notice also concerns you if you are a member of the class already authorized for the class action (the "**Original Class**"). You are a member of the Original Class if, while residing in Quebec, you booked accommodations over the Internet with Priceline between January 27, 2017 and May 13, 2022, and paid a price higher than the initially advertised price, with the exception of any fees payable under federal or provincial law. A first notice was published on May 13, 2022 for members of the Original Class.

What is the difference between the Original Class and the Settlement Class?

Not all members of the Original Class are part of the Settlement Class.

- The Settlement Class period is longer, running from January 27, 2017 to June 17, 2023, January 9, 2024 or January 12, 2024, depending on the booking method used (website or mobile app). By comparison, the period covered by the Original Class ran from January 27, 2017 to May 13, 2022;
- The Settlement Class excludes persons who, at the time of their reservation, were not located in Quebec;
- The Settlement Class is limited to people who made their reservation directly on Priceline's website or mobile application. It therefore excludes people who used an intermediary, an agency or a "white-label" business to make their reservation;
- The Settlement Class does not take into account reservations that were cancelled after they were made.

What does the Agreement cover?

The Agreement provides for an indemnity to be distributed to each member of the Settlement Class. This indemnity will be distributed in cash (by Interac e-transfer) or in the form of a single-use, non-combinable and non-transferable coupon that the member may redeem to make several types of reservations on Priceline's website or mobile application, up to 30 months after the coupon is issued. The member will have the opportunity to choose the method of distribution of his or her indemnity.

The Agreement provides that the total amount payable by Priceline will be variable and will depend on the choice made by the members of the Settlement Class as to the method of distribution of the indemnities. If all Settlement Class members elect to receive compensation in the form of a coupon, the total amount payable by Priceline will be CA\$ 1,621,080. If all Settlement Class members elect to receive compensation in cash (by Interac e-transfer), the total amount payable by Priceline will be CA\$ 1,242,828. In both cases, these amounts include Class counsel's fees and disbursements and applicable taxes. Class counsel will ask the Court to approve fees of 25% of the total amount payable by Priceline, plus applicable taxes.

The amount of a Settlement Class member's indemnity will depend on the number of eligible reservations made by that member and his or her choice as to the method of distribution of the indemnity. After deduction of Class counsel fees of 25% (if approved by the Court), disbursements of Class counsel, and applicable taxes, the indemnities per member should be approximately as follows:

- ~ US\$ 10,45 in the form of a coupon for the first reservation;
 - ~ US\$ 6,49 in the form of a coupon for all additional reservations.
- (The value of a coupon will be converted to Canadian dollars on the basis of the exchange rate in effect at the time the coupon is used.)

- or -

- ~ US\$ 7,98 (being ~ CA\$ 10,78) in cash for the first reservation;
- ~ US\$ 5,00 (being ~ CA\$ 6,75) in cash for all additional reservations.

The members of the Original Class who are not also members of the Settlement Class will not be bound by the Agreement and will not receive indemnities under the Agreement.

The above is a summary of the highlights of the Agreement. The full text of the Agreement is available on the website of Class counsel Trudel Johnston & Lespérance ("TJL"): <https://tjl.quebec/en/class-actions/online-accomodation-reservation/> .

Court approval of the Agreement

For the Agreement to be valid, it must be approved by the Court. An application for approval of the Agreement will be presented before the Honourable Mr. Justice Martin F. Sheehan of the Superior Court on **October 9, 2024 at 9:15 AM** in **room 17.09** of the Montréal Courthouse. It will be possible to attend the hearing virtually at the following [link](#). The date and time of the hearing may be modified by the Court. In this case, an update will be posted on the TJL website: <https://tjl.quebec/en/class-actions/online-accomodation-reservation/> .

Right of exclusion for certain Settlement Class members

IF YOU HAVE BOOKED ACCOMMODATION WITH PRICELINE ON OR AFTER MAY 14, 2022, YOU MAY EXCLUDE YOURSELF FROM THE SETTLEMENT CLASS UNTIL SEPTEMBER 26, 2024, BUT ONLY FOR THESE RESERVATIONS.

If you do nothing, you will be bound by the Agreement if it is approved by the Court.

If you exclude yourself from the Settlement Class, you will not be entitled to compensation under the Agreement for reservations made on or after May 14, 2022.

To exclude yourself, you must complete the exclusion form available on the TJL website and send it to the clerk's office of the Superior Court of Quebec:

Quebec Superior Court Registry
1 Notre-Dame Street East
Montréal (Québec) H2Y 1B6

You must also send a copy of this form by e-mail or by mail to Class counsel, at the following coordinates:

Trudel Johnston & Lespérance
750 Côte de la Place d'Armes, Suite 90
Montréal (Québec) H2Y 2X8
Fax: 514-871-8800
info@tjl.quebec

Objection to the Agreement and comments

Both Original Class Members and Settlement Class Members have the right to object to and comment on the Agreement. Subject to the above mentioned right of exclusion, a Settlement Class member will remain a Settlement Class member whether or not he or she objects to the

Agreement. If the Agreement is approved by the Court, all Settlement Class members who receive compensation under the Agreement will lose any right to sue Priceline regarding the advertisement of the price for reservations for accommodation on its website or mobile application between the dates indicated above in the description of the Settlement Class.

If you wish to object to or comment on the Agreement, you must send your objection or comment in writing no later than September 26, 2024 by e-mail to TJJL at info@tjl.quebec or by fax to 514-871-8800. Your written submission must include:

- your name, address, e-mail address and telephone number;
- a brief statement of the reasons for your objection or comments; and
- whether you intend to attend the hearing in person or through a lawyer. In the latter case, you must provide the lawyer's name, address, e-mail address and telephone number.

TJJL will provide Priceline and the Court with a copy of the objections and comments received by September 26, 2024.

Members of the Original Class or Settlement Class who do not oppose the Agreement and do not wish to comment on it are not required to attend the hearing for approval of the Agreement or to take any other action at this time.

If the Honourable Justice Martin F. Sheehan approves the Agreement, another notice will be published to inform you of the procedure and deadlines for choosing the method of distribution of your compensation.

You can contact the lawyers of Mr. Chafik Mihoubi, the representative plaintiff, at the following coordinates:



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