

## **NOTICE OF SETTLEMENT APPROVAL WITH KAYAK SOFTWARE CORPORATION**

*Approved by the Superior Court of Quebec*

**Chafik Mihoubi v. Kayak Software Corporation et al.**

**N° 500-06-001041-207**

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### **PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR RIGHTS**

The Superior Court of Quebec has approved a Settlement and Transaction Agreement between the Plaintiff and Defendant KAYAK Software Corporation (“**KAYAK**”) and you may be entitled to an indemnity.

### **WHAT WAS THIS CLASS ACTION ABOUT?**

The class action alleged that KAYAK (among other defendants) contravened the *Consumer Protection Act* by advertising prices that are lower than the price ultimately charged to consumers.

### **WHO CAN MAKE A CLAIM?**

You may claim an indemnity if:

1. You are a natural person who did not make a reservation on behalf of a business;
2. You made a reservation for accommodation (facilitated by the Defendant KAYAK and powered by a third party) on the website kayak.com or on KAYAK’s mobile applications available on the Google Play store or Apple App Store, between January 17<sup>th</sup>, 2017 and December 16<sup>th</sup>, 2020;
3. At the time of this reservation, you resided in Quebec and were located in Québec;
4. You did not cancel this reservation; and
5. You 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.

If you receive this notice directly by email, you may claim an indemnity.

### **WHAT SETTLEMENT HAS BEEN APPROVED?**

KAYAK denies any fault. Without any admission of liability, KAYAK agreed to settle the litigation against it. The agreement includes the following key provisions:

- KAYAK will pay a lump sum of \$40,527.
- An indemnity will be distributed to each member of the Class in cash (by Interac e-transfer).
- The net indemnity per member will be \$10.70 per eligible reservation.

- KAYAK modified the price display on its website and mobile applications in Canada to indicate the total price of a reservation on the first screen displaying search results, without any admission of liability;
- As authorized by the Court, the class members' attorneys will be receiving legal fees representing 25% of the lump sum, plus taxes and disbursements.

## HOW DO I MAKE A CLAIM?

By March 11<sup>th</sup>, 2025, the Administrator will send you an Interac e-Transfer to the email address to which this notice was sent, which you will need to accept within 30 days.

## HOW CAN I KNOW MORE?

The full text of the agreement is available on the following website:  
<https://tjl.quebec/en/class-actions/online-accomodation-reservation/> .

For more information on the claims, please consult the Administrator's website at <https://conciliainc.com/kayak>.

You can also ask questions by contacting the Administrator directly by email at [kayak@conciliainc.com](mailto:kayak@conciliainc.com).

## WHO ARE CLASS COUNSEL?

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