

CLASS ACTION NOTICE

What is this about?

Class action proceedings have been certified or authorized by the courts of British Columbia, Ontario and Québec alleging that Google LLC (“Google”) breached class members’ privacy and engaged in other unlawful activities related to the collection of identification numbers of cellular towers (“Cell ID”) from nearby Android users.

Between January and December 2017, Google collected and analyzed country and network codes to help maintain a healthy connection between Google servers and Android devices that have the Google Play Services application package installed, thereby improving message timeliness and battery efficiency. It was discovered that those devices also inadvertently transmitted individual Cell IDs to Google. The Cell IDs associated with specific devices were not collected or stored and were immediately discarded except for a very small number of instances where they may have been collected in error logs. Cell IDs collected in error logs were not used to determine the location of Android devices, were generally not associated with any specific Android device or any Android device identifier, and were automatically deleted after fourteen days. The Cell IDs transmitted to Google were not collected, used or retained to track a user’s location. They were not sold to third parties and they were not used by Google to sell advertising.

It is not possible to determine on a person by person basis whether their Cell IDs were collected in error logs, and this is why the settlement is structured as it is, providing funding for specified charities and not individual distribution to potential Class Members.

Who is included?

You are a class member in one of the class actions if you are a resident of Canada who used a smartphone running the Android operating system in Canada between January 1, 2017 and December 31, 2017 (collectively, the “Class Members”).

The settlement

A national settlement has been reached to resolve all of the Canadian class actions regarding the transmission of Cell ID to Google, subject to the approval of the courts in British Columbia, Ontario and Québec. Google will pay \$1,000,000 in full and final settlement of all claims in the Class Proceedings. The settlement amount less the cost of notice, class counsel fees, any honouraria awarded to the representative plaintiffs and payment to the *Fonds d’aide aux actions collectives*, will be paid to specified charities. There will be no distribution to the Class Members.

Settlement and fee approval hearings

Hearings to consider approval of settlement and of claimed counsel fees will be heard by the British Columbia Court in Vancouver on December 10, 2020 at 10 am, the Ontario Court in Toronto on January 12, 2021 at 10 am and the Québec Court in Montréal on January 12, 2021 at 9 am room 2.08. Class Counsel will seek court approval of a class counsel fee of 33.33% of the Settlement Amount plus disbursements and applicable GST/PST/HST. Class Members who do not oppose the settlement or class counsel fee are not required to appear at the approval hearings or take any other action.

Opting out of settlement

If you do not want to be legally bound by the settlement, you must opt out. To do so, you must complete and submit an Opt-Out Form to Class Counsel by no later than **45 days after publication or November 15, 2020**. The manner in which you opt-out is available on the Opt-Out form found on the Settlement Website. Anyone who opts out cannot object to the Settlement, will not be bound by the Settlement Agreement, and may be eligible to pursue an individual claim.

Objections

If you choose not to opt out and to stay in the Class, you may object to the Settlement. If you wish to object to this proposed Settlement, you must submit a written objection by prepaid mail, or email to Class Counsel at one of the three addresses noted below by no later than November 24, 2020. Residents of Quebec must in addition give notice to the Clerk of the Superior Court of Quebec.

At the approval hearings, the Courts will consider any objections to the proposed settlement by the Class Members if the objections were received in the manner and by the date set out above.

A written objection should include the following information:

- (a) the objector's name, current mailing address, telephone number, and email address;
- (b) the reason why the objector believes that they are a Class Member;
- (c) a brief statement of the nature of and reasons for the objection; and
- (d) whether the objector intends to appear at the hearing in person or by counsel, and, if by counsel, the name, address, telephone number, and email address of counsel.

Questions and written objections must be directed to one of:

Klein Lawyers LLP	Klein Avocats Plaideurs Inc.
400-1385 W 8th Ave	1800-500 Place d'Armes
Vancouver, B.C. V6H 3V9	Montréal, Québec H2Y 2W2
Attn: David Klein	Attn : Careen Hannouche
Phone: 604-874-7171	Phone: 514-764-8362
info@callkleinlawyers.com	channouche@kleinavocats.com

This notice contains a summary of some of the terms of the settlement agreement in the class actions. If there is a conflict between the provisions of this notice and the settlement agreement, including the schedules to the settlement agreement, the settlement agreement shall prevail.