

**SUPERIOR COURT
(CLASS ACTION)**

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

N^o: 500-06-000813-168

DATE: January 21, 2019

PRESENT: THE HONOURABLE FRANÇOIS P. DUPRAT, J.S.C.

JACLYN RABIN
Plaintiff

vs.

HP CANADA CO.
and
HEWLETT PACKARD (CANADA) CO.
Defendants

**OFFICIAL TRANSLATION OF JUDGMENT ON AN APPLICATION FOR NOTICE
APPROVAL ORDERS
AND FOR THE AUTHORIZATION OF THE CLASS ACTION FOR SETTLEMENT
PURPOSES¹**

- [1] **CONSIDERING** the joint verbal Application for Preliminary Orders for the Approval of a Settlement Agreement and the documents submitted to the Court for review, namely the Settlement Agreement and its Exhibits;
- [2] **CONSIDERING** the submissions of counsel for the Parties;

JD2919

¹ The judgment was rendered in French on January 21, 2019 and the present translation was reviewed and signed by the presiding judge.

- [3] **CONSIDERING** that this Court was advised that Epiq Class Action Services Inc. (*Services d'actions collectives Epiq Canada*) (the "Administrator") consents to the requested appointments;
- [4] **CONSIDERING** that the Administrator shall send the Notices as indicated in the Distribution Protocol;
- [5] **CONSIDERING** that the Parties all consent to this judgment;

FOR THESE REASONS, THE COURT:

- [6] **GRANTS** the Application for Notice Approval Orders and for Authorization of the Class Action for Settlement Purposes;
- [7] **DECLARES** that, except to the extent they are modified by this judgment, the definitions set out in the Settlement Agreement apply to and are incorporated into this judgment;
- [8] **AUTHORIZES** the bringing of a national class action, for settlement purposes only against the Defendants and **APPOINTS** the Plaintiff as Class Representative of the Class defined as follows:
- all persons in Canada who owned a Class Printer during the period between March 1, 2015 and December 31, 2017 inclusively. Excluded from the Class are HP, its officers, directors and affiliates at all relevant times, members of their immediate families and their legal representatives, heirs, successors or assigns, and any entity in which HP had or has a controlling interest;
- [9] **APPROVES** the form and content of the Long Form Notice and Short Form Notice, in English and French, substantially in the form attached to this judgment, as Appendix 1 (the "Notices")
- [10] **ORDERS** that Notices shall be disseminated in accordance with the Distribution Protocol and **APPROVES** said Distribution Protocol which is attached to this judgment, as Appendix 2;
- [11] **APPOINTS AND DESIGNATES** Epiq Class Action Services Inc. (*Services d'actions collectives Epiq Canada*) as Claims Administrator (the "Administrator") for the execution and implementation of the Distribution Protocol, the administration of objections and opt-outs (exclusions) and related tasks, and to oversee and administer the Settlement and Claims Process;
- [12] **ORDERS** that the Opt Out Deadline shall be April 5, 2019 and that no Class Member may opt out of this class action after the Opt-Out Deadline has passed;

- [13] **APPROVES** the form and content of the Opt Out Form, substantially in the form attached to this judgment, as Appendix 3;
- [14] **ORDERS** that any Québec Class Member who wishes to be excluded from the Class must also mail a copy of his or her completed Opt-Out Form to the Superior Court of Québec, Class Action Division, Montréal Courthouse, 1 Notre-Dame Street East, Montréal, Québec, H2Y 1B6;
- [15] **DECLARES** that any Class Member who elects to opt out of this class action in accordance with the provisions of the Judgment may not also object to or comment on the Settlement Agreement and any such objection or comments received therefrom shall be deemed withdrawn;
- [16] **ORDERS** that any Class Member who timely and validly opts out of this class action in accordance with the provisions of this judgment shall not be bound by the Settlement Agreement, shall not be entitled to receive any benefits or compensation in connection with the Settlement Agreement, shall cease to be a putative class member in this Action and any prescription or limitation delays otherwise applicable to said Class Member shall be deemed to recommence running as of the Opt Out Deadline;
- [17] **ORDERS** that any Class Member who does not file a timely written request for exclusion (opt out) as provided in this judgment is bound by all subsequent proceedings, orders and judgments, including, but not limited to, the Release, Approval Judgment, and Settlement Approval Order in this Action, the whole subject to Article 580 of the Code of Civil Procedure of Québec;
- [18] **ORDERS** that any Class Member who wishes to submit an objection or comment regarding the fairness, reasonableness, or adequacy of the Settlement Agreement, must file with the Claims Administrator, postmarked on or before April 2, 2019, on their own or through lawyer retained at their own expense, a written submission that must include: (a) a heading which refers to the present Action (Rabin vs. HP Canada Co. and Hewlett Packard (Canada) Co. Class Action - Court number 500-06-000813-168); (b) the commenter's full name, telephone number, email address (if any), and address (the commenter's actual residential address must be included); (c) if represented by counsel, the full name, telephone number, email address and address of all counsel; (d) all of the reasons or grounds for his or her comments; (e) whether the commenter intends to appear at the settlement approval hearing on his or her own behalf or through counsel; (f) the model number of the Class Printer owned by the commenter; and (g) the commenter's dated, handwritten signature (an electronic signature or lawyer's signature are not sufficient), and **ORDERS** that any documents supporting the objection or comments must be attached to the written submission and if any testimony is proposed to be given in support of the objection or comment at the settlement approval hearing, the names of all persons who will testify must be set forth in written submission;

- [19] **APPROVES** the form and content of the Claim Form, substantially in the form attached to this judgment, as Appendix 4;
- [20] **ORDERS** that the Claims Administrator and Class counsel post on their respective websites, beginning no later than twenty (20) days after the date of this judgment:
- this judgment;
 - all the Appendices of this judgment;
 - the Settlement Agreement and its Exhibits;
- [21] **DECLARES** that the hearing to consider approval of the Settlement Agreement in this class action shall take place at the Montréal Courthouse, room 2.08, on April 17, 2019, at 9:30 AM;
- [22] **ORDERS** that all Administrative Expenses and all costs and disbursements related to the Distribution Protocol, the Notices and the Claims Administrator, as set forth in the Settlement Agreement, shall be exclusively paid by Defendants;
- [23] **THE WHOLE** without legal costs.



THE HONOURABLE FRANÇOIS P. DUPRAT, J.S.C.

Mtre David Assor
LEX GROUP INC.
Attorneys for the Plaintiff

Mtre Stéphane Pitre
Mtre Anne Merminod
BORDEN LADNER GERVAIS LLP
Attorneys for the Defendants

Date of hearing: January 16, 2019.