

## **NOTICE TO CLASS MEMBERS**

### **NISSAN CANADA INC. DATA BREACH CLASS ACTION**

#### **Proceedings**

On April 28, 2021, the Court of Appeal of Québec authorized the bringing of a class action against Nissan Canada Inc. (which also operates under the names Nissan Canada Finance, Infiniti, Infiniti Financial Services, Services Financiers Infiniti, Services Financiers Mitsubishi Motors, Mitsubishi Motors Financial Services, and Mitsubishi Motors Services Financiers) regarding a data breach which occurred on or before December 11, 2017. Plaintiff Ms. Lévy was ascribed the status of representative to act on behalf of the Class Members.

#### **Who is affected?**

You are affected by the class action if **you are in Québec** and correspond to one of the two following categories:

1. Your personal or financial information held by Nissan Canada Inc. was compromised in a data breach of which Nissan Canada Inc. was advised by the perpetrators by email on December 11, 2017;

**OR**

2. You received a letter from Nissan Canada Inc. in or about January 2018 informing you of such data breach.

If the class action is successful, all persons in Québec corresponding to one of the two categories mentioned above may be eligible to receive compensation.

**THE ATTORNEY FEES** will be paid only if the class action is successful and would represent a percentage of the total compensation received by Class Members, the whole to be approved by the Court. You therefore have **nothing to pay** unless you receive compensation.

#### **Relevant information concerning the progress of the class action:**

1. This class action will be brought in the **District of Montréal**.
2. **The Court will have to resolve the following principal issues / questions of fact and law:**
  - a) Did Nissan Canada Inc. commit a fault regarding the storage and the safe-keeping of the financial and/or personal information of the Class Members?
  - b) Did Nissan Canada Inc. commit a fault by delaying the notification to Class Members that a data breach had occurred?
  - c) Did Nissan Canada Inc. commit a fault due to the deficiencies of the notices given to Class Members about the data breach?
  - d) Did Nissan Canada Inc. commit a fault due to its failure to inform the Class Members of the outcome of its investigation?

- e) Is Nissan Canada Inc. liable to pay compensatory damages or punitive damages to the Class Members as a result? And if so, in what amounts?

**3. The Court, after having resolved the above questions, will decide if it should:**

- a) **GRANT** the class action of Plaintiff on behalf of all the Class Members against Nissan Canada Inc.;
- b) **CONDEMN** Nissan Canada Inc. to pay to the Class Members compensatory damages for all monetary losses and moral damages caused as a result of Nissan Canada Inc.'s loss of Class Members' information, and **ORDER** collective recovery of these sums;
- c) **CONDEMN** Nissan Canada Inc. to pay to the Class Members punitive damages for the unlawful and intentional interference with their right to privacy and **ORDER** collective recovery of these sums;
- d) **ORDER** Nissan Canada Inc. to pay the interests and additional indemnity provided for in the Civil Code of Québec and the full costs and expenses including experts' fees and publication fees to advise Class Members.

**4. If you wish to exclude yourself from the class action, you have to notify the clerk of the Superior Court of Québec, District of Montréal no later than December 17, 2021, by registered or certified mail to the following address:**

**Superior Court of Québec**  
*Lévy v. Nissan Canada Inc.* (500-06-000907-184)  
1 Notre-Dame Street East, Montréal,  
Québec, Canada, H2Y 1B6

with a copy to the class counsel:

**Lex Group Inc.**  
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 *Lévy v. Nissan Canada Inc.* (case number 500-06-000907-184).

- 5.** A Class Member **can no longer request exclusion from the class after** December 17, 2021, unless specifically authorized by the Court.
- 6.** 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.
- 7.** If you wish to be **included** in the class action, **you have nothing to do.**
- 8.** As a Class Member, **you have the right to intervene** in the present class action, in the manner provided for by law.

**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/nissan-canada-finance-and-infiniti-financial-services-canada-data-breach-class-action/> **or** contact the class counsel at the following coordinates:

**Lex Group Inc.**

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 PUBLICATION OF THIS NOTICE TO CLASS MEMBERS  
HAS BEEN APPROVED AND ORDERED BY THE SUPERIOR COURT OF QUÉBEC.**