

FACEBOOK CLASS ACTION

NOTICE OF PROPOSED SETTLEMENT AND SETTLEMENT APPROVAL HEARING

YOUR LEGAL RIGHTS MAY BE AFFECTED

A class action settlement has been reached in *Douez v Facebook, Inc.*, VLC-S-S-122316.

On May 10, 2018, the British Columbia Court of Appeal decided the lawsuit could proceed as a class action. The settlement is a compromise of disputed claims and is not an admission of liability by the defendant. The proposed settlement is subject to Court approval.

WHAT IS THE LAWSUIT ABOUT?

The plaintiff alleges that the defendant, Facebook, Inc. (“**Facebook**”), used class members’ names and portraits in Sponsored Stories advertisements without their consent, in violation of the *Privacy Acts* of British Columbia, Saskatchewan, Manitoba, and Newfoundland and Labrador. The plaintiff sought to recover damages for class members for Facebook’s alleged breach of the *Privacy Acts*. Compensation is sought without proof of individual loss.

WHO IS IN THE CLASS AND AFFECTED BY THE SETTLEMENT?

The class action is brought on behalf of class members, consisting of all resident natural persons of British Columbia, Saskatchewan, Manitoba, and Newfoundland and Labrador, who were members of Facebook and residents of these provinces at any time from January 1, 2011 to May 30, 2014 and:

- a) who at any time during this period were registered with Facebook using their real name, or had a profile picture that included an identifiable self-image, or both; and
- b) whose real name, identifiable portrait, or both were used by Facebook in a Sponsored Story.

The Court appointed the plaintiff, Ms. Deborah Douez, as representative plaintiff on behalf of the class. Class counsel are Branch MacMaster LLP and Michael Sobkin Law Corporation.

WHAT ARE THE TERMS OF THE SETTLEMENT?

The proposed settlement provides that Facebook will pay the all-inclusive sum of **\$51,000,000 (fifty-one million dollars)** in exchange for a full and final release by the class of all claims in issue in the class action against Facebook.

A further hearing will be held before the Court at 10:00 a.m. on March 13, 2024, to seek settlement approval, approval of class counsel’s fees, an honourarium for the representative plaintiff, and a process to determine class members’ claims for a share of the settlement funds.

The hearing will take place at 800 Smithe Street, Vancouver, B.C., before the Honourable Madam Justice Iyer. If approved, the settlement will bind all class members who did not opt out of the lawsuit.

The full settlement terms and court documents are available on the Claim Administrator's website at www.mnp.ca/facebooksettlement.

HOW DO I PARTICIPATE IN THE LAWSUIT?

If you are a class member you do not need to do anything at this time. You are automatically included as a class member, unless you opted out of the class action by May 8, 2020. After settlement is approved, a process will be announced setting out the procedure and manner for class members to submit their claims for a share of the settlement funds.

WILL I RECEIVE COMPENSATION FROM THIS SETTLEMENT?

If the Court approves the proposed settlement, you will qualify for a share of the settlement fund if you are a class member and if you submit a claim pursuant to a claims process to be set by the Court at or after the March 13, 2024, hearing.

The settlement fund is to be shared amongst all eligible class members that make claims pursuant to a process to be determined by the Court at or after March 13, 2024. Class counsel estimates that approximately 4.3 million people may qualify as eligible class members.

WHAT ARE THE FEE ARRANGEMENTS?

Class counsel will seek approval of a fee of up to 33 $\frac{1}{3}$ % of the settlement amount, plus disbursements and applicable taxes. Class counsel will also seek payment of up to \$10,000.00 as an honorarium for representative plaintiff Ms. Douez, to be paid from Class counsel's fees.

Class counsel's fees, disbursements and any payment to the representative plaintiff are subject to Court approval at the March 13, 2024 hearing.

OBJECTIONS

All class members have a right to object to this settlement, the plan for distribution of settlement funds, class counsel's fees, and/or the honorarium to the representative plaintiff, by delivering a written **objection form** by email to class counsel at sponsoredstories@branmac.com. All objections must be received by class counsel on or before **March 11, 2024, 5:00 pm Pacific Time**. Class members may also attend the settlement approval hearing.

If a class member wishes to object, they must submit their objection using the following form: [Objection Form](#).

More information on the case is available on the Claim Administrator's website at www.mnp.ca/facebooksettlement.

You may also contact Class counsel with questions at sponsoredstories@branmac.com.

***This notice has been authorized by the Supreme Court of British Columbia.**