

CANADA

PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

(Class Action)
SUPERIOR COURT

NO: 500-06-000897-179

RAPHAEL BADAOUI

and

BENJAMIN LOEUB

Representative Plaintiffs

v.

APPLE CANADA INC.

and

APPLE INC.

Defendants

**NOTICE OF CASE MANAGEMENT
(158 and 572 C.C.P.)**

TO: Mtre Sarah Woods
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Counsel for the Defendants

TAKE NOTICE that the Representative Plaintiffs hereby request a case management conference before the Honourable Marie-Christine Hivon, J.S.C., *pro forma*:

The purpose of this case management is to treat the following issue:

1. On May 5, 2023, the Court rendered a judgment notably scheduling the settlement approval hearing for June 12, 2023 (para. 26) and the deadlines for Class Members to object to the Settlement or opt-out of the class action to June 11, 2023 (paras. 14-15);
2. On May 10, 2023, RicePoint Administration Inc., the Claims Administrator chosen by the Defendants and designated by the Court (para. 17), published the

settlement website online (<https://www.consumerwarrantyclassaction.com/> and <https://fr.consumerwarrantyclassaction.com/>);

3. Despite the parties' best efforts, there has been a delay in the Claims Administrator sending of the notices to the more than 2 million members concerned by this class action;
4. Notably, given the very large quantity of emails to send, the Claims Administrator had to do so in a scheduled queue, in batches, over a span of several days, in order to ensure that the emails are adequately received by the recipients (or otherwise they could end up in their junk mail). This delay varies depending on the Claims Administrator's email capacity power;
5. The email send was fully completed on May 30, 2023 and, as a result, emails to Class members informing them of their right to exclude themselves will not have been sent 30 days prior to the settlement approval hearing;
6. The Representative Plaintiffs therefore suggest that it would be prudent to adjourn the June 12, 2023, hearing to a future date, in order to give Class members sufficient time to opt-out the class action (pursuant to article 576 al. 3 CCP) or object to the settlement, should they so desire;
7. The Defendants' counsel have confirmed that they have received the \$6 million settlement fund, which is currently bearing interest in their trust account to the benefit of the Class members;
8. As indicated in the email notices and in the May 5, 2023, judgment authorizing the publication of notices (par. 27): "la date et l'heure pour la tenue de l'audience d'approbation de l'Entente de règlement puissent être reportées par le Tribunal sans autre avis aux Membres du Groupe autre que l'avis qui sera affiché sur le site Internet des Avocats du Groupe (www.lpclex.com/AppleCare) et le site web du règlement";
9. Class counsel and the Claims Administrator will post the new hearing date on their respective websites, under the heading "Important Notice Concerning the Rescheduled Hearing Date" / "Avis important concernant la date d'audience reportée";
10. The Representative Plaintiffs suggest that the settlement approval hearing be held expeditiously (i.e. at the Court's earliest availabilities as of June 30, 2023, in order to give the full 30 days to opt-out);
11. For these reasons, the Representative Plaintiffs respectfully request that this Honourable Court to:

<p>AJOURNE l'audience d'approbation de l'Entente de règlement à une date à déterminer par la Cour, sans autre avis de publication aux membres du Groupe, à l'exception de l'avis qui sera affiché sur le site Web des avocats du Groupe (www.lpclex.com/fr/AppleCare) et sur le site Web du règlement : fr.consumerwarrantyclassaction.com);</p>	<p>ADJOURN the settlement approval hearing to a date to be determined by the Court, without further publication notice to the Class Members, other than such notice which will be posted on Class Counsel's website (www.lpclex.com/AppleCare) and the Settlement Website (www.consumerwarrantyclassaction.com);</p>
<p>ORDONNER aux avocats du Groupe et à l'administrateur des réclamations de publier la nouvelle date d'audience sur leurs sites Internet respectifs sous le titre « Avis important concernant la date d'audience reportée ».</p>	<p>ORDER Class Counsel and the Claims Administrator to post the new hearing date on their respective websites under the heading "Important Notice Concerning the Rescheduled Hearing Date".</p>

Montreal, June 5, 2023

Montreal, June 5, 2023

(s) Renno Vathilakis Inc.

RENNO VATHILAKIS INC.

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