

SUPERIOR COURT

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTRÉAL

N°: 500-06-000806-162

DATE : December 15, 2023

UNDER THE PRESIDENCE OF : THE HONOURABLE SYLVAIN LUSSIER, J.S.C.

UNION DES CONSOMMATEURS
Plaintiff

-and-

COREY MENDELSON
Designated Person

v.

SIRIUS XM CANADA INC.
Defendant

-and-

FONDS D'AIDE AUX ACTIONS COLLECTIVES
Mise en cause

JUDGMENT

(On a motion for approval of a *de minimis* amount)

[1] **WHEREAS** the parties settled a class action by entering into a *Settlement Agreement, Transaction and Release* dated September 28, 2023 (the "**Settlement Agreement**");

500-06-000806-162

[2] **WHEREAS**, following a hearing on November 3, 2023, this Court approved the Settlement Agreement in a judgment dated November 7, 2023;

[3] **WHEREAS** the Settlement Agreement provided that the parties may, with the approval of the Court, agree to exclude *de minimis* amounts from the distribution process;

[4] **WHEREAS** the parties have now agreed to set the *de minimis* amount to two Canadian dollars (Can\$2.00), which would result in the exclusion from the distribution process of Former Subscribers whose Class Member's Net Recovery is less than two Canadian dollars (Can\$2.00), and consequently ask the Court to approve such *de minimis* amount;

[5] **WHEREAS** setting the *de minimis* amount to two Canadian dollars (Can\$2.00) would result in the exclusion of 8,942 Former Subscribers' accounts representing an approximate aggregate value of Can\$5,875.74;

[6] **WHEREAS** this amount of Can\$5,875.74 shall form part of the Reliquat;

[7] **WHEREAS** setting the *de minimis* amount to two Canadian dollars (Can\$2.00), as it relates to Former Subscribers, is desirable, proportionate and consistent with the best interests of justice.

FOR THESE REASONS, THE COURT:

[8] **GRANTS** the motion for approval of a *de minimis* amount; **ACCUEILLE** la motion pour l'approbation d'un montant *de minimis*;

[9] **DECLARES** that those Former Subscribers whose Class Member's Net Recovery is less than two Canadian dollars (Can\$2.00) shall not be entitled to any distribution and shall be excluded from the Former Subscriber Total (the "**Excluded Former Subscribers**"); **DÉCLARE** que les Anciens abonnés dont le Recouvrement net du Membre du Groupe est inférieur à deux dollars canadiens (2,00\$CA) n'auront pas droit à aucune distribution et seront exclus du Total des Anciens abonnés (les « **Anciens abonnés exclus** »);

[10] **DECLARES** that the Excluded Former Subscribers' Class Member's Net Recovery shall form part of the Reliquat; **DÉCLARE** que le Recouvrement net du Membre du Groupe des Anciens abonnés exclus fera partie du Reliquat;

500-06-000806-162

[11] **THE WHOLE**, without legal costs. **LE TOUT**, sans les frais de justice.

SYLVAIN LUSSIER, J.S.C.

Me Robert Kugler
Me Pierre Boivin
Me Emily Painter
KUGLER KANDESTIN LLP
Lawyers for the Plaintiff

Me Frédéric Paré
Me Rémi Leprévost
Me Benjamin Herrera
STIKEMAN ELLIOTT LLP
Lawyers for the Defendant