

# MACBOOK BUTTERFLY KEYBOARD CLASS ACTION SETTLEMENT

## QUÉBEC CLASS ACTION SETTLEMENT

### NOTICE OF COURT ORDER APPROVING THE SETTLEMENT AND CLASS COUNSEL FEES (LONG FORM)

**SIMARD V. APPLE CANADA INC. ET AL. CLASS ACTION**  
(Court File N°: 500-06-001140-215)

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This notice is to:

- i) Everyone in Québec who purchased/owns/owned; and
- ii) Everyone who purchased in Québec

**A MacBook laptop sold between 2015 and 2019  
equipped with a “Butterfly” keyboard.**

**PLEASE READ THIS NOTICE CAREFULLY.**  
**THIS CLASS ACTION HAS BEEN SETTLED AND APPROVED BY THE COURT.**

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#### WHAT THE ACTION IS ABOUT

In March 2021, a class action was commenced in Québec against Apple Canada Inc. and Apple Inc. (collectively “**Defendants**” or “**Apple**”) alleging that the “Butterfly” keyboard mechanism in certain MacBook laptops is defective, and can result in characters repeating unexpectedly; letters or characters not appearing; and/or the keys feeling “sticky” or not responding in a consistent manner (the “**Class Action**”).

The class is defined as follows:

*Any physical or legal person who lives in / is domiciled in the Province of Québec and who purchased, owns, or owned, other than for resale, a MacBook laptop sold between 2015 and 2019 equipped with a “Butterfly” keyboard (“**Computer**”) -or- any physical or legal person who lives in / is domiciled elsewhere but who purchased, other than for resale, such a Computer in the Province of Québec.*

(“**Class**” or “**Class Members**”). \*See full list of Class Computers at the end of this notice.

This Class Action has now been settled, as will be described below.

#### SETTLEMENT APPROVED

The parties have negotiated a settlement of the Class Action (the “**Settlement Agreement**”), which has been approved by the Superior Court of Québec on November 23, 2023 as fair, reasonable and in the best interests of the Class.

The Defendants deny any liability and deny the truth of the allegations made against them. The settlement (as described below) is a compromise of disputed claims in order to achieve an early full and final resolution of the Class Action, without any admission or findings of liability or wrongdoing against Defendants.

## **THE SETTLEMENT TERMS**

This notice provides a summary of the settlement terms. Further details of the settlement including a copy of the Settlement Agreement and other relevant Judgments, notices or proceedings may be found on the Settlement Website at [www.laptopkeyboardclassaction.com](http://www.laptopkeyboardclassaction.com).

The Settlement Agreement provides that the Defendants will pay a total of \$6,000,000.00 CAD (the “**Settlement Fund**”), which includes the payment of Class Counsel fees of up to 30% of this amount (\$1,800,000.00 CAD) plus taxes and disbursements, and also includes all Administration Expenses.

In return for the Settlement Fund, Defendants will receive a release from all Class Members and a declaration of settlement out of court of the Class Action.

The attorneys representing the Class (“**Class Counsel**”) is the firm of Lex Group Inc. (c/o Mtre David Assor), which can be reached at [davidassor@lexgroup.ca](mailto:davidassor@lexgroup.ca).

## **HOW TO RECEIVE YOUR SHARE OF THE SETTLEMENT FUNDS**

The Settlement Agreement covers **Topcase Replacements**, which refers to the replacement of the full keyboard module (including the battery, track pad, speakers, top case, and keyboard), and **Keycap Replacements**, which refers to the replacement of one or more keycaps on a keyboard and does not involve replacement of the full keyboard module. Either repair must have been performed by Apple or an Apple Authorized Service Provider.

The following Class Members are entitled to compensation under the Settlement Agreement:

### **Group 1 – Multiple Topcase Replacements**

Group 1 is comprised of Class Members who, within four years of purchasing a Computer, obtained two or more Topcase Replacements based on Apple’s records. If you are a Group 1 Class Member based on Apple’s records, you will receive a Short Form Notice by email confirming this. If this is the case, you will receive up to \$545.00 CAD per Computer. This amount will be sent directly to you by electronic fund transfer at the last known email address that Apple has on record for you.

**If you are a Group 1 Class Member, you do not need to file a Claim Form to receive payment under the Settlement. If you received the separate Group 1 notice directly to your valid email address, you have nothing further to do.**

**No further action will be required on your part to receive the payment unless (i) you wish to modify the email address for the e-transfer or (ii) you wish to receive the funds via mailed cheque.** In such cases, you must go onto the Group 1 online portal of the Claims Administrator’s Settlement Website at [www.laptopkeyboardclassaction.com](http://www.laptopkeyboardclassaction.com) before **June 30, 2024** in order to modify your email address or switch to payment by mailed cheque. Please use the individualised ID number and/or login credentials to access the Settlement Website enclosed with the Short Form Notice you receive.

Within approximately 30 days following **June 30, 2024**, the Claims Administrator will distribute up to \$545.00 CAD to you. You will receive compensation only once per Computer, but you may receive additional payments in the event that you purchased multiple Computers that qualify for payment.

### **Group 2 – One Topcase Replacement, & Group 3 – Keycap Replacements**

Group 2 is comprised of Class Members who, within four years of purchasing a Computer, obtained one Topcase Replacement, and who attest on the **Claim Form** that the repair did not resolve their keyboard issues.

Group 3 is comprised of Class Members who, within four years of purchasing a Computer, obtained one or more Keycap Replacements (but not any Topcase Replacements), and who attest on the **Claim Form** that the repair did not resolve their keyboard issues.

If you are a Group 2 or Group 3 Class Member, **you must complete and submit a Claim Form by June 30, 2024, and if the Claim Form is not prepopulated when it is sent to you, then you must provide the evidence requested in order for the claim to be valid.** Claims may be submitted online at [www.laptopkeyboardclassaction.com](http://www.laptopkeyboardclassaction.com) or mailed to the address on the form.

Under the terms of the Settlement, eligible Group 2 Class Members will receive a payment of up to \$173.00 CAD per Computer, and eligible Group 3 Class Members will receive a payment of up to \$69.00 CAD per Computer.

Group 2 or Group 3 Class Members can make a claim only once per Computer, but they may make additional claims in the event they purchased multiple Computers that qualify for payment.

### **INTERPRETATION**

If there is a conflict between the provisions of this Notice and the Settlement Agreement, the terms of the Settlement Agreement will prevail.

**QUESTIONS ABOUT THE SETTLEMENT SHOULD BE DIRECTED TO THE CLAIMS ADMINISTRATOR, RICEPOINT ADMINISTRATION INC., AS BELOW:**

**Laptop Keyboard Class Action Administrator  
P.O. Box 3355  
London, Ontario, N6A 4K3  
1-866-573-1796  
[www.laptopkeyboardclassaction.com](http://www.laptopkeyboardclassaction.com)**

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

**\*Computer** means any of the following Apple computer models:

- MacBook (Retina, 12-inch, Early 2015)
- MacBook (Retina, 12-inch, Early 2016)
- MacBook (Retina, 12-inch, 2017)
- MacBook Air (Retina, 13-inch, 2018)
- MacBook Air (Retina, 13-inch, 2019)
- MacBook Pro (13-inch, 2016, Two Thunderbolt 3 Ports)
- MacBook Pro (13-inch, 2017, Two Thunderbolt 3 Ports)
- MacBook Pro (13-inch, 2019, Two Thunderbolt 3 Ports)
- MacBook Pro (13-inch, 2016, Four Thunderbolt 3 Ports)
- MacBook Pro (13-inch, 2017, Four Thunderbolt 3 Ports)
- MacBook Pro (15-inch, 2016)
- MacBook Pro (15-inch, 2017)
- MacBook Pro (13-inch, 2018, Four Thunderbolt 3 Ports)
- MacBook Pro (15-inch, 2018)
- MacBook Pro (13-inch, 2019, Four Thunderbolt 3 Ports)
- MacBook Pro (15-inch, 2019)