

500-06-001111-208
500-06-001155-213

ANNEXE B-2

QUEBEC CLASS ACTIONS SETTLEMENT

NOTICE OF HEARING FOR SETTLEMENT APPROVAL AND OPT-OUT

CLASS ACTIONS - *LEUNG V. UBER CANADA INC ET AL.* N° : 500-06-001111-208 and 500-06-001155-213

This notice is to all consumers in Quebec who have used the Uber Eats delivery platform since July 4th, 2017, and who have paid delivery or service fees.

PLEASE READ THIS NOTICE CAREFULLY. IT MAY AFFECT YOUR RIGHTS

**THESE CLASS ACTIONS HAVE BEEN SETTLED, SUBJECT TO COURT
APPROVAL.**

AUTHORIZATION OF THE CLASS ACTIONS FOR SETTLEMENT PURPOSES

In December 2020 and in July 2021 respectively, two motions to authorize class actions were filed with the Superior Court of Quebec against Uber Canada Inc., Uber B.V., Uber Portier B.V., Uber Technologies, Inc., and Uber Portier Canada Inc. concerning the Uber Eats food delivery platform. The motions aimed to obtain the reimbursement of delivery fees and service fees charged on the Uber Eats platform on the grounds that the delivery fees posted on the mobile application and website were allegedly inadequate, and on the grounds that service fees were calculated on the basis of the gross subtotal while the application displayed, at one stage of the transaction process, a net subtotal of the applicable rebates. These allegations are contested by the Defendants. However, the parties have come to an agreement in order to settle these proposed class actions, with no admission of liability.

On October 31, 2022, Ms. Fay Leung's application for authorization to bring a class action in the file of the Superior Court of Quebec bearing the number 500-06-001111-208 was authorized by the Honorable Judge Pierre Nollet of the Superior Court of Quebec on behalf of the following class:

"[a]ll persons residing in Quebec who have made a transaction on the Uber Eats mobile application or on the website www.ubereats.com and who have paid delivery fees from July 4, 2017 to April 20, 2021".

(the "**208 class**")

On October 24, 2024, the Honorable Justice Pierre Nollet of the Superior Court of Quebec authorized, for the sole purpose of settlement, the proposed class action sought in the file of the Superior Court of Quebec bearing the number 500-06-001155-213 ("**Leung 2**") on behalf of the following class:

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"[a]ll persons residing in Quebec who have made a transaction on the UberEats mobile application or on the website www.ubereats.com while benefiting from a discount and who have paid service fees calculated on the basis of the gross subtotal while the application displayed, at one stage of the transaction process, a net subtotal, between April 21, 2017 and November 27, 2021".

(the "**213 class**")

(collectively, with the 208 class, the "**class**" or the "**class members**")

If you are a member of the class, you have the right to intervene in these class actions, in the manner provided by law. No class member other than the representative or an intervener may be required to pay the court costs arising from the class actions.

PROPOSED SETTLEMENT OF THE CLASS ACTION

The parties to the class actions have concluded a settlement agreement, subject to the approval of the Superior Court of Quebec.

The agreement provides that a discount of \$2 will be made available to members of the 208 class and a discount of \$0.50 to members of the 213 class. Depending on their membership in one of the classes or both classes, class members will have access to a single discount of either \$0.50, \$2 or \$2.50 on their Uber user account. This discount can only be used once and is indivisible. It will not have an expiration date and will not be transferable. Taxes and fees will still apply.

These amounts exclude the payment of class counsel fees and disbursements.

LEGAL FEES OF CLASS COUNSEL

At the settlement approval hearing, the applicant will seek approval of Class Counsel's fees and disbursements, namely the amount of disbursements of \$6,340.13, and the amount of fees equal to the greater of: (i) the sum of \$260,000, plus applicable taxes, or (ii) an amount equal to 25% of the amount of the rebates used eighteen (18) months after they were scheduled, plus applicable taxes, including the Goods and Services Tax (**GST**) and the Quebec Sales Tax (**QST**)

The settlement agreement is not an admission of liability, wrongdoing, or fault from the Defendants.

SETTLEMENT APPROVAL HEARING

A hearing before the Superior Court of Quebec will be held on **December 9, 2024 at 9:30 a.m.**, at the Montreal courthouse located at 1, Notre-Dame East Street, Montreal, Quebec, in **room 15.04** or via a TEAMS link assigned to that room. This date or the room number may be subject to adjournment or modification by the Court, without further publication of notice to the Class Members, other than such notice that will be posted on Class Counsel's website <https://lambertavocats.ca/en/ubereats-class-action-lawsuit/>).

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If you are part of the 208 class and have not already opted out, you are included in the Leung 1 class action, and you have nothing to do.

If you are part of the 213 class and wish to be included in the Leung 2 class action, you have nothing to do.

OPTING OUT OF GROUP 213

If you are part of the group 213 and wish to exclude yourself from the Leung 2 class action, you can opt out. You will not be entitled to participate into the settlement of this class action. To opt yourself out, you must send a notice no later than **November 27, 2024**, to the Clerk of the Superior court with the following information:

Greffier de la Cour supérieure du Québec Dossier : 500-06-001155-213 Palais de justice de Montréal 1, rue Notre-Dame Est, Bureau 1.120 Montréal (Québec) H2Y 1B6	With an email copy to the following address: info@lambertavocats.ca
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You must state that you wish to exclude yourself from the class action *Leung v. Uber Canada inc et al.* (file n° 500-06-001155-213).

OBJECTING TO THE PROPOSED SETTLEMENT:

If you disagree with the settlement agreement, and you have not opted out of the class actions within the appropriate timeframe, you can object to the settlement agreement by delivering a written notice on or before **November 29, 2024**, filed with the Court and class counsel:

The written notice must contain the following information:

- A heading referring to this proceeding (*Leung c. Uber Canada inc et al.* (file n° 500-06-001111-208 and 500-06-001155-213)).
- Your name, current address, and telephone number and, if represented by counsel, the name of your counsel.
- A statement that you paid for delivery or service fees on the Uber Eats platform between July 4, 2017, and November 27, 2021.
- A statement whether you intend to appear at the settlement approval hearing, either in person or through counsel.
- A statement of the objection and the grounds supporting the objection.
- Copies of any papers, briefs, or other documents upon which the objection is based.
- Your signature.

You must send your letter by mail, with a copy by email to class counsel, at the following addresses:

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Greffier de la Cour supérieure du Québec Dossier : 500-06-001155-213 et 500-06-001111-208 Palais de justice de Montréal 1, rue Notre-Dame Est, Bureau 1.120 Montréal (Québec) H2Y 1B6	avec copie par courriel à l'adresse suivante: info@lambertavocats.ca
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You may also appear in person at the hearing to be held in the Montreal Court house on December 9, 2024.

Please note that the Court cannot change the terms of the settlement agreement. Any objections will be used by the Court to consider whether to approve the settlement agreement or not.

Class Members who do not oppose the proposed settlement agreement do not need to appear at any hearing or take any other action to indicate their desire to support the proposed settlement agreement.

If the settlement agreement is approved, another notice to Class Members will be sent advising you of this and explaining the distribution of the discount to class members.

For further information or details about the proposed settlement agreement, you may contact class counsel identified below. Your name and any information provided will be kept confidential. Please do not contact Uber or the judges of the Superior Court.

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