

**CLASS ACTIONS
SUPERIOR COURT**

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL

N°: 500-06-000511-101

UNDER THE PRESIDENCY OF: THE HONOURABLE MICHEL DÉZIEL, J.C.S.

PATRICE ST-ARNAUD

Petitioner

v.

FACEBOOK INC.

Respondent

ORDER

- [1] CONSIDERING that, in July 2010, Petitioner filed a Motion to authorize the bringing of a class action and to ascribe the status of representative;
- [2] CONSIDERING that, on April 1, 2011, the Honorable Justice Michel Déziel rendered a judgment dismissing the Motion to authorize the bringing of a class action and to ascribe the status of representative for lack of jurisdiction, which judgment was inscribed in appeal;
- [3] CONSIDERING the Motion for Authorization of a Class Action for Settlement Purposes and for Approval of a Settlement Agreement and exhibits in support thereof filed by Petitioner on February 2, 2012;
- [4] CONSIDERING the representations made by the attorneys for the parties;
- [5] CONSIDERING the consent of all of the parties;

THE COURT:

- [6] GRANTS Petitioner's Motion for Authorization of a Class Action for Settlement Purposes and for Approval of a Settlement Agreement;

[7] DECLARES that, except to the extent that they are modified by the present judgment, the definitions set out in the Settlement Agreement apply to and are incorporated into the present judgment;

[8] AUTHORIZES the Petitioner's proceedings as a class action for settlement purposes;

[9] DECLARES that the class shall consist of the following individuals:

All physical persons in Canada (including their estates, executors, or personal representatives), corporations, and other entities, who are or were, at any time, members of the facebook.com website and / or who:

- a. *Were subject to alleged misrepresentation and other wrongful practices by the Respondent in regards to their personal information as described herein;*
- b. *Were subject to alleged breach of privacy and in the addition or alternative, an invasion of privacy and in the addition or alternative, a breach of confidence in regards to their personal information, as described herein; or*
- c. *Were subject to alleged conversion of said personal information for unauthorized use (hereinafter collectively referred to as "Petitioners", "Group Members", the "Group", or "Users");*

[10] APPOINTS Patrice St-Arnaud as representative of the Class;

[11] DECLARES that the common issues in the action are:

- a) Did Facebook make personal information related to the members of the Class publicly available without their consent?
- b) Is Facebook liable to pay damages to the members of the Class as a result of making personal information related to Members publicly available, or as a result of the divulgation and accessibility to such information?
- c) What categories of damages have the Members of the Class suffered, if any, including actual monetary losses incurred, inconvenience, anxiety and other moral and/or punitive damages caused by the making of said personal information publicly available?

[12] APPROVES the notice of settlement of a class action filed as Schedule C to the Settlement Agreement, Exhibit R-2;

[13] ORDERS that notice of settlement of a class action, substantially in the form of the notice filed as Schedule C to the Settlement Agreement, Exhibit R-2, shall be communicated, in English or French version as appropriate, in the following manner:

- a) By publication once in each of *La Presse* and *The Globe and Mail*;

- b) By on-line posting as a link to the website of Petitioner's Attorneys: www.merchantlaw.com; and
- c) By e-mailing or mailing of a copy by the Petitioner's Attorneys to all persons who have provided their contact information to Petitioner's Attorneys in connection with this class action;

[14] ORDERS that a Class Member may only opt out of the class action by filing an opt-out form, in writing, solemnly affirmed before a commissioner of oaths, with the clerk of the Superior Court and by sending same to Petitioner's Attorneys, at the following address:

Merchant Law Group LLP
10 Notre-Dame Est, Suite 200
Montréal, Québec, H2Y-1B7
Attention : Me Owen Falquero

[15]. ORDERS that no Class Member may opt out of the class action unless the opt-out form is filed and postmarked on or before 5:00 pm on April 3, 2012;

[16] ORDERS that Petitioner's attorneys forward the opt-out forms to the Honourable Justice Michel Déziel of the Québec Superior Court no later than April 10, 2012;

[17] DECLARES that the Settlement Agreement, and all its Schedules, are fair, reasonable and in the best interests of the Class;

[18] APPROVES the Settlement Agreement and all its Schedules pursuant to article 1025 of the *Code of Civil Procedure*, R.S.Q., c. C-25 and ORDERS that it shall be implemented in accordance with its terms;

[19] DECLARES that the Settlement Agreement and all its Schedules is incorporated by reference into and forms part of the present judgment, constitutes a Transaction within the meaning of Article 2631 C.C.Q and is binding upon the Petitioner, all Class Members and Facebook;

[20] ORDERS that any Member of the Class that does not validly opt out as set forth herein shall be conclusively deemed to be a Releasor within the meaning of Section 5 of the Settlement Agreement and to have forever and absolutely released the Released Parties as provided therein;

[21] DECLARES that the releases as set forth in the Settlement Agreement shall have full force and effect and that each Releasor has released and shall be conclusively deemed to have fully, finally and forever released the Released Parties from the claims released in Section 5 of the Settlement Agreement (the "Released Claims");

[22] ORDERS that each Releasor shall not commence or continue any action or take any proceeding relating in any way to the Released Claims against any Person or Persons who will or could, in connection with any such action or proceeding, bring or commence or continue any claim, cross-claim, claim over or any claim for contribution, indemnity or any other relief against any one of the Released Parties;

[23] ORDERS and DECLARES that each Class Member shall consent and shall be deemed to have consented to the dismissal of any other actions he, she or it has commenced against the Released Parties relating to the Released Claims, without costs and with prejudice;

[24] APPROVES the payment of an amount of \$75,000 by Facebook to Petitioner's counsel representing reasonable legal fees, disbursements incurred by Petitioner and all applicable taxes;

[25] APPROVES the payment of a compensatory amount of \$1,000 by Facebook to Petitioner Patrice St-Arnaud;

[26] DECLARES that, in the event that the Settlement Agreement is terminated in accordance with its terms, including, without limitation, pursuant to the condition provided for at Sections 4 thereof, each of the parties shall be deemed to have totally renounced to the present judgment of this Court and to have accepted the renunciation of each of the other parties, with the authorization of this Court, such that the case will be put in the position that it was in immediately prior to the rendering of the judgment, in conformity with articles 476 and 1016 of the *Code of Civil Procedure*, c. C-25

[27] THE WHOLE without costs.

Montreal, February 9, 2012



The Honourable Michel Déziel, j.c.s.

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