

## 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 December 21, 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.**

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#### **AUTHORIZATION OF THE CLASS ACTIONS FOR SETTLEMENT PURPOSES**

In December 2020 and in July 2021 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 partial reimbursement of delivery fees or services fees charged on the Uber Eats platform on the grounds because the fees posted on the mobile application and website were allegedly inadequate, giving the impression that the fees charged were higher than the fees announced. 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 December 22, 2021, the Superior Court of Quebec authorized Ms. Fay Leung to bring these class actions for settlement purposes only on behalf of the following class:

“All persons residing in Quebec who, since December 21, 2017, made a transaction on the Uber Eats mobile application or on the Uber Eats website and paid delivery fees that were announced for the first time on the display page of the content of the virtual shopping cart”; and

“All persons residing in Quebec who, since April 2021, made a transaction on the Uber Eats mobile application or on the Uber Eats website and paid service fees and taxes on these charges equal to

10% of the sub-total of an order, subject to a minimum of \$2 and a maximum of \$4.”

(the “**Class**” or “**Class Members**”).

If you are a Class Member, you have the right to intervene in the present class actions, in the manner provided for by law. No Class Member other than the representative plaintiff or an intervenor may be required to pay legal 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 maximum total amount of \$55,000 in Uber credits will be paid to charity organisations, which excludes the payment of class counsel fees and disbursements. Individual members like you will receive no individual compensation.

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 Québec will be held on **March 18, 2022 at 9:30 a.m.**, at the Montreal courthouse located at 1, Notre-Dame East Street, Montreal, Quebec, **in room 17.09**, or via a TEAMS link. This date may be subject to postponement 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://lambertavocatinc.com/recours-collectif-ubereats/>).

**If you wish to be included in the class actions, you have nothing to do.**

**If you do not wish to participate in these class actions:**

If you wish to exclude yourself from the class actions, you will not be entitled to participate further in the class actions. To opt-out yourself, you must send a notice no later than **February 28, 2022**, to the court office of the Superior Court at the postal address indicated below. You must state that you wish to opt-out yourself from the class actions *Leung v. Uber Canada inc et al.* (file n° 500-06-001111-208 and 500-06-001155-213).

**If you wish to object to the terms of the proposed Settlement Agreement:**

If you disagree with the settlement agreement, but you do not wish to opt out of the class actions, you can object to the settlement agreement by delivering a

written submission on or before **February 28, 2022**, filed with the Court or class counsel in accordance with the proposed settlement agreement.

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.
- 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.

Either to opt-out or to object to the terms of the settlement, you must send your letter by registered mail, with a copy by email to class counsel, at the following address:

Clerk of the Superior Court of Québec  
File: 500-06-001111-208 and 500-06-001155-213  
Montreal Courthouse  
1, Notre-Dame East Street, Suite 1.120, Montréal (Québec), H2Y 1B6

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 settlement funds to the charity organizations.

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.**