

C A N A D A
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
No: 500-06-000806-162

**SUPERIOR COURT
(Class Action)**

UNION DES CONSOMMATEURS

Plaintiff

-VS-

SIRIUS XM CANADA INC.

Defendant

**NOTICE OF THE AUTHORIZATION OF A CLASS ACTION AGAINST SIRIUS XM
CANADA INC.**

1. Union des Consommateurs has been authorized to institute a class action on behalf of all individuals forming part of the following class (the "Class"):

"All persons in Quebec who entered into subscription contracts for satellite or internet radio services provided by Sirius XM Canada Inc., and whose subscription fees were unilaterally increased by Sirius XM Canada Inc. since September 1, 2013 without proper notice."

2. The following principal issues of fact or law will be dealt with collectively at the present stage of the class action:
 - a. Is Sirius XM Canada Inc. a "Merchant" governed by Quebec's *Consumer Protection Act* ("CPA")?
 - b. Is Sirius XM Canada Inc. required to send a notice which clearly and legibly sets out both the amended subscription fees and the current subscription fees in order to be entitled to collect increased subscription fees from the members of the Class?
 - c. Did the notices sent by Sirius XM Canada Inc. to its consumers before increasing subscription fees during the Class period comply with the requirements of the CPA?
 - d. If Sirius XM Canada Inc. failed to comply with the requirements of the CPA before charging consumers an increase in subscription fees, is

the Petitioner entitled to recover the increased fees paid by the members of the Class to Sirius XM Canada Inc?

- e. How much money did Sirius XM Canada Inc. collect from members of the Class during the Class period, collectively, for increased subscription fees over and above the initial subscription fees paid?
- f. Is Sirius XM Canada Inc. responsible to pay punitive damages for its systematic violation of the CPA, under the circumstances, and if so, what amount of punitive damages should Sirius XM Canada Inc. be condemned to pay collectively?

3. Union des Consommateurs seeks the following conclusions in respect of the above issues:

GRANT the Class Action against the Respondent, Sirius XM Canada Inc.;

CONDEMN the Respondent to pay to the Petitioner, for the benefit of the Class, the total amount of subscription fees that it collected from Class members during the Class period over and above the subscription fees that Class members paid during their initial pay periods, to be recovered collectively, the whole with interest and the additional indemnity provided by law;

CONDEMN the Respondent to pay punitive damages of \$15 million, the whole with interest and the additional indemnity provided by law;

ORDER collective recovery of the total amount of the claims herein;

ORDER that the claims of the members of the Class be the object of individual liquidation in accordance with Articles 596 to 598 C.C.P. or, if impractical or inefficient, order the Respondent to perform any remedial measures that this Honourable Court deems to be in the interests of the members of the Class;

CONDEMN the Respondent to any further relief as may be just and proper;

WITH legal costs, including the costs of all exhibits, reports, expertise and publication of notices.

4. The class action will proceed in the district of Montreal.

5. **All members of the Class are invited to communicate with the following attorneys for the Class, in order to obtain additional information in respect**

of the class action and in order to be informed about their rights. The communications will be confidential and free of charge:

Me Robert Kugler, rkugler@kklex.com
Me Pierre Boivin, pboivin@kklex.com

Kugler Kandestin, LLP
1 Place Ville-Marie, Suite 1170
Montreal, Quebec, H3B 2A7
Tel. (514) 878-2861
Toll-free : 1-844-999-2861
Fax : (514) 875-8424

6. All members of the Class are automatically eligible to benefit from, and will be bound by, the class action, without needing to join.
7. If you do not want to be eligible to benefit from the class action, you must opt out of the Class within sixty (60) days of the present notice, as follows:
 - a. If a member has not already instituted an individual action against Sirius XM Canada Inc., the member may opt out of the class action by notifying the clerk of the Superior Court of the district of Montreal pursuant to Article 580 of the *Code of Civil Procedure*;
 - b. Any member of the Class who has already instituted an individual action against Sirius XM Canada Inc. before a civil court which the final judgment of the present class action would otherwise determine, is deemed to have opted out of the present class action if he or she does not discontinue his or her individual action prior to the deadline to opt out.
8. A member may be granted intervenor status if the Court considers same to be useful to the Class.
9. No class member other than the class representative or an intervenor may be condemned to pay legal costs arising from the class action.
10. The class action has not ended and a final judgment has not yet been rendered. A new notice will be published once a final judgment has been rendered in respect of this class action.
11. This notice is given pursuant to the *Code of Civil Procedure* of Quebec and by Order of the Court. It is a summary of the terms of the authorization judgment. If there is any conflict between the provisions of this notice and the terms of the authorization judgment, the authorization judgment shall prevail.

The present notice was authorized and approved by the Honourable Stéphane Sansfaçon, j.s.c.