

## **NOTICE OF HEARING FOR THE APPROVAL OF A SETTLEMENT IN THE QUEBEC CLASS ACTION AGAINST SIRIUS XM CANADA INC.**

On November 3, 2023, the Superior Court of Quebec will hear an Application for Approval of a Settlement (the "**Settlement**") in a Quebec class action brought by Union des consommateurs (the "**Plaintiff**") against Sirius XM Canada Inc. ("**SXM**").

The class action was filed for the benefit of a class of Quebec consumers whose subscription fees charged by SXM were allegedly unilaterally increased during the period from September 1, 2013 to September 22, 2018 (hereinafter the "**Period**"). The Plaintiff alleged that the alleged unilateral modifications of subscription fees violated section 11.2 of the *Quebec Consumer Protection Act*. The Plaintiff's allegations have never been proven in court and were contested by SXM. The Settlement is a compromise of disputed claims, without any admission of liability, wrongdoing or fault, on the part of SXM, or any admission of concessions on the part of the Plaintiff.

In the event that the Court approves the Settlement, members of the class authorized by the Superior Court on February 23, 2018 (the "**Class**"), being all natural persons in Quebec who subscribed to SXM's satellite radio or internet services and whose subscription fees increased during the Period, will be able to benefit from the Settlement.

### **Summary of the Settlement**

Under the Settlement to be submitted to the Court for approval, SXM will pay a lump-sum of CAN \$22 million, in addition to reimbursing costs incurred (expert fees, publication costs for legal notices communicated to Class members, as well as the costs for the administration of the Settlement).

Each member of the Class who is no longer party to a subscription contract with SXM as of the date of August 31<sup>st</sup>, 2023 (including, for greater certainty, members of the Class that are on free trial but have not agreed to become party to a subscription contract with SXM pursuant to which they will have to pay subscription fees at the expiry of their free trial) will receive an amount of money (either by Interac e-Transfer, cheque or direct deposit), as calculated by experts, based on the alleged unilateral increases in the subscription fees charged by SXM during the Period.

Each member of the Class who (i) is still a party to a subscription contract with SXM as of the date of August 31<sup>st</sup>, 2023 pursuant to which they have paid subscription fees or (ii) who is on a free trial and has agreed to become party to a subscription contract with SXM pursuant to which they will have to pay subscription fees at the expiry of their free trial, will receive a payment by direct credit into their current active SXM account, as calculated by experts, based on the alleged unilateral increases in the subscription fees charged by SXM during the Period. This payment will be credited towards subscription fees payable to SXM for the next billing period(s) until the entirety of the payment has been credited. For subscribers who elect not to continue their SXM subscription prior to fully crediting the payment towards subscription fees, the balance, if any, will be directly refunded to the credit card on file with SXM, unless the subscriber instructs SXM to proceed to a different form of payment at the time of account closing.

At the hearing of the Application for Approval of the Settlement, class counsel will also seek Court approval for a fee of 25% of the Settlement for their work on this class action over the past seven (7) years.

### **The Hearing for the Approval of the Settlement**

The Settlement is subject to Court approval. The Superior Court of Quebec will preside a hearing to determine whether it will approve the Settlement on **November 3, 2023, at 9:30 a.m., in room 16.05** of the Montréal Courthouse located at 1 Notre-Dame Street East in Montréal and via Teams at this [link](#). This link will also be posted on class counsel's website at: <https://kklex.com>.

The Plaintiff and class counsel strongly recommend approval of the Settlement, being of the view that it is in the best interests of the Class members.

You do not have to attend the hearing to benefit from the Settlement if it is approved.

However, if you wish to object to the approval of the Settlement or the approval of class counsel's fees, you have the right to do so by providing class counsel with a signed notice of objection no later than October 25, 2023, which notice must contain your name, contact information and reasons for objecting. You will also need to indicate whether you intend to be present in Court during the Settlement Approval Hearing, and whether you intend to be represented by independent counsel (in which case, you will need to provide the name and contact details of that counsel, if known).

### **For further information**

For more information and to obtain a complete copy of the terms of the Settlement, you can access the following website: <https://kklex.com>. If you have any questions, you can contact class counsel, the law firm Kugler Kandestin LLP, by mail, email or telephone.

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**This Notice was approved by the Superior Court of Quebec.**