

CANADA

(Class Actions)

PROVINCE OF QUEBEC
DISTRICT OF MONTRÉAL

SUPERIOR COURT

N° : 500-06-000902-185

PIERRE-OLIVIER FORTIER

Plaintiff

v.

UBER CANADA INC.

– and –

UBER TECHNOLOGIES INC.

– and –

UBER B.V.

– and –

RASIER OPERATIONS B.V.

– and –

UBER PORTIER B.V.

Defendants

NOTICE TO MEMBERS

1. **TAKE NOTICE** that the Honourable Justice Gary D.D. Morrison of the Quebec Superior Court, district of Montreal, authorized the plaintiff Pierre-Olivier Fortier to bring a class action suit against the defendants Uber Canada inc., Uber Technologies inc., Uber B.V., Uber Operations B.V. et Uber Portier B.V. (“**Uber**”) pursuant to a judgement rendered on September 28, 2021, on behalf of the persons belonging to the subclasses described below, namely:

“All persons residing in Quebec who, as users, provided Uber with personal information that was collected, held, retained and used by Uber and disclosed and/or made accessible without authorization to a third party in October of 2016”

“All persons residing in Quebec who, as drivers, provided Uber with personal information that was collected, held, retained and used by Uber and disclosed and/or made accessible without authorization to a third party in October of 2016”

*Collectively the “**Class**”*

2. The class action follows the hacking of Uber in October 2016. The plaintiff alleges that on this occasion, personal information of the Class members (i.e. information collected, held, retained and used by Uber) was made accessible to two hackers, through a cloud provider's servers which were used by Uber to hold and retain this information.

The allegations brought by the plaintiff against Uber and for which damages are claimed concern breaches in the protection of Class members' personal information, including the unauthorized use of a cloud provider's servers to hold and retain the information and the intentional concealment of the information hacking for over a year.

3. Pierre-Olivier Fortier represents the members of the Class, having been designated Class representative. The contact details of the plaintiff's attorneys are as follows:

Me Caroline Biron (cbiron@woods.qc.ca)
Me Carolan Villeneuve (cvilleneuve@woods.qc.ca)
WOODS LLP.
2000, McGill College Avenue
Suite 1700
Montreal (Quebec) H3A 3H3
Telephone: 514 982-4545
Fax: 514 284-2046

4. The Class Members are invited to contact the plaintiff's attorneys or Me Maripier Ainey, paralegal, at 514 982-4545, or by email at classactions@woods.qc.ca for more information on the class action and on their rights. Communications are free of charge, confidential and protected by professional secrecy.
5. The main factual or legal questions to be addressed collectively are the following:
 - a) Did the Defendants fail in their contractual obligations to protect the personal information provided by the Class Members?
 - b) Does the Defendants' conduct constitute a failure of their obligation of prudence and diligence?
 - c) Did the Defendants fail in their obligations to protect the personnel information of Class Members under the *Personal Information Protection and Electronic Documents Act*?
 - d) Did the Defendants fail in their obligations to protect the personnel information of Class Members under the *Act respecting the protection of personal information in the private sector*?
 - e) Did the Defendants fail in their more general obligation to inform the Class Members that their personnel information had been compromised once they learned of the Uber hacking?

- e.1) Does the Defendants' conduct constitute a failure of their obligation to act in good faith?
- f) Did the Defendants fail in their obligations obligation under the *Civil Code of Québec* and the *Consumer Protection Act* to not conduct disloyal commercial practices, including the obligation not to make false and misleading representations to Class Members regarding the collection, holding, retention, use and disclosure of their personal information and not to fail to mention an important fact?
- g) Did the Defendants illegally and intentionally interfere with the Class Members' fundamental rights and freedoms protected by the *Quebec Charter of Human Rights and Freedoms*?
- h) If it is demonstrated that the Defendants fail in their obligations and duties, are the Class Members entitled to be compensated for the damages suffered?
- i) If so, what is the appropriate amount of moral, pecuniary and punitive damages to which the Class Members are entitled?
- j) Are the Defendants solidarily liable for the moral and pecuniary damages caused to the Class Members?

6. The conclusions sought in relation to the foregoing questions are as follows:

GRANT the Plaintiff's Originating Application;

CONDEMN the Defendants, solidarily, to pay the Plaintiff non-pecuniary damages, in an amount *à parfaire* at trial, as well as interest at the legal rate and the additional indemnity provided at article 1619 of the *Civil Code of Québec*, from the date of service of the Application for Authorization to Exercise a Class Action;

CONDEMN the Defendants, solidarily, to pay the Plaintiff pecuniary damages, in an amount *à parfaire* at trial, as well as interest at the legal rate and the additional indemnity provided at article 1619 of the *Civil Code of Québec*, from the date of service of the Application for Authorization to Exercise a Class Action;

GRANT the Plaintiff's class action for all Class Members;

CONDEMN the Defendants, solidarily, to pay each Class Member non-pecuniary damages, in an amount *à parfaire* at trial, as well as interest at the legal rate and the additional indemnity provided at article 1619 of the *Civil Code*

of Québec, from the date of service of the Application for Authorization to Exercise a Class Action;

CONDEMN the Defendants, solidarily, to pay each Class Member pecuniary damages, in an amount *à parfaire* at trial, as well as interest at the legal rate and the additional indemnity provided at article 1619 of the *Civil Code of Québec*, from the date of service of the Application for Authorization to Exercise a Class Action;

CONDEMN the Defendants to pay to the Plaintiff and the Class Members the amount of \$10,000,000 as punitive damages, in an amount *à parfaire*, as well as interest at the legal rate and the additional indemnity provided at article 1619 of the *Civil Code of Québec*, from the date of service of the Application for Authorization to Exercise a Class Action;

ORDER collective recovery of the claims for non-pecuniary and punitive damages for all Class Members and individual liquidation of the claims of Class Members in accordance with articles 595 to 598 of the *Code of Civil Procedure*;

ORDER collective recovery of the claims for pecuniary damages for all Class Members and individual liquidation of the claims of Class Members in accordance with articles 595 to 598 of the *Code of Civil Procedure*, and, alternatively, order the individual recovery of claims for pecuniary damages for all Class Members in accordance with articles 599 to 601 of the *Code of Civil Procedure*.

7. The class action suit instituted by the Plaintiff, Pierre-Olivier Fortier, must be exercised in the judicial district of Montreal.
8. A Class Member having already filed an Originating Application with the same subject matter as the class action shall be deemed to be excluded from the Class if this member does not discontinue said Originating Application before the expiry of the exclusion period.
9. A Class Member who has not already instituted an Originating Application with the same subject matter as the class action may exclude himself or herself from the Class by notifying in writing, by registered mail, the clerk of the Quebec Superior Court, district of Montreal, before the expiry of the exclusion period:

Clerk of the Superior Court of Quebec
1, Notre-Dame East Street
Montreal (Quebec)
H2Y 1B6

10. A Class Member wishing to be excluded must do so no later than thirty (30) days after the publication of this notice to Class Members, by June 29, 2022.
11. All Class Members who have not excluded themselves shall be bound by any judgment rendered in this class action.
12. A Class Member may make an intervention which will be received by the Court if it is considered useful to the Class. An intervening Class Member is required to submit to an examination at the defendants' request. A Class Member who does not intervene in the class action may only be subjected to an examination on discovery if the Court considers it necessary.
13. A Class Member other than a representative or an intervenor cannot be called upon to pay the legal costs of a class action.
14. Proceedings and other important documents relating to this class action are available on the following websites:
 - The Register of Class Actions' website:
<https://www.registredesactionscollectives.quebec>
 - Plaintiff's attorney's website concerning class actions currently underway:
<https://www.classactions.ca>

THE PUBLICATION OF THIS NOTICE HAS BEEN ORDERED BY THE COURT

May 30, 2022