

FORM OF SETTLEMENT APPROVAL NOTICE (LONG FORM)

ZOOM PRIVACY CLASS ACTION

COURT APPROVED NOTICE OF SETTLEMENT APPROVAL

Gabriel Guese v. Zoom Video Communications, Inc., VLC-S-203879

A court authorized this notice. It is not a solicitation from a lawyer.

Read this notice carefully as it may affect your legal rights.

If you used Zoom Meetings between April 1, 2018 and June 30, 2020, you could be entitled to benefits, including a cash payment, under a class action settlement.

You must file a claim by the Claim Deadline July 2, 2024 to receive benefits from this Settlement. To file a claim form, please visit the Claims Administrator's website at: zoomclassaction.ca

This notice is directed to:

Persons residing in Canada who had a registered Zoom Meetings user account or a paid Zoom Meetings subscription as of June 30, 2020 and who:

- (i) registered, used, opened, or downloaded the Zoom Meetings Application between April 1, 2018 and June 30, 2020; or
- (ii) paid money to Zoom for a Zoom Meetings subscription between April 1, 2018 and June 30, 2020,

but excluding Enterprise and Business Subscribers as of June 30, 2020 and End User Accounts associated with Enterprise and Business Subscribers as of June 30, 2020.

(the "**Class Members**")

Capitalized terms referenced above have the following meanings:

"Zoom Meetings App" or "Zoom Meetings Application" means Zoom's software and web-based application known as "Zoom Meetings" or "Zoom Cloud Meetings," as well as third-party applications built using a Zoom software development kit that provide users the ability to access Zoom videoconferencing meetings. For clarity, Zoom Meetings App does not include other Zoom products, such as Zoom Phone, Zoom Video Webinars, OnZoom, or Zoom Events.

Enterprise and Business Subscribers means purchasers of Zoom Meetings licenses for the "Enterprise," "Business," or "Business Plus" levels of Zoom's pricing plans (as opposed to other account types, including "Basic" or "Pro" levels (see [<https://zoom.us/pricing>])), plus any purchaser of 100 or more Zoom Meetings licenses.

End User Account means a Zoom Meetings user account that belonged to, was controlled by, or was provisioned by a person paying for a Zoom Meetings subscription.

READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR LEGAL RIGHTS. YOU MAY NEED TO TAKE PROMPT ACTION.

Important Deadline

Claim Deadline (to file a claim for compensation): **July 2, 2024**

Claims Forms will not be accepted after the Claim Deadline. As a result, it is necessary that you act without delay.

Purpose of this Notice

This Notice advises Class Members of the approval of the settlement of the class action styled as *Gabriel Guese v. Zoom Video Communications, Inc.*, VLC-S-203879 (the “**Class Action**”) brought on behalf of the Class Members. This notice provides Class Members with information about how to apply for compensation from the Settlement. **Class Members who wish to apply for compensation must do so by July 2, 2024.**

Court Approval of the Settlement

In April 2020, the Class Action was commenced in the British Columbia Supreme Court on behalf of persons residing in Canada. The defendant is Zoom Video Communications, Inc. (“**Zoom**”).

The Class Action relates to the alleged unauthorized sharing of Class Members’ information and alleged misrepresentations regarding end-to-end encryption on the Zoom Meetings Application. Specifically, the Class Action advances four theories of alleged conduct by Zoom: (i) alleged unauthorized sharing of users’ information with Facebook through the incorporation of Facebook’s software development kit in the iOS Zoom application; (ii) alleged unauthorized sharing of users’ information with Google through the incorporation of Google’s Firebase Analytics software development kit in the Android Zoom application; (iii) unauthorized sharing of users’ information with third parties through third-party developers’ development and deployment of apps that integrate with Zoom’s products; and (iv) allegations that Zoom advertised Zoom Meetings as being end-to-end encrypted at a time when the plaintiff alleges that it was not.

Zoom denies these allegations. The court has not decided who is right.

On April 24, 2023, the British Columbia Supreme Court certified the Class Action as a multi-jurisdictional class proceeding and authorized Gabriel Guese to act as representative plaintiff on behalf of the Class Members.

The parties have engaged in lengthy settlement negotiations. On March 27, 2023, the plaintiff and Zoom executed a Settlement Agreement providing for the settlement of the Class Action (the “**Settlement**”). The Settlement provides for the payment of CAD\$2 million (the “**Settlement Funds**”) in consideration of the full and final settlement of the claims of Class Members. The Settlement Funds include all legal fees, disbursements, taxes and administration expenses. On June 6, 2023, the Parties executed an Addendum to the Settlement Agreement.

In return for the payment of the Settlement Funds, the Settlement provides that the claims of all Class Members asserted, or which could have been asserted in the Class Action, will be fully and finally released and the Class Action will be dismissed. The Settlement is not an admission of liability, wrongdoing, or fault on the part of Zoom, which denies the allegations against it.

On January 2, 2024, the court approved the Settlement and ordered that it be implemented in accordance with its terms.

The court also awarded Class Counsel legal fees at 25% of the remaining Settlement Funds after payment out of all Administration Expenses and applicable taxes, and approved disbursements of CAD\$22,796.41. As is customary in such cases, Class Counsel conducted the Class Action on a contingency fee basis. Class Counsel was not paid as the matter proceeded and funded the expenses of conducting the litigation. Class Counsel Fees will be deducted from the Settlement Funds before they are distributed to the Class Members.

Expenses incurred or payable relating to the approval, notification, implementation and administration of the Settlement (“**Administration Expenses**”) will also be paid from the Settlement Funds before they are distributed to Class Members.

Class Members’ Release of Claims Against Zoom

Pursuant to the court orders approving the Settlement, the claims of Class Members which were or could have been asserted in the Class Action are now released and the Class Action has been dismissed. Class Members may not pursue individual or class actions for those claims, regardless of whether or not they file a claim for compensation from the Settlement. **The Settlement therefore represents the only means of compensation available to Class Members in respect of the claims raised or which could have been raised in the Class Action.**

Class Members’ Entitlement to Compensation

Class Members will be eligible for compensation pursuant to the Settlement if they submit a completed claim form, including any supporting documentation, to the Claims Administrator, and their claim satisfies the criteria set out in the Distribution Protocol.

To be eligible for compensation under the Settlement, Class Members must submit their claim form and supplementary documentation **no later than** 11:59p.m. PT on July 2, 2024 (the “**Claim Deadline**”). Only Class Members who submit a valid and timely claim are permitted to recover from the Settlement.

After deduction of Class Counsel Fees and Disbursements, Administration Expenses and any honorarium for the plaintiff, the balance of the Settlement Funds (the “**Net Settlement Amount**”) will be distributed to Class Members in accordance with the Distribution Protocol.

Each Class Member who has filed a valid claim will receive a portion of the Net Settlement Amount calculated in accordance with the Distribution Protocol. The Distribution Protocol provides for the following types of claims:

- **Subscriber Claim:** If you are a Class Member who paid money to Zoom for a Zoom Meetings subscription between April 1, 2018 and June 30, 2020, you are eligible to file a claim for the greater of \$15 or 15% of the money you paid to Zoom for the core subscription (i.e., not including other Zoom products or add-on features) during that time.

For example, if you spent \$75 on a Zoom Meetings App subscription during the relevant time period, 15% of \$75 is \$11.25. Because \$11.25 is less than \$15, your claim will be treated as a claim for \$15.

- **Registered User Claim:** If you are a Class Member who is not eligible for a Subscriber Claim and you used, opened or downloaded the Zoom Meetings Application between April 1, 2018 and June 30, 2020, you are eligible to file a claim for \$15.

If the total amount claimed exceeds the amount available for claims, then each payment will be reduced on a *pro rata* basis. Once the allocations of all Class Members who have filed valid claims have been ascertained, the Net Settlement Amount will be allocated to those Class Members.

In the event that any amounts remain undistributed after the distribution of the Net Settlement Amount (whether as a result of a failure to locate claimants, the failure of any Class Member to make a valid claim, or as a result of any tax refunds or any distributed cheques having become stale-dated or ineligible for redemption), those amounts will be distributed to eligible Class Members in accordance with the Distribution Protocol (if sufficient to warrant a further distribution) or allocated *cy-près* to the Law Foundation of British Columbia.

If the total number of valid Subscriber Claims and Registered User Claims exceeds 261,000 (equal to approximately 3% of an estimated total class of 8.7 million individuals), then the net Settlement will be allocated *cy-près* to the Law Foundation of BC, without any distribution to individual Settlement Class Members.

Claims Administrator

The Court has appointed RicePoint Administration Inc. as the Claims Administrator of the Settlement. The Claims Administrator will, among other things: (i) receive and process the Claim Forms; (ii) determine Class Members' eligibility for and entitlement to compensation pursuant to the Distribution Protocol; (iii) communicate with Class Members regarding claims for compensation; and (iv) manage and distribute the Net Settlement Amount in accordance with the Settlement Agreement and the orders of the court. The Claims Administrator can be contacted at: **zoomclassaction.ca**

Filing a Claim

All claims for compensation from the Settlement must be received by the Claims Administrator no later than July 2, 2024.

The most efficient way to file a claim is to visit the Claims Administrator's website at **zoomclassaction.ca**. The website provides step-by-step instructions on how to file a claim. If you do not have a claim code, the Claims Administrator may require certain information and supporting documentation from you, as determined by the Claims Administrator. **Accordingly, Class Members should visit the Administrator's website as soon as possible so that they have time to obtain the required documentation prior to the Claim Deadline.**

The Claims Administrator will also accept claim forms filed by mail or courier. To obtain a copy of the claim form, Class Members may print one from the Claims Administrator's website or contact the Claims Administrator to have one sent by regular mail or email. Forms sent by mail or courier should be sent to:

Zoom Settlement
Attn: Claims Administrator
P.O. Box 3355
London, ON, N6A 4K3

Class Members with questions about how to complete or file a claim form, or the documentation required to support a claim, should visit **zoomclassaction.ca**.

Copies of Settlement Documents

Copies of the Settlement Agreement, Distribution Protocol, the claim form and the orders of the court may be found on the Claims Administrator's website (**zoomclassaction.ca**) at Class Counsel's websites (**<https://parsonscorrin.ca/practice-areas/class-actions/zoom-privacy-breach-class-action/>**) or by contacting Class Counsel via the contact information provided below.

Class Counsel

The law firms of Collette Parsons Corrin LLP and Murphy Battista LLP are Class Counsel. Inquiries may be directed to:

Parsons Corrin LLP
Attn: Zoom Privacy Class Action
1750 – 700 West Georgia Street
PO Box 10090
Vancouver, BC V7Y 1B6

Tel: 604-662-7777
Toll Free: 1-800-999-4991
Fax: 604-669-4053

Email: zoominquiries@parsonscorrin.ca

Interpretation

If there is a conflict between the provisions of this Notice and the Settlement Agreement, the terms of the Settlement Agreement will prevail.

PLEASE DO NOT CONTACT THE COURT WITH INQUIRIES ABOUT THE CLASS ACTION OR THE SETTLEMENT. All inquiries should be directed to the Claims Administrator or Class Counsel.

DISTRIBUTION OF THIS NOTICE HAS BEEN AUTHORIZED BY THE BRITISH COLUMBIA SUPREME COURT