

# NOTICE OF CLASS ACTION SETTLEMENT APPROVAL HEARING

*Purvis v. Dell USA L.P. & Dell Canada Inc.*

Supreme Court of Nova Scotia, Hfx. No. 500912

## NOTICE OF PROPOSED SETTLEMENT

A class action was filed in the Supreme Court of Nova Scotia on October 1, 2020, against Dell USA L.P. and Dell Canada Inc. arising from the theft of customer information from a service provider used by the Defendants and the use of that information by third parties to carry out targeted tech support scam calls, as referenced in letters sent by the Defendants to affected individuals on April 2, 2018 and January 25, 2019 (the “Dell Notices”). The class action alleged negligence, intrusion upon seclusion, and vicarious intrusion upon seclusion in relation to the data thefts, and sought compensation for the alleged privacy breaches.

The parties have reached a proposed settlement which would provide benefits to the 14,179 individuals to whom the Defendants sent the Dell Notices (the “Class”). Further details are contained in the proposed Settlement Agreement.

The Court must approve the settlement before it can be implemented. The Court must be satisfied that the settlement is fair, reasonable and in the best interests of the Class. The Court must also certify the class action. The hearing of the motion to certify the class action and approve the Settlement Agreement will be held on February 27, 2025, at 9:30 a.m. at The Halifax Law Courts, 1815 Upper Water Street in Halifax, Nova Scotia.

## TERMS OF PROPOSED SETTLEMENT

The Defendants have agreed to pay up to \$2,100,000 to compensate eligible Class Members and pay the administration costs and legal fees.

If approved, the Settlement Agreement will provide up to two types of compensation to Class Members who qualify.

Base Payments: All Class Members will be eligible for a payment of \$85 upon return of a Distribution Form in accordance with the Distribution Protocol. The Distribution Form will be made available to eligible Class Members if the settlement is approved.

Economic Loss Claim Payments: Up to \$3,000 will be paid to Class Members who can establish that, as a result of the data thefts, they incurred a fraudulent credit card or other banking charge, or costs to remediate computers or technological equipment, and who provide the necessary supporting documentation by the applicable deadline. A Class Member can receive no more than \$3,000 under this category. Amounts for approved economic losses may be reduced based on the number of approved claims and other costs of administration.

Further terms and conditions of eligibility for compensation are outlined in the proposed Settlement Agreement.

## LEGAL FEES

At the hearing, Wagners will be seeking the Court’s approval of legal fees in the amount of \$426,064.50 plus applicable taxes for their work in relation to this class action and settlement, in addition to reimbursement of expenses paid by class Counsel. Wagners will also seek approval of payment of an honorarium to the Representative Plaintiff in the amount of \$3,000.

## PARTICIPATION IN SETTLEMENT

If the Settlement Agreement is approved, the notification process and distribution process will be administered by a third-party claims administrator, Verita Global (formerly RicePoint). If the Settlement Agreement is approved, eligible Class Members will automatically receive notification from Verita Global along with a link to the Distribution Form that must be completed and returned by the applicable deadline in order to receive compensation.

## UPDATE YOUR CONTACT INFORMATION IF EMAIL ADDRESS HAS CHANGED SINCE JANUARY 2019

If you were sent one or both of the Dell Notices but your email address has changed since that time, and you believe you are an eligible Class Member, you must contact Verita Global immediately to ensure that your new email address is on file. They will verify if you are in fact a Class Member and will include your updated contact information in further notices. If you do not contact Verita Global with your updated email address, you will likely not receive any compensation.

If you would like to update your contact information, please contact Verita Global:

Dell Settlement Administrator  
c/o Verita Global  
P.O. Box 3355  
London, ON N6A 4K3  
Phone: 1-833-419-4499  
Email: dellsettlement@veritaglobal.com  
Website URL: www.DellSettlement.ca

### **WHO IS INCLUDED, AND WHAT IF I DON'T WANT TO PARTICIPATE IN THE SETTLEMENT?**

If approved, the proposed settlement will include the 14,179 individuals to whom the Defendants sent the Dell Notices on April 2, 2018 and January 25, 2019.

If you do not want to participate in the settlement, you do not need to do anything. You can simply choose not to submit a claim for compensation.

If, however, you want to **opt-out** of the class action so that your claim is not released and you preserve any legal claim you may have relating to the data thefts, then you will have an opportunity to opt-out by sending an opt-out form to Verita Global, the Settlement Administrator (contact information above) to be received on or before the Opt-Out Deadline. There is no ability to opt-out unless and until the Action is certified and the proposed Settlement Agreement is approved.

### **SETTLEMENT APPROVAL HEARING AND YOUR RIGHT TO PARTICIPATE**

If you wish to object to the proposed settlement or the payment of legal fees to Class Counsel, you may submit a written objection, referencing this class action, to Wagners no later than **December 28, 2024**. Objections received by the deadline will be provided to the Court for consideration at the hearing. You may also attend the settlement approval hearing and, subject to the direction of the Court, you may be able to make a submission to the Court.

A Class Member who wishes to object to the settlement or legal fees shall provide in their objection:

- Full name, mailing address, email address of person who is objecting;
- A brief statement of the nature and reasons for the objection;
- A declaration that the person believes they are a member of the Class and the basis for that belief;
- Whether the person intends to appear at the approval hearing.

### **MORE INFORMATION**

For more information, please visit [www.DellSettlement.ca](http://www.DellSettlement.ca). If you have any questions, please contact Verita Global at the information above. Alternatively, you may contact Wagners at the below contact information:

Wagners  
1869 Upper Water Street  
Suite PH 301, Pontac House  
Historic Properties  
Halifax NS B3J 1S9  
Telephone: 1-800-465-8794/902-425-7330  
Email: classaction@wagners.co

**This notice has been approved by the Supreme Court of Nova Scotia.  
Do not contact the Court about this notice.**