

CLASS ACTION AGAINST WAYFAIR LLC (“WAYFAIR”)

NOTICE OF CLASS ACTION AUTHORIZATION AND SETTLEMENT APPROVAL HEARING

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

WHO IS A MEMBER?

This notice is intended for all persons in Quebec who, between January 4, 2016 and June 15, 2017, ordered one of the following goods from the wayfair.ca website and had their purchase cancelled by Wayfair as a result of a pricing error in the advertised price:

- i) Montgomery Loveseat listed on January 12, 2016;
- ii) Laguna 8-piece seating group listed on July 15, 2016;
- iii) Milano 5-piece deep seating group listed on September 6, 2016.

(the “Class”).

PURPOSE OF THIS NOTICE

On September 12, 2016, Naomi Zouzout (the “**Class Representative**”) instituted proceedings in the Superior Court of Quebec (the “**Court**”) seeking permission to bring a class action against Wayfair on behalf of the Class (the “**Application for Authorization**”). The Application for Authorization alleges that Wayfair acted in violation of the Quebec *Consumer Protection Act* when it cancelled orders due to a pricing error and violated the *Competition Act* by listing incorrect prices. In her proposed class action, the Class Representative was seeking both compensatory and punitive damages against Wayfair.

A Settlement Agreement has been reached between the Class Representative and Wayfair. The Settlement Agreement is not an admission of liability on the part of Wayfair.

Pursuant to the Settlement Agreement, each member of the Class will have the choice to receive either a) the product originally ordered from the wayfair.ca website if it is still available or b) a store credit for the difference between the actual price of the product and the price listed when the order was made.

On June 16, 2017, the parties presented the Court with a joint application to authorize the proposed class action for settlement purposes only. On June 29th, 2017, the Court authorized the Class Representative to institute a class action in the judicial District of Montreal on behalf of the Class, for settlement purposes only, and identified the following principal issue to be dealt with collectively:

Are the Class members entitled to compensation for their orders being cancelled by Wayfair LLC due to a pricing error?

If you are a member of the Class, you have the right to seek intervenor status in the class action. Class members other than the Class Representative or an intervenor cannot be ordered to pay legal costs arising from the class action.

OPTING OUT OF THE CLASS ACTION

If you wish to remain a Class member in the class action, you have nothing to do.

If you wish to opt out of the class action, you must advise the clerk of the Superior Court for the District of Montreal by registered mail before **August 31, 2017**, at 1 Notre-Dame Street East, Montreal, Quebec, H2Y 1B6. Any Class member that does not opt out before the deadline will be bound by judgments to follow in the class action, including any judgment approving the Settlement Agreement.

SETTLEMENT APPROVAL HEARING

On **September 18, 2017**, the Court will hear an Application for Approval of the Settlement Agreement and an Application to Approve Class Counsel's Fees (the "**Applications for Approval**"). The hearing will take place at the **Montreal Courthouse** located at **1, rue Notre-Dame East**, in **Montreal, H2Y 1B6**, in **Room 15.07**, starting at **9:30 am**.

At this hearing, the Court will determine whether the Settlement Agreement is fair and reasonable and in the best interests of the Class members.

At the same hearing, counsel for the Representative will ask the Court to approve the payment of \$15,000 for its fees and \$2,500 for its expenses, plus applicable taxes. Such fees and expenses will not be deducted from any credit or goods offered to Class members.

OPPOSING THE APPLICATIONS FOR APPROVAL

If you wish to comment on the Settlement Agreement or make an objection to the Applications for Approval at the hearing, you can communicate your reasons for contesting in writing by replying to this email by **August 31, 2017**, at the latest.

You may also attend the hearing whether or not you make a formal objection in writing, and address the Court with your concerns.

RELEASE OF CLAIMS AND EFFECT ON OTHER PROCEEDINGS

If the Settlement Agreement receives the Court's approval, you will be bound by the terms of the Settlement Agreement, unless you elect to opt-out of the class action in due time. This means that you will not be able to bring or maintain any other claim or legal proceedings against Wayfair in relation to the matters alleged in these proceedings. If you elect to opt-out, you will not be eligible for any of the benefits of the Settlement Agreement.

ADDITIONAL INFORMATION AND QUESTIONS

The complete versions of the Settlement Agreement and the Applications for Approval can be found at www.lpclex.com.

For any questions concerning the Settlement Agreement and the Applications for Approval, please communicate with the Class Representative's counsel:

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Please be advised that the present notice only contains a summary of the Applications for Approval. In case of conflict between this notice and the applications, the Applications for Approval will govern.

THIS NOTICE WAS AUTHORIZED BY THE HONOURABLE MICHÈLE MONAST, J.C.S.