

Notice of Approval Hearing

The Class Action Proceeding

On July 4, 2016, a class action lawsuit was filed by a Québec consumer ("the Representative Plaintiff") against numerous defendants, including Audible Inc. The Representative Plaintiff claims that since July 4, 2013, the defendants offered services in violation of the Québec *Consumer Protection Act (CPA)* (chapter P-40.1). More specifically, it is alleged that, contrary to CPA s. 230 c), Audible and other companies allowed customers to sign up to receive goods or services for free for a certain period and then began charging for those goods or services unless the customers took steps to indicate that they no longer wished to receive such goods or services after the trial period.

The class action lawsuit is more fully described in the *Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative*.

On November 1st, 2017, the Superior Court of Québec authorized the *Class Action against Audible* for settlement purposes only.

The Audible Settlement Approval Hearing

The purpose of this notice is to inform you that the Parties have reached the *Audible Settlement Agreement*, without any admission of liability on the part of Audible.

The *Audible Settlement Agreement* is subject to Court approval. The Superior Court of Québec will hold a hearing on April 13, 2018 at 9:00, in room 2.08 of the Montréal Courthouse located at 1 Notre-Dame Street East in Montréal, to determine whether the Court will approve the *Audible Settlement Agreement*.

You may attend the hearing if you wish but you have no obligation to do so. If you agree with the proposed settlement and wish to be bound by it, you have nothing at all to do.

Summary of Audible Settlement Agreement

According to the *Audible Settlement Agreement*, Audible agrees to provide two (2) settlement credits to all eligible accounts of each settlement class member. These credits may be used towards the purchase of any single-volume audiobook on Audible.com, regardless of the announced purchase price. These credits have no cash value, are not transferable, and are non-refundable. The settlement credits do not expire and an Audible membership is not required to redeem them.

As part of the *Audible Settlement Agreement*, Audible will receive from the Representative Plaintiff and the other settlement class members a full release of any and all claims made in the *Application to Authorize the Bringing of a Class Action and to Appoint the Status of Representative* against Audible.

Audible also agrees to pay the class counsel fees of LPC Avocat Inc. (as detailed in the *Audible Settlement Agreement*).

Right of Exclusion (Opt Out)

If you do not wish to be bound by the *Class Action against Audible* and the *Audible Settlement Agreement*, you must send, by no later than January 15, 2018, to the clerk of the Superior Court of Québec a signed request of exclusion containing all of the following information:

1. The name and Court docket number of this case, which is: *Benabu vs. Vidéotron S.E.N.C.R.L. et al.* (500-06-000798-161);
2. Your name, address, phone number(s) and email address(es) associated with your Audible.com account; and
3. Specific confirmation that you wish to exclude yourself (opt out) of the *Class Action against Audible* and the *Audible Settlement Agreement*.

The request for exclusion (opt out) must be sent by registered or certified mail to the Court, with a copy to class counsel, at the following addresses:

<p><u>TO:</u> Greffe de la Cour supérieure du Québec PALAIS DE JUSTICE DE MONTRÉAL 1 Notre-Dame Street East Room 2.120 Montréal (Québec) H2Y 1B5</p>	<p><u>WITH COPY</u> <u>TO:</u> Mtre Joey Zukran LPC Avocat Inc. 5800, Cavendish Blvd. Suite 411 Côte St-Luc, Québec, H4W 2T5 email: jzukran@lpclex.com fax: (514) 221-4441</p>
--	--

If you opt-out from the *Class Action against Audible* and *Audible Settlement Agreement*, you will not be eligible to receive the two (2) settlement credits from Audible and you will be solely responsible for ensuring and prosecuting your own rights and recourses against Audible at your own costs and within any applicable legal time periods.

You will not receive any further notice regarding your right to opt-out with respect to the *Class Action against Audible*.

**Right to Object or to Make Arguments
 With Regard to the Settlement**

The Parties' attorneys will make representations to the Court in support of the *Audible Settlement Agreement* during the above-mentioned settlement approval hearing. If you wish, you can also come to Court to present your arguments or objections (Right to Object) with regard to the *Audible Settlement Agreement*. You have no obligation to do so.

To exercise your Right to Object, you must submit a signed objection notice that briefly states your name, contact information, the reasons why you object, whether your intent is to be present in Court during the *Audible Settlement Agreement* approval hearing on April 13, 2018, and if you intend to be represented by independent counsel (providing the name and contact information of said counsel, if known).

The objection notice must be sent by no later than January 15, 2018, to class counsel at:

Mtre Joey Zukran, LPC Avocat Inc., 5800, Cavendish Blvd, Suite 411, Côte St. Luc, Québec, H4W 2T5, email: jzukran@lpclex.com, fax: (514) 221-4441.

If you agree with the proposed settlement and wish to be bound by the *Audible Settlement Agreement*, you have no obligation to submit any notices whatsoever and you have no obligation to be present at the hearing.

For More Information

For more information and to access a copy of the complete terms of the *Audible Settlement Agreement* and the Court judgment(s), you can access the following website: WWW.LPCLEX.COM.

This notice has been approved by the Superior Court of Québec.