

Superior Court of Quebec file #: 500-06-001219-233
Martin-Bale v. Dell Canada Inc.

NOTICE OF AUTHORIZATION OF A CLASS ACTION

THIS NOTICE CONCERNS YOU IF, ON JANUARY 25, 2023, YOU PLACED AN ORDER FOR A NINTENDO SWITCH CONSOLE PRICED AT \$79.99 ON DELL CANADA'S WEBSITE WHILE YOU HAD A BILLING ADDRESS IN QUEBEC AND YOUR ORDER WAS THEREAFTER CANCELLED BY DELL CANADA.

1. **TAKE NOTICE** that on March 26, 2024, the Superior Court of Quebec, authorized the bringing of a class action against Dell Canada Inc. ("**Dell Canada**") seeking compensation on behalf of the following Class:

All consumers with a billing address in Quebec who placed an order for a Nintendo Switch console for \$79.99 on Dell Canada's website on January 25, 2023, and whose purchase was thereafter unilaterally cancelled by Dell Canada.

2. This class action will proceed in the Judicial District of Montreal.
3. The Superior Court has not yet ruled on the merits of the class action, nor on any compensation that may be awarded to class members. Dell Canada contests the allegations contained in the class action.
4. The principal questions of fact and law to be determined collectively by the Court are the following:
 - a) By cancelling consumers' orders, did Dell Canada violate the *Consumer Protection Act*?
 - b) If so, are Class members entitled to compensation and in what amount?
 - c) Are the Class members entitled to punitive damages and, if so, in what amount?
5. The conclusions sought in relation to these questions are the following:

GRANT the Plaintiff's and Class Members' action against the Defendant;

CONDEMN the Defendant to pay to the Class Members an amount to be determined in compensatory damages;

CONDEMN the Defendant to pay to each of the Class Members \$500 in punitive damages;

ORDER that the damages be subject to collective recovery;

ORDER the Defendant to pay interest and the additional indemnity on the above sums according to law from the date of service of the Authorization Application;

ORDER the Defendant to deposit in the office of this Court the totality of the sums which form part of the collective recovery, with interest and costs;

ORDER that the claims of individual Class Members be the object of collective liquidation if the proof permits and alternately, by individual liquidation;

THE WHOLE with costs including the cost of notices, the cost of management of claims and the costs of experts, if any, including the costs of experts required to establish the amount of the collective recovery orders;

6. The Court appointed the status of Representative Plaintiff to Mr. Alexander Martin-Bale to act on behalf of the Class.
7. The address of class counsel is the following:

**Mtre. Joey Zukran
LPC Avocats**

276 Saint-Jacques Street, Suite 801
Montréal, Québec, H2Y 1N3
Tel. : 514-379-1572
Fax: (514) 221-4441
jzukran@lpclex.com

8. **If you wish to be included** in the class action, **no action is required on your part**. If you do not want to participate in the class action, you can opt out of the Class. You may wish to opt out if, for example, you prefer to pursue your own legal action at your own expense against Dell Canada.
9. Any Class member who has not requested to opt out in the manner set out below will be bound by any judgment to be rendered in the class action. If you opt out, you will not be entitled to any compensation if a favourable judgment or settlement is reached in this class action.
10. The date after which a Class member may no longer opt out unless specifically authorized by the Court is **November 15, 2024**.

11. A Class member who wishes to opt out of the class action may do so before the expiry of the deadline to opt out by advising the clerk of the Superior Court of Quebec in the District of Montreal in writing:

Superior Court of Quebec
1 Notre-Dame Street East
Montreal, Quebec, H2Y 1B6

You must state that you wish to exclude yourself from the following class action:
Martin-Bale v. Dell Canada Inc. (Court file #: 500-06-001219-233).

12. Any Class member who has brought (prior to the expiration of the deadline to opt out) an action having the same subject matter as the class action is deemed to have opted out of the Class if he or she does not discontinue that court action before the expiration of the deadline to opt out.
13. A member of the Class may seek authorization from the Court to intervene if the intervention is considered helpful to the Class. A Class member who intervenes is required to submit to a pre-trial examination at the request of the Defendant. A Class member who does not intervene may not be subject to a pre-trial examination unless the Court considers that it would be useful for its determination of the issues of law or fact to be dealt with collectively.
14. No class member other than the Representative Plaintiff or an intervenor may be required to pay legal costs arising from the class action.

This notice is only a summary of the judgment authorizing the class action, the complete text of which may be found on the website [here](#). You may also contact class counsel listed above. Your name and any information provided, will be kept confidential. Please do not contact the Judges of the Superior Court.

**THE DISTRIBUTION OF THIS NOTICE TO CLASS MEMBERS HAS BEEN
APPROVED AND ORDERED BY THE SUPERIOR COURT OF QUEBEC.**