

## **DISTRIBUTION PROTOCOL**

1. The Settlement Funds will be distributed to eligible Class Members taking into account their years of service with BlackBerry as of February 28<sup>th</sup>, 2017.
2. Eligible Class Members must meet the following criteria:
  - a. All persons in Canada who were employees and/or dependent contractors of BlackBerry Limited (“BlackBerry”), who worked for BlackBerry in Canada, and who were offered and accepted employment with the Ford Motor Company of Canada (“Ford”) between January 1, 2017 and April 30, 2017, while excluding BlackBerry employees who filed a complaint pursuant to section 96 of the *Employment Standards Act, 2000* seeking termination pay and/or severance pay and did not withdraw that complaint within two weeks;
  - b. Who did not opt out of the Class Action; and
  - c. Who completed at least three months of service with BlackBerry.
3. The distribution of settlement funds is explained in **Exhibit A** below. Settlement funds will be paid in two installments.
4. Following the Court’s approval of the Settlement, Class Counsel will notify eligible Class Members of the approval of the Settlement by providing notice in accordance with the Court approved Notice Plan. Eligible Class Members must then complete a Claim Administration Form by December 31<sup>st</sup>, 2025 to confirm their length of service with BlackBerry and their contact details.
5. After December 31<sup>st</sup>, 2025, Class Counsel will commence the distribution of the First Installment payments by sending a cheque to each eligible Class Member, who completed a Claim Administration Form, representing their portion of the Settlement Funds.
6. Class Counsel will deliver a report to the Court by January 30<sup>th</sup>, 2026 confirming the following:
  - a. The number of Class Members who completed a Claim Administration Form and received the First Installment payment; and
  - b. The total amount distributed to Class Members.
7. Within 30 days of receiving the Claim Administration Forms from *all* Class Members, but no later than March 2<sup>nd</sup>, 2026 (or on such other date that the Court orders), Class Counsel shall send the Second Installment to Class Members via cheque.
8. Within 60 days following the final distribution of the Settlement Funds in accordance with the Distribution Protocol, Class Counsel will deliver a report to the Court confirming the following:
  - a. The number of Class Members who received funds from the Settlement Funds; and
  - b. The total amount distributed to Class Members.

## **Exhibit A: Settlement Fund Distribution**

Under the proposed settlement, BlackBerry will pay CDN \$4 million (the “**Gross Settlement Funds**”). The Gross Settlement Funds, plus any interest, and less court-approved legal fees, disbursements, honoraria for the four instructing Class Members, administration expenses, and applicable taxes, are available for compensation to eligible Class Members (“**Net Settlement Funds**”).

An honorarium is a sum of money payable to the four instructing Class Members to recognize the contributions they have made to advance this Class Action. Class Counsel will ask the Court to approve the following amounts as honoraria for the four instructing Class Members: \$25,000.00 for the Representative Plaintiff and \$15,000.00 for each of the three other instructing Class Members, totaling \$70,000.00.

After the proposed allocation to legal fees (\$1.9 million in legal fees, disbursements, and administrative costs for distributing the settlement funds) and the allocation to the honoraria (\$70,000.00), there will be \$2,030,000.00 to distribute to Class Members as Settlement Funds. The \$2,030,000.00 will be paid taking into account Class Members’ years of service with BlackBerry as of February 28<sup>th</sup>, 2017, allocated as follows:

- 1) Class Members with less than 3 months’ service will not receive any settlement funds
- 2) The remaining Class Members will be divided into two tiers:
  - a. Tier 1: Class Members with less than 5 years’ service
  - b. Tier 2: Class Members with 5 or more years’ service
- 3) The Payment will be made in two installments. The first installment will be paid as follows:
  - a. Tier 1: \$400 per complete or partial year of service; and
  - b. Tier 2: \$800 per complete or partial year of service

Through litigation, BlackBerry provided the Plaintiffs with the start date for all Class Members. Class Counsel will send all Class Members a document to complete as part of the Claim Administration Form to confirm the accuracy of their recorded start date. Class Counsel will create a process for Class Members to dispute their years of service in the event the information is incorrect.

Class Counsel will give Class Members until December 31<sup>st</sup>, 2025 to make claims. In the event they do not make a claim, their settlement entitlement will be added to the Holdback (see below) amount to be split amongst the Class Members that do make a claim.

- 4) The balance of the Settlement Funds following the first installment payments will be referred to as a “Holdback”. Class Counsel has created the Holdback to ensure that, in the event Class Members successfully dispute their start date, there are sufficient settlement funds remaining to pay any additional amounts owed.

Moreover, the total settlement amount may increase because Class Counsel will hold the settlement funds in an interest-bearing account until the funds can be distributed, and as such, the Holdback allows that amount to be evenly distributed to Class Members. Class Counsel estimates that the Holdback should be approximately \$172,248.77 plus interest. Once the first installments are paid to all eligible Class Members who have completed the Claim Administration Form, but no later than March 2<sup>nd</sup>, 2026, the entire Holdback will be distributed as a second installment to eligible Class Members who have completed a Claim Administration Form as follows:

- a. The Holdback shall be paid on a prorated basis to all Class Members in the same proportion as the first installment
  - b. The Holdback for each Class Member shall be calculated as follows:
    - i. The Holdback amount will be divided by half the cumulative sum of the total years of service of all Tier 1 Class Members and the full cumulative sum of all Tier 2 Class Members (hereinafter referred to as the “Holdback Multiplier”)
    - ii. Each Class Member shall receive:
      1. Tier 1: the Holdback Multiplier times half of their years of service (including partial years of service)
      2. Tier 2: the Holdback Multiplier times their years of service (including partial years of service)
- 5) The following example illustrates the proposed distribution. Specifically, we have created eight hypothetical Class Members for the purposes of showing the calculation. For this hypothetical example, we are treating these eight Class Members as the entire Class:

The First Installment is illustrated in *Figure 1*:

Class Member	Years of service	Tier	First Installment
<b>A</b>	2.5	Tier 1	\$1,000.00
<b>B</b>	1	Tier 1	\$400.00
<b>C</b>	8.6	Tier 2	\$6,880.00
<b>D</b>	12.5	Tier 2	\$10,000.00
<b>E</b>	3.3	Tier 1	\$1,320.00
<b>F</b>	4.2	Tier 1	\$1,680.00
<b>G</b>	6.6	Tier 2	\$5,280.00
<b>H</b>	13.1	Tier 2	\$10,480.00

The Second Installment will vary if any Class Members dispute their years of service, and as such, will need to be calculated *after* the First Installment. **For purposes of this**

**hypothetical example only** (and notwithstanding the fact that we expect the Holdback amount to be approximately \$170,000.00), we will fix the Holdback at \$10,000.00.

To calculate the Holdback Multiplier, we will apply the following formula:

- HM = Holdback Multiplier
- HB = Holdback
- T1 = total cumulative years of service of Tier 1 Class Members
- T2 = total cumulative years of service of Tier 2 Class Members

$$HM = \frac{HB}{[(0.5) \times T1] + T2}$$

Each Class Member will then receive the Holdback Multiplier times their total complete and partial years of service.

Based on the above information:

- HB = \$10,000
- T1 = 11
- T2 = 40.8

Given this, the Holdback Multiplier would be:

$$HM = \frac{\$10,000}{[(0.5) \times 11] + 40.8}$$
$$HM = \$215.98$$

The formulas for calculating each Class Member's Second Installment are as follows:

*Tier 1 Class Members:*

$$\text{Second Installment} = HM \times \frac{\text{Years of Service}}{2}$$

*Tier 2 Class Members:*

$$\text{Second Installment} = HM \times \text{Years of Service}$$

From here, each Tier 1 and 2 Class Member will receive the following Second Installment amounts in *Figure 2*:

Class Member	Years of service	Second Installment
A	2.5	\$269.98
B	1	\$107.99
C	8.6	\$1,857.43
D	12.5	\$2,699.75

<b>E</b>	3.3	\$356.37
<b>F</b>	4.2	\$453.56
<b>G</b>	6.6	\$1,425.47
<b>H</b>	13.1	\$2,829.34