

NOTICE OF HEARING
For Settlement Approval and Class Counsel Fee Approval in BlackBerry Class Action

***Parker v BlackBerry Limited*, Court File No. 17-71659**

This is a formal Notice, approved by the Ontario Superior Court of Justice

TO: 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 (the “**Class Members**”).

A SETTLEMENT HAS BEEN REACHED IN THIS CASE, SUBJECT TO COURT APPROVAL

PLEASE READ THIS NOTICE CAREFULLY as it provides important information about the proposed settlement, distribution of settlement funds, and Class Members’ rights in respect of the settlement and proposed distribution

You are receiving this Notice because you are a Class Member in a Class Action against BlackBerry.

WHAT IS THIS CLASS ACTION ABOUT?

This Class Action is known as *Parker v BlackBerry Limited*, Court File No. 17-71659. The person who sued, David Parker, is the **Representative Plaintiff**. Mr. Parker sued BlackBerry Limited (“**BlackBerry**”) (the Defendant) on behalf of the Class Members, who were offered and accepted employment with Ford. The Class Members are represented by Nelligan Law (“**Class Counsel**”).

This Class Action alleges that, in arranging to transfer the Class Members’ employment to Ford in 2017, BlackBerry failed to provide them with certain entitlements and breached its duty of good faith. BlackBerry expressly denies the allegations and claims and has maintained its position throughout.

This Class Action was certified by the Ontario Superior Court of Justice on May 27, 2019.

For more information about this Class Action, please visit: <https://nelliganlaw.ca/class-actions/blackberry/>.

WHAT SETTLEMENT HAS BEEN REACHED?

The Representative Plaintiff and BlackBerry (the “**Parties**”) have reached a proposed settlement for a total, all-inclusive payment of CDN \$4 million (including in respect of legal costs, interest,

and administration expenses) (“**Settlement Agreement**”). The amount paid to Class Members will be in respect of general damages, meaning that it is non-taxable. Class Counsel fees and certain expenses associated with the Class Action will be deducted from the total settlement amount prior to the payment to Class Members.

BlackBerry expressly denies any wrongdoing or liability. The proposed settlement will resolve the litigation entirely.

Class Counsel and the Representative Plaintiff recommend the settlement because it provides Class Members with reasonable compensation and avoids the risks of proceeding to trial which will cause further delays, costs, unknown results, and potential appeals.

The settlement and Class Counsel’s fees are subject to the Court’s approval. The Court will hold a hearing to decide whether to approve the settlement and whether to approve Class Counsel’s fees **on July 30th, 2025 at 10:00 a.m. (“Settlement Approval and Class Counsel Fee Approval Hearing”)**. Class Members and members of the public may, but are not required to, attend the Settlement Approval and Class Counsel Fee Approval Hearing. Class Members are entitled to object to the settlement.

If the settlement is not approved, the Representative Plaintiff will need to prove his claims and the claims of the other Class Members against BlackBerry at trial. There is no guarantee that the Representative Plaintiff would win any money for the Class Members at trial.

WHO QUALIFIES FOR COMPENSATION?

Class Members who did not opt out of the Class Action, and who completed at least three months of service with BlackBerry, qualify for compensation.

The Class Member definition is: 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.

WHAT HAPPENS TO THE SETTLEMENT MONEY?

The Plaintiff will seek approval from the Court for a method of distributing the settlement funds.

Under the proposed settlement, BlackBerry will pay a total of CDN \$4 million (including in respect of legal costs, interest, and administration expenses) (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, 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
 - 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 31st, 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 not later than March 2, 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
A	2.5	Tier 1	\$1,000.00
B	1	Tier 1	\$400.00
C	8.6	Tier 2	\$6,880.00
D	12.5	Tier 2	\$10,000.00
E	3.3	Tier 1	\$1,320.00
F	4.2	Tier 1	\$1,680.00
G	6.6	Tier 2	\$5,280.00
H	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), 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 is 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
E	3.3	\$356.37
F	4.2	\$453.56
G	6.6	\$1,425.47
H	13.1	\$2,829.34

WHO ARE THE LAWYERS (CLASS COUNSEL) AND HOW MUCH ARE THEY GETTING PAID?

The Class Members are represented by Nelligan O'Brien Payne LLP ("Nelligan Law").

Nelligan Law can be reached at blackberryclassaction@nelliganlaw.ca.

Class Members do not personally pay Class Counsel. Class Counsel will ask the Court to approve legal fees and expenses of \$1.9 million to compensate Class Counsel for the work they have done and the expenses they have incurred in advancing this Class Action since it began in February 2017.

The \$1.9 million will include payment of legal fees, disbursements, costs associated with distributing the Net Settlement Funds, and taxes.

The \$1.9 million payment will be paid out of the \$4 million Gross Settlement Funds. Class Counsel are only paid if there is a successful settlement or positive judgement following a trial/appeal.

The Court's approval of the Settlement Agreement is not contingent on the Court's approval of Class Counsel's fees or the honoraria to the four instructing Class Members.

WHAT ARE CLASS MEMBERS' RIGHTS AND OPTIONS?

Do nothing If the Court approves the Settlement Agreement, Class Counsel will contact you (if you are an eligible Class Member) via email and/or mail to advise you of the approval. At that point, you will need to fill out a **Claim Administration Form** by December 31, 2025, to ensure that Class Counsel has your correct length of service with BlackBerry and contact details so that you can receive compensation from the settlement.

Class Counsel will also post information on their website advising Class Members of the approval of the settlement and providing a link for Class Members to complete the Claim Administration Form. You should periodically check Class Counsel's website to stay current on the Class Action.

Object Class Members have the right to object to the proposed settlement. If you want to object to the proposed settlement, you must send your written submissions (setting out your objection) to Class Counsel by **June 30th, 2025**. You can access the **Objection Form** at <https://nelliganlaw.ca/wp-content/uploads/2025/04/Objection-Form.pdf>

The submissions must include:

- Your name, address, and telephone number;
- A summary of the reasons you oppose the proposed settlement; and
- Whether you plan to attend the Settlement Approval and Class Counsel Fee Approval Hearing.

If you object to the settlement, you are asking the Court to not approve it. If the Court does not approve the settlement, there will be no settlement proceeds at this time, and there may never be money to distribute to Class Members in the future.

If the Court does not approve the settlement, then the Class Action will continue.

Submissions will be shared with the Court and BlackBerry.

WHERE CAN I GET MORE INFORMATION?

Further information is available at: <https://nelliganlaw.ca/class-actions/blackberry/>

You can also contact Class Counsel at:

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