

NOTICE OF SETTLEMENT APPROVAL AND CLASS COUNSEL FEE APPROVAL ORDER

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**”).

You are receiving this Notice because you are a Class Member in a Class Action against BlackBerry, and you are entitled to receive compensation.

SETTLEMENT APPROVED

The Representative Plaintiff and BlackBerry (the “**Parties**”) reached a settlement of the Class Action, which was approved by the Court on July 30, 2025.

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 Parties have reached a settlement for a total, all-inclusive payment of CDN \$4 million (the “**Gross Settlement Funds**”) in full and final settlement of all claims against BlackBerry (including

in respect of legal costs, interest, and administration expenses). BlackBerry will receive releases on behalf of the Class Members, and the Class Action will be dismissed.

BlackBerry expressly denies any wrongdoing or liability.

The Gross Settlement Funds, plus any interest, and less Class Counsel's fees, disbursements, honoraria for the four instructing Class Members, administration expenses, and applicable taxes, will be distributed 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 since it began in February 2017. The Court has approved the following amounts as honoraria for the four instructing Class Members: \$15,000.00 for the Representative Plaintiff and \$5,000.00 for each of the three other instructing Class Members, totaling \$30,000.00.

The amount paid to Class Members will be in respect of general damages, meaning that it is non-taxable.

Further details of the settlement, including a copy of the Settlement Agreement and the Court's Order approving the Settlement Agreement are available at: <https://nelliganlaw.ca/class-actions/blackberry/>.

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.

If you are not sure whether you are an eligible Class Member, you may email blackberryclassaction@nelliganlaw.ca with questions.

WHAT HAPPENS TO THE SETTLEMENT MONEY?

The Court has approved the following method of distributing the settlement funds.

After the 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 (\$30,000.00), there will be \$2,070,000.00 to distribute to Class Members as Settlement Funds. The \$2,070,000.00 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 \$212,248.77 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 \$210,000), 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

WHAT DO CLASS MEMBERS NEED TO DO TO RECEIVE COMPENSATION UNDER THE SETTLEMENT AGREEMENT?

Confirm your participation in the settlement

Confirm your participation in the settlement by completing a Claim Administration Form, which will confirm your length of service with BlackBerry and your contact details. Class Members will receive a Cover Letter from Nelligan Law which will provide instructions for completing the Claim Administration Form.

You must submit your Claim Administration Form by December 31, 2025.

If you do not submit your Claim Administration Form by December 31, 2025, you will not receive compensation from the settlement.

Class Members are bound by the settlement and have released any legal claim they may have against BlackBerry for the same subject matter as this Class Action.

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's fees and expenses have been approved by the Court and will be deducted from the Gross Settlement Funds. The Court has approved a payment of \$1.9 million to Class Counsel which includes legal fees, disbursements, costs associated with distributing the Net Settlement Funds, and taxes.

FOR MORE INFORMATION

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

You can also contact Class Counsel at:

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