

NOTICE OF CERTIFICATION OF CLASS PROCEEDING

Please review this notice carefully because it may affect your legal rights

You are receiving this notice because BlackBerry Limited (“BlackBerry”) has reviewed its records and indicated that you: (a) were an employee of BlackBerry, who worked in Canada; (b) were offered and accepted employment with the Ford Motor Company of Canada between January 1, 2017 and April 30, 2017; and (c) did not file a complaint pursuant to section 96 of the *Employment Standards Act, 2000* claiming termination pay and/or severance pay. As such, you are a Class Member (as described below) in this class proceeding lawsuit. This lawsuit has now been certified by the Ontario court to proceed as a class action. There has been no determination by the court regarding the merits of the claims.

You do not have to do anything to participate in this class proceeding. For more information about this class proceeding you can visit the following website: <https://nelliganlaw.ca/class-actions/blackberry/>.

This notice is being provided to you pursuant to section 17 of the *Class Proceedings Act, 1992* and was approved by the Court.

Summary

The Representative Plaintiff in this case, David Parker (the “Plaintiff”), alleges that BlackBerry wrongfully terminated the employment of the individuals who are described in the class definition set out below. Specifically, the Plaintiff alleges that the arrangement between BlackBerry and Ford was a termination at law, entitling Class Members to severance entitlements based on the *Employment Standards Act, 2000*, the individual’s employment contract, and/or the common law (“Severance”). BlackBerry did not provide Class Members with any Severance on termination and, as such, this class proceeding is seeking Severance for the Class Members.

The Plaintiff also alleges that BlackBerry’s failure to pay out Severance, and its agreement to this arrangement with Ford, breached its contractual obligation of good faith to its employees, entitling Class Members to additional amounts for aggravated and punitive damages.

If the action is successful, the amount of damages each employee may be entitled to varies based on personal factors including their written employment contract, salary, age, seniority, and years of service with BlackBerry.

BlackBerry is contesting this action and denies the Plaintiff’s allegations and claims. Its position is that employees were not wrongfully terminated, but instead made individual decisions to accept Ford’s employment offer and leave BlackBerry.

On May 27, 2019, Justice Charbonneau released his decision to certify the proposed action as a class proceeding. The Court has not yet determined whether this action will be successful. It

will now proceed through various procedural steps leading up to a common issues trial, which has not yet been scheduled.

Who is included in this action?

If you fall within the class definition, you are automatically included in this action. The class definition includes:

All persons in Canada who were employees and/or dependant 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.

You do not have to do anything to remain a Class Member in this action. However, **if you do not wish to be included** in this class proceeding, you must review and file the Opt-Out Form enclosed with this Notice. **You must opt out by March 15, 2020**, and if you do not provide the Opt-Out Form by this date, you will remain a Class Member.

Whether or not the class proceeding is successful, all Class Members who do not opt out will be bound by the final judgement of the Court. This will mean that, if you remain a Class Member, you will not be able to start your own legal proceeding against BlackBerry dealing with the same issues and damages being sought in this action. Should you wish to start your own action against BlackBerry, we recommend you seek independent legal advice.

There is no financial cost to you to participate in the determination of the common issues trial. However, it is possible that your individual participation in the lawsuit will be required to determine whether you have a valid claim or whether you suffered losses. Should the need arise, Class Counsel will contact you to make arrangements.

Other matters

Nelligan Law LLP has been appointed as Class Counsel by the Court.

With some exceptions, Class Counsel will be paid legal fees only if the lawsuit is successful.

If the Class Members receive any recovery (including for example a damages award, settlement, or order for legal fees), legal fees and disbursements incurred by Class Counsel will be deducted from the total amounts recovered on behalf of the Class. The amount of such legal fees and disbursements will have to be approved by the Court prior to being paid, following notice to the Class of the fees sought by Class Counsel and submissions from both parties and interested Class members. A recovery includes the receipt of money or benefits in any manner whatsoever including, but not limited to, settlement or Court Order, as a result of efforts made on behalf on Class Members.



If the class proceeding is unsuccessful, Mr. Parker may be responsible for any costs or other legal expenses incurred in prosecuting the action; however, you and other Class Members will have no financial obligations in respect of the lawsuit.

Contact Class Counsel

For more information about this class proceeding, including accessing the documents filed in Court, visit the website listed above or contact Leigh Norton by email (leigh.norton@nelliganlaw.ca), phone (613-231-8216), or regular mail (50 O'Connor St, Suite 300, Ottawa, ON K1P 6L2).

Because we are your legal counsel in this matter, please direct any questions you have about this action to our office. You should not contact BlackBerry's legal counsel or the Courthouse to discuss this action.

You can also sign up for email updates and provide information to Class Counsel here: <https://nelliganlaw.ca/class-actions/blackberry/>.