

FACEBOOK SPONSORED STORIES CLASS ACTION

LEGAL NOTICE: READ THIS CAREFULLY AS YOU MAY BE A MEMBER OF A CLASS ACTION LAWSUIT AGAINST FACEBOOK

You are receiving this notice because you may be a class member in a class action lawsuit filed in the Supreme Court of British Columbia against Facebook, Inc. by Deborah Douez of Victoria, B.C. On May 10, 2018, the B.C. Court of Appeal decided the lawsuit can proceed as a class action. Read the Court's judgement [here](#).

The BC Supreme Court has directed that this notice be provided to all potential class members.

WHAT IS THE LAWSUIT ABOUT?

The plaintiff alleges that Facebook used class members' names and portraits in a marketing product called "Sponsored Stories" (alleged by the plaintiff to be advertisements), without class members' consent, in violation of the *Privacy Acts* of British Columbia, Saskatchewan, Manitoba, and Newfoundland and Labrador.

The plaintiff is asking the Court to order Facebook to pay damages to class members for Facebook's alleged breach of the *Privacy Acts*. Payment is sought without proof of individual loss. This means that if Facebook is found liable, damages will be assessed for the class as a whole. Any class members that do not opt out of this lawsuit (see below) will not be able to seek damages they allege to have personally sustained from Sponsored Stories beyond sums assessed for the class as a whole.

ARE YOU A CLASS MEMBER AND INCLUDED IN THE LAWSUIT?

The lawsuit is brought on behalf of all resident natural persons of British Columbia, Saskatchewan, Manitoba, and Newfoundland and Labrador that were members of Facebook at any time during the period from January 1, 2011 to May 30, 2014 and:

- a) who at any time during this period were registered with Facebook using their real name, or had a profile picture that included an identifiable self-image, or both; and
- b) whose real name, identifiable portrait, or both were used by Facebook in a Sponsored Story.

This "class" is divided into two "subclasses": a Resident Subclass consisting of members from British Columbia, and a Non-Resident Subclass consisting of members from Saskatchewan, Manitoba, and Newfoundland and Labrador.

If you fit this definition, you are automatically included as a member of the class action unless you opt out by May 10, 2020. If you want to opt out, please see the section titled "What if I do not want to take part?"

If you are a class member and if you do not opt out, you cannot sue Facebook on your own for damages arising from Facebook's alleged breach of the *Privacy Acts* as a result of use of your name or portrait in Sponsored Stories. The plaintiff will ask the court to assess damages for the class as a whole without proof of any individual loss you may have sustained.

DO YOU NEED TO PAY TO PARTICIPATE IN THE LAWSUIT?

No. You do not need to pay anything out of your pocket to take part in the lawsuit. The lawyers appointed by the Court to represent the class, will only be paid if the claims are successful. If that occurs, the lawyers will ask the Court to approve a fee calculated between 25% to 33.33% of the amounts recovered on behalf of class members. They will also ask to be reimbursed for their disbursements, which must also be approved by the Court.

WHAT IF YOU ARE A CLASS MEMBER, BUT YOU DON'T WANT TO TAKE PART?

If you do not want to take part, you must opt out of this class action lawsuit. If you opt out the results of the lawsuit will not apply to you – good or bad. To opt out, you must send a written request to:

Branch MacMaster LLP attn.: Sarah Cleary
1410-777 Hornby Street, Vancouver, BC V6Z 1S4

Class members that want to opt out must submit their request by May 10, 2020. Class members that do not submit an opt out request by May 10, 2020; will continue to be a part of the class action. The judgment of the Court in respect of issues common to the class will be binding on class members that do not opt out.

DO YOU NEED MORE INFORMATION?

More information is available at www.branchmacmaster.com/class_actions/facebook-sponsored-stories/ along with the Order of the Supreme Court of British Columbia certifying the action, and other Court documents.

The CLASS LAWYERS are Christopher Rhone, Luciana Brasil, Avichay Sharon and Setareh Khasha. They can be reached at:

- Email: asharon@branmac.com / skhasha@branmac.com
- Telephone: 604-654-2999
- Fax: 604-684-3429
- Mail: 1410 – 777 Hornby Street, Vancouver, BC V6Z 1S4

***This notice has been authorized by the British Columbia Supreme Court.**