

**CANADA**

**PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL**

**(Class Actions)  
SUPERIOR COURT**

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**NO:** 500-06-000897-179

**RAPHAEL BADAoui  
and  
BENJAMIN LOEUB**

Representative Plaintiffs

v.

**APPLE CANADA INC.  
and  
APPLE INC.**

Defendants

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**ADDENDUM TO THE APPLE SETTLEMENT AGREEMENT**

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**WHEREAS** the Settlement Agreement was executed by the parties on April 20, 2023 (the “**Settlement Agreement**”);

**WHEREAS** the *Application to Approve a Class Action Settlement and for Approval of Class Counsel’s Fees* was presented before the Superior Court on October 20, 2023;

**WHEREAS** the Court granted said application and approved the Settlement Agreement by judgment rendered on March 19, 2024;

**WHEREAS** during the implementation of the Settlement Agreement, Class Counsel discovered that certain AppleCare+ purchasers were unable to receive the compensation provided for them under the terms of the Settlement Agreement as negotiated and following an assessment of same, it became apparent that this was due to a complication with the class data (the “**Complication**”);

**WHEREAS** the Complication is that there are additional Eligible AppleCare+ contracts that should have been included and covered in this class action and its Settlement Agreement;

**WHEREAS** the Representative Plaintiff and the Defendants believe it is appropriate to modify the Settlement Agreement in order to account for and provide the same compensation to the additional Eligible AppleCare+ purchasers;

**WHEREAS** the modification to the Settlement Agreement provided for herein does not affect or prejudice, in any way, the rights and obligations of the Class Members;

**NOW THEREFORE**, the parties hereto respectively declare as follows:

1. The Settlement Agreement is amended by adding section 1.1(bb.1):

(bb.1) **Additional Notice of Hearing and Opt-Out** means (as applicable) the French and English notice of the hearing for approval of the present Addendum to the Settlement Agreement, approved by the Court, to inform the Eligible AppleCare Class Members of *inter alia*: (1) the Opt-Out Procedure and Deadline; (2) the date of the hearing to approve this Addendum to the Settlement Agreement; and (3) the key terms of the Settlement Agreement and of this Addendum to the Settlement Agreement, which will be substantially in the form of **Schedule B.1** hereto, or as modified by the Court. This Notice of Hearing and Opt-Out will be sent to the Eligible AppleCare Class Members who did not previously receive notice of the Settlement Agreement due to the Complication.

2. The Settlement Agreement is amended by adding section 1.1(cc.1):

(cc.1) **Additional Notice of Court Order** means (as applicable) the notice of the order approving the present Addendum to the Settlement Agreement, including the difference in Class Counsel Fees that result from the amendment to section 1.1(nn) as outlined below, to inform the Eligible AppleCare Class Members of *inter alia*: (1) the approval of this Addendum to the Settlement Agreement, and (2) the process by which the Eligible AppleCare Class Members will receive payment and can make a claim.

3. The Settlement Agreement is further amended by inserting the underlined text in section 1.1(nn) as follows:

(nn) **Settlement Amount** means the all-inclusive amount of six million Canadian Dollars (CAD \$6,000,000.00) plus the additional amount of eighteen million nineteen thousand eight hundred seventy-six dollars and seventy cents in Canadian Dollars (CAD \$18,019,876.70), payable by the Defendants, plus any interest earned on any portion of the Settlement Amount pursuant to Article V of this Settlement Agreement until the last payment is made pursuant to the Distribution Protocol (Schedule F). The Total Settlement Fund and Class Counsel Fees and Disbursements are included in the Settlement Amount.

4. The remaining provisions of the Settlement Agreement continue to apply, with the necessary adjustments taking into account the present Addendum, namely for the issuance of the *Additional Notice of Hearing and Opt-Out* and for the *Additional*

*Notice of Court Order*, as well as for the applications required to obtain approval of said notices.

5. By no later than January 24, 2025, the Defendants shall place CAD \$18,019,876.70 representing the remainder of the Settlement Amount, in trust with Defence Counsel. Within five (5) business days of such deposit, Defence Counsel will confirm to Class Counsel that it is holding this amount in trust in an interest-bearing account, the whole pursuant to section 5.1(a) of the Settlement Agreement.
6. Class Counsel will file an application asking the Court to approve this Addendum including the difference in Class Counsel Fees that result from the amendment to section 1.1(nn) and the Defendants will take no position on this request, other than that they have agreed to pay these amounts, the whole pursuant to section 11.1(a) of the Settlement Agreement.
7. Within ten (10) business days from the judgment approving the Addendum being final, Defence Counsel shall transfer the additional sums and interest accrued to the Account in accordance with section 5.1(c) of the Settlement Agreement.
8. Within five (5) business days therefrom, the Claims Administrator shall transfer the Class Counsel Fees resulting from the change to section 1.1(nn) to Class Counsel, as approved by the Court.
9. Additional Notice of Court Order shall be sent to all Eligible AppleCare Class Members and the Claims Deadline shall be extended for all Eligible AppleCare Class Members to the date that is sixty (60) days from the date that the Additional Notice of Court Order is first disseminated, pursuant to section 1.1(k) of the Settlement Agreement.
10. No other provisions of the Settlement Agreement are to be affected or otherwise modified by the present Addendum.

**IN WITNESS WHEREOF**, the Parties hereto have signed on the dates and at the places detailed below.

(signature page follows)

**PLAINTIFFS**

**Montreal, Quebec, Canada**

**November 25, 2024**

Signed by:



68A67B0FA1D2488  
Raphaël Badaoui

DocuSigned by:



59CD52278A7B4A4...  
Benjamin Loeub

**CLASS COUNSEL FOR PLAINTIFFS**

**Montreal, Quebec, Canada**

**November 25, 2024**

Signed by:



1F839BE28EC8463...  
Per: Joey Zukran  
**LPC AVOCATS**

DocuSigned by:



F8FADE5AE2BD42C  
Per: Michael Vathilakis  
Renno Vathilakis Avocats Inc.

**DEFENDANTS**

**Cupertino, California, USA**

**December X, 2024**

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Per: Heather Grenier, VP, Commercial Litigation/Legal and Global Security Operations  
**APPLE CANADA INC. AND APPLE INC.**

**PLAINTIFFS**

**Montreal, Quebec, Canada**

**November 25, 2024**

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Raphael Badaoui

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Benjamin Loeub

**CLASS COUNSEL FOR PLAINTIFFS**

**Montreal, Quebec, Canada**

**November 25, 2024**

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Per: Joey Zukran  
**LPC AVOCATS**

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Per: Michael Vathilakis  
Renno Vathilakis Avocats Inc.

**DEFENDANTS**

**Cupertino, California, USA**

**December 1st, 2024**

*Heather Grenier*

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Per: Heather Grenier, VP, Commercial  
Litigation/Legal and Global Security  
Operations  
**APPLE CANADA INC. AND APPLE  
INC.**