

APP STORE & iTUNES GIFT CARDS CLASS ACTION

Notice of Certification and Settlement Approval Hearing

THIS CLASS ACTION WAS CERTIFIED FOR SETTLEMENT PURPOSES. A SETTLEMENT HAS BEEN REACHED, SUBJECT TO COURT APPROVAL.

Michael Ferracci v Apple Inc., Apple Value Services, LLC and Apple Canada Inc.
(Court File No. CV-20-645295-00CP)

Please read this notice carefully, as it may affect your legal rights.

If you are a person in Canada who (a) purchased one or more iTunes, App Store or Apple Music gift cards (an “Eligible Gift Card”) from January 1, 2016 to the date of the Final Order, (b) provided the redemption code of such Eligible Gift Card to a third party unknown to you, who sought the code under false pretenses, and (c) you did not receive a full refund or other form of compensation for your complete losses from Apple or any third party, you could be affected by this class action lawsuit.

This notice concerns the class action lawsuit commenced in Ontario against Apple Inc., Apple Value Services LLC, and Apple Canada Inc. on behalf of Canadians who did not receive full refunds or compensation in connection with a certain type of gift card scam conducted by third-party fraudsters. (the “Action”). Apple, which was not the party that perpetrated the scams, denies that it had any responsibility to provide such refunds and denies all allegations of wrongdoing, and none of the claims were proven in Court.

This notice is to advise class members that:

- A Settlement has been reached with Apple Inc., Apple Value Services LLC, and Apple Canada Inc. (“Apple” or the “Defendants”);
- The class action has been certified for settlement purposes;
- The settlement, if approved, will provide benefits to the class as detailed below. In return, it will settle all claims relating in any way to or arising out of the class action against the Defendants, including claims that class members did not receive a full refund or other form of compensation for their complete losses from Apple or any third party;
- A court hearing will be held during which the plaintiff will seek the court’s approval of the settlement, distribution of funds, and class counsel’s fees. Further information about the settlement approval hearing will be provided in due course;
- The approval of this settlement is contingent on a judge of the Ontario Superior Court of Justice approving the settlement;
- The class action settlement approval hearing is scheduled for **September 15, 2026**;

- The plaintiff's allegations have not been proven in Court. The Defendants deny the allegations made by the plaintiff, and the Defendants intend to vigorously defend the claims if the settlement is not approved.

YOUR OPTIONS	
Do Nothing	If you want to be a member of this class action, <u>you do not need to do anything.</u> Class members who do not oppose the proposed settlement need not attend the settlement approval hearing or take any other action at this time.
Comments or Objections	If you want to be a member of this class action, but you wish to oppose, support, or express opinions on the proposed settlement, <u>you must send your written submissions</u> to class counsel (by mail or email) at the address listed below. Class counsel will forward submissions to the Court. All filed written submissions will be considered by the Court. If you do not file a written submission by <u>August 31, 2026</u> you may not be entitled to speak at the settlement approval hearing. If you want to attend this hearing, please contact class counsel for additional details. For further instructions, see the section below, titled: "What if I want to comment on the settlement?"
Exclude Yourself (Opt-out)	If you do not want to be a member of the class action, you can exclude yourself from the class action (opt-out) by no later than 11:59pm on <u>August 28, 2026, which is 60 days from the date of this Class Notice.</u> If you opt out, you will not be entitled to participate in the class action or the Settlement. If you want to opt out, please send a signed Opt-Out Form by email (preferred), pre-paid mail, or courier to the Notice Administrator before the Opt-Out Date. The form is available as Schedule "A" attached to this notice or at the following link: www.giftcardsettlement.ca

1. What settlement has been reached in this class action?

The parties have agreed to settle the class action as against the Defendants. The settlement does not constitute a concession or admission of liability, wrongdoing, fault, or omission by the Defendants, and the settlement has been made on the basis that none of the allegations have been proven.

The settlement agreement provides a global settlement amount of CAD\$1,250,000.

This amount is inclusive of legal fees (which are to be approved by the court), as well as the costs of administration.

If approved, the settlement funds will be provided to eligible class members under a set of rules called a “Distribution Protocol,” which will be provided to the class in due course following Court approval.

2. Why was this notice issued?

The Court has approved this notice to be issued to advise class members that the class action was certified for settlement purposes and a settlement was reached with the Defendants. If approved, the settlement will resolve the litigation in its entirety.

This notice explains the class action, the settlement, and your options in respect of settlement.

3. What is a class action?

In a class action, one or more people called “representative plaintiffs” sue on behalf of people who have similar claims. All of these people with similar claims are called the “class” or “class members”. The Court adjudicates the issues for all class members, except those who removed themselves from the class.

Class members are automatically included in a class action once certified unless they choose to exclude themselves (or “opt-out”). In this class action, class members include people who reside anywhere in Canada.

4. Who is affected by the class action?

The Court has certified the following class for settlement purposes, which means this is the group of people covered by the class action and proposed settlement:

All Persons in Canada, other than Excluded Persons, who purchased one or more iTunes, App Store or Apple Music gift cards (an “Eligible Gift Card”), between January 1, 2016 and the date of the Final Order, where they provided the redemption code of such Eligible Gift Card to a third party unknown to them who sought the code under false pretenses, and did not receive a full refund or other form of compensation for their complete losses from Apple or any third party.

“Excluded Persons” means all Defendants, their parents, subsidiaries, affiliates, officers, directors, and employees, any entity in which Defendants have a controlling interest, all employees of any law firm involved in prosecuting or defending this litigation, as well as their immediate family members, and all judges assigned to hear any aspect of this litigation, as well as their staff and immediate family members. Also excluded from the Class are settlement class members who timely and validly submit an Opt-Out Form or are otherwise excluded by the Court.

5. What are these proceedings about?

This class action is brought by a purchaser of Eligible Gift Cards, on behalf of himself and other purchasers, who lost the stored value of the cards in ubiquitous gift card scams conducted by third-party fraudsters. The Plaintiff made certain allegations as against Apple in relation to these gift card scams as perpetuated by third party fraudsters.

Eligible Gift Cards are made available by the defendants to be used exclusively as currency on their platforms. It is alleged that Eligible Gift Cards are a popular currency for fraudsters. It is also alleged that Apple had control and could have held and reversed transfers to fraudsters, and flagged suspicious transactions.

Apple, which is not the party that perpetrated the gift card scams, maintains that it did nothing wrong and asserts numerous defences to the claims in this case. The proposed Settlement to resolve these proceedings is not an admission of guilt or any wrongdoing of any kind by Apple, and it is not an admission by Apple of the truth of any of the allegations made in these proceedings.

6. Who are the parties in the class action?

The plaintiff who brought the action on behalf of the class is Michael Ferracci. The defendants are Apple Inc., Apple Value Services LLC, and Apple Canada Inc.

The notice relates to a settlement reached with the above referenced defendants.

7. What is the status of the litigation?

The Court certified the action as a class action for settlement purposes, only. The Court has not decided in favour of the Class or Defendants.

A settlement agreement will be presented to the Court for approval. If approved, the settlement will resolve the litigation in its entirety.

8. What if I don't want to be in the class action?

Class members have the right to opt-out of, that is, exclude themselves, from the class action:

- Class members who opt-out will not be able to receive any of the settlement benefits or otherwise participate in the class action lawsuits.

- If you do not opt-out, you will be bound by and eligible to participate in this settlement (if approved) and you will not be able to start or continue your own case against any of the Defendants regarding the claims at issue in this case.
- **This means that if you have already started your own lawsuit against any of the Defendants, you will be bound by the settlement agreement (and your individual lawsuit will be dismissed), unless you opt-out.**

If you want to opt-out, your opt-out form must be received by the Notice Administrator by 11:59 pm on August 28, 2026, being 60 Days after the Class Notice Date. For complete instructions on how to opt-out, please view the Opt-Out Form attached to this notice as Schedule “A”, which can also be found at www.giftcardsettlement.ca. You may also contact class counsel at classactions@sotos.ca or 1-888-977-9806 for any questions relating to opting out of the class action.

If you opt-out of the class action:

- You will not be eligible to participate in the class action, and
- You will not have any rights to receive any benefits in connection with the settlement of this class action, but
- You will not be bound by any further orders or judgments in this case, and you will retain your right to be able to pursue your own case against the Defendants, or any of them, at your own expense, with respect to the claims alleged in these proceedings.

If the settlement is approved, you will not have another opportunity to opt-out in the future without the Court’s permission.

If the settlement agreement is not approved or if it otherwise fails to take effect, a case management conference will be held to seek the Court’s directions with respect to next steps, including the form and content of an additional notice to class members and to any person who opted out.

9. What will happen if the settlement is rejected by the Court?

The Court will decide whether to approve or reject the settlement. It does not have the authority to unilaterally change the material terms of the settlement.

If the Court does not approve the settlement, the action will go back to contested litigation.

10. What if I want to comment on the settlement?

Class members are entitled, but not obligated, to express their opinion about the settlement and whether it should be approved. If you wish to make a submission to the Court supporting or objecting to the proposed settlement, you must send the submissions in writing (by mail or email)

to Sotos LLP, at the address below, and ensure they are received no later than August 31, 2026. Class counsel will provide all submissions to the Court and the Defendants in advance of the hearing.

The written submissions should include:

- a) Your name, address and telephone number;
- b) A brief statement of the reasons that you support or oppose the proposed settlement; and,
- c) Whether you plan to attend at the settlement approval hearing and wish to speak in court.

11. When and where will the hearing be held?

The hearing has been scheduled in the Superior Court of Justice in Toronto for September 15, 2026 at 10:00 am. The hearing may be conducted either in person, by zoom, or in a hybrid format. If the hearing does not go ahead on this date, class counsel will provide a further notice. More details of the hearing will be provided when available.

At the hearing, the Court will be asked to (1) approve the Settlement Agreement; and (2) approve class counsel's legal fees.

12. How can I make a claim under the settlement?

If the settlement agreement is approved, class members will be provided with a further notice of the schedule for filing a claims form.

The dates for filing claims will be published as soon as possible after the Court approves the settlement agreement and the Distribution Protocol. Updates and information about how to make a claim will be posted as soon as they are available at this website address:

www.giftcardsettlement.ca

Class counsel have arranged for a simple process for class members to provide updated contact information including a current email address. An email address allows for faster electronic communication throughout the process.

For class members **who have not done so already**, please fill out the form and register for updates at www.sotosclassactions.com/cases/apple-itunes-gift-cards/ where you will find further information as it becomes available.

13. Who are the lawyers working on these class actions?

Sotos LLP is class counsel and represents class members in this class action and can be reached about these class actions at:

Telephone (toll free): 1-888-977-9806

Email: classactions@sotos.ca

Mail: 55 University Ave., Suite 600, Toronto, ON M5J 2H7,
Attention: Sotos Class Actions

14. How are class counsel paid?

Class members will not have to pay class counsel out of pocket for the work that they have done since this class action began.

The representative plaintiff entered into a contingency fee agreement with class counsel providing that class counsel are to be paid only in the event of a successful settlement or trial judgment.

As provided for in that contingency fee agreement, class counsel will be asking that the Court approve their legal fees of 20% of the amounts received in the settlement, plus disbursements and applicable taxes.

Approval of the settlement agreement will not depend on court approval of legal fees.

Any approved legal fees and disbursements will be paid out of the settlement.

15. Where can I ask more questions?

For more information about this class action and the settlement, please visit the following website: www.giftcardsettlement.ca.

You can also receive updates by filling out the form at <https://www.sotosclassactions.com/cases/apple-itunes-gift-cards/>. If you have further questions, please contact class counsel as set out above.

16. Interpretation

This notice contains a summary of some of the terms of the settlement agreement. If there is a conflict between the provisions of this notice and the settlement agreement, the terms of the settlement agreement shall prevail.

**PLEASE DO NOT CALL THE DEFENDANTS OR
THE COURT ABOUT THESE CLASS ACTIONS.**

**ALL QUESTIONS SHOULD BE DIRECTED TO CLASS COUNSEL
OR THE COURT-APPOINTED ADMINISTRATOR.**

THIS NOTICE WAS APPROVED BY THE COURT

Schedule "A"

APP STORE & iTUNES GIFT CARDS CLASS ACTION

OPT-OUT FORM

BY EMAIL:

Notice Administrator

c/o Verita Global
Gift Card Administrator
PO Box 3355
London, ON N6A 4K3

BY MAIL:

SOTOS LLP

55 University Ave, Suite 600
Toronto, ON M5J 2H7
Attention: Sotos Class Actions

Facsimile: (416) 977-0717

info@giftcardsettlement.ca

I wish to exclude myself from the Apple (APP STORE & iTUNES) Gift Card class action lawsuit.

I do not want to participate in the class action styled as *Michael Ferracci v Apple Inc., Apple Value Services, LLC and Apple Canada Inc.* (Court File No. CV-20-645295-00CP).

I understand that by submitting this form, I will not be eligible for any payment awarded or paid in the class action. I understand that completing and submitting this form, will exclude me from the class action and that I will receive no benefits from the settlement.

I understand that if I want an opportunity to be compensated, I will have to make a separate individual claim, and if I decide to pursue my own claim and engage a lawyer, I must do so at my own expense, subject to applicable limitations periods.

Reason for opting out (optional):

Signature: _____

First and Last Name (please print)

Address:

Postal code:

Telephone:

Note: To opt-out, this form must be completed in full and received by mail or email at the above address on or before August 28, 2026.