

## NOTICE OF AUTHORIZATION OF A CLASS ACTION

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### **DID YOU BUY NEW BOOKS, VIDEOS (VHS), MUSIC OR DVDS ON WWW.AMAZON.CA BETWEEN 2003 AND 2017?**

#### **YOU MAY BE A MEMBER OF A CLASS ACTION**

On July 10, 2023, the Superior Court of Quebec authorized a class action against Amazon.com.ca, ULC. and Amazon Services International, Inc. (“Amazon”) and appointed Mr. Panagiotis Leventakis as the class representative.

**The class action submits that Amazon unlawfully prevented third-party sellers from competing for the sale of new books, videos (VHS), music and DVDs through the Buy Box on www.amazon.ca. It alleges that by excluding offers by third-party sellers for these products from the Buy Box, Amazon reduced competition on www.amazon.ca and allegedly overcharged consumers.**

*The “**Buy Box**” is the rectangular box on Amazon’s product detail page that contains a button called “Add to Cart” or “Buy Now”. On a desktop computer, it appears on the right-hand side of the page.*

#### **WHO DOES THE CLASS ACTION CONCERN?**

You are part of the class action if you meet **all the following criteria**:

1. You are a person, entity, partnership or organization;
2. You bought new books, videos (VHS), music or DVDs on www.amazon.ca between November 5, 2003 and:
  - a. September 10, 2017 for books and videos (VHS);
  - b. December 31, 2015 for DVDs and music;
3. You used the “Buy Box” to make your purchase; and
4. You made your purchase while you were located in Quebec.

If you meet these criteria, you are **automatically** included as a class member and do not need to do anything at this time to be eligible to benefit from any favorable judgment for this class action.

#### **WHAT CAN YOU OBTAIN**

The class action seeks to recover damages for class members equal to the alleged overcharge on any new books, videos (VHS), music or DVDs purchased through the Buy Box as well as punitive damages.

## **YOU CAN OPT OUT OF THE CLASS ACTION UNTIL JUNE 25, 2024 ;**

If you do not opt out of the class action by June 25, 2024, you will be bound by any judgment that may be rendered in this class action. If you do not want to participate in the class action, you can opt out of it by sending a letter by mail to both:

**Office of the Superior Court of Quebec**  
(C.S.M. 500-06-000946-182)  
1, rue Notre-Dame Street Est  
Montréal (QC) H2Y 1B6

**Klein Avocats Plaideurs Inc.**  
500, Place d'Armes, suite 1800  
Montreal (QC) H2Y 2W2

Your letter must clearly state that you want to exclude yourself from the class action of *Leventakis v. Amazon.com.ca, ULC. et al* and include court number 500-06-000946-182.

**If you opt out, you will not be entitled to receive any compensation if the representative plaintiff obtains a favorable judgment or settlement agreement.**

If you have started an individual legal proceeding having the same subject matter as this class action and do not discontinue it before the opt out deadline, you will be deemed to have opted out of the class action.

## **INTERVENTIONS AND LEGAL COSTS**

As a class member, you have the right to intervene in the present class action, with the permission of the Court and in the manner provided for by law.

**By participating in the class action, you have nothing to pay unless the court awards compensation for you.** Class counsel will only receive a fee if the class action succeeds. Their legal fees would be established as a percentage of the total compensation received by class members, the whole to be approved by the Court.

No class member other than the representative plaintiff or an intervenor may be required to pay legal costs arising from the class action.

## **NEXT PHASE OF THE CLASS ACTION**

The class action will be brought before the Superior Court in the district of Montréal.

**To determine whether the class action is well-founded, the Court will hold a trial to answer the following principal questions of fact and law for the benefit of all class members:**

a. Did Amazon require third-party sellers not to compete for sales made through the Buy Box on its [www.amazon.ca](http://www.amazon.ca) marketplace for new books, music, videos and DVDs? If so, during which period did they require them to do so for each of type of product?

b. In so doing, did Amazon abuse its rights under sections 6 and 7 C.C.Q. as the host of the marketplace [www.amazon.ca](http://www.amazon.ca)?

c. Through their actions and omissions, did Amazon breach section 45 of the Competition Act, sections 216, 218, 219, 228, 272, of Title II of the Consumer Protection Act or commit a fault or an abuse engaging their liability under articles 6, 7 and 1457 C.C.Q.?

d. As a result of Amazon's actions and omissions, did class members pay an overcharge for the purchase of new books, music, videos or DVDs? If so, does this amount constitute a loss or damage?

e. If Amazon violated Title II of the Consumer Protection Act, are class members entitled to a reduction of their obligations?

f. What is the amount of damages owed to class members?

g. Should Amazon be held liable to pay punitive damages to class members and, if so, what is the amount of such punitive damages?

h. Are class members justified in claiming an additional amount not exceeding the full cost of the investigation and the proceedings connected to the class action, including the extrajudicial fees and the disbursements of the attorneys of the class members?

The class action seeks the following conclusions in relation to the above questions:

**GRANT** the class action of the Representative Plaintiff and each of the members of the class;

**CONDEMN** the defendants Amazon Services International, Inc. and Amazon.com.ca, ULC, jointly and severally, to pay each of the members of the class a sum to be determined as damages or a reduction of their obligations, and **ORDER** the collective recovery of these amounts;

**CONDEMN** defendants Amazon Services International, Inc. and Amazon.com.ca, ULC, jointly and severally, to pay each of the members of the class punitive damages, in an amount to be determined by the court, and **ORDER** the collective recovery of these sums;

**CONDEMN** the defendants Amazon Services International, Inc. and Amazon.com.ca, ULC, jointly and severally, to pay the full costs of the class action, including the costs of the investigation, the extrajudicial fees and the disbursements of the representative's attorneys, and **ORDER** the collective recovery of these sums;

**CONDEMN** the defendants Amazon Services International, Inc. and Amazon.com.ca, ULC, jointly and severally, to the payment of interest and the additional indemnity on the above sums in accordance with article 1619 C.C.Q.;

**ORDER** the defendants Amazon Services International, Inc. and Amazon.com.ca, ULC to deposit with the court clerk the totality of the sums which form part of the collective recovery, with interest and the additional indemnity;

**ORDER** that the claims of the individual members of the class be the object of collective liquidation if the evidence permits and subsidiarily, individual liquidation;

**CONDEMN** the defendants Amazon Services International, Inc. and Amazon.com.ca, ULC, jointly and severally, to bear the costs of this action, including the costs of exhibits, expertise and notice; and

**MAKE** any other order that this honorable court will determine and that will be in the interest of the members of the class.

### **STAY INFORMED**

If you wish to receive information on the progress of the action, you can register with class counsel, Klein Avocats Plaideurs Inc., by completing the form at: <https://www.kleinavocats.com/en/contact-us/>.

You can also consult the Quebec Registry of Class actions to find a copy of all the procedures in this class action: <https://www.registredesactionscollectives.quebec/en>.

For more information, you can **contact** class counsel at the following coordinates:

**Klein Avocats Plaideurs Inc.**

[www.kleinavocats.com](http://www.kleinavocats.com)

500, Place d'Armes, suite 1800

Montreal (Quebec) H2Y 2W2

Telephone: 514-764-8362

**THE SUPERIOR COURT OF QUEBEC HAS APPROVED  
THE PUBLICATION OF THIS NOTICE TO CLASS MEMBERS.**