

## **SCHEDULE B.3**

### **CLASS ACTION ARISING OUT OF A CONFIDENTIALITY INCIDENT INVOLVING PERSONAL INFORMATION**

#### **NOTICE OF A CLASS ACTION SETTLEMENT APPROVAL HEARING**

#### **YOU HAVE NOTHING TO PAY IN ORDER TO REMAIN INCLUDED IN THIS CLASS ACTION AND IN ORDER TO PARTICIPATE IN THE PROPOSED SETTLEMENT**

The Superior Court of Québec will hold a hearing to decide whether to approve a proposed settlement of a class action arising out of a confidentiality incident involving personal information of its customers, which occurred in or about July 2019 (the “**2019 Confidentiality Incident**”) involving MGM Resorts International (“**MGM**”). The proposed settlement in question is related to both the 2019 Confidentiality Incident and another cybersecurity attack on MGM’s network carried out by third-party intruders who may have accessed certain personal information belonging to its customers which occurred in September 2023 (the “**2023 Confidentiality Incident**”).

The 2019 Confidentiality Incident and the 2023 Confidentiality Incident are collectively referred to as the “**Confidentiality Incidents**”.

**MGM denies all allegations and liability. No court has found MGM liable. The parties have agreed to settle to avoid the risk and expense of continued litigation.**

#### **Who is Included**

A class action instituted by Mr. Zuckerman against MGM was filed before the Superior Court of Québec, district of Montréal, bearing court file number 500-06-001078-209 (the “**Zuckerman Class Action**”). Class members are all persons in Québec (including estates, executors, and personal representatives) whose personal and/or financial information was lost by or stolen from MGM in the July 7, 2019 Confidentiality Incident (the “**Class**” or “**Class Members**”).

The Superior Court of Quebec authorized the Zuckerman Class Action on August 3, 2022 and appointed Mr. Zuckerman as a representative on behalf of the Class.

Other proceedings have been filed that will be resolved by the proposed settlement, including *Thandi v. MGM* (Supreme Court of British Columbia, file number VLC-S-S-207149) concerning the 2019 Data Incident (the “**Thandi Class Action**”) and *Dahan v. MGM* (Québec File No. 500-06-001280-235) concerning the 2023 Confidentiality Incident (the “**Dahan Class Action**”).

Class members who opted out of the Zuckerman Class Action before July 24, 2023 are not part of this Settlement and should disregard this notice.

## **What the Settlement Provides**

MGM will pay CAD \$4,000,000 (the “**Settlement Fund**”) to resolve Canadian Class Actions relating to both Confidentiality Incidents. Subject to the Courts’ approval, after class counsel fees, disbursements, and administration costs, the remaining funds may be used to provide, to eligible claimants who submit valid and timely claims (subject to the Settlement terms and any *pro rata* adjustments):

- Compensation for substantiated losses up to CAD \$20,000 per approved claim.
- The reimbursement of up to one year of future credit monitoring expenses tied to the Confidentiality Incident(s).
- Compensation for unsubstantiated losses: up to CAD \$150 for members included in only one of the Confidentiality Incidents or up to CAD \$300 for members of both the Confidentiality Incidents. Amounts may be adjusted up or down *pro rata* depending on the number and value of approved claims, up to maximums of CAD \$500 (if included in only one of the Data Incidents) or CAD \$1,000 (if included in both Data Incidents).

## **Distribution Protocol**

Class Members may elect to submit a claim for one or more of the following:

- Monetary Benefits for Substantiated Losses;
- Reimbursement of Future Credit Monitoring Expenses; and
- Monetary Benefits for Unsubstantiated Losses.

Class Members submitting a **Substantiated Losses** Claim must complete, sign, and date the Settlement Claim Form and provide reasonable supporting documentation as specified in the form. **For clarity, the email or letter from MGM notifying you of the Confidentiality Incident(s) does not constitute supporting documentation for a Documented Loss.** Settlement Class Members submitting a Claim for a Substantiated Loss will also be included in the distribution of Monetary Benefits for Unsubstantiated Losses, regardless of the determination of their Claim for a Substantiated Loss.

Settlement Class Members submitting a reimbursement for **Future Credit Monitoring Expenses must** complete, sign and date the Settlement Claim Form and provide reasonable supporting documentation as specified in the form.

Settlement Class Members submitting an **Unsubstantiated Losses** Claim must complete, sign, and date the Settlement Claim Form.

## **Class Counsel Fees**

Class counsel will seek Court approvals for legal fees of CAD \$1,200,000, plus applicable taxes and disbursements, to be paid exclusively from the Settlement Fund and shared between counsel for the Quebec and British Columbia Class Actions. The Court may approve the Settlement even if it denies the requested legal fees.

## **Your Options**

1. Do nothing now (you have nothing to pay). If the settlement is approved, you will be bound by the judgment and release and may submit a claim by the claims deadline to receive benefits. Instructions and deadlines will be posted at [www.MGMDDataSettlement.ca](http://www.MGMDDataSettlement.ca).
2. Object or comment. You may object to or comment on the settlement agreement by sending a written submission to Class Counsel or to the Claims Administrator no later than **May 13, 2026**. Include your full name, contact information, brief reasons, whether you will attend in person or through a lawyer (with the lawyer's contact information), and a statement that the foregoing is true and correct.

Class Members retain the right to object to the Settlement in person on the day of the Settlement Approval Hearing, even if you did not submit a written objection by the specified deadline. The settlement approval hearing will take place on May 20, 2026 at 9:30 am, Superior Court of Québec, 1 Notre-Dame Street East, Montreal, Quebec H2Y 1B6, Room 15.02. Remote attendance will be available by Microsoft Teams: [Teams Link](#). The date and time may change; updates will be posted at [www.MGMDDataSettlement.ca](http://www.MGMDDataSettlement.ca).

## **For more information**

Lex Group Inc. acts as Class Counsel in Québec for the Zuckerman Class Action and the Dahan Class Action. Any legal fees, disbursements, and applicable taxes payable to class counsel will be subject to approvals by the Courts and will be paid from the Settlement Fund. You do **not** have to pay for these legal fees and disbursements.

To contact Class Counsel:

**Lex Group Inc.**  
Mtre David Assor  
4101 Sherbrooke Street West,  
Westmount, QC H3Z 1A7  
Phone: (514) 451-5500, extension 101  
Fax: (514) 940-1605  
Email: [info@lexgroup.ca](mailto:info@lexgroup.ca)

For the Settlement Agreement, claim forms, deadlines, and updates, visit the Settlement Website at [www.MGMDataSettlement.ca](http://www.MGMDataSettlement.ca) or contact the Claims Administrator at

**Concilia Services Inc.**

Attn: MGM Data Settlement  
5900 Andover Avenue, Suite 1  
Montreal, QC, H4T 1H5  
Phone: 1-888-959-5770  
Email: [MGM@conciliainc.com](mailto:MGM@conciliainc.com)

In case of any discrepancy between this notice and the Settlement Agreement, the Settlement Agreement prevails.

**The publication of this notice has been approved by the Superior Court of Québec.**