

## **SCHEDULE A.2**

### **CLASS ACTION ARISING OUT OF A DATA INCIDENT**

#### **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 Supreme Court of British Columbia has certified, for settlement purposes only, a class action regarding a data incident in or about July 2019 (the “**2019 Data Incident**”) involving MGM Resorts International (“**MGM**”) and will hold a hearing to decide whether to approve the proposed settlement. The proposed settlement in question is related to both the 2019 Data Incident and a further Data Incident involving MGM which occurred in September 2023 (the “**2023 Data Incident**”).

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

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

#### **Who is included**

You are receiving this notice because you have been identified as a potential class member in the British Columbia action *Thandi v. MGM* (Vancouver Registry No. VLC-S-S-207149) (the “**Thandi Class Action**”). Class members are all persons residing in Canada, excluding Québec, whose information was exposed to unauthorized parties or otherwise compromised in or as a result of the 2019 Data Incident (“**Class Members**”). The Court has appointed Nikitta Thandi as a representative on behalf of the class.

Other proceedings have been filed that will be resolved by the proposed settlement, including *Zuckerman v. MGM* (Québec File No. 500-06-001078-209) concerning the 2019 Data Incident (the “**Zuckerman Class Action**”) and *Dahan v. MGM* (Québec File No. 500-06-001280-235) concerning the 2023 Data Incident (the “**Dahan Class Action**”). Please review any separate notice you may receive regarding these class actions.

#### **What the Settlement provides**

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

- The reimbursement of one year of future credit monitoring expenses with up to CAD \$1,000,000 in fraud/identity theft insurance (if requested by the claimant).
- Compensation for substantiated losses up to CAD \$20,000 per approved claim.
- Compensation for unsubstantiated losses: up to CAD \$150 for members included in only one of the Data Incidents or up to CAD \$300 for members of both the Data 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).

### **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 (you have nothing to pay). You will automatically be included as a Class Member unless you opt out by **May 19, 2026**. 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. Opt out. If you do not wish to be bound or receive any benefits, submit the opt-out form by **May 19, 2026**, by email, mail, or courier to class counsel at the address below. If you validly opt out, you will not receive any benefits under the settlement and will not be bound by it.
3. Object or comment. If you do not opt out, you may object to or comment on the settlement agreement by sending a written submission to class counsel by May 5, 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 may also attend the settlement approval hearing on May 25, 2026 at 10:00 A.M. in the Supreme Court of British Columbia in Vancouver, located at 800 Smithe Street, Vancouver, British Columbia.

**Class counsel and information**

Diamond & Diamond Lawyers LLP act as class counsel in British Columbia for the Thandi 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.

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For the settlement agreement, claim forms, deadlines, and updates, visit [www.MGMDDataSettlement.ca](http://www.MGMDDataSettlement.ca). 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 Supreme Court of British Columbia.