

NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL HEARING

Agromart cyber-security privacy breach class action

Why did I get this notice?

A lawsuit was brought against Agronomy Company of Canada (“Agromart”) and Sollio Agriculture LP (“Sollio AG”), arising from a cyber-attack and privacy breach that affected Agromart’s computer systems on or about May 27, 2020 (the “Breach”). The lawsuit is called *Oriet v Agronomy Company of Canada* (the “Action”) and it is a proposed class action, meaning that it has not yet been approved by a court to proceed as a class action.

This notice is to tell you that **a settlement has been reached in the proposed class action**. The settlement is subject to the approval of the Court, which means that a judge will decide whether the settlement is fair, reasonable, and in the best interests of Class Members.

You have been identified as somebody whose personal information may have been affected by this privacy breach and therefore you are part of this class action lawsuit (known as a “class member”).

What is the Action about?

On or about May 27, 2020, hackers accessed Agromart’s computer system and accessed the personal information of hundreds of Canadian farmers (the “Breach”). The hackers then sold some of the personal information on the dark web. The other defendant, Sollio AG, is Agromart’s parent company.

The Plaintiff alleges that the hackers were able to access Agromart’s computer system because its cyber-security was inadequate, and that the amount of customer personal information that Agromart and Sollio AG stored exceeded the amount of information that was reasonably necessary for their operations.

The Plaintiff alleges that, as a result of the Breach, the class members’ personal information has been compromised and they have suffered damages. The Action seeks to obtain compensation for the losses the proposed class members have suffered from the Breach.

Agromart and Sollio AG dispute the Plaintiff’s allegations and have not admitted liability.

Who is affected by this settlement?

All class members’ legal rights will be affected by the settlement if it is approved by the Court.

You are a class member if:

you are a person residing in Canada whose personal information was stored on the computer systems of Agromart and Sollio AG that were potentially compromised or accessed in the Breach, who previously received notice of the Breach from Agromart or Sollio AG and who is alive as of the date of certification and settlement approval of the Class Action, which is to be determined

and

you do not choose to exclude yourself by opting out. If you are a potential class member who wants to opt out, you will have an opportunity to do so later.

What are the terms of the proposed settlement?

Under the terms of the proposed settlement, Agromart and Sollio AG will pay a Settlement Fund totaling \$500,000.00 (the “Settlement Fund”) which includes all damages to be paid to the class members, the opportunity to enroll in a 5 year credit monitoring and identity theft protection plan, as well as for payment of legal fees, settlement administration expenses, interest and taxes.

In exchange for the Settlement Fund, Agromart and Sollio AG will receive a full and final release from the class members for the claims made against it relating to the Breach. This means that no further claims or lawsuits could be brought by class members for damages relating to the Breach.

By entering into this settlement, Agromart and Sollio AG have not admitted liability; the settlement is a negotiated compromise of the parties’ positions.

You can review the full Settlement Agreement and Distribution Protocol at: <https://waddellphillips.ca/class-actions/sollio-ag-and-agromart-class-action/> or <https://www.foremancompany.com/agromart-sollio-privacy-breach>.

What’s next?

Before the proposed settlement can become final, the lawsuit must be certified as a class action, and the Settlement Agreement must be approved by the Court as being fair, reasonable, and in the best interests of the class members. The Court hearing for certification and settlement approval is scheduled for May 28, 2024 at 2:00pm EST and will be heard by online videoconference (Zoom).

Unless and until the Court approves the Settlement Agreement, it is only a proposed settlement. Class members cannot receive compensation until after the proposed settlement is approved by the Court.

What are individual class members entitled to from the Settlement?

If the settlement is approved by the Court, class members will be provided with access to a five year credit monitoring and identity theft protection plan paid for by the Settlement Fund. In addition, it is anticipated that each class member will receive a payment of approximately \$150 - \$200 as cash compensation. These amounts are an estimation and the amount in cash that each class member will ultimately receive from the Settlement Fund will depend on variables that include the total number of class members participating, and the total cost of the settlement administration process.

The details are set out in the Distribution Protocol, which you can read at <https://waddellphillips.ca/class-actions/sollio-ag-and-agromart-class-action/> or <https://www.foremancompany.com/agromart-sollio-privacy-breach>.

What about the legal fees?

At the same time as the hearing for certification and approval of the Settlement Agreement, the Plaintiff's lawyers will ask the Court to approve their legal fees and expenses to be paid from the Settlement Fund. The legal fees requested will be 30% of the Settlement Fund, plus taxes and disbursements, consistent with the contingency fee retainer agreement signed by the Plaintiff.

The Plaintiff's lawyers will also ask the Court to award a \$500.00 honorarium to the Plaintiff, Theresa Oriet, for her efforts in bringing the Action for the benefit of the class and doing the work of the representative plaintiff.

Do I have to do anything now?

You do not have to do anything at this time. You can choose to participate in the settlement approval process but are not required to do so.

As a class member, you have the right to attend the Court hearing for certification and settlement approval on May 28, 2024 at 2:00pm EST, or to send your opinion about the Settlement Agreement to the Court in writing. This includes if you want to object to the terms of the settlement, or about the legal fees to be paid to the Plaintiff's lawyers.

If you want to send a written statement, you must include: your name, your contact information, a statement that you are a class member, and a statement that you support or object to the proposed settlement. You can also include any other details that you would like to add. The Plaintiff's lawyers will provide all written statements to the Court in advance of the hearing.

Written statements can be sent by email, mail or fax, and must be received by May 17, 2024, at 11:59 PM PST at either of the following:

<p>Waddell Phillips Professional Corporation 36 Toronto Street, Suite 1120 Toronto, ON M5C 2C5 reception@wadellphillips.ca Tel: 1-888-684-5545 (toll-free)</p>	<p>Foreman & Company 4 Covent Market Place London, ON N6A 1E2 info@foremancompany.com Tel: 1-855-814-4575 (toll-free)</p>
--	---

What happens if the settlement is rejected by the Court?

The Court will decide whether to approve or reject the settlement, based on the legal test of whether it is fair, reasonable, and in the best interests of the class members. The Court does not have the authority to unilaterally change the material terms of the settlement. If the Court does not approve the settlement, the lawsuit will continue.

What if I have more questions?

Questions about this Notice, the Class Action, or the Settlement can be made to:

<p>Waddell Phillips Professional Corporation 36 Toronto Street, Suite 1120 Toronto, ON M5C 2C5 reception@wadellphillips.ca Tel: 1-888-684-5545 (toll-free)</p>	<p>Foreman & Company 4 Covent Market Place London, ON N6A 1E2 info@foremancompany.com Tel: 1-855-814-4575 (toll-free)</p>
--	---

The Ontario Superior Court of Justice has authorized distribution of this Notice but questions about this Notice should NOT be directed to the Court.