



This is the 1st affidavit
of R Cronk in this
proceeding and was
made on 22/OCT/2021

No. S-209073
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

Between

LISA THOMAS

PLAINTIFF

and

TIKTOK INC and TIKTOK PTE LTD

DEFENDANTS

Brought under the *Class Proceedings Act*, R.S.B.C. 1996, c. 50

AFFIDAVIT #1 of ROBERT ANDREW CRONK

I, Robert Andrew Cronk, c/o 2233 Columbia St #400, Vancouver, British Columbia, AFFIRM
THAT:

1. I make this affidavit in support of an application to certify this action (*Thomas*) as a class proceeding, by consent, for settlement purposes, and to approve the settlement reached with the Defendants in this case and the Defendant in *A.C. an infant by her Litigation Guardian Robert Andrew Cronk v. musical.ly Inc. et al*, SCBC Vancouver Registry No. VLC-S-S-193384 [*Cronk*].

2. I am the named litigation guardian in *Cronk* and a proposed representative plaintiff in this action and, as such, have personal knowledge of the facts and matters deposed to in this affidavit. Where facts are not within my personal knowledge, I have stated the source of the information, and I believe that information to be true.

Retainer

3. I retained Hammerco Lawyers LLP, formerly known as Hammerberg Lawyers LLP, and Mathew P. Good Law Corporation to act as my counsel in *Cronk*. I would not have been able to retain counsel on an hourly fee basis. I understand and have agreed to my lawyers working with Slater Vecchio LLP in this action, and to the sharing of fees as among the firms.

4. I am a class member within the proposed class definition, as litigation guardian for my minor child, A.C.

5. I have assisted my counsel and their team throughout this litigation, including by providing information, understanding the role of representative plaintiff, receiving updates, and offering my opinions in respect of the proceedings. I have been engaged in the proceeding and counsel has updated me on all material developments.

Settlement Approval

6. In the spring of 2021, I was made aware that settlement discussions had been initiated with the Defendants and that a confidential mediation had been scheduled in this case and *Cronk*. I consulted with my counsel about the proposed terms of settlement.

7. I was advised by Ms. Majidi of Hammerberg Lawyers LLP that an agreement in principle was reached at the mediation on July 13, 2021. I approved the terms of the settlement.

8. I am advised by Ms. Majidi that the settlement has been put into a formal written agreement with the Defendant. I have reviewed the terms of the settlement with Ms. Majidi. I approve the terms of the settlement agreement, which seem reasonable from my point of view. I understand this settlement is a compromise, based on my lawyer's advice as to the legal and evidentiary

challenges of the case and a similar settlement reached in the United States. The settlement seems fair to me.

9. From my review of the settlement terms, I understand that payments will be made on a *cy pres* basis to: The Law Foundation of British Columbia, the Canadian Centre for Child Protection, Kids Help Phone, and Boys & Girls Clubs of Canada (the “*Cy Pres Recipients*,”) (after payment of lawyers’ fees, repayment of disbursements paid by my lawyers, taxes, disbursements associated with the certification and settlement process (including notice), and any honorarium that the Court might award me and Ms. Thomas).

10. I understand that the remaining settlement funds will be used by the *Cy Pres Recipients* to administer, in their discretion, to advance the respective mandates of each of these organizations. This makes sense to me in light of the challenges in distributing relatively small amounts of money to proposed class members, and the societal benefits that may be achieved by these organizations. I feel I have contributed something to the class members by having helped achieve this outcome.

11. I understand that class members will not personally receive money, because the total amount of money available and the costs of administering the settlement would make that uneconomical. This seems fair to me in the circumstances.

12. I understand that (i) the settlement agreement must be approved by the Court, and (ii) if it is approved, I will be the representative plaintiff for the “minor subclass,” contemplated in the combined *Thomas* and *Cronk* proceeding and settlement.

13. I consent to (i) the inclusion of the *Cronk* claims in this *Thomas* proceeding and (ii) the amended Notice of Civil Claim proposed for the consolidated proceeding for settlement purposes only. I also consent to the extension of the stay in *Cronk* pending the settlement approval hearing.

14. I have instructed my lawyers to seek approval of the settlement agreement.

