

COVER EMAIL TO CLASS MEMBERS

Dear Class Member

Re: *Capcom Class Action*

You are receiving this email because you are a former Canadian employee of Capcom whose personal information was accessed in or as a result of a security incident discovered by Capcom on November 1, 2020 where a third party obtained access to the Capcom's computer network and exfiltrated certain data. A settlement has been reached that may affect your legal rights. The settlement is still subject to approval by the Supreme Court of British Columbia. Please see the Court-approved Notice of Certification and Settlement Approval Hearing by clicking [here](#) also attached for more information.

More Information

The notice contains only a summary of the Settlement and Class Members are encouraged to review the complete Settlement Agreement [here](#).

If you have questions that are not answered online, please contact the appropriate Class Counsel identified below. The law firms Good Barrister and Slater Vecchio represent Class Members in the Action. They can be reached at:

Slater Vecchio

PO Box 10445 Pacific Center North
18th Floor, Dunsmuir Street
Vancouver, BC V7Y 1K4

Sean Tweed

604-629-7737

capcomsettlement@slatervecchio.com

**CAPCOM CLASS ACTION
NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL HEARING**

Read this notice carefully as it may affect your rights.

THIS NOTICE IS DIRECTED TO:

All Canadian residents whose Personal Information was accessed in or as a result of a security incident discovered by Capcom on November 1, 2020 where a third party obtained access to the Capcom’s computer network and exfiltrated certain data (“Data Breach”), or who received a notification that their Personal Information may have been accessed as a result of the Data Breach (“Class Members”).

I. Nature of the Class Action

On July 13, 2021, a proposed class action was commenced against Capcom Co. Ltd., Capcom (U.S.A.) Inc., and Capcom Game Studio Vancouver Inc. (collectively referred to as “**Capcom**”) in the Supreme Court of British Columbia, *Christopher Albeluhn and Brian Boog v. Capcom Co. Ltd., Capcom (U.S.A.) Inc., and Capcom Game Studio Vancouver, Inc.* (Action No. S-216405, Vancouver Registry) (the “**Action**”) on behalf of Class Members whose Personal Information was accessed as a result of the Data Breach or who received notification that their Personal Information may have been accessed as a result of the Data Breach.

“**Personal Information**” means information about an identifiable individual. Examples include name, home address and phone number, social insurance number, and medical information. Personal information does not include business contact information. Examples that are not considered personal information include information to enable an individual at a place of business to be contacted, such as name, position/title, business telephone number, business address, business email or business fax number.

Capcom denies these allegations. Despite Capcom’s belief that the allegations advanced in the Action are unfounded and that they have good and reasonable defences, Capcom has agreed to settle the Action in order to achieve final resolution of all claims.

II. Settlement

The parties have reached a settlement of the Action, without an admission of liability on the part of Capcom, subject to approval by the Supreme Court of British Columbia (the “**Settlement**” or “**Settlement Agreement**”).

A. Overview

Pursuant to the Settlement, Capcom will pay CAD \$125,000 to effectuate the Settlement, inclusive of any distributed amounts to Class Members, class counsel fees, taxes and disbursements, any honouraria for the representative plaintiffs, any charitable donations paid for the benefit of Class Members to the Law Foundation, and administration expenses (the “**Settlement Amount**”). The balance of the Settlement Amount after the payment of class counsel fees, taxes and disbursements,

administration expenses and any honouraria for the representative plaintiffs is available for distribution to Class Members (the “**Distribution Amount**”).

If the Settlement is approved, the Distribution Amount will be distributed to Class Members in two stages.

Stage 1: Class Members can submit claims with supporting evidence for direct losses caused by the Data Breach and will be eligible for reimbursement of such losses. The evidence of loss must be objective, reliable and credible, such as credit card statements, invoices, fraud reports, and receipts of out-of-pocket expenses incurred. Class Members are entitled to submit a claim for the following loss types:

- unauthorised charges on a class members’ bank account or credit card;
- unauthorised lending;
- credit monitoring, credit insurance, identity theft protection;
- credit reports; and
- other costs, losses and/or reimbursed expenses.

Class Members who submit an approved substantiated claim will also be entitled to receive reimbursement for two hours of lost time, calculated at a rate of CAD \$20.00 per hour, for each category of approved substantiated loss.

If the available Distribution Amount is insufficient to pay all approved substantiated claims, each claim will be proportionally reduced. No additional contributions will be made by Capcom.

Stage 2: Following the stage 1 distribution, if there is any Distribution Amount remaining, class counsel will disburse such amounts on a pro rata basis to all Class Members.

Class counsel is requesting \$29,656.03 in legal fees, taxes and disbursements. Class counsel is also requesting an honourarium for the representative plaintiffs of \$1000.00 each. The application for court approval of class counsel’s fee request and the honoraria will be heard at the same time as the applications for court approval of the Settlement.

This Settlement resolves the Action for all Class Members as against Capcom. If the Settlement is approved, a full release of all claims in the Action will be granted to Capcom. This Settlement represents a resolution of disputed claims and Capcom does not admit any wrongdoing or liability.

B. Consent Certification and Upcoming Approval Hearing

The Action has been certified by the Supreme Court of British Columbia by consent order of the Honourable Justice Stephens on August 18, 2022. The certification is conditional on final settlement approval being granted by the Court. Christopher Albeluhn and Brian Boog have been appointed the representative plaintiffs on behalf of the Class Members. Slater Vecchio LLP and Mathew P Good Law Corporation have been appointed class counsel.

The Settlement remains subject to approval by the Court. An application for approval of the Settlement will be heard by the Court in the City of Vancouver, at 800 Smithe Street, on October 31, 2022 at 10:00 am. At this hearing, the Court will determine whether the Settlement is fair, reasonable and in the best interests of the Class Members.

Class Members who do not oppose the settlement are not required to appear at the approval hearings or take any other action at this time. Class Members who consider it desirable or necessary to seek the advice and guidance of their own lawyers may do so at their own expense.

At the approval hearings, the Court will consider objections to the Settlement by the Class Members if the objections are submitted in writing, by prepaid mail or email to either of the Class Counsel's addresses below postmarked **no later than 10 days before the first approval hearing (October 21, 2022)**.

A written objection should include the following information:

- the objector's name, current mailing address, telephone number, and email address;
- proof of class membership in the form of a receipt or similar;
- the reason why the objector believes that they are a Class Member;
- a brief statement of the nature of and reasons for the objection; and
- whether the objector intends to appear at the hearing in person or by counsel, and, if by counsel, the name, address, telephone number, and email address of counsel.

C. Questions about the Settlement

This notice contains only a summary of the Settlement and Class Members are encouraged to review the complete Settlement Agreement. If you have questions that are not answered online, please contact the appropriate Class Counsel identified below.

The law firms Good Barrister and Slater Vecchio represent Class Members in the Action. They can be reached at:

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D. Interpretation

This notice contains a summary of some of the terms of the Settlement Agreement. If there is a conflict between the provisions of this notice and the Settlement Agreement including the Schedules to the Settlement Agreement, the terms of the Settlement Agreement and/or the Court orders shall prevail.

III. Opt-Out Procedure

If you do not want to participate in the Action, you must complete and send an Opt-Out Form by October 21, 2022 (the “**Opt-Out Deadline**”) to class counsel at the addresses above.

If you opt-out by the Opt-Out Deadline, you may be able to bring your own lawsuit against Capcom, but you will not be entitled to participate in the Settlement.

All Class Members will be bound by the terms of the Settlement, unless they opt-out of this Action.

IV. Additional Information

This notice is given to you on the basis that you may be a Class Member whose rights could be affected by the Action. This notice should not be understood as an expression of any opinion of the Courts as to the merits of any claim or defences asserted in the Action. Its sole purpose is to inform you of the Action so that you may decide what steps to take in relation to it.

INQUIRIES SHOULD NOT BE DIRECTED TO THE COURTS.

<p>THIS NOTICE HAS BEEN APPROVED BY THE SUPREME COURT OF BRITISH COLUMBIA</p>
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