

# NOTICE OF CERTIFICATION, SETTLEMENT APPROVAL, OPT OUT AND DISTRIBUTION OF SETTLEMENT FUNDS

## Agromart Cyber-Security Privacy Breach Class Action

### **What is this Notice about?**

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”).

This Notice is to tell you that on May 28, 2024, the Court certified this case as a class action for settlement purposes and approved a settlement between the parties. The settlement fully resolves the litigation. If you wish to participate in the settlement, there is nothing that you need to do. Under the court-approved Distribution Protocol, there is no requirement to file a claim for those who wish to participate in the settlement. Settlement benefits will automatically be distributed to Class Members by mail at their last known address following the conclusion of the Opt-Out process.

If you do not wish to participate, you must elect to “Opt Out” or exclude yourself from the Action. The instructions for how to Opt Out are set out below.

### **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”) and Agromart employees. The hackers then offered to sell 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 because 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?**

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 of Sollio AG and who is alive as of the date of certification and settlement approval of the Class Action*

and

*you do not choose to exclude yourself by opting out.*

### **What are the terms of the proposed settlement?**

**Under the terms of the Court-approved settlement, Agromart and Sollio AG are required to pay a Settlement Fund totaling CAD \$500,000** (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, disbursements, settlement administration expenses and taxes.

In exchange for payment of the Settlement Fund, Agromart and Sollio AG received 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 at: <https://waddellphillips.ca/class-actions/sollio-ag-and-agromart-class-action/> or <https://www.foremancompany.com/agromart-sollio-privacy-breach>.

### **What if I don't want to participate in the settlement?**

Class Members have the right to exclude themselves from the action ("opt out"). If you opt out, then you will not be eligible to participate in, or receive money from, the settlement, but you may be able to start or continue your own claim regarding the issues raised in the Class Action. If you do nothing, you will be eligible to participate in, and receive money from, the settlement, but you will not be able to start or continue your own case regarding the claim at issue.

If you DO NOT want to be a Class Member in the action, you must send a written election, signed by you or your designee, to the Claims Administrator:

Agromart Cyber-Security Privacy Breach Class Action  
c/o RicePoint Administration Inc.  
P.O. Box 3355  
London, ON N6A 4K3  
Email: [agromartclassaction@ricepoint.com](mailto:agromartclassaction@ricepoint.com)

The written election must include:

- a. your full name, telephone number and current address; and
- b. a declaration to the effect that you wish to be excluded from the Action.

A written election to opt out via email must be complete (contain the information set out above) and received by the Claims Administrator on or before July 17, 2024 to be considered valid. A mailed election to opt out must be complete and postmarked on or before July 17, 2024 to be valid.

### **What will Class Members receive from the settlement?**

Class Members will be provided with access to a five-year credit monitoring and identity theft protection plan paid for from the Settlement Fund. In addition, it is anticipated that each Class Member will receive a payment of approximately CAD \$100 - \$150 as cash compensation. These amounts are an estimate only, and the amount of 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 Court-approved 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?**

The Court approved legal fees of 30% of the Settlement Fund, plus taxes and disbursements, consistent with the contingency fee retainer agreement signed by the Plaintiff.

The Court also awarded a CAD \$500.00 honorarium to the Plaintiff, Theresa Oriet, for her personal efforts in bringing the Action for the benefit of the class and doing the work of the representative plaintiff.

**What happens next?**

The settlement amount, minus Court-approved legal fees, disbursements, settlement administration expenses, and taxes as well as an honorarium, will be distributed to eligible Class Members who have not validly opted out of the action following the Opt-Out Deadline. **There is no requirement to file a claim form.** Cheques and credit monitoring activation information will be distributed to Class Members by mail following the Opt-Out Deadline. Please ensure that you notify the Claims Administrator (RicePoint Administration Inc., 1-888-726-1789 or [agromartclassaction@ricepoint.com](mailto:agromartclassaction@ricepoint.com)) if your mailing address needs to be updated.

**What if I have more questions?**

**Questions about this Notice, the Class Action, or the claims process can be made to:**

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