

YOU HAVE OWNED A CELLPHONE NEXUS 6P?

YOU MAY BE A MEMBER OF A CLASS ACTION

A class action against Huawei Technologies Canada Co. Ltd. (“**Huawei**”) was authorized by the Court of Appeal of Quebec for a manufacturing defect of **Nexus 6P** cellphones, which causes a premature discharge of their battery.

Mr. Ricky Tenzer was appointed as the class representative.

WHO IS ELIGIBLE?

The class action is authorized on behalf of people who meet **all the following criteria** :

1. You currently own or have previously owned a Nexus 6P cellphone;
2. The device was bought in the province of **Quebec**.

Anyone who meets the criteria may be eligible for compensation, if the class action is successful.

WHAT COULD YOU GET?

You could get a price reduction for your Nexus 6P and compensation for the damage you suffered, for example:

- The cost of repairing your phone or replacing the battery;
- The shipping costs;
- The cost of purchasing portable batteries.

If you are a consumer, you could also get punitive damages of \$100.

LAWYERS’ FEES will only be paid if the action is successful, at a percentage of class members’ compensation approved by the Court. You have **nothing to pay** unless you get compensation.

YOU CAN OPT OUT UNTIL SEPTEMBER 15, 2020

If you do nothing, you will be a member of the class described above and be bound by any judgment that will be rendered in the class action.

If you do not want to be a member of the class action, you must opt out of the class action. You may decide to opt out if, for example, you prefer to institute your own individual action, at your own expense, against Huawei.

Opting out implies that you will not be entitled to any compensation in the event of a favourable judgment or a settlement agreement in this class action.

You can opt out until September 15, 2020.

To opt out, you must send a **letter to the Clerk of the Superior Court of Quebec**, with a copy to Mr. Tenzer's lawyers, no later than September 15, 2020, indicating the Court number 500-06-000913-182 :

Clerk of the Superior Court of Quebec

1, Notre-Dame Street East
Montreal (QC) H2Y 1B6

Trudel Johnston & Lespérance

750, Place d'Armes, suite 90
Montreal (QC) H2Y 2X8
info@tjl.quebec

THE NEXT STEPS

The authorization judgment is a preliminary step. This judgment does not determine the responsibility of Huawei, which may assert its grounds of defence at trial.

After the trial, which will be held in the district of Montreal, the Superior Court will decide whether Huawei should be ordered to compensate the class members.

To do this, the Superior Court will answer the following questions:

1. Is the premature discharge of the battery a serious loss of use?
2. Did the battery of the class members' phones have a reasonable lifetime when the phones are put to normal use?
3. Did the premature discharge of the battery violate the warranty of quality under the Civil Code of Quebec?

4. Did class members know of the faulty design and manufacture at the time of purchase or should they have detected it through an ordinary examination?
5. Are class members entitled to an amount equal to the cost of repairing the phone or replacing the battery?
6. Are class members entitled to be reimbursed for expenses resulting from the faulty design, such as testing, diagnosis, shipping, or portable battery purchase costs?
7. Should the defendant be ordered to pay punitive damages to the consumer members of the group?

WHAT IS THE PURPOSE OF THE CLASS ACTION?

Mr. Tenzer is seeking the following on behalf of class members:

GRANT the class action for all class members;

REDUCE the price paid by the class members for the purchase of their cellphone by the cost of repairing the telephone or replacing the battery, increased by interest at the legal rate plus additional indemnity from the date of the motion for authorization;

CONDEMN the defendant to pay each class member who is a consumer an amount of \$100 in punitive damages, subject to further amendment, increased by interest at the legal rate plus additional indemnity from the date of the judgment to be pronounced;

ORDER collective recovery for these claims;

CONDEMN the defendant to reimburse class members for expenses resulting from the faulty design, such as testing, diagnosis, shipping, or the costs of purchasing a portable battery, increased by interest at the legal rate plus additional indemnity from the date of the motion for authorization;

ORDER individual recovery for these claims;

THE WHOLE with legal costs, including expert fees, notice fees and administrative costs related to the claims processing.

YOU MAY ASK TO INTERVENE

A member may ask the Court to intervene in the class action. The Court will allow the intervention if it believes that it is useful to the group.

STAY INFORMED

If you wish to receive information on the progress of the case, you can **subscribe to the mailing list** of Trudel Johnston & Lespérance by filling the registration form at : <https://tjl.quebec/en/class-actions/premature-discharge-nexus6p-cell-phones-battery-huawei-class-action/>.

WARNING. **Your subscription to the newsletter is not a claim!** If the class action is successful, you will have to file your claim in accordance with the procedure to be determined.

You can also consult the Registry of class actions where all the procedures must be published: <https://www.registredesactionscollectives.quebec/en>.

You can contact Mr. Tenzer's lawyer at the following coordinates, stating that your communication relates to the class action regarding Huawei:



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Toll free : 1 844-588-8385

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