

## CLASS ACTION

CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

N<sup>o</sup>: 500-06-000552-113

GARETH HEDGES  
Petitioner

vs.

MIDSTREAM MEDIA INTERNATIONAL N.V.  
Respondent

### NOTICE TO MEMBERS

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1. TAKE NOTICE that a class action was authorized (certified) on December 19, 2011 by a judgment rendered by the Honourable Mr. Justice Kevin Downs of the Superior Court of Quebec, district of Montreal, on behalf of the following group :

“All residents in Canada who have visited the Respondent’s YOUPORN Websites”;

2. The class action will be instituted in the judicial district of Montreal;
3. The status of representative to the class action was attributed to Gareth Hedges;
4. The address of the Defendant is E-Commerce Park Unit # 18-Q-1 E-Zone, Vredenberg, Netherlands Antilles;
5. The principle questions of fact and law to be treated collectively are the following:
  - a) Did the Respondent engage in “history sniffing” or “history hijacking” on Class Members’ computers?
  - b) Did the Respondent fail to disclose material terms regarding “history sniffing” or “history hijacking” on Class Members’ computers?

- c) What use was made of such “history sniffing” or “history hijacking”, including whether they were used for purposes of tracking individuals web surfing and whether personal information was obtained regarding Class Members?
- d) Did the Respondent employ techniques to thwart Class Members’ attempts to not be tracked?
- e) Did the Respondent violate the privacy of Class Members?
- f) Were Class Members prejudiced by the Respondent’s conduct, and, if so, what is the appropriate measure of these damages?
- g) Are Class Members entitled to, among other remedies, injunctive relief, and, if so, what is the nature and extent of such injunctive relief?
- h) Is the Respondent liable to pay compensatory, moral, punitive and/or exemplary damages to Class Members, and, if so, in what amount?

6. The conclusions sought by the class action to be instituted are the following:

GRANT the class action of the Petitioner and each of the members of the class;

DECLARE the Defendant liable for the damages suffered by the Petitioner and each of the members of the class;

ORDER the Defendant to permanently cease from using “history sniffing” or “history hijacking” to collect and/or disseminate Class Members' personal information;

CONDEMN the Defendant to pay to each member of the class a sum to be determined in compensation of the damages suffered, and ORDER collective recovery of these sums;

CONDEMN the Defendant to pay to each of the members of the class, punitive damages, and ORDER collective recovery of these sums;

CONDEMN the Defendant to pay interest and additional indemnity on the above sums according to law from the date of service of the motion to authorize a class action;

ORDER the Defendant to deposit in the office of this court the totality of the sums which forms part of the collective recovery, with interest and costs;

ORDER that the claims of individual class members be the object of collective liquidation if the proof permits and alternately, by individual liquidation;

CONDEMN the Defendant to bear the costs of the present action including expert and notice fees;

RENDER any other order that this Honourable court shall determine and that is in the interest of the members of the class;

7. The class action to be brought will be in the form of a motion to institute proceedings in damages;
8. Any members of the class that have not requested their exclusion in the manner described below, will be bound by any judgement to be rendered on the class action;
9. The date after which any members of the class can no longer exclude themselves, without special permission, was fixed for February 27, 2012;
10. Any members, who have not already brought a suit, can exclude themselves by advising the clerk of the Superior Court in the district of Montreal, by registered or certified mail at 1 Notre-Dame St. East, Montreal, Quebec, H2Y 1B6, before the expiry of the time limit for exclusion;
11. Any members who have brought suit upon which the final judgment on the demand of the representative would decide is deemed to have requested exclusion from the class if they do not, before the expiry of the time limit for exclusion, discontinue their action;
12. A member of the class who is not a representative or an intervener cannot be called upon to pay the costs of the class action;
13. Any member may have their intervention received by the court if it is considered useful to the class;

For more information on the present class action, you may contact:

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