

## **In re 23andMe Canadian Consumer Privacy Class Action**

***J.R. v. 23andMe Holding Co. et al.*, BCSC court file no. S-237147, Vancouver Registry, filed October 20, 2023; and *J.R. and M.M. v. 23andMe Holding Co. et al.*, BCSC court file no. S-246520 (“Canadian Class Actions”)**

### **LONG-FORM NOTICE OF PROPOSED CANADIAN SETTLEMENT**

**THE PUBLICATION OF THIS LONG-FORM NOTICE HAS BEEN APPROVED BY THE UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF MISSOURI, EASTERN DIVISION (“UNITED STATES BANKRUPTCY COURT”) SUPREME COURT OF BRITISH COLUMBIA (“CANADIAN COURT”).**

**PLEASE REVIEW THIS NOTICE CAREFULLY  
AS IT MAY AFFECT YOUR LEGAL RIGHTS.**

#### **A. INTRODUCTION**

In October 2023 and September 2024, the Canadian Class Actions were filed in the Supreme Court of British Columbia (“**Canadian Court**”) on behalf of Canadian customers of Chrome Holding Co. (formerly known as 23andMe Holding Co.) and ChromeCo, Inc. (formerly known as 23andMe, Inc.) (collectively, “**23andMe**”)<sup>1</sup> who were affected in a data security breach that 23andMe identified and disclosed in October 2023 (“**Cyber Security Incident**”). The defendants in the Canadian Class Actions are 23andMe, certain of 23andMe’s former directors and officers and its auditors, KPMG LLP (United States) (collectively with 23andMe, the “**Defendants**”).

The Canadian Class Actions sought compensation on behalf of all persons residing in Canada whose sensitive personal information was affected as a result of the Cyber Security Incident (“**Canadian Data Breach Class**” and members of the Canadian Data Breach Class, “**Canadian Data Breach Class Members**”).

The Toronto-based law firm of KND Complex Litigation is Counsel to the Plaintiffs and the class in the class actions (“**Canadian Data Breach Class Counsel**”).

#### **B. OVERVIEW OF THE PROPOSED CANADIAN SETTLEMENT**

The Plaintiffs and 23andMe have reached a settlement (“**Proposed Canadian Settlement**”) as part of 23andMe’s insolvency proceedings (“**Chapter 11 Proceedings**”) under Chapter 11 of Title

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<sup>1</sup> On July 27, 2025, the Bankruptcy Court in *In re Chrome Holding Co. (f/k/a 23andMe Holding Co.), et al.*, Case No. 25-40976 (Bankr. E.D. Mo.) approved the sale of 23andMe Holding Co. and 23andMe, Inc.’s assets to TTAM Research Institute, which sale was completed on July 14, 2025. After the completion of the sale, 23andMe Holding Co. and 23andMe, Inc. formally changed their legal names to Chrome Holding Co. and ChromeCo, Inc., respectively. For ease of reference, Chrome Holding Co. and ChromeCo, Inc. are collectively referenced herein as “23andMe”.

11 of the United States Code, which was commenced in March 2025 in the United States Bankruptcy Court.

Subject to the implementation and administration of a Chapter 11 Plan filed and to be confirmed by the United States Bankruptcy Court, the Proposed Canadian Settlement provides for the payment of US\$3.25 million (approximately, C\$4.49 million), in full and final settlement of the claims advanced against 23andMe in the Canadian Class Actions. As part of the Proposed Canadian Settlement, the claims against the other Defendants will be dismissed on a with prejudice and without costs basis.

The net proceeds of the Proposed Canadian Settlement, after deduction of legal fees to be calculated at 33% of US\$3.25 million (or, approximately, US\$1.07 million), disbursements, administration and other costs, honorarium and other expenses, will be paid to eligible Canadian Data Breach Class Members in accordance with the Canadian Data Breach Settlement Class Benefits Plan.

The Proposed Canadian Settlement was negotiated as part of 23andMe's Chapter 11 Proceedings. Pursuant to the terms of the plan filed in the Chapter 11 Proceedings and to be confirmed by the United States Bankruptcy Court, the Proposed Canadian Settlement provides for full and final releases. The terms of the Proposed Canadian Settlement are consistent with those achieved in similar insolvency and class action proceedings.

The Proposed Canadian Settlement is not an admission of liability on the part of 23andMe, who denies the allegations. The Proposed Canadian Settlement represents a compromise of disputed claims. The Proposed Canadian Settlement is subject to approval of the United States Bankruptcy Court and the Canadian Court.

This Long-Form Notice of Proposed Canadian Settlement provides details regarding the Proposed Canadian Settlement, the path forward, and the options available to the Canadian Data Breach Class Members at this time.

Note that the Canadian Class Actions are distinct and independent of the class action proceedings brought and pending in the United States. The Proposed Canadian Settlement is **NOT** available to persons other than the Canadian Data Breach Class Members.

### **C. OVERVIEW OF THE CANADIAN DATA BREACH SETTLEMENT CLASS BENEFITS PLAN**

The Canadian Data Breach Settlement Class Benefits Plan provides for objective criteria to validate and determine the claim of each eligible Canadian Data Breach Class Member who submits a timely and valid claim for compensation in accordance with the claims process to be established by the courts.

#### **i. The formation of the Canadian Data Breach Settlement Distribution Fund**

The Proposed Canadian Settlement would provide for a payment of US\$3.25 million for the benefit of the Canadian Data Breach Class Members. The United States Bankruptcy Court and the Canadian Court will be asked to approve the payment of legal fees (at 33% of the gross

recovery), plus administration and other costs and expenses, plus applicable taxes, from the settlement amount.

After the deduction of those expenses, Canadian Data Breach Class Counsel expect that approximately US\$1.68 million (approximately C\$2.3 million) will be available for distribution amongst the Canadian Data Breach Class Members (“**Canadian Data Breach Settlement Distribution Fund**”). The breakdown of those legal fees and administrative and other expenses is expected to be as follows:

(a)	Gross Canadian Data Breach Settlement Amount	US\$3.25 million
(b)	Canadian Data Breach Class Counsel Legal Fees	US\$1.07 million
(c)	Tax on Legal Fees	US\$0.14 million
(d)	Canadian Data Breach Class Counsel Disbursements	US\$0.1 million
(e)	Administration Expenses	US\$0.26 million
(f)	Total Fees and Expenses (b)+(c)+(d)+(e)	US\$1.57 million
(g)	Canadian Data Breach Settlement Distribution Fund (a) - (f)	US\$1.68 million

**ii. The Allocation of the Canadian Data Breach Settlement Distribution Fund into: (1) the Canadian Extraordinary Claims Distribution Fund; and (2) the Canadian Ordinary Claims Distribution Fund**

Fifty percent of the Canadian Data Breach Settlement Distribution Fund will be initially allocated to a fund to be called the Canadian Extraordinary Claims Distribution Fund. The other fifty percent of the Canadian Data Breach Settlement Distribution Fund will be allocated to a fund to be called the Canadian Ordinary Claims Distribution Fund.

**iii. Administration of the Canadian Extraordinary Claims Distribution Fund**

Canadian Data Breach Class Counsel expect the Canadian Extraordinary Claims Distribution Fund will include US\$0.84 million (approximately C\$1.16 million). Each Canadian Data Breach Class Member who has incurred any of the following out of pocket expenses may submit a claim for up to CA\$2,500 against the Canadian Extraordinary Claims Distribution Fund:

- (a) unreimbursed costs associated with the purchase of a physical security or monitoring system;
- (b) unreimbursed costs associated with seeking professional mental health counseling or treatment; and/or
- (c) any other documented, unreimbursed, out-of-pocket expense that the eligible Canadian Data Breach Class Member proves was incurred as a direct result of, and in response to, the Cyber Security Incident.

To be eligible, a Canadian Data Breach Class Member who submits an extraordinary claim must submit documentation proving that such expenses were incurred, and that they were incurred between October 1, 2023 and March 31, 2024.

The Canadian Claims Administrator will review and determine the extraordinary claims. If the amount available in the Canadian Extraordinary Claims Distribution Fund is less than the aggregate value of the approved extraordinary claims, the Canadian Claims Administrator will pro rate the available funds amongst the claimants based on the value of their approved extraordinary claims. If the amount available in the Canadian Extraordinary Claims Distribution Fund is greater than the value of the approved extraordinary claims, the Canadian Claims Administrator will pay the extraordinary claims in full and remit the balance remaining in the Canadian Extraordinary Claims Distribution Fund into the Canadian Ordinary Claims Distribution Fund.

#### **iv. Administration of the Canadian Ordinary Claims Distribution Fund**

Canadian Data Breach Class Counsel expect the Canadian Ordinary Claims Distribution Fund will include a minimum of US\$0.84 million (approximately C\$1.16 million).

The Canadian Claims Administrator will distribute this fund amongst all eligible claimants equally without the need to provide further proof or documentation.

Canadian Data Breach Class Counsel expect that approximately 64,000 eligible Canadian Data Breach Class Members will submit eligible claims for compensation. On an equally pro-rated basis, Canadian Data Breach Class Counsel expect that the Canadian Ordinary Claims Distribution fund will result in a payment of approximately CA\$17.77 to each eligible claimant.

### **D. APPLICATION FOR FINAL APPROVAL OF THE PROPOSED CANADIAN SETTLEMENT**

On February 17, 2026, the United States Bankruptcy Court will hear a motion for final approval of the Proposed Canadian Settlement. As part of that application, the United States Bankruptcy Court will be asked to also grant orders as follows:

- a) an Order approving the Canadian Data Breach Settlement Class Benefits Plan;
- b) an Order approving honorarium payments to the plaintiffs, J.R., M.M. and Carolyn Rock, each in the amount of CA\$2,500; and
- c) an Order approving Canadian Data Breach Class Counsel's fees, at 33% of US\$3.25 million gross settlement consideration, and Canadian Data Breach Class Counsel's out of pocket expenses not exceeding US\$100,000.

If the United States Bankruptcy Court approves the Proposed Canadian Settlement, an application will be made to the Canadian Court for the appropriate recognition and approval orders.

## **E. OPTIONS AVAILABLE TO THE CANADIAN DATA BREACH CLASS MEMBERS AT THIS TIME**

**If you are a Canadian Data Breach Class Member, the options available to you are as follows:**

- a) **DO NOTHING:** If you have no objection to the Proposed Canadian Settlement or any related matter including the Canadian Data Breach Settlement Class Benefits Plan or the legal fees to be requested, you need not do anything at this time. The Proposed Canadian Settlement will follow its due course to obtain approvals of the United States Bankruptcy Court and the Canadian Court. If the courts approve the Proposed Canadian Settlement, a further notice will be issued in due course, which will provide information regarding the claims process and instructions regarding how you may claim compensation from the net settlement distribution fund.
- b) **OBJECT TO THE PROPOSED CANADIAN SETTLEMENT:** If you wish to object to the Proposed Canadian Settlement, including the Canadian Data Breach Settlement Class Benefits Plan or the legal fees request, which you wish to bring to the attention of the courts at the hearing of the application for final approval of the Proposed Canadian Settlement, you may provide your comments by completing and submitting a Canadian Settlement Objection Form (available [www.Canadian23andMeSettlement.ca](http://www.Canadian23andMeSettlement.ca)) by no later than 11:59 p.m., Pacific Time, on January 2, 2026, by email at [23andMe@conciliainc.com](mailto:23andMe@conciliainc.com).

Canadian Data Breach Class Counsel will bring the comments or objections that may be received to the attention of the courts. Please note that the United States Bankruptcy Court and the Canadian Court may approve the Proposed Canadian Settlement and related matters if considering all circumstances the courts conclude that they are fair, reasonable and in the best interests of the Canadian Data Breach Class Members.

- a) **OPT OUT OF THE PROPOSED CANADIAN SETTLEMENT:** Canadian Data Breach Class Members who timely filed an individual proof of claim in the Chapter 11 Proceedings were provided with the opportunity to opt out of the Proposed Canadian Settlement through the Chapter 11 solicitation process administered as part of the Debtors' Chapter 11 Proceedings. Furthermore, certain Canadian Data Breach Class Members will have the opportunity to opt out of the Proposed Canadian Settlement. To do so, you must complete and submit a Canadian Settlement Opt-Out Form (available [www.Canadian23andMeSettlement.ca](http://www.Canadian23andMeSettlement.ca)) by no later than 11:59 p.m., Pacific Time, on January 2, 2026, by email at [23andMe@conciliainc.com](mailto:23andMe@conciliainc.com). Please note, however, that any Canadian Data Breach Class Members who (a) timely filed individual proofs of claim within 23andMe's Chapter 11 Proceedings and (b) did not timely or validly opt out as part of the solicitation process in relation to 23andMe's Chapter 11 Plan, may no longer opt out by submitting an opt-out form.

By opting out of the Proposed Canadian Settlement, you will not be eligible to receive any benefits contemplated in the Canadian Data Breach Settlement Class Benefits Plan and you cannot object to the Settlement. Furthermore, you will only retain the rights to sue, continue to sue, or pursue claims arising out of the Cyber Security Incident that are not

otherwise barred or released as part of the Chapter 11 Proceedings, and you will be barred from pursuing any and all claims you may have against Chrome Holding Co. and ChromeCo, Inc. Any Canadian Data Breach Class Member who wishes to opt out is advised to seek independent legal advice before doing so.

## **F. THE PATH FORWARD**

In the event that the courts approve the Proposed Canadian Settlement, a further notice will be issued that will provide details regarding the Canadian Claims Process, and how Canadian Data Breach Class Members may submit a claim for compensation.

In the event that the courts decline to approve the Proposed Canadian Settlement, the Proposed Canadian Settlement shall be terminated and it shall have no effect. If the Proposed Canadian Settlement is not approved, there will no longer be an opportunity to pursue the claims against 23andMe as a result of the Chapter 11 Plan filed and confirmed as part of the Chapter 11 Proceedings which will have the effect of extinguishing and barring any claims against 23andMe. In the event that the Proposed Canadian Settlement is not approved, the parties will assess the implications of the termination of the Proposed Canadian Settlement and may seek the appropriate directions of the courts in due course.

## **G. INQUIRIES WITH RESPECT TO ADMINISTRATION OF THE PROPOSED CANADIAN SETTLEMENT**

Concilia Services Inc. (“**Concilia**”) has been appointed by the courts as the Canadian Claims Administrator in relation to this matter. Any questions concerning the administration of the settlement must be directed to Concilia at the following contact information:

### **Concilia Services Inc.**

1-5900 Andover Avenue

Montreal, Quebec, H4T 1H5

Email: [23andMe@conciliainc.com](mailto:23andMe@conciliainc.com)

Phone: 1-888-770-8437

## **H. Canadian Data Breach Class Counsel**

Canadian Data Breach Class Counsel are **NOT** the Canadian Claims Administrator, and will not be able to respond to inquiries concerning the administration of the settlement. Those inquiries must be provided to the Canadian Claims Administrator, Concilia at the contact information provided above.

Canadian Data Breach Class Counsel may be contacted as follows:

Sage Nematollahi  
KND Complex Litigation  
[23andMe@knd.law](mailto:23andMe@knd.law)

Information concerning the Canadian Class Actions is available on the website of Canadian Data Breach Class Counsel at the following URL address:

KND: <https://knd.law/class-actions/23-and-me/>