

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

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

In October 2023 and September 2024, class actions were filed (“**Canadian Class Actions**”) 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 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 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 11 of the United States Code, which was commenced in March 2025 in the United States Bankruptcy Court for the Eastern District of Missouri, Eastern Division (“**United States Bankruptcy Court**”).

The Proposed Canadian Settlement covers any individual who (i) was a customer of 23andMe at any time between May 1, 2023 through October 1, 2023 (the “**Cyber Security Incident Period**”); (ii) resided in Canada during the Data Security Incident Period; and (iii) received a notice from 23andMe notifying the customer that their personal information was compromised in the Cyber Security Incident (together with the Canadian Plaintiffs, the “**Canadian Data Breach Class Members**”).

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, and applicable taxes, 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 is not an admission of liability on the part of 23andMe, who denies the allegations and vigorously defend the actions against them. The Proposed Canadian

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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”.

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.

Copies of the Settlement Agreement, the Canadian Data Breach Settlement Class Benefits Plan, and other important documents and information, are available on the website of [www.Canadian23andMeSettlement.ca](http://www.Canadian23andMeSettlement.ca).

The United States Bankruptcy Court will hear an application for final approval of the Proposed Canadian Settlement on February 17, 2026, to be followed by an application for final approval of the Proposed Canadian Settlement by the Canadian Court.

The Canadian Data Breach Class Members who timely filed individual proofs of claims within 23andMe's Chapter 11 Proceedings were previously given an opportunity to opt-out (meaning to exclude themselves) from the Proposed Canadian Settlement as part of the solicitation process in relation to 23andMe's Chapter 11 Plan.

Furthermore, certain Canadian Data Breach Class Members are being again provided with the opportunity to opt out (meaning to exclude themselves) from the Proposed Canadian Settlement. Any Canadian Data Breach Class Member who wishes to opt-out must complete and submit the Canadian Settlement Opt-Out Form approved by the Court and available [www.Canadian23andMeSettlement.ca](http://www.Canadian23andMeSettlement.ca), and submit the completed Canadian Settlement Opt-Out Form by email to [23andMe@conciliainc.com](mailto:23andMe@conciliainc.com) by no later than 11:59 p.m., Pacific Time, on January 2, 2026. 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. Further, please note that a Canadian Data Breach Class Member who validly opts out 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 will be barred from pursuing any and all claims they may have against Chrome Holding Co. and ChromeCo, Inc. Any Canadian Data Breach Class Members who wishes to opt out is advised to seek independent legal advice before doing so.

Any person who wishes to object 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, must complete the Canadian Settlement Objection Form, in the form approved by the Court and available [www.Canadian23andMeSettlement.ca](http://www.Canadian23andMeSettlement.ca), and submit the completed Canadian Settlement Objection Form by email to [23andMe@conciliainc.com](mailto:23andMe@conciliainc.com) by no later than 11:59 p.m., Pacific Time, on January 2, 2026. 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.

Unless you wish to opt out or object to the Proposed Canadian Settlement or related matters, you need not do anything at this time. If the United States Bankruptcy Court and the Canadian Court approve the Proposed Canadian Settlement, a further notice will be issued which will provide information concerning the claims process and instructions for Canadian Data Breach Class Members to submit a claim for compensation.

Please review the Long-Form Notice of Proposed Canadian Settlement for further details and important deadlines, available [www.Canadian23andMeSettlement.ca](http://www.Canadian23andMeSettlement.ca).

The Canadian Claims Administrator in relation to this settlement is Concilia Services Inc., and they may be contacted at:

**Concilia Services Inc.**

1-5900 Andover Avenue

Montreal, Quebec, H4T 1H5

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

Phone: 1-888-770-8437

The Toronto-based law firm of KND Complex Litigation is the Canadian Data Breach Class Counsel, and may be contacted as follows:

Sage Nematollahi

KND Complex Litigation

[23andMe@knd.law](mailto:23andMe@knd.law)

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.