

Did you purchase a Gem Grade Diamond in Canada between January 1, 1994 and October 14, 2016?



IF SO, APPLY NOW TO RECEIVE MONEY FROM A CLASS ACTION SETTLEMENT.

THE DEADLINE TO APPLY TO RECEIVE A PAYMENT IS FEBRUARY 6, 2024.

1. WHAT ARE THE CLASS ACTIONS ABOUT?

Class action lawsuits were commenced in Ontario, British Columbia, and Quebec alleging that the Defendants conspired to fix prices for Gem Grade Diamonds sold in Canada (collectively the “Diamonds Proceedings”).

In this notice:

- “Claim Form” means the paper or online electronic form that a Settlement Class Member must complete and submit before the Claims Filing Deadline in order to be considered for settlement benefits under the Distribution Protocol.
- “Gem Grade Diamond” means diamonds that have been or could have been used in diamond jewellery or for investment purposes (as distinguished from diamonds used for industrial purposes).
- “Gem Grade Diamond Product” means any Rough Diamond, Polished Diamond, Diamond Jewellery, or any other product consisting of or containing one or more Gem Grade Diamonds. It excludes products containing man-made or industrial diamonds.
- “Rough Diamond” means a Gem Grade Diamond that is uncut and unpolished.
- “Polished Diamond” means a Gem Grade Diamond that has been cut and polished.
- “Diamond Jewellery” means any decorative or functional adornment typically made of metals and containing one or more Gem Grade Diamonds. This includes, among other jewellery, diamond rings, earrings, necklaces, bracelets, watches and cufflinks.
- “Gem Grade Diamond Purchases” means the aggregate amount actually paid by a Settlement Class Member for Gem Grade Diamonds and/or Gem Grade Diamond Products between January 1, 1994, and October 14, 2016, less any rebates or other form of discounts (such as off-invoice, bill-back or scan-back trade promotion payments), delivery or shipping charges, and taxes.

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- “Consumer” means any Settlement Class member who purchased a Gem Grade Diamond and/or Gem Grade Diamond Product for personal use or as a gift, and not for resale.
- “Reseller” means any Settlement Class Member who purchased a Gem Grade Diamond Product for resale. Resellers may include all of the following: Rough Diamond wholesalers, cutters and polishers, Polished Diamond wholesalers, Diamond Jewellery manufacturers, diamond jewellery wholesalers, and retailers.
- “Settlement Class Members” means all persons in Canada who purchased Gem Grade Diamonds or Gem Grade Diamond Products between January 1, 1994 and October 14, 2016, except the Defendants, certain parties related to the Defendants and those who opted out of the Diamonds Proceedings.

2. WHAT SETTLEMENT HAS BEEN ACHIEVED IN THE CLASS ACTIONS?

A settlement was reached with the following Defendants: Beers Canada, Inc., DB Investments, Societe Anonyme, De Beers S.A., De Beers Consolidated Mines Proprietary, Ltd., De Beers UK Limited (f/k/a The Diamond Trading Company Limited), CSO Valuations A.G., De Beers Centenary A.G., De Beers Canada Holdings Inc., Anglo American PLC, and Central Holdings Limited SA.

The settlement has received court approval. The settling Defendants do not admit any wrongdoing or liability. The settlement resolves the Diamonds Proceedings in full.

3. DISTRIBUTION OF SETTLEMENT FUNDS

Amount Available for Distribution

The settlement achieved in this litigation is for CAD \$9.4 million. The settlement funds, plus any costs awards and interest, and less court-approved legal fees, disbursements, administration expenses, and applicable taxes (“Net Settlement Amount”), are available for compensation to eligible Settlement Class Members (defined below). The Net Settlement Amount equals approximately CAD \$6 million.¹

The BC, Ontario and Quebec courts approved a protocol for distributing the Net Settlement Amount. A copy of the Distribution Protocol is available at www.CanadianDiamondsClassAction.ca.

Persons Eligible to file a Claim Form

Settlement Class Members are eligible to file a Claim Form.

Settlement Class Members can claim with respect to all Gem Grade Diamonds or Gem Grade Diamond Products purchased, even if purchases were not made from DeBeers.

¹ The Net Settlement Amount is calculated by taking the Settlement Amount plus any accrued interest after payment of Class Counsel Fees and deducting the Administration Expenses and all payable taxes. The Net Settlement Amount will be finally calculated once the Administration Expenses are known at the end of the claims process.

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Valuation of Claims

For the purpose of the distribution, a Settlement Class Member's claim will be calculated based on: (a) the Settlement Class Member's Gem Grade Diamond Purchases; and (b) the categorization of the Settlement Class Member as a Consumer or Reseller.

(a) Allocation of Settlement Funds

The Net Settlement Amount will be allocated between the different types of claimants as follows:

Claimant Type	Percentage	Amount ²
Consumers	49.7%	\$2,850,000
Resellers	50.3%	\$2,900,000

(b) The Settlement Class Member's Gem Grade Diamond Purchases

The Net Settlement Amount allocated to Resellers will be subject to claims-weighting to reflect estimated pass-through rates for Resellers of Rough Diamonds, Polished Diamonds, and Wholesale Jewellery as follows:

Claimant Type	Weighted Percentage
Rough Diamond Resellers	33.8%
Polished Diamond Resellers	28.7%
Wholesale Jewellery Resellers	37.5%

For example, a claim made by a Reseller of Rough Diamonds will be calculated as follows: total purchase price of rough diamonds x 0.338 = weighted Gem Grade Diamond Purchase amount.

A Consumer's Gem Grade Diamond Purchase amount will be equal to the retail purchase price of the Diamond Jewellery purchased by the Settlement Class Member during the Class Period, with the exception that pave and non-pavé diamond watches will be subject to claims-weighting to reflect the value of their Gem Grade Diamond content.

(c) Minimum Administrative Payments

Notwithstanding the above and subject to further order of the Courts, all Settlement Class Members with valid claims will receive a minimum payment of \$20.00. The \$20.00 valuation target is not an

² This is an estimate only. The final amount will not be known until the administration is complete and the exact interest earned, taxes payable, and Administration Expenses is known.

estimate of any damages suffered. It is a minimum administrative threshold designed to maintain a feasible economic and administrative platform for the settlement distribution.

The Minimum Administrative Payment is subject to approval by the Courts, and may be reduced or increased after consideration of the final number of claims filed in the event that the value of Undocumented Claims filed would result in an unfair distribution of the Net Settlement Funds.

4. APPLYING TO RECEIVE A PAYMENT

(a) Filing a Claim Form

Settlement Class Members who wish to apply for compensation under the settlement must apply no later than February 6, 2024. Claims that are not made before the deadline may not be eligible for compensation. You can apply online to receive a payment at www.CanadianDiamondsClassAction.ca. If you do not have internet access, but wish to apply to receive a payment, please contact the Claims Administrator at 1-877-563-7614.

(b) Proof of Purchase and Undocumented Claims

Undocumented purchases: Recognizing that some Settlement Class Members will not have retained proof of purchase, Settlement Class Members can file claims in respect of Gem Grade Diamond Purchases that are not supported by documentary proof of purchase. Subject to further court order, Settlement Class Members who file claims without proof of purchase are eligible to receive the Minimum Administrative Payment.

Settlement Class Members who wish to claim for more than the Minimum Administrative Payment must support their claim with proof of purchase or other documentation.

Averaging purchases: Where a Reseller does not have all purchase records for the period between January 1, 1994 and October 14, 2016, the Reseller can average its Gem Grade Diamond Purchases based on existing purchase records between January 1, 1994 and October 14, 2016, or for years that which they do have records, and then claim the average annual dollar volume for each year for which no records are available.

5. HOW SETTLEMENT FUNDS WILL BE DISTRIBUTED

Subject to further court order, Settlement Class Members who file Claim Forms without proof of purchase will receive a Minimum Administrative Payment of \$20.00.

For each applicable allocation of the Net Settlement Amount (Reseller or Consumer), after all claims limited to the Minimum Administrative Payment (\$20) are paid, the remaining Net Settlement Amount will be distributed to eligible Settlement Class Members *pro rata* (proportionately), based on the value of the eligible Settlement Class Member's weighted Gem Grade Diamond Purchases as against the value of all eligible Settlement Class Members' weighted Gem Grade Diamond Purchases. Because settlement benefits are being distributed *pro rata*, the amount payable to individual claimants will not be known until after the claims process is complete.

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6. CLAIMS ADMINISTRATOR

The courts have appointed Epiq Class Action Services Canada, Inc. (“Epiq”) (an independent third party) to receive and review claims, determine eligibility for payments, and issue payments to eligible Settlement Class Members.

Questions regarding the claims process should be directed to Epiq at 1-877-563-7614 or Info@CanadianDiamondsClassAction.ca.

7. CLASS COUNSEL AND LEGAL FEES

The following law firms represent Settlement Class Members:

Camp Fiorante Matthews Mogerman:

Telephone: 604-689-7555

Email: diamondsclassaction@cfmlawyers.ca

Mail: #400 - 856 Homer Street, Vancouver, BC V6B 2W5 Attention: Naomi Kovak / Sophie Maraldo

Siskinds:

Telephone (toll free): 1-800-461-6166

Email: Jennifer.bald@siskinds.com

Mail: 275 Dundas Street, Unit 1, London, ON N6B 3L1 Attention: Linda Visser / Jennifer Bald

Consumer Law Group:

Telephone: 514-266-7863

Email: info@clg.org

Mail: 1030 rue Berri, Suite 102, Montreal, QC, H2L 4C3 Attention: Jeff Orenstein

You do not need to pay out-of-pocket for the lawyers working on the class actions. The lawyers were paid from the settlement funds in the amount approved by the courts.

8. QUESTIONS ABOUT THE SETTLEMENTS

More information about the settlements, the distribution of the settlement funds and the claims process is available online at www.CanadianDiamondsClassAction.ca, by email at Info@CanadianDiamondsClassAction.ca or by calling toll-free 1-877-563-7614.

9. INTERPRETATION

This notice contains a summary of some of the terms of the settlement agreements and the distribution protocol. If there is a conflict between the provisions of this notice and the settlement agreements (including the appendices) and/or the distribution protocol, the terms of the settlement agreements and/or distribution protocol shall prevail.

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