

23andME CANADIAN CONSUMER DATA BREACH CLASS ACTION

SUPREME COURT OF BRITISH COLUMBIA APPOINTS REPRESENTATIVE PLAINTIFF AND REPRESENTATIVE COUNSEL TO ADDRESS TERMS OF CUSTOMER AGREEMENTS WITH 23andMe

VANCOUVER, BC and TORONTO, ON, December 20, 2023 – The Supreme Court of British Columbia has granted a Representation Order subject to proposed class proceedings brought in the matter of *J. R. v 23andMe Holding Co et al*, Vancouver Registry, S-237147.

This class action has been brought on behalf of a proposed Class comprising of all Canadian customers of 23andMe who were affected by the data breach reported by the company in October 2023 (“**Class**”), excluding certain individuals affiliated with the Defendants.

Pursuant to the Representation Order, the plaintiff has been appointed as the Representative Plaintiff and KND Complex Litigation and YLAW Group have been appointed as Representative Counsel to address any issues arising from the implementation, construction or interpretation of the Defendants’ Terms of Service dated November 30, 2023 and its successors.

23andMe’s Terms of Service dated November 30, 2023 include provisions for alternative dispute resolution and individual arbitration procedures and a class action waiver, and require that customers opt out if they wish to not be bound by those terms. Pursuant to the Representation Order, Representative Plaintiff and Representative Counsel are empowered to address those issues on behalf of putative members of this class action.

Pursuant to the terms of the Representation Order:

1. The Representation Order is without prejudice to, and it does not amount to any form of compromise or derogation of, the Defendants’ rights or arguments, including that the proceeding should not proceed as a class action or at all; and

2. The Representation Order shall be null and shall have no effect on any person who opts out from this class proceeding by written email to sn@knd.law, and/or in the event that this action is not certified under the *Class Proceedings Act* of British Columbia.

More information concerning this class action and a copy of the Court's Representation Order are available on Representative Counsel's website at <https://knd.law/class-actions/23-and-me/>.

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