

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE  
JUSTICE PERELL

MONDAY, THE 12<sup>TH</sup> DAY OF  
DECEMBER, 2022.

B E T W E E N:

DAVID MARK SLAPINSKI

Plaintiff

- and -

CAPITAL ONE SERVICES (CANADA) INC., CAPITAL ONE FINANCIAL CORPORATION,  
CAPITAL ONE, N.A., and CAPITAL ONE BANK (USA), N.A

Defendants

Defendants Proceeding under the *Class Proceedings Act, 1992*, SO 1992, c 6.

**ORDER**

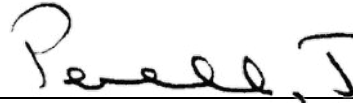
**THIS MOTION**, made by the Plaintiff, for the discontinuance of the action was heard this day in writing at the Toronto Courthouse, located at 130 Queen Street West, Toronto, Ontario M5H 2N6.

**ON READING** the motion record of the Plaintiff filed, including the Consent of the Parties:

1. **THIS COURT ORDERS** that the within action is hereby discontinued, with prejudice, pursuant to section 29 of the *Class Proceedings Act, 1992*.
2. **THIS COURT ORDERS** that a Discontinuance Notice, substantially in the form of the attached Schedule "A", is approved pursuant to section 19 and section 29 of the *Class Proceedings Act, 1992*, SO 1992, c 6 ("**CPA**").
3. **THIS COURT ORDERS** that the Discontinuance Notice shall be posted on Class Counsel's websites and provided to every individual who previously contacted Class

Counsel.

4. **THIS COURT ORDERS** that there be no costs with respect to this motion or proceeding.

A handwritten signature in black ink, appearing to read "Perell J.", is written above a horizontal line.

The Honourable Justice Perell

## **SCHEDULE "A": DISCONTINUANCE NOTICE**

On August 9, 2019, a proposed class action was commenced in Ontario by David Slapinski (Court File Number CV-19-00625262-00CP), alleging that, on or around March 22 and 23, 2019, Paige A. Thompson ("Thompson") stole personal information from servers that had been leased by Capital One Financial Corporation, Capital One, N.A., Capital One Bank (USA), N.A., and Capital One Services (Canada) Inc., (collectively "Capital One") from Amazon Web Services (the "Claim"). The Claim alleged that, as a consequence of this data breach, the personal and confidential information of an estimated 6 million Canadians was compromised.

The parties have reached an agreement to discontinue the Claim. The discontinuance was approved by the Ontario Superior Court of Justice. The discontinuance relates only to the Claim and not to any other outstanding claims which relate to the data breach that is the subject of the Claim or to claims against other institutions in relation to similar data breaches.

SLAPINSKI  
Plaintiff

CAPITAL ONE SERVICES (CANADA) INC.  
Defendants

Court File No: CV-19-00625262-00CP

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**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**Proceedings commenced in TORONTO**

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**ORDER  
(ORDER TO DISCONTINUE ACTION WITHOUT COSTS)**

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