

Claim Form must be submitted electronically in the on-line claims  
administration portal at  
<https://www.namastesecuritiesclassaction.ca/portal>,  
By the Claims Bar Deadline of July 17, 2020 11:59 PM

# Namaste Technologies, Inc. Securities Class Action Settlement

Court File No. 18-CV-78184

## CLAIM FORM

**RONALD TARRANT**  
(Plaintiff)

- and -

**NAMASTE TECHNOLOGIES, INC.,  
SEAN DOLLINGER and PHILIP VAN DEN BERG**  
(Defendants)

Proceeding under the *Class Proceedings Act, 1992*

**Trilogy Class Action Services**  
Namaste Securities Class Action Administration  
117 Queen Street, P.O. Box 1000,  
Niagara-on-the-Lake, Ontario, L0S 1J0

**Phone:** 1-877-400-1211

**Fax:** 1-416-342-1761

**Email:** [claims@trilogyclassactions.ca](mailto:claims@trilogyclassactions.ca)

**Websites:**

English: <https://www.namastesecuritiesclassaction.com/>

French: <https://fr.namastesecuritiesclassaction.com/>

German: <https://de.namastesecuritiesclassaction.com/>

# Namaste Technologies, Inc. Securities Class Action Settlement

## CLAIM FORM INSTRUCTIONS

**Failure to fully comply with these instructions may result in the Rejection of your Claim Form.**

To register as a Claimant and submit your Claim Form with supporting documentation electronically in the online claims administrator portal, click here: <https://www.namastesecuritiesclassaction.ca/portal>.

Your Claim Form must be submitted electronically and review the status of your Claim in the claims' portal.

*The enclosed instructions, information and key defined terms are pursuant to the Court approved Settlement Agreement and Plan of Allocation. If you wish to review the entire Settlement Agreement and Plan of Allocation, please see the public documents section in the portal or visit the class action designated website at <https://www.namastesecuritiesclassaction.ca/case-documents>.*

### Key Defined Terms - Pursuant to the Court approved Plan of Allocation

**"Authorized Claimant"** means a Class Member who: (i) submitted a properly completed Claim Form with the calculation of their Maximum Entitlement and all required Supporting Documentation to the Administrator on or before the Claims Bar Deadline; and (ii) is eligible to receive a Distribution from the Compensation Fund;

**"Claims Bar Deadline"** means the date by which each Class Member must file a completed Claim Form and all required supporting documentation with the Administrator which date shall be set out in the Second Notice and which shall be at least one hundred twenty days (120) after the date on which the Second Notice is last published. The Claims Bar Deadline Date is July 17, 2020. The Administrator will not accept any Claim Forms after July 17, 2020 without authorization of the Court;

**"Class Period"** means the period from November 29, 2017 to and including February 3, 2019;

**"LIFO"** means the principle of last-in first-out, wherein securities are deemed to be sold in the opposite order that they were purchased (i.e. the last securities purchased are deemed to be the first sold);

**"Maximum Entitlement"** means an Authorized Claimant's actual loss on Qualified Shares, as calculated pursuant to the formula set forth in the Claim Form;

**"Pro Rata Distribution"** means the Distribution per dollar of Total Damages;

**"Qualified Shares"** means Shares purchased or acquired during the Class Period and held until after the close of trading on any of October 3, 2018, October 15, 2018 or February 3, 2019, calculated using LIFO;

**"Shares"** means securities of Namaste that are or were listed for trading on the TSX (Toronto) or the FSE Frankfurt) **"TSX"** means Toronto Stock Exchange and **"FSE"** means Frankfurt Stock Exchange;

**"Supporting Documentation"** means true copies of (i) all trade confirmation slips in respect of transactions in the Qualified Shares during the Class Period (and ten days after the end of the Class Period), or (ii) all monthly statements with information concerning transactions in the Qualified Shares during the Class Period (and ten days after the end of the Class Period);

**"Total Damages"** means the aggregate of all Authorized Claimants' Maximum Entitlements;

## **Pursuant to the Court approved Plan of Allocation**

### **The Maximum Entitlement shall be calculated as follows:**

- (a) For Qualified Shares disposed of on or before the 10<sup>th</sup> trading day after the last public correction (February 15, 2019), the difference between the average price paid for those Qualified Shares (including any commissions paid in respect thereof) and the price received upon the disposition of those Qualified Shares (without deducting any commissions paid in respect of the disposition);
  
- (b) For Qualified Shares disposed of after the 10<sup>th</sup> trading day after the last public correction (February 15, 2019), the lesser of:
  - a An amount equal to the difference between the average price paid for those Qualified Shares (including any commissions paid in respect thereof) and the price received upon the disposition of those Qualified Shares (without deducting any commissions paid in respect of the disposition); and
  
  - b An amount equal to the number of Qualified Shares disposed of by an Authorized Claimant, multiplied by the difference between the average price paid for those Qualified Shares (including any commissions paid in respect thereof determined on a per security basis) and the ten-day volume-weighted average trading price for those Qualified Shares following the last public correction on February 4, 2019.
  
- (c) For Qualified Shares not disposed of when the Claim Form is submitted, an amount equal to the difference between the average price paid for those Qualified Shares (including any commissions paid in respect thereof) and the ten-day volume-weighted average trading price for those Qualified Shares following the last public correction on February 4, 2019.

## THE ADMINISTRATOR

The Administrator shall have such powers and rights reasonably necessary to discharge its duties and obligations to implement and administer the Settlement Agreement and the Plan of Allocation in accordance with their terms, subject to the direction of the Court, including:

- (a) the power to contact Claimants or their representatives to obtain more information about a claim and/or to audit claims;
- (b) if the Administrator reasonably believes that a Claim contains intentional errors the effect of which if not corrected would increase the Distribution to be awarded to a Claimant, the Administrator may disallow the Claim in its entirety;
- (c) **if a Claimant fails to provide the Administrator the required calculations for their Maximum Entitlement and Supporting Documentation in an organized manner and clear format to allow the Administrator to readily determine the amount of the Claim and the adjudication of the Claim Form, the Administrator may exercise the right to reject the Claim Form in its entirety; and**
- (d) where a Claim Form contains minor omissions or errors, the Administrator may correct such omissions or errors if the information necessary to correct the omission or error is readily available to the Administrator.

The Administrator shall, wherever practical, develop, implement and operate an administration system utilizing web-based technology and other electronic systems for the following:

- a) Claim filing and document collection. Claimants must submit their Claims Forms electronically using the online claims administration portal.
- b) Class notification, as required. Once the Administrator determines that a Claimant is an Authorized Claimant, the respective number of his, her or its Qualified Shares and his, her or its Maximum Entitlement and *Pro Rata* Distribution from the Compensation Fund, the Administrator shall advise the Claimant of the Administrator's decision by posting it on the Claimant's online claim file.

## DEFICIENCIES IN CLAIM FORM, CALCULATION OF MAXIMUM ENTITLEMENT AND SUPPORTING DOCUMENTATION

If practicable, providing any Claimant whose Claim Form is not properly completed or does not include some of the required Supporting Documentation, an opportunity to remedy the deficiency as stipulated in the Agreement;

In order to remedy any deficiency in the completion of a Claim Form, the Administrator may require and request that additional information be submitted by a Claimant who submits a Claim Form. Such Claimant shall have until the later of thirty (30) days from the date of the request from the Administrator or the Claims Bar Deadline to rectify the deficiency. Any person who does not respond to such a request for information within the thirty (30) day period shall be forever barred from receiving any payments pursuant to the Settlement, subject to any order of the Court, but will in all other respects be subject to, and bound by, the provisions of the Agreement and the releases contained therein;

The Administrator will not accept nor process any Claim Form that does not have the calculation of Maximum Entitlement completed and accompanied with the required Supporting Documentation;

Claim Form must be submitted electronically in the on-line claims administration portal at <https://www.namastesecuritiesclassaction.ca/portal>,

By the Claims Bar Deadline of July 17, 2020 11:59 PM

## Namaste Technologies, Inc. Securities Class Action Settlement CLAIM FORM

### CLAIMANT IDENTIFICATION

Beneficial Owner of Shares:

First Name:

Middle Name:

Last Name:

Street Address:

Country:

City or Town:

Province:

Postal Code:

Home Number:

Area Code

Number

Email Address:

Language Preference:  English  French

If you are Claiming on behalf of a Class Member who is beneficial owner of shares, please provide your contact details. (Please enclose documentation authorizing you to file on behalf of Class Member):

First Name:

Middle Name:

Last Name:

Street Address:

Country:

City or Town:

Province:

Postal Code:

Home Number:

Area Code

Number

Email Address:

Language Preference:  English  French

Relationship to the Person:

## **CALCULATION OF MAXIMUM ENTITLEMENT**

The Administrator will not accept nor process any Claim Form that does not have the calculation of Maximum Entitlement completed and accompanied with the required Supporting Documentation;

All Claimants must include Supporting Documentation to verify that you acquired the Qualified Shares during the Class Period and to verify when you disposed of those Qualified Shares;

For each transaction, copies of trade confirmations, investment statements or other documentation of your transactions should be attached to your Claim Form;

Failure to provide the calculation of Maximum Entitlement and submit the required Supporting Documentation for each transaction of the Qualified Shares you are claiming may result in the Rejection of your Claim;

If a Claimant fails to provide the Administrator the required calculations for their Maximum Entitlement and Supporting Documentation in an organized manner and clear format to allow the Administrator to readily determine the amount of the Claim and the adjudication of the Claim Form, the Administrator may exercise the right to reject the Claim Form in its entirety;

### **The Maximum Entitlement shall be calculated as follows:**

- (a) For Qualified Shares disposed of on or before the 10<sup>th</sup> trading day after the last public correction (February 15, 2019), the difference between the average price paid for those Qualified Shares (including any commissions paid in respect thereof) and the price received upon the disposition of those Qualified Shares (without deducting any commissions paid in respect of the disposition);
- (b) For Qualified Shares disposed of after the 10<sup>th</sup> trading day after the last public correction (February 15, 2019), the lesser of:
  - a An amount equal to the difference between the average price paid for those Qualified Shares (including any commissions paid in respect thereof) and the price received upon the disposition of those Qualified Shares (without deducting any commissions paid in respect of the disposition); and
  - b An amount equal to the number of Qualified Shares disposed of by an Authorized Claimant, multiplied by the difference between the average price paid for those Qualified Shares (including any commissions paid in respect thereof determined on a per security basis) and the ten-day volume-weighted average trading price for those Qualified Shares following the last public correction on February 4, 2019.
- (c) For Qualified Shares not disposed of when the Claim Form is submitted, an amount equal to the difference between the average price paid for those Qualified Shares (including any commissions paid in respect thereof) and the ten-day volume-weighted average trading price for those Qualified Shares following the last public correction on February 4, 2019.

**The Maximum Entitlement shall be calculated as follows:**

- (a) **For Qualified Shares** disposed of on or before the 10<sup>th</sup> trading day after the last public correction (February 15, 2019), the difference between the average price paid for those Qualified Shares (including any commissions paid in respect thereof) and the price received upon the disposition of those Qualified Shares (without deducting any commissions paid in respect of the disposition);

*(Computed in boxes A-E below)*

A. Number of Qualified Shares disposed of on or before the 10th trading day after the last public correction (February 15, 2019) “A”	
B. The average price paid for those Qualified Shares in “A” (including commissions) “B” (round to two decimal places)	
C. The average price received upon disposition of those Qualified Shares in “A” (without deducting commissions) “C”	
D. The difference between the average price paid for those Qualified Shares in “A” (including commissions) and the average price received upon disposition of those Qualified Shares in “A” (without deducting commissions) “B” minus “C” = “D”	
E. Net Loss “A” multiplied by “D” = “E”	

- (b) **For Qualified Shares** disposed of after the 10<sup>th</sup> trading day after the last public correction (February 15, 2019), the lesser of:

- a. An amount equal to the difference between the average price paid for those Qualified Shares (including any commissions paid in respect thereof) and the price received upon the disposition of those Qualified Shares (without deducting any commissions paid in respect of the disposition); and
- b. An amount equal to the number of Qualified Shares disposed of by an Authorized Claimant, multiplied by the difference between the average price paid for those Qualified Shares (including any commissions paid in respect thereof determined on a per security basis) and the ten-day volume-weighted average trading price for those Qualified Shares following the last public correction on February 4, 2019.

*(Section (b) a. above computed in boxes F-J below)*

F. Number of Qualified Shares disposed of after the 10 <sup>th</sup> trading day after the last public correction (February 15, 2019) “F”	
G. The average price paid for those Qualified Shares in “F” (including commissions). “G”	
H. The average price received upon disposition of those Qualified Shares in “F” (without deducting commissions). “H”	

I. The difference between the average price paid for those Qualified Shares in “F” (including commissions) and the average price received upon disposition of those Qualified Shares in “F” (without deducting commissions). “G” minus “H” = “I”	
J. Net Loss “F” multiplied by “I” = “J”	

(Section (b) b. above computed in boxes K-M below)

K. The ten-day volume-weighted average trading price for those Qualified Shares following the last public correction on February 4, 2019. “K”	\$1.0918
L. The difference between the average price paid for the Qualified Shares in “F” (including commissions) and the ten-day volume-weighted average trading price for Qualified Shares following the public correction of February 4, 2019. “G” minus “K” = “L”	
M. Net Gain or Loss based on the ten-day volume-weighted average trading price. “F” multiplied by “L” = “M”	
N. The Lesser Net Loss of “J” and “M”	

(c) **For Qualified Shares** not disposed of when the Claim Form is submitted, an amount equal to the difference between the average price paid for those Qualified Shares (including any commissions paid in respect thereof) and the ten-day volume-weighted average trading price for those Qualified Shares following the last public correction on February 4, 2019.

(Section (c) above computed in boxes O-R below)

O. Number of Qualified Shares not disposed of when the Claim Form is submitted “O”	
P. The average price paid for those Qualified Shares in “O” (including commissions). “P”	
Q. The difference between the average price paid for the Qualified Shares in “O” (including commissions) and the ten-day volume-weighted average trading price for Qualified Shares following the public correction of February 4, 2019. “P” minus “K” = “Q”	
R. Net Gain or Loss based on the ten-day volume-weighted average trading price. “O” multiplied by “Q” = “R”	



**S. Maximum Entitlement (“E” plus “N” plus “R”)**

I declare under penalty of perjury and disqualification to receive payment from the Compensation Fund, under the laws of the Province of Ontario, that all of the foregoing information, documentation, calculations and identity supplied in my Claim Form Package by the undersigned is true, accurate and correct.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in \_\_\_\_\_, \_\_\_\_\_  
(Day) (Month) (Year) (City) (Province/State)

\_\_\_\_\_  
(Name and Position)

\_\_\_\_\_  
(Sign your name here)