

## **23andMe Canadian Class Action Update**

June 30, 2025

Dear all:

I write to provide an update in relation to the Canadian consumer class action involving 23andMe Holding Co. and 23andMe, Inc. (collectively, “**23andMe**”).

### **A. Background**

In October 2023, 23andMe disclosed a major data security incident that affected its clients’ sensitive information. According to 23andMe, the data security incident affected approximately 7 million of its customers, approximately 320,000 of whom reside in Canada.

As a result, our clients have brought class action proceedings on behalf of 23andMe customers residing in Canada, which have been brought and are pending in the Supreme Court of British Columbia, Action Numbers S-237147 & S-246520 (collectively, “**Canadian Class Action**”).

The Canadian Class Action has been brought against 23andMe, certain of its former directors or officers and its auditor, KPMG LLP (United States). A copy of the proposed amended claim in this matter is available here: <https://knd.law/documents/23-and-me/23andMe-FINAL-PROPOSED-AMENDED-NOCC.pdf>.

We regularly provide information concerning the Canadian Class Action on our website at <https://knd.law/class-actions/23-and-me/>.

### **B. Insolvency Proceedings**

In March 2025, 23andMe commenced insolvency proceedings under United States insolvency laws in the United States Bankruptcy Court for the Eastern District of Missouri, Eastern Division (“**Chapter 11 Proceedings**”). The Chapter 11 Proceedings have been recognized by the Supreme Court of British Columbia in accordance with Canadian insolvency laws under Action Number S-253696.

As a result of the insolvency proceedings:

- (a) the class action claims against 23andMe, its former directors or officers and its auditor are at this time stayed; and
- (b) any claim against 23andMe must be channeled through the Chapter 11 Proceedings, and it must be registered within the Chapter 11 Proceedings by no later than July 14, 2025, otherwise it may be forever discharged or otherwise barred.

Important information concerning the Chapter 11 Proceedings may be found at the website of Kroll (who are a third party firm that administer the Chapter 11 Proceedings), here: <https://restructuring.ra.kroll.com/23andMe/>.

Given the ongoing insolvency proceedings, the customers' options are at this time limited to the Chapter 11 Proceedings. Please review the notice approved by the United States Court presiding over the Chapter 11 Proceedings carefully to learn more about the options available to you at this time. 23andMe has provided the notice directly to its customers, and a copy of it is also available here: <https://restructuring.ra.kroll.com/23andMe/Home-DownloadPDF?id1=MzM0ODMxMA%3D%3D&id2=0>.

Please note that we are unfortunately not in a position to provide legal advice in relation to the Chapter 11 Proceedings. If you require legal assistance in relation to the Chapter 11 Proceedings, please consult with your lawyer.

### **C. Future of Canadian Class Action**

The Canadian Class Action is at this time temporarily stayed on all parties' consent until December 3, 2025.

In due course, the parties will assess the future of the Canadian Class Action. This may involve the necessity to seek appropriate Court orders or directions. We have been, and continue to be, actively working on this matter. We are grateful for your continued patience and support as we work through this process. We will provide further updates when a determination has been made in relation to the manner in which the Canadian Class Action may be pursued.

### **D. Frequently Asked Questions**

- Who would be included in the Canadian Class Action? The Canadian Class Action has been brought on behalf of all customers of 23andMe who reside in Canada. The Canadian Class Action still requires Court approval. If the Court allows the Canadian Class Action to proceed, the Court will determine the appropriate definition for the class of customers who will be included in the Canadian Class Action, and any person who fits in that definition will be automatically included. If the Court allows the Canadian Class Action to proceed, a notice will be issued in the future, which will provide appropriate details and information.
- How do I know if my information was affected in the data breach involving 23andMe? We do not have access to information identifying the persons whose information was affected. That information is solely in the possession of 23andMe. Only 23andMe can confirm whether your information was affected. If you are unsure as to whether or not your information was affected in the data breach, you should contact 23andMe to obtain that information.

- Should I delete my 23andMe information? As a customer of 23andMe, that option is available to you, and you may choose to exercise it in your discretion. If you require assistance with that process, please contact 23andMe. We do not have access to 23andMe's systems.
- I can no longer access my 23andMe account; what should I do? We do not have access to any information or the infrastructure within 23andMe. Please contact 23andMe with any questions respecting your account.
- Where can I find more information regarding legal proceedings involving 23andMe? Information concerning the class action proceeding is provided by KND Law at <https://knd.law/class-actions/23-and-me/>. Information concerning the insolvency proceedings is provided by Kroll at <https://restructuring.ra.kroll.com/23andMe/>. Please note that the insolvency proceedings are distinct and separate from the class action proceedings. KND Law is solely involved in matters concerning the class action proceedings.
- Can KND Law help me with the Chapter 11 Proceedings? No. Unfortunately, we are not able to assist with the Chapter 11 Proceedings. You should seek legal advice from your lawyer if you require legal assistance with the Chapter 11 Proceedings. You should also carefully review the notice formally issued in relation to the Chapter 11 Proceedings, a copy of which is available here: <https://restructuring.ra.kroll.com/23andMe/Home-DownloadPDF?id1=MzM0ODMxMA%3D%3D&id2=0>.
- How can I subscribe for updates in relation to the Canadian Class Action? Please send an email to [contact@knd.law](mailto:contact@knd.law) and indicate "23andMe Class Action" in the subject line. We do not require any additional information or documentation at this time.

I would like to take this opportunity to wish everyone a safe and happy Canada Day!

Sincerely,

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Toronto, Ontario