

## APPENDIX "A"

### CLASS ACTION COMMON ISSUES

Pursuant to the Order of the Court, the common issues for the Class to be dealt with collectively are as follows:

#### **Common Issues relating to the claims of secondary market purchasers under Part XXIII.1 of the OSA**

1. Did some or all of the following documents released by BlackBerry (collectively, the "Impugned Documents," each being an "Impugned Document"):
  - a. BlackBerry's MD&A for the three months and fiscal year ended March 2, 2013, released and filed on SEDAR on March 28, 2013;
  - b. BlackBerry's Audited Financial Statements for the fiscal year ended March 2, 2013, released and filed on SEDAR on March 28, 2013;
  - c. BlackBerry's MD&A for the three months ended June 1, 2013, released and filed on SEDAR on June 28, 2013;
  - d. BlackBerry's Interim Financial Statements for the three months ended June 1, 2013, released and filed on SEDAR on June 28, 2013

contain a misrepresentation within the meaning of the OSA?

2. If the answer to 1 is yes, are the Defendants, or any of them, liable under section 138.3 of the OSA or the equivalent provisions of the Securities Legislation?
3. If the answer to 2 is yes, do the liability limits set out in section 138.7(1) of the OSA and the equivalent provisions of the Securities Legislation limit the liability of some or all of the Defendants? If so, what are the limits of each such Defendant's liability?
4. If the answer to 2 is yes, what are the per share damages?

#### **Common Issues relating to the common law negligent misrepresentation claims**

5. Did the Impugned Documents, or any of them, contain the Representation?
6. Was the Representation a misrepresentation at law?
7. Did the Defendants, or any of them, make the Representation? If so, who made the Representation, when and how?
8. Did the Defendants, or any of them, owe the Class Members a duty of care? If so, which Defendants owed what duty, and to whom?
9. If the answer to 8 is yes, did the Defendants, or any of them, breach their duty of care? If so, which Defendants breached that duty, and how?

#### **Common Issues relating to other matters**

10. Can some or all of the damages of the Class be calculated in the aggregate pursuant to section 24 of the CPA?
11. Is BlackBerry vicariously liable or otherwise responsible for the acts of Heins, Bidulka and/or of its other officers, directors and employees?
12. Should the Defendants pay the costs of administering and distributing the recovery? If so, which Defendants should pay, and how much?
13. If the Court determines that the Defendants are liable to the Class, and if the Court considers that the participation of the Class Members is required to determine individual issues:
  - a. are any directions necessary;
  - b. should any special procedural steps be authorized;
  - c. should any special rules relating to the admission of evidence and means of proof be made; and
  - d. what directions, procedural steps, or evidentiary rules ought to be given or authorized?