

**NOTICE TO CLASS MEMBERS - AUTHORIZATION OF A CLASS ACTION LAWSUIT  
AGAINST L'UNIQUE ASSURANCES GÉNÉRALES INC.  
FOR LOSS OF INCOME ARISING FROM SHUTDOWN DUE TO COVID-19**

**This notice may impact your rights. Review it carefully.**

The Superior Court of Quebec has authorized the institution of a class action lawsuit against the insurance company L'Unique Assurances Générales Inc. ("**L'Unique**") for the benefit of the following class:

*All businesses engaged in the practice of dentistry or a subspecialty of dentistry in the province of Quebec who were forced to reduce or interrupt their businesses as a result of COVID-19 and were denied coverage for Business Interruption Insurance by L'Unique Assurances Générales Inc.*

The dental clinic *Centre dentaire Boulevard Galeries d'Anjou Inc.* has been granted the status of Class Representative in this class action, which will take place in the judicial district of Montreal.

The authorization judgment is a preliminary step that allows the class action to move forward. This judgment does not decide L'Unique's liability. L'Unique will present its grounds of defence at trial. At trial, the Superior Court will decide whether L'Unique should be condemned to pay insurance indemnities and damages to class members.

**WHAT COULD YOU OBTAIN FROM THIS CLASS ACTION ?**

The class action alleges that L'Unique is required to indemnify all class members for the loss of income sustained as a result of the shutdown arising from COVID-19 ordered by the Government of Quebec on March 16, 2020, as well as damages.

If you are a class member, you do not need to take any steps at this stage in order to benefit from this class action, in the event that it is successful; you will automatically be bound by the outcome of the class action, unless you choose to exclude yourself from the class.

**WHAT YOU NEED TO DO IF YOU WANT TO OPT OUT OF THE CLASS**

If you do not wish to be a member of the class, and choose to exclude yourself from this class action, you must send the form attached to this notice or a letter expressing your wish to exclude yourself from the present class action by mail to the Superior Court of Quebec, District of Montréal, at: 1, rue Notre-Dame Est, Montréal (Qc), H2Y 1B6.

You should indicate the Court number of this class action: 500-06-001054-200.

The deadline to opt out of the class action is **September 21, 2022 at the latest.**

**THE NEXT STEPS**

To decide whether the class action should succeed, the Superior Court will have to answer the following collective questions at trial:

1. Must L'Unique indemnify class members for Business Interruption Insurance due to COVID-19 in accordance with the terms and conditions of its insurance policy ?
2. Are the class members entitled to claim damages plus interest and the additional indemnity set out in the Civil Code of Quebec on these amounts, from the date of service of the Application for Authorization ?

The conclusions sought in this class action are the following:

**GRANT** the present class action;

**ANSWER** the principal questions of fact and law to be treated collectively as follows:

- a. Must L'Unique indemnify class members for Business Interruption Insurance due to COVID-19 in accordance with the terms and conditions of its insurance policy?
- b. Are the class members entitled to claim damages plus interest and the additional indemnity set out in the *Civil Code of Quebec* on these amounts, from the date of service of the Application for Authorization?

**DECLARE** that the business interruption losses caused by COVID-19 are covered under the Business Interruption Insurance (Form E2000.01) issued by Defendant to class members;

**CONDEMN** the Defendant to pay the Plaintiff the amount of **\$341,943.00** for its business interruption losses, the whole with interest and the additional indemnity provided by law, to be calculated from and as of April 2, 2020;

**ESTABLISH** a claims procedure in order to enable each class member to substantiate its loss of business income in accordance with the formula set forth in Form E2000.01 of the L'Unique Policy, the whole with interest and the additional indemnity provided by law from and as of April 2, 2020;

**CONDEMN** the Defendant to pay each and every class member such loss of business income substantiated in accordance with the formula set forth in Form E2000.01 of the L'Unique Policy, the whole with interest and the additional indemnity provided by law, to be calculated from and as of April 2, 2020;

**ORDER** the Defendant to deposit in the office of this Court the totality of the sums which forms part of any collective recovery, with interest and costs;

**ORDER** that the claims of the class members be the object of collective liquidation if the proof permits and alternatively, by individual liquidation;

**CONDEMN** the Defendant to bear the costs of the present action including the cost of exhibits, notices, the cost of management of claims and the costs of experts, if any, including the costs of experts required to establish the amount of the collective recovery orders;

**RENDER** any other order that this Honourable Court shall determine;

**THE WHOLE** with costs, including publication fees.

### **INTERVENTION**

A class member is not required to intervene in the class action. A class member who wishes to intervene may ask the Superior Court for permission, which will be authorized only if the Court is of the view that the intervention is useful for the members of the class.

It is important to note that a class member cannot be required to pay the costs arising from the class action, except for the class representative or an intervenor.

### **FOR MORE INFORMATION**

For more information about this class action, you may consult the class action page and the long version of this notice on the website of Class counsel, Kugler Kandestin LLP, at : [www.kklex.com](http://www.kklex.com) or the Registry of class actions, at: <https://www.registredesactionscollectives.quebec/en>, where you can find all the proceedings pertaining to this class action.

You may also communicate directly and **without charge** with Class counsel listed below.

Mtre Stuart Kugler  
[skugler@kklex.com](mailto:skugler@kklex.com)  
514-360-8884

Mtre Robert Kugler  
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**This notice has been authorized by the Superior Court of Quebec.**