

**NOTICE OF THE HEARING OF THE APPROVAL OF A SETTLEMENT OF THE
CHSLD HERRON CLASS ACTION**

This notice concerns the individuals listed below. Please read it carefully.

- Residents of the CHSLD Herron between March 13, 2020 and May 31, 2020.
- Liquidators of the estate of any Resident of the CHSLD Herron who passed away between March 13, 2020 and May 31, 2020.
- The surviving spouse or child of any Resident of the CHSLD Herron who passed away between March 13, 2020 and May 31, 2020.

An Application for Authorization to Institute a Class Action was filed against Centre d'hébergement et de soins de longue durée Herron Inc., 2033770 Ontario Inc., Katasa Group Inc., and Katasa Development Inc. (hereinafter, the « **Defendants** ») in connection with the care and services provided to the Residents of CHSLD Herron following the declaration of a state of health emergency on account of the COVID-19 pandemic.

The Parties have reached an agreement that comprehensively and definitively settles the claims of Class members, which shall be submitted to the Superior Court of Quebec for its approval (the « **Settlement Agreement** »). **The Class includes the following persons:**

All individuals resident in the CHSLD Herron at any time from March 13, 2020 to May 31, 2020 (« **Residents** »), estates of any such Residents who passed away between March 13, 2020 and May 31, 2020 (« **Estates** »), as well as the surviving spouses and children of Residents who passed away between March 13, 2020 and May 31, 2020 (« **Family Members** »);

Terms of the Settlement Agreement

The Defendants shall, without admission of any kind of liability whatsoever, pay an amount of **five million five hundred thousand Canadian dollars (CAD\$ 5,500,000)** as a global, final, and definite settlement of the claims of the Class members (hereinafter, the « **Settlement Fund** »).

Should the Settlement Agreement be approved, Class members shall submit a claim in accordance with the Administration Process found at **Appendix 1** of the agreement and by filing the Claim form found at **Appendix 2**.

The exact amount of the compensation owed to each category of Class members will be calculated once the total number of claimants is known. Thereafter, the Settlement Fund will be allocated in proportion to the number of claimants and on account of the following parameters:

- i. **Category 1:** The compensation awarded to the Estate of a deceased Resident shall serve as the base amount for the determination of any compensation awarded under Categories 2, 3, and 4;
- ii. **Category 2:** The surviving spouse of a deceased Resident shall be paid the equivalent of 66.67% of the compensation awarded under Category 1;
- iii. **Category 3:** The surviving child of a deceased Resident shall be paid the equivalent of 33.33% of the compensation awarded under Category 1;
- iv. **Category 4:** A surviving Resident shall be paid the equivalent of 73% of the compensation awarded under Category 1.

If approved, the Settlement Agreement will be the only recourse and remedy offered to Class members who have not excluded themselves from the class action and the Defendants will receive a complete and total release in that respect.

At the settlement approval hearing, Class Counsel will ask the Court to allocate twenty-five percent (25%) of the Settlement Fund to the payment of their professional fees, plus applicable taxes. Please visit <https://kklx.com/class-actions/chsld-herron-covid-19/> to view the Settlement Agreement, its Appendices, and the Application to Approve the Settlement Agreement and the payment of Class Counsel Fees.

Approval Hearing

The hearing to approve the Settlement Agreement and the payment of Class Counsel Fees will take place before the Superior Court of Quebec by means of videoconference on **April 30, 2021, at 9:15 AM**. You may attend the hearing by clicking on the Teams link of room 16.08 at the time indicated above:

<https://coursuperieureduquebec.ca/en/roles-de-la-cour/audiences-virtuelles>
Division of Montréal
Join Microsoft Teams Room Meeting 16.08

Class members who do not object to the Settlement Agreement or to the Application to Approve the Settlement Agreement do not have to attend the hearing. Any Class member who wishes to object to the Settlement Agreement or to the Application to Approve the Settlement Agreement will be heard by the Superior Court provided that they have submitted to Class Counsel, no later than April 20, 2021, a written notice containing the following information:

- a) His/her name, mailing address, phone number, and e-mail address;
- b) A written statement of the reasons why he/she believes to be a member of the Class, and of the category to which they belong;
- c) A brief summary of the grounds for objection;
- d) Whether or not he/she intends to attend the approval hearing. The objecting member who wishes to be represented by counsel must disclose the name, address, phone number, and e-mail address of the lawyer he/she has appointed.

Should you need additional information:

Please contact the Class Counsel below:

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Me Olivera Pajani
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THE PUBLICATION OF THIS NOTICE WAS AUTHORIZED BY JUSTICE DONALD BISSON, J.S.C.