

NOTICE TO CLASS MEMBERS
CLASS ACTION
(S.C.M. N° 500-06-000952-180)

On February 20, 2019, the Superior Court of Québec for the district of Montréal authorized a class action against the Attorney General of Canada, the Attorney General of Québec, and the Centre Intégré Universitaire de Santé et de Services Sociaux de l'Ouest-de-l'Île de Montréal ("**CIUSSS**") on behalf of the following persons:

All natural persons who are or were war Veterans from the Second World War and Korean War and who were residents of Ste. Anne's Hospital as of April 1, 2016 or thereafter, as well as their heirs and/or successors. ("**Members**")

Mr. Wolf William Solkin was appointed representative of the persons included in the class.

The class action seeks to compensate the Members for the failure by the Attorney General of Canada, the Attorney General of Québec, and CIUSSS to provide the same exceptional level of care and services which the Members received at Ste. Anne's Hospital prior to the transfer of the facility under provincial jurisdiction. The Defendants will oppose the class action; the Plaintiff will have to prove the merits of his claim.

Members do not need to take any action to benefit from a favorable judgment in this class action.

This class action will proceed in the judicial district of Montréal.

THE MAIN ISSUES

The main issues to be dealt with collectively are:

- a) Do the Defendants Attorney general of Quebec and the CIUSSS have contractual obligations towards the Class Members under the Transfer Agreement and if so, which ones and is there a breach of such obligations?;
- b) Does the Defendant Attorney General of Canada have any extra-contractual obligations towards the Class Members and if so, which ones and is there a breach of such obligations?;
- c) If there is a breach under questions a) or b), did such breach cause the Class Members, or any of them, damages and if so, what kind and to what extent?;
- d) Are the Defendants jointly and severally responsible to pay damages to the Class Members, or any of them?;
- e) Considering that the class representative confirmed that there is no *lis pendens* with the class action *Le Conseil pour la Protection des malades et Daniel Pilote c. CIUSSS de la Montérégie-Centre et al.* (500-06-000933-180), have the Defendants breached the Class Members rights to dignity and honour protected by the *Québec Charter of Human Rights and Freedoms* or the rights to life, liberty

and security protected by the *Canadian Charter of Rights and Freedoms*? If so, are the Class Members, or any of them, entitled to damages as a result, of what kind and to what extent?;

THE CONCLUSIONS SOUGHT

The conclusions sought in relation to those issues are:

GRANT the present Class Action on behalf of all the Class Members;

DECLARE the Defendants Attorney General of Québec and CIUSSS are bound to contractual obligations towards the Class Members under the Transfer Agreement and are in breach of said obligations;

DECLARE the Defendant Attorney General of Canada is bound to extra-contractual obligations towards the Class Members under the law and is in breach of said obligations;

CONDEMN the Defendants Attorney General of Canada, Attorney General of Québec and CIUSSS jointly and severally to pay to each Class Member the amount of \$151.90 as well as \$7.01, *sauf à parfaire*, per day for each day she/he has resided at SAH from April 1, 2016, or such other date of arrival after that date, as the per diem allocation attributed under the Transfer Agreement, with interest at the legal rate and the additional indemnity provided for in article 1619 of the C.C.Q. since service of the *Application for Authorization to Institute a Class Action and to Obtain Status of Representative*;

ORDER that the said amounts shall be paid to the Class Members up until the date at which all the services due to the Veterans shall be re-established to the exceptional level to which they are entitled or for the period they reside at SAH or up to the date of their death;

DECLARE that the nature of the breach by the Defendants Attorney General of Canada, Attorney General of Québec and CIUSSS and the effect it has had on the safety, dignity, and quality of life of the Class Members is open to moral damages;

CONDEMN the Defendants Attorney General of Canada, Attorney General of Québec and CIUSSS jointly and severally to pay to each Class Member moral damages in the amount of \$ 120.00 per day for each day she/he has resided at SAH from April 1, 2016, or such other date of arrival after that date, with interest at the legal rate and the additional indemnity provided for in article 1619 of the C.C.Q. since service of the *Application for Authorization to Institute a Class Action and to Obtain Status of Representative*;

CONDEMN the Defendants Attorney General of Canada, Attorney General of Québec and CIUSSS jointly and severally to pay to each Class Member punitive damages in the amount to be determined by the Court, taking into account the nature of the breaches and the damages suffered, with interest at the legal rate and the additional indemnity provided for in article 1619 of the C.C.Q. since service of the *Application for Authorization to Institute a Class Action and to Obtain Status of Representative*;

ASSESS the amounts of damages to which the Class Members are entitled to on a collective basis and **CONDEMN** the Defendants Attorney General of Canada, Attorney General of Québec and CIUSSS to pay such amounts on a collective basis, or alternatively;

DECLARE that the monies to be paid as well as the damages suffered by the Class Members were suffered on an individual basis and **ORDER** the Defendants Attorney General of Canada, Attorney General of Québec and CIUSSS to pay such damages on an individual basis;

THE WHOLE with legal costs including experts' fees and the costs of publication of notices to the members.

YOUR RIGHT TO EXCLUDE YOURSELF FROM THE CLASS ACTION

Any Member who has not opted out of the class will be bound by any judgment rendered in the class action.

The deadline for the Members to opt out of the class action without special permission is **May 22, 2019**.

Any Member who has not already filed a personal action against the Attorney General of Canada, the Attorney General of Québec, and CIUSSS for a similar matter may opt out of the class action by advising the clerk of the Superior Court of Québec for the district of Montréal (1, Notre-Dame East, Montréal, Québec, H2Y 1B6) according to article 580 of the *Civil Code of Procedure* before the expiry of the delay for exclusion.

Any Member who has brought an action against the Attorney General of Canada, the Attorney General of Québec, and CIUSSS for a similar matter, the merits of which would be decided by the final judgment to follow in the class action, is deemed to have opted out from the class action if he/she does not discontinue such action before the expiry of the delay for exclusion.

INTERVENTION AND LEGAL COSTS

A Member may ask the Court to intervene in this class action. The Member's motion to intervene will be allowed if it is considered useful to the class. An intervening Member may be bound to undergo an examination on discovery at the request of the defendants.

A Member who does not intervene in the class action can only be subject to an examination on discovery at the request of the defendants if the Court deems it useful.

A Member other than the representative plaintiff or an intervenor cannot be ordered to pay the costs of the class action.

FOR MORE INFORMATION

For more information, you may consult the registry of class actions where you will find the main legal documents filed in the Courts record, at the following address:

<https://www.registredesactionscollectives.quebec/en/Consulter/RecherchePublique#>

Further, Members who wish to be kept informed on the progress of this file **may register by filling out the form on the Class Counsel's website:**

www.savonitto.com
veterans@savonitto.com

Savonitto & Ass. inc.
468 St-Jean St., suite 400
Montreal (QC) H2Y 2S1
514 843-3125

or **Me Laurent Kanemy** at 514 843-4855 ext. 205

This notice has been authorized and approved by the Honorable Donald Bisson, j.s.c.