

This notice was approved by the Federal Court

Did your application to the 2015 Thalidomide Survivors Contribution Program get rejected?

A Class Proceeding May Affect Your Legal Rights.

If your application to the 2015 Thalidomide Survivors Contribution Program was rejected by the Federal Government on the basis of failing to provide the required proof of eligibility, you are a class member in this class proceeding.



The class proceeding is known as *Wenham v. Canada*, File T-1499-16.

The class proceeding alleges that the eligibility criteria and evidentiary restrictions imposed by the Thalidomide Survivors Contribution Program were incorrect, unreasonable or unlawful and all rejections on those bases ought to be set aside. The class proceeding is asking that all applications rejected on those bases be reconsidered by the Federal Government using more reasonable criteria.

The Federal Government has responded to the class proceeding and has denied the allegations. The Applicant's allegations have not been proven and the Court has not yet determined the merits of the application.

The Federal Court has appointed Bruce Wenham of Toronto, Ontario, as the representative applicant in this matter. Mr. Wenham may be contacted at: c/o Koskie Minsky LLP, 20 Queen Street West, Suite 900, Toronto, ON, M5H 3R3, 1-866-474-1741.



The definition for the class included in the application is:

"all individuals whose applications to the 2015 Thalidomide Survivors Contribution Program were rejected on the basis of failing to provide the required proof of eligibility."

If you meet this definition, you are automatically included in the class proceeding.

If you do not wish to be included in the application, you must remove yourself by opting-out by **MAY 27, 2019**. If you opt-out, you will not be entitled to benefit from any remedy ordered if the class proceeding is successful.

*****THIS CLASS PROCEEDING RELATES TO THE 2015 THALIDOMIDE SURVIVORS CONTRIBUTION PROGRAM. YOU MAY APPLY FOR COMPENSATION UNDER THE 2019 CANADIAN THALIDOMIDE SURVIVORS SUPPORT PROGRAM WHETHER OR NOT YOU PARTICIPATE IN OR OPT OUT OF THIS CLASS PROCEEDING. HOWEVER, THE ELIGIBILITY CRITERIA AND EVIDENTIARY REQUIREMENTS OF THE 2019 CANADIAN THALIDOMIDE SURVIVORS SUPPORT PROGRAM HAVE NOT BEEN ANNOUNCED. IT IS NOT KNOWN AT THIS TIME WHETHER THE NEW CRITERIA AND REQUIREMENTS WILL ADDRESS THE CONCERNS OUTLINED IN THIS PROCEEDING.**

To opt-out of the application, you need to fill out an opt-out form, which is available online at <https://kmlaw.ca/cases/thalidomide-survivors-contribution-program-class-action/>, or can be obtained from Class Counsel at the contact information below.

Class members who stay in the class proceeding will be bound by any decision of the Court on the merits and/or by any settlement reached and approved by the Court.

If the Application is dismissed, you are not responsible for any legal costs. If the Application is allowed or is settled by the parties, Class Counsel will seek to have their legal fees deducted from any money ultimately recovered by class members following a re-determination of their applications, based on a contingency fee agreement that is subject to the approval of the court. The lawyers are seeking 25% of any recovery received by class members that is a result of this case.

If you have any questions about the proceeding, this notice or whether you may be a member of the Class, please contact Class Counsel at the contact information provided below. DO NOT contact the Federal Court.

<https://kmlaw.ca/cases/thalidomide-survivors-contribution-program-class-action/>

by phone: 1-866-474-1741

by email: thalidomideclassaction@kmlaw.ca

writing to: **Thalidomide Survivors Contribution Program Class Proceeding, Koskie Minsky LLP, 20 Queen Street West, Suite 900, M5H 3R3**