

Appendix A

Notice of Certification of a Class Proceeding Regarding Denial of Business Interruption Insurance Claims Resulting from the Covid-19 Pandemic

This Notice may affect your rights. Please read it carefully.

THE CLASS ACTION

Insurance Companies: A class proceeding has been certified by the Ontario Superior Court of Justice against Certas Home & Auto Insurance Company, Co-operators General Insurance Company, Continental Casualty Company, Economical Mutual Insurance Company, Federated Insurance Company of Canada, Gore Mutual Insurance Company, Intact Insurance Company, Northbridge General Insurance Corporation, Novex Insurance Company, Royal & Sun Alliance Insurance Company of Canada, SGI Canada Insurance Services Ltd., The Dominion of Canada General Insurance Company, The Wawanesa Mutual Insurance Company, Wynward Holdings Ltd. doing business as Wynward Insurance Group and Certain Underwriters at Lloyd's Subscribing to Policy Nos. LNP2210 and GASS1300 (together, the "Defendants").

Class Members: The claim is brought on behalf of all persons in Canada, except those in Québec, that made a claim on or before August 31, 2021 for losses relating to the Covid-19 pandemic under the business interruption provisions of their insurance policy with one of the Defendants and were denied coverage for those losses. The Class is more fully described in the Certification Order, and as set out in the attached Schedule 1.

Claims: The plaintiffs in the Class Action allege that the Defendants breached their insurance policy contracts with insured businesses, and other duties, by denying claims for insurance coverage for alleged business interruptions losses relating to the Covid-19 pandemic and claim damages for these alleged breaches. The Defendants deny the allegations and assert that they properly assessed the claims and only denied claims in accordance with the terms of the applicable insurance policies.

A trial of certain common issues in the Class Action is presently scheduled to begin in February 2023. The common issues are fully set out in the Certification Orders, as set out in the attached Schedule 1. Depending upon the outcome of the trial of these common issues, additional issues specific to the claims of individual insureds may also require determination.

By certifying this action as a class proceeding, the court has not decided if there is insurance coverage under the policies or if any of the allegations are true. The plaintiffs will be required to prove their allegations at trial.

THE CERTIFICATION ORDERS

On August 20, 2021, and April 21, 2022, the Ontario Superior Court of Justice certified the action bearing Court File No. CV-20-643488-CP as a class proceeding and appointed Workman Optometry Professional Corporation, 1298928 Ontario Ltd., The Suit Shop Co. Ltd., 2328867 Ontario Inc. (o/a Booster Juice 369, Booster Juice 388, Booster Juice 375, and Booster Juice 452), 2635774 Ontario Inc. (o/a Booster Juice 275), 2660364 Ontario Inc. (o/a Booster Juice

200), In Harmony Dance & Wellness Ltd., Dr. Rana Taji Optometry Professional Corporation and Scotian Isle Baked Goods Inc. as the representative plaintiffs on behalf of the Class (the “Class Action”).

If you are a member of the Class, your rights will be affected.

Each Class Member who does not opt out of the Class Action will be bound by the terms of any judgment (including any approved settlement), whether favourable or not. Each Class Member who does not opt out may be entitled to share in the amount of any monetary recovery obtained in the Class Action after the common issues and any individual issues are determined.

LEGAL FEES AND DISBURSEMENTS

Class Members do not have to pay any court costs for the common issues phase of the Class Action, which will occur before any phase that may deal with any required individual assessments. Class Members will not have to pay any legal fees directly in connection with the common issues phase of the Class Action. The lawyers for the Class (“Class Counsel”) have entered into a contingency fee agreement of 33% with the representative plaintiffs. Class Counsel will not be paid for their work unless the Class Action is successful either by a judgment against the Defendants, or by completing a settlement with the Defendants that is approved by the court. Before Class Counsel are paid any fees, the fees must be approved by the court.

Following determination of the common issues phase, the proceedings may require individual assessments for each Class Member’s claim. These individual assessments may require the expenditure of some costs and fees on the part of Class Members.

CLASS MEMBERS WHO WISH TO PARTICIPATE IN THE CLASS ACTION: You do not need to do anything at this time. You are automatically included in the Class Action.

CLASS MEMBERS WHO DO NOT WISH TO PARTICIPATE IN THE CLASS ACTION: If you do not want to be a part of the Class Action, and do not want to be bound by any judgment or settlement, then you must send to the Notice Administrator at the address below, on or before the Opt-Out Deadline a written and signed letter indicating your election to opt-out, including your full name and address, policy number and insurer.

No Class Member will be permitted to opt out after August 8, 2022, at 5 pm EDT without the consent of the representative plaintiffs and the Defendants or leave of the court.

The Address of the Notice Administrator is:

RicePoint Administration Inc.
PO Box 3355
Attention: Business Interruption Insurance Class Action
London, ON
N6A 4K3
Email: info@BusinessInterruptionInsuranceClassAction.com

ADDITIONAL INFORMATION

Any questions about this notice or requests for more information about the Class Action should be directed to Class Counsel at:

KOSKIE MINSKY LLP
900-20 Queen Street W,
Toronto, ON M5H 3R3
Toll Free: 1-866-777-6335
Email: businessinterruptionclassaction@kmlaw.ca

The Certification Orders and other information and documents about the Class Action are available to be viewed on the website: <https://kmlaw.ca/cases/business-interruption-insurance-class-action/>

INTERPRETATION

This notice is a summary of the terms of the Certification Orders. If there is a conflict between the provisions of this notice and the terms of the Certification Orders, the Certification Orders prevail.

This notice was approved by the Ontario Superior Court of Justice. Please do not contact the Court about this notice. Inquiries should be directed to Class Counsel at the email address above.

Schedule 1 to the Notice to Class

Class Membership as set out in Certification Order dated August 20, 2021, as against all Defendants (except for Certain Underwriters at Lloyd's)

The "Class" is defined as all natural and legal persons in Canada, except for those in the province of Québec, that:

- (i) contracted with a Defendant for Business Interruption Insurance;
- (ii) on or before August 31, 2021, made a claim under their Business Interruption Insurance policy for losses due to:
 - (A) the actual or suspected infection of staff, agents, customers or other persons with the SARS CoV-2 virus or its variants at the insured premises or within such proximity as may be specified in the insured's Business Interruption Insurance policy;
 - (B) the actual or suspected presence of the SARS CoV-2 virus or its variants on the insured premises; or
 - (C) the order of a civil authority regarding the SARS CoV-2 virus or its variants; and
- (iii) were denied insurance coverage for those losses by any of the Defendants.

Class Membership as set out in Certification Order dated April 21, 2022, as against Certain Underwriters at Lloyd's

The "Class" is defined as all natural and legal persons in Canada, except for those in the province of Québec, that:

- (i) contracted with Certain Underwriters for Business Interruption Insurance;
- (ii) on or before August 31, 2021, made a claim under their Business Interruption Insurance policy for losses due to:
 - (A) the actual or suspected infection of staff, agents, customers or other persons with the SARS CoV-2 virus or its variants at the insured premises or within such proximity as may be specified in the insured's Business Interruption Insurance policy;
 - (B) the actual or suspected presence of the SARS CoV-2 virus or its variants on the insured premises; or
 - (C) the order of a civil authority regarding the SARS CoV-2 virus or its variants; and

(iii) were denied insurance coverage for those losses by Certain Underwriters in respect of any of the Forms No. PAP1 (Adapted from IBC 4037), BA11, RB1, MFI-CEE, GARGS8, GARGS9, GACGS10, GARGS11, GACGS12, GARGS15, GAAGS17, and GACGS18, as contained in Policy No. LNP2210 and Policy No. GASS1300.

Common Issues as set out in Certification Orders

The certified Common Issues are:

- (i) Can the presence of the SARS CoV-2 virus or its variants cause physical loss or damage to property within the meaning of the business interruption provisions of each Defendant's property insurance wordings?
- (ii) Can an order of a civil authority in respect of business activities that was made due to the SARS CoV-2 virus or its variants cause physical loss or damage to property within the meaning of the business interruption provisions of each Defendant's property insurance wordings?
- (iii) If the answer to either of the first two questions is “yes”, are there any exclusions in any of the Defendants' property insurance wordings that would result in coverage for such loss or damage being excluded?

with “physical loss or damage to property” including “physical loss” or “physical damage” or “direct physical loss” or “direct physical damage”, or similar wording as may be used in the business interruption provisions of each Defendants' property insurance wordings.

Appendix B

[Date]

[Address]

Dear Sir/Madam,

Re: Notice of Certification of a Class Proceeding Regarding Denial of Business Interruption Insurance Claims Resulting from the COVID-19 Pandemic

We are the court appointed Notice Administrator for this class action. We received your contact information from your insurer. The Ontario Superior Court of Justice has ordered this letter and the enclosed Notice be sent to people who are or may be Class Members in the certified class action with the Court File No. CV-20-643488-CP concerning business interruption insurance coverage relating to the Covid-19 pandemic. We are writing to you because you have been identified by your insurer's records as a person with a policy under which a claim was made that may be covered by the class action.

The enclosed Notice may affect your rights. Please read it carefully.

We encourage you to review the enclosed Notice carefully. Should you have any questions at this time, we invite you to contact Class Counsel using the contact information in the enclosed Notice.

Best Regards,

Settlement Administrator

C/O RicePoint Administration Inc.
PO Box 3355
Attention: Business Interruption Insurance Class Action
London, ON
N6A 4K3