

NOTICE OF PROPOSED SETTLEMENT IN RESTIGOUCHE HOSPITAL CENTRE CLASS ACTION

If you (or someone under your care) stayed at the Restigouche Hospital Centre (“RHC”) in Campbellton, New Brunswick between January 1, 1954 and October 1, 2021, and were alive as of May 24, 2017, please read this notice carefully.

There is a class action related to the RHC, and a proposed settlement is being considered. A court hearing will take place on September 25, 2023 to determine if the proposed settlement should be approved.

What is the class action and settlement about?

On October 1, 2021, the New Brunswick Court of King’s Bench allowed a class action lawsuit against the Province of New Brunswick and the Vitalité Health Network (“the **Defendants**”) to proceed. The class action claims that the Defendants operated RHC negligently, breached fiduciary duties to patients, and violated their rights under the *Canadian Charter of Rights and Freedoms*.

The Defendants have agreed to provide compensation to class members to settle eligible claims raised in the class action. The proposed settlement provides for a settlement fund of CAD \$17 million. Class Members who suffered harm can claim compensation ranging from \$1,000 to \$85,000 per claim. The settlement fund will also cover expenses such as class counsel fees, disbursements, litigation funders fees, administration expenses, and honorarium payments to representative plaintiffs.

You cannot make a claim yet. The Court must approve the proposed settlement first. If the Court approves the settlement and you a Class Member, you can then make a claim for compensation.

Who is included in this class action settlement? Who is a Class Member?

The new class definition is as follows:

- (a) All persons who were admitted to or resided at the RHC between May 24, 2004, and October 1, 2021, and who were alive as of May 24, 2017; and,
- (b) All persons who were admitted to or resided at the RHC between January 1, 1954, and October 1, 2021, and who were alive as of May 24, 2017, and claim that they were sexually assaulted.

Who represents the class?

In a class action, the class is represented by a person known as the Representative Plaintiff, and the lawyers for the class are referred to as “Class Counsel”.

Class Counsel in the action is Koskie Minsky LLP.

What action do I have to take?

If you meet the class definition, you have three choices to make right now:

Stay in the Class Action: If you wish to join the class action and benefit from the settlement agreement, you do not have to do anything. You are automatically included if you meet the class definition and live in New Brunswick. If you do not live in New Brunswick and meet the class definition, and wish to join the class action, you must submit an Opt In Form to the Administrator before August 25, 2023.

Get out of the Class Action: If you live in New Brunswick and do not want to be a part of the class action and the settlement, and want to keep your rights to sue the Defendants individually over the claims in this case, you must remove yourself (opt out) from the Class Action. There may also be applicable deadlines (known as limitation periods) set by law for you to bring your claims. If you remove yourself from the class action, you will not get any money or benefits from the settlement. To remove yourself from this Class Action, you must send a completed Opt Out Form to the Claims Administrator no later than August 25, 2023

Object to the Settlement Agreement: If you disagree with the Settlement, you may object by sending in an Objection Form to the Claims Administrator at the address below. The Objection Form must be sent to the Administrator no later than August 25, 2023. You must remain in the class action to object to the Settlement Agreement.

The relevant forms can be sent to the Administrator at the following addresses:

By Email: info@RestigoucheHospitalCentreClassAction.ca

or By Mail:

NWQ Claims Administrator
P.O. Box 3355
London, ON N6A 4K3

For Individuals Who Do Not Meet the Class Definition

The class definition as certified by the Court on October 1, 2021, was:

All persons who were admitted to or resided at the RHC between January 1, 1954, and the present who were alive as of May 24, 2017

The class definition was changed to the class definition as set out on page 1 of this notice. The amendment excludes individuals who resided at the RHC before May 24, 2004 (except for those individuals who have sexual assault claims).

If you meet the old class definition but not the new class definition, you are NOT INCLUDED in this class action and settlement.

THIS NOTICE WAS APPROVED BY THE NEW BRUNSWICK COURT OF KING'S BENCH

You may still be able to separately sue the Defendants about the legal claims in this case. You may wish to consult a lawyer to assist you with such claims. Limitation periods may still apply. As such, you should not delay in seeking legal advice or assistance if you wish to pursue your own claims.

Where can I get further information?

For further information, please visit <https://restigouchehospitalcentreclassaction.com/>, or contact the Administrator at 1-866-476-3107.

You may also contact Class Counsel at restigoucheclassaction@kmlaw.ca or Toll-free: 1-888-233-2852.