

ONTARIO LONG-TERM CARE HOMES COVID-19 CLASS ACTIONS NOTICE OF CERTIFICATION AND DISCONTINUANCE

Please read this notice carefully as it may affect your legal rights

THE NATURE OF THESE LAWSUITS

These actions seek to hold certain long-term care (“LTC”) home operators liable for their alleged gross negligence in their preparation for and response to the COVID-19 pandemic in their LTC Homes, which allegedly caused infections and deaths among Residents and Visitors.

The defendants deny these allegations and the Court has not yet ruled on the merits of the class actions

CERTIFICATION DECISION

On March 7, 2024, Mr. Justice E. M. Morgan of the Ontario Superior Court of Justice (the “Court”) certified the following six separate lawsuits as class actions (the “Certified Actions”):

- *Pugliese v. Chartwell* (Court File No. CV-20-00640771-00CP) (the “Chartwell Action”);
- *Balasiak v. Extendicare*, (Court File No. CV-22-00684319-00CP) (the “Extendicare Action”);
- *Brough v. Responsive*, (Court File No. CV-20-00640016-CP) (the “Responsive Action”);
- *Hannon v. Revera*, (Court File No. CV-20-00645495-00CP) (the “Revera Action”);
- *Do v. Schlegel*, (Court File No. CV-22-00688509-00CP) (the “Schlegel Action”); and
- *Robertson v. Sienna*, (Court File No. CV-20-00640883-00CP) (the “Sienna Action”).

The Defendants in the six Certified Actions are corporate chains that own, operate, and/or manage LTC homes. **All the LTC homes owned, operated, and/or managed by these corporate chains are included in these Certified Actions.**

Some of the LTC homes included in the Certified Actions are owned by or licensed to distinct owners/licensees. The Court excluded these Defendants from the Certified Actions but noted that new standalone actions against each of these Defendants could be issued. If you have any questions about your potential claim against these LTC owners/licensees or have questions about your legal options, you may contact a lawyer, including Class Counsel.

WHO IS INCLUDED?

The Court has certified each of the above actions on behalf of the following Class Members:

(a) “Residents”, “Resident Class” and “Resident Class Members” mean all persons **who contracted COVID-19** and who were Residents in, or received care at, the Defendants’ LTC homes at any time between January 25, 2020 and May 5, 2023, or, where the person is deceased, the estate of that person.

(b) “Visitors”, “Visitor Class” and “Visitor Class Members” mean all persons **who contracted COVID-19** at any of the Defendants’ LTC homes as part of the homes’ volunteer programs or to visit Residents at any time between January 25, 2020 and May 5, 2023, or, where the person is deceased, the estate of that person.

(c) “Family Class” and “Family Class Members” mean all persons including, but not limited to, spouses, children, parents, and other relatives who, on account of a personal relationship to any one or more Resident Class Members and Visitor Class Members, who have a derivative claim for damages under s.61 of the *Family Law Act*.

PLEASE NOTE that class membership is restricted to Residents and certain Visitors who contracted COVID-19 at the Defendants’ LTC homes during the Class Period, along with their family members. **Residents and Visitors who did NOT contract COVID-19 ARE NOT INCLUDED as Class Members in the Certified Actions and their claims and those of their family members are NOT being advanced.**

PARTICIPATE OR OPT OUT?

If you are a Resident or Visitor Class Member and you want to participate in these lawsuits, you do not need to do anything at this time. If you participate, you will be bound by all orders of the Court, as well as the terms of any settlement or judgment, whether favourable or not, and will not be able to start your own individual action against any of the Defendants related to the subject matter of the Certified Actions. As a Class Member, you will not be required to pay any costs if your Certified Action is unsuccessful and if it is successful at trial, you may be entitled to share in the amount recovered.

If you are a Resident or Visitor Class Member and **do not want to participate** in the Certified Actions and/or you wish to pursue your own individual lawsuit related to the subject matter of these lawsuits, **you must formally exclude yourself by OPTING OUT**. If you want to opt out of the Certified Actions, you must deliver an Opt-Out Form to the Notice Administrator through the online portal submission at www.LTCClassActions.com or by mail to P.O. Box 3355, London, Ontario, Canada (N6A 4K3). The Opt-Out Forms must be delivered to the Notice Administrator by no later than **November 27, 2025**. Opt-Out Forms are available www.LTCClassActions.com. You may also request an Opt Out Form from Class Counsel.

Please note that you **cannot** deliver an Opt Out Form by email.

IF YOU ARE NOT A CLASS MEMBER but you wish to advance a claim against one or more of the Defendants in the Certified Actions in relation to care received at your LTC home, you should contact legal counsel and inform yourself of your rights, including any limitation period that may apply to your claim.

WHO REPRESENTS ME?

Several law firms are working together as Class Counsel on these actions on a contingency basis, which means that legal fees, disbursements, and applicable taxes will be payable only if the actions succeed. A full list of all Class Counsel is included in the Long-Form Notice of Certification and Notice of Discontinuance Against Certain Defendants at www.LTCClassActions.com.

NOTICE OF DISCONTINUANCE

In addition to the 6 Certified Actions, 2 additional proposed class actions were brought against certain municipalities related to the LTC homes they owned and operated (the “Municipal Action”), and against the operators of several independently owned LTC homes (the “Independently-Owned Action”). The Court **did not certify** these cases as class actions but allowed them to be discontinued without costs. This means that those two lawsuits will not proceed except as against the City of Toronto in *McVeigh v. Toronto*, Court File No. CV-22-00687579-0000 and against ATK Care Inc. in *McDermott et al. v. ATK Care Inc. et al.* Court File No. CV-20-00644726-00CP. However, new, standalone claims can be brought against each of the Defendants named in those lawsuits. **If you or your family member was a resident or visitor at one of these LTC homes during the Class Period, you should contact legal counsel and inform yourself of your rights, including whether you have a right to issue a claim before any applicable limitation period expires.**

In addition, certain Defendants originally included in the Certified Actions were released from the lawsuit by the Court, which means that if you might have a claim against one of those Defendants, you will need to take steps to protect your legal rights, as set out above.

The full list of all Defendants and LTC homes and whether they are included in the Certified Actions or not can be found at the Notice Administrator’s website at www.LTCClassActions.com.

FOR MORE INFORMATION:

If you have questions about the Certified Actions, or the Municipal or Independently-Owned Actions, please contact Class Counsel. Your name and any information provided will be kept confidential. The pleadings, orders, the Long-Form Notice of Certification and Notice of Discontinuance Against Certain Defendants and the Long-Form Notices of Discontinuance (Municipal and Independently-Owned) are available at the Notice Administrator’s website at www.LTCClassActions.com. **This notice is only a summary.**

This Notice was authorized by the Ontario Superior Court of Justice. Please do not contact the Court.