

NOTICE OF SETTLEMENT APPROVAL IN RESTIGOUCHE HOSPITAL CENTRE CLASS ACTION

To all persons who were admitted or resided at the Restigouche Hospital Centre (“RHC”) in Campbellton, New Brunswick, at any time Between May 24, 2004 and October 1, 2021, and all persons who resided at the RHC at any time between January 1, 1954 and October 1, 2021 and claim they were sexually assaulted, please read this notice carefully.

A court authorized this notice. You are not being sued.

- There was a class action lawsuit regarding the Restigouche Hospital Centre (“RHC”) located in Campbellton, New Brunswick. A Settlement in that lawsuit has been approved by the Court. Therefore, the lawsuit is now over and there is money available for Class Members who file a claim and meet the requirements set out in the Settlement.

The Settlement provides a fund of \$17 million for compensating Class Members. This notice explains how to make a claim for compensation from the Settlement if you were harmed. **If you do not make a claim by the deadline, you will not get any money.**

Please read this document carefully or ask for help from someone you trust.

Do you know someone who lived at RHC? Please share this information with them or their support person.

**To learn more about this settlement, go to
www.RestigoucheHospitalCentreClassAction.com**

To claim compensation under the settlement, you must submit a Claim Form before October 26, 2024.

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BASIC INFORMATION

1. What is a class action?

A class action is a lawsuit where one or more people, called “Representative Plaintiffs” sue on behalf of other individuals who have similar claims or issues. In the present case, the Court has appointed Darrell Tidd and Reid Smith as representative plaintiffs.

The Court’s decision in a class action lawsuit affects everyone in the group, except for individuals who have removed themselves from the lawsuit. Individuals with similar claims that are included in the group are known as “Class Members”.

The Class Definition describes who is included in the group or class action. The Class Definition in this class action is:

- 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,
- 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.

2. What is this lawsuit about?

The lawsuit claims that the Province of New Brunswick and the Vitalité Health Network (“the Defendants”) were negligent in operating the RHC. The lawsuit alleges that some RHC residents were mistreated and abused physically and/or sexually by staff and other residents. On October 1, 2021, the Court permitted the lawsuit to proceed as a class action.

The Defendants deny these claims but have agreed to a settlement that has now been approved by the Court.

3. Why is there a settlement?

Trials can be expensive and may take years before a final decision on who is right or wrong is made. By agreeing to the Settlement, the Representative Plaintiffs, Class

Members and the Defendants avoid the expenses, uncertainties and delays that come with a trial. In particular, the Settlement provides for financial compensation for eligible Class Members who make a claim for compensation. Proceeding to trial without the Settlement would have left open the risk the lawsuit would be unsuccessful and Class Members obtain no compensation. In this case, the Settlement also means Class Members will not be required to testify in court.

At a hearing on September 25, 2023, the Court considered the Settlement. By order of October 26, 2023, the Court decided that the settlement was fair, reasonable and in the best interests of Class Members, and approved the Settlement.

WHO IS INCLUDED IN THE SETTLEMENT

4. Who is included in the settlement?

The settlement includes individuals who meet the Class Definition and have not opted out. The Class Definition is:

- 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,
- 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.

This means if you stayed at the RHC at any time between May 24, 2004 and October 1, 2021, you are included in the class action and settlement.

You are also included in the class action and settlement if you stayed at the RHC at any time between January 1, 1954 and October 1, 2021 and were sexually assaulted during your stay.

To be included in the class, individuals have to be alive as of May 24, 2017. If a person attended the RHC between May 24, 2004 and October 1, 2021 and passed away after May 24, 2017, they are included in the class. In this case, that person's Estate Executors, or court appointed Estate Administrators, may make a claim for compensation on their behalf. The same applies to individuals who stayed at the RHC between January 1, 1954 and October 1, 2021, and who claim they were sexually assaulted during their stay.

All Class Members can apply for compensation under the Settlement, with the exception of those who opted out, and with the exception of those who have previously settled and released claims against the Defendants in relation to matters that are the subject of this class action. All Class Members (except those who opted out) are bound by the Settlement and will be covered by the releases in the Settlement Agreement.

If you opted out of this lawsuit, you are not included in the Settlement. The time to opt out of the class action ended on August 25, 2023. It is no longer possible to opt out of this lawsuit.

5. What if I'm not sure whether I'm included in the settlement?

If you are not sure whether you are included in the proposed settlement, you may contact the Claims Administrator by calling the claims office at 1-866-476-3107 or by email at info@RestigoucheHospitalCentreClassAction.ca.

WHAT ARE THE BENEFITS OF THE SETTLEMENT

6. What does the Settlement provide?

The Settlement provides financial compensation for eligible Class Members who meet the requirements of the claims process by submitting a completed Claim Form and supporting documentation where required.

The settlement provides a fixed fund of money of \$17 million that Class Members can make a claim against. The amount of compensation you may receive depends on the specifics of your claim and the number of claims approved for all Class Members.

The claims process is paper-based, requires a detailed description of assaults to the extent of a claimant's recollection and ability, and may be subject to an audit process overseen by Reva Devins, whom the parties have agreed will act as the Claims Supervisor.

More details are in a document called the Settlement Agreement, which is available at www.RestigoucheHospitalCentreClassAction.com.

7. What kind of money can I get?

The amount of money you can get depends on the type of claim you make. There are two types of claims: (1) a Common Experience Payment claim (this is referred to in the proposed Settlement Agreement as a "Section A claim") and (2) a Grid claim (referred to as a "Section B claim" in the proposed Settlement Agreement).

You can only make one type of claim.

Option 1: Common Experience Payment claim

If you choose to make a Common Experience Payment Claim, your compensation will be based on how long you stayed at the RHC.

Length of Stay	Compensation Amount
30 days or less	\$1,000
31 days to 100 days	\$3,000
101 days or more	\$5,000

To make a claim under this option, you only need to provide an affirmation (a sworn statement) that you are an Eligible Claimant and resided at the RHC during the Class Period. Your length of stay will be determined based on your admission and discharge records.

Option 2: Grid claims

Compensation for Section B claims is as follows:

Sexual Abuse	
Level 1 Sexual Assault <ul style="list-style-type: none"> A single incident of non-consensual sexual touching of a Claimant by staff, or other non-consensual sexual behaviour by staff towards a Claimant that is not a Serious Sexual Assault. 	\$15,000
Level 2 Sexual Assault <ul style="list-style-type: none"> More than one incident of non-consensual sexual touching of a Claimant by staff/other patient or other non-consensual sexual behaviour that is not a Serious Sexual Assault. 	\$20,000
Level 3 Sexual Assault <ul style="list-style-type: none"> One or two incidents of Serious Sexual Assault. 	\$35,000
Level 4 Sexual Assault <ul style="list-style-type: none"> (i) More than two incidents of Serious Sexual Assault; or (ii) Level 3 Sexual Assault resulting in a Major Psychological Injury. Requires medical evidence in addition to the affirmation to support allegation that a Serious Sexual Assault resulted in Major Psychological Injury. 	\$60,000 plus Medical Evidence Fees of up to a maximum of \$1,000 per Claimant
Physical Abuse	
Level 1 Physical Harm <ul style="list-style-type: none"> One or more physical assaults not causing a Serious Physical Injury, but resulting in an observable injury such as a black 	\$10,000

<p>eye, bruise or laceration; or</p> <ul style="list-style-type: none"> • Use of any one of the following form of restraints: <ul style="list-style-type: none"> • Use of physical or mechanical restraint for: <ul style="list-style-type: none"> • 12 consecutive hours or more up to 24 hours, on two occasions within a 30-day period; or • 24 consecutive hours or more; • Use of chemical restraints (i.e., by administration of psychotropic medication not prescribed as part of patients’ ongoing care plan) on two occasions within a 30-day period; or • Placement in a seclusion room for 36 consecutive hours on one occasion within a 30-day period. This excludes placement in seclusion for up to 48 hours upon admission. 	
<p>Level 2 Physical Harm</p> <ul style="list-style-type: none"> • One or more physical assaults causing a Serious Physical Injury; or • Use of the following form of restraints: <ul style="list-style-type: none"> • Use of physical or mechanical restraint for 24 consecutive hours or more, on two or more occasions within a 30-day period; • Use of chemical restraints (i.e., by administration of psychotropic medication not prescribed as part of patients’ ongoing care plan) on more than two occasions within a 30-day period; • Placement in seclusion rooms for 36 consecutive hours or more, on more than one occasion within a 30-day period. This excludes placement in seclusion for up to 48 hours upon admission. 	<p>\$25,000</p>
<p>“Serious Physical Injury” means physical injury that led or should have led to hospitalization or serious medical treatment by a physician; permanent or demonstrated long-term physical injury, impairment or disfigurement; loss of consciousness; broken bones; or a serious but temporary incapacitation such that bed rest or infirmary care of several days duration was required.</p> <p>“Serious Sexual Assault” means non-consensual oral, vaginal or anal penetration or attempted non-consensual oral, vaginal or anal penetration.</p> <p>“Sexual Touching” means non-consensual touching of another individual’s body, with a body part or an object, for sexual purposes.</p> <p>“Non-Consensual Sexual Behaviour” means conduct involving sexual activity or behaviour that is performed without express and voluntary consent.</p> <p>“Major Psychological Injury” means prolonged major psychological trauma symptoms resulting in a diagnosis by a psychiatrist or psychologist of a mental illness/disorder recognized by the Diagnostic and Statistical Manual of Mental Disorders. The diagnosis must occur after the alleged Level 3 Sexual</p>	

Assault incident(s) in question as per the Compensation Grid. Where a pre-existing diagnosis exist, medical evidence is required to show exacerbation of the pre-existing diagnosis.

To make a claim under Option 2, you must provide details of the harms suffered, and medical evidence where required. You can claim for both sexual and physical harms. However, you can only claim for one level of harm within each category.

For example, you cannot claim for Level 1 Physical Harm and Level 2 Physical Harm. However, you can make a claim for Level 1 Sexual Assault and Level 2 Physical Harm.

The details of the information that must be provided under Option 2 are set out in Schedule “A” of the Settlement Agreement at paragraphs 10-14.

8. How does the Claims Administrator decide how much money to give me?

The Claims Administrator will review your Claim Form to ensure you are eligible and to confirm that you meet the requirements of the claims process.

The claims office may contact you if they need additional information. You must respond to the Claims Administrator’s questions within the timeframes that they provide you. If you do not respond in time, your claim may be found ineligible for compensation.

The Defendants’ representatives may review your file and submit documents to the Claims Administrator that are relevant to your claim.

For Class Members, making claims under Option 2 (Grid Compensation) or otherwise referred to as Section B claims, each Class Member should provide as much detail and information as they remember in relation to the incidents of harm they are saying happened to them. It is okay if a Class Member does not remember details, but they should provide as much information as they can.

Once it has all necessary information, the Claims Administrator will then assess which level and type of harm may apply to your claim, and award compensation based on that assessment. There are many kinds of harm.

This Settlement only provides compensation for harms relating to certain sexual and physical assaults, as set out in the table above.

The Settlement sets out the levels and types of harm that are eligible for compensation. The Claims Administrator reads your Claim Form and will award compensation based on their assessment of which level and type of harm may apply to your claim.

Some Claims may be subject to an audit process overseen by Reva Devins, whom the parties have agreed will act as the Claim Supervisor. If your claim is audited, the Claim Supervisor may ask you for an in-person or virtual interview with you or your Substitute Decision Maker if deemed appropriate. You will have to attend this interview, but it will not be in Court.

FILING A CLAIM FORM

9. How do I ask for money for what happened to me at RHC?

You must fill-in the Claim Form and send it to the Claims Administrator by October 26, 2024.

If you have a Substitute Decision-Maker, that person must submit the Claim Form on your behalf.

You can get the Claim Form from www.RestigoucheHospitalCentreClassAction.com or by calling the Claims Administrator at 1-866-476-3107 or by emailing info@RestigoucheHospitalCentreClassAction.ca.

You must then send your completed Claim Form to the Claims Administrator by email or mail:

By Email: info@RestigoucheHospitalCentreClassAction.ca

or By Mail: NWQ Claims Administrator

P.O. Box 3355

London, ON N6A 4K3

10. What documents do I need to provide?

Please read the Claim Form carefully and provide what it asks.

For claims for **Level 4 Sexual Assault resulting in Major Psychological Injury only**: You must provide medical evidence in addition to your Claim Form indicating that a Serious Sexual Assault resulted in that injury. Medical evidence will usually include a letter from your doctor. You may be reimbursed for any fee you have to pay for this evidence up to a maximum of \$1,000.

For all other claims: you do NOT have to provide additional documents proving what happened to you at RHC (with the exception of claims for Major Psychological Injury). You must only provide the details you remember.

The claims office will assume you completed the Claim Form honestly, in the absence of reasons to the contrary.

If you are submitting a Claim Form as a representative of the estate of a deceased Class Member, you may have to submit additional documents. This requirement is set out at page 15 of this booklet.

11. Can I get my RHC records to help me with my claim?

You do not need to provide parts of your resident file to make a claim.

However, if you wish to obtain a copy of your RHC resident file, you must ask for your file by January 26, 2024.

To ask for your file, you must complete the RHC File Request Form found at www.RestigoucheHospitalCentreClassAction.com and send it to the Claims Administrator at this address:

NWQ Claims Administrator
P.O. Box 3355
London, ON N6A 4K3
info@RestigoucheHospitalCentreClassAction.ca

12. Can I get help with my Claim Form?

Yes. Anyone can help you fill in the form. If you have a Substitute Decision Maker, they must make a claim on your behalf.

You can also call the Claims Administrator for help 1-866-476-3107 or by emailing info@RestigoucheHospitalCentreClassAction.com.

You can also contact Class Counsel by email at restigoucheclassaction@kmlaw.ca or by phone at 1-888-233-2852.

13. When do I get the money?

The Claims Administrator needs time to make a decision on all the claims before any compensation is provided. This is why the deadlines are important as everyone waits for all claims to be processed. This can take many months. Please be patient.

14. What if I do not agree with the Claims Administrator's decision?

If your claim is denied in its entirety, you may request for reconsideration within fourteen (14) days of the decision. There is no reconsideration of any other decisions made by the Claims Administrator.

You cannot argue about the amount of money given for each level of harm. It is a good idea to write as much information as you are aware of in your claim.

15. Will I lose social assistance if I get the money?

No. The Province of New Brunswick has stated that it would not affect your social assistance from New Brunswick.

16. Is the money I get taxable?

There should be no tax on money for pain and suffering. The money you get from this settlement will be money for pain and suffering, and you can write that on your taxes.

For individual tax questions, you will need to speak to your own tax consultant or tax lawyer.

17. Can I get out of this settlement and start my own lawsuit on the same subject?

No. The deadline to opt out of the lawsuit passed on August 25, 2023. It is now too late to get out of the Settlement if you meet the Class definition. That means if you have not opted out of the class action, the release under the settlement prevents you from starting a lawsuit about the same things covered by this class action.

THE LAWYERS REPRESENTING YOU

18. Who are the lawyers representing me?

Who are the lawyers for the Representative Plaintiffs and Class Members?

The lawyers for the Representative Plaintiffs and Class Members are Koskie Minsky LLP of Toronto, Ontario.

You are welcome to contact these lawyers to ask questions about the settlement at no cost to you.

If you want to be represented by or receive advice or representation from another lawyer, you may hire one at your own expense.

19. How will the lawyers be paid?

The lawyers who are representing the Representative Plaintiffs took on this lawsuit on a contingency basis, meaning that no fees have been charged at any stage of the lawsuit until success was achieved. The lawyers' fee from the settlement were approved by the Court on October 26, 2023.

You do not have to pay these lawyers individually.

WHAT IF I AM SUBMITTING A CLAIM FORM AS A SUBSTITUTE DECISION MAKER OR THE REPRESENTATIVE OF AN ESTATE

20. What if I am submitting a Claim Form as a Substitute Decision Maker?

If you are submitting a Section B Claim (i.e., Option 2 in this Notice) on behalf of someone who lived at RHC, and died after May 24, 2017, you must submit medical or other documents in support of the claim of sexual or physical assault.

Substitute Decision Makers

Substitute Decision Makers ("SDMs") may submit a Claim Form on behalf of a Class Member. In order to verify that an SDM has the authority to submit a Claim Form, the SDM must provide the Claims Administrator with the following documents:

1. The Notice of Decision Letter and Appointment Document; and
2. Renewal of Substitute Decision Maker.

21. What if I am submitting a Claim Form as the Representative of an Estate?

Estate Claimants

If you are a representative of an estate, you must include the following documents with this Claim Form:

1. Letters of Administration;
2. Letters of Administration with Will Annexed; or
3. Grant of Probate

If you have been named as an Estate Executor in the will of a deceased Class Member, and **have a will** but do not have the abovementioned documents, you must submit:

1. A copy of the will appointing you as the Estate Executor; and
2. An attestation or declaration signed by you and one other person who knew the deceased Claimant confirming that the will is valid, that to your knowledge the will has not been revoked and there is no later will, and no executor, administrator, trustee or liquidator has been appointed by a court.

If the deceased Class Member did not have a will, and you wish to make a claim on behalf of the deceased Class Member as their Estate representative, you must submit:

1. An attestation or declaration signed by you, together with one other person who knew the deceased Claimant personally, confirming that they do not know such deceased Claimant to have had a will and that no executor, administrator, trustee or liquidator has been appointed by a court;
2. Proof of your relationship to the deceased claimant;
3. (a) An attestation or declaration signed by you, together with one other person who knew the deceased Claimant personally confirming that you do not know of any equal or higher priority heir of the deceased Claimants.
(b) If there are heirs of equal priority to you, you must provide their consent for you to act as the Estate Claimant for the deceased Claimant.

The priority level of heirs from highest to lowest are as follows:

- (i) Surviving spouse or common-law partner;
- (ii) Children;
- (iii) Grandchildren;
- (iv) Parents;
- (v) Siblings; and
- (vi) Children of siblings

GETTING MORE INFORMATION

22. How do I get more information?

This notice summarizes the Settlement. More details are in the Settlement Agreement. You can get a copy of the agreement at www.RestigoucheHospitalCentreClassAction.com or email info@RestigoucheHospitalCentreClassAction.ca.

You may also seek legal advice from Class Counsel concerning the proposed settlement and your claim at no cost to you. You can send your questions to Koskie Minsky by email at restigoucheclassaction@kmlaw.ca. You may also call the toll-free number **1-888-233-2852**.

To the extent there are any discrepancies between this Notice and the Settlement Agreement, the Settlement Agreement shall take precedence.