

[UNOFFICIAL ENGLISH TRANSLATION]

ACTION AUTONOMIE v. CISSS DE LA MONTÉRÉGIE-CENTER AND AL., No. 500-06-001109-202
NOTICE OF HEARING FOR SETTLEMENT APPROVAL

PLEASE READ THIS NOTICE CAREFULLY AS IT MAY AFFECT YOUR RIGHTS

NOTICE

A settlement (the "**Settlement Agreement** ") has been reached in a class action in Quebec for individuals who have been in preventive confinement for more than seventy-two (72) hours, without a court order and subject to a legal extension of confinement, in a Quebec hospital establishment since January 1, 2015. The institutions covered are:

- Centre intégré de la santé et de services sociaux de la Montérégie-Centre;
- Centre intégré de santé et de services sociaux du Bas-Saint-Laurent;
- Centre intégré universitaire de santé et services sociaux du Saguenay-Lac-Saint-Jean;
- Centre intégré universitaire de santé et services sociaux de la Capitale-Nationale;
- Centre intégré universitaire de santé et services sociaux de la Mauricie-et-du-Centre du Québec;
- Centre intégré universitaire de santé et services sociaux de l'Estrie-Centre hospitalier universitaire de Sherbrooke;
- Centre intégré universitaire de santé et services sociaux de l'Est-de-l'Île-de-Montréal;
- Montreal West Island Integrated University Health and Social Services Centre;
- Centre intégré universitaire de santé et services sociaux du Centre-Ouest-de-l'Île-de-Montréal;
- Centre intégré universitaire de santé et services sociaux du Centre-Sud-de-l'Île-de-Montréal;
- Centre intégré universitaire de santé et services sociaux du Nord-de-l'Île-de-Montréal;
- Centre intégré de santé et de services sociaux du de l'Outaouais;
- Centre intégré de santé et de services sociaux de l'Abitibi-Témiscamingue;
- Centre intégré de santé et de services sociaux de la Côte-Nord;
- Centre intégré de santé et de services sociaux de la Gaspésie;
- Centre intégré de santé et de services sociaux des Îles;
- Centre intégré de santé et de services sociaux de Chaudière-Appalaches;
- Centre intégré de santé et de services sociaux de Laval;
- Centre intégré de santé et de services sociaux de Lanaudière;
- Centre intégré de santé et de services sociaux des Laurentides;

- Centre intégré de santé et de services sociaux de la Montérégie-Est;
- Centre intégré de santé et de services sociaux de la Montérégie-Ouest;
- Centre hospitalier universitaire de Montréal.

(Collectively with the Attorney General of Quebec, the "**Defendants**")

A hearing has been scheduled to authorize the class action for settlement purposes only and to approve the Settlement Agreement reached by the parties. The hearing will take place on October 22 and 23, 2024 at the Montreal Courthouse, 1 Notre-Dame Street East, Montreal, Quebec H2Y 1B6 in room [●].

The class action sought compensation for preventive confinement that would have lasted longer than 72 hours, without judicial authorization and subject to a legal extension of confinement. The Defendants deny the allegations made in the lawsuit and do not acknowledge their veracity.

The Settlement Agreement covers "Eligible Preventive Confinement", a **preventive confinement that has taken place since January 1, 2015, without a court order, and that has lasted beyond seventy-two (72) hours, subject to an extension of confinement. The following are excluded:**

- **Interruption situations:** (i) a doctor or nurse has terminated preventive confinement or (ii) there has been consent to institutional confinement while in preventive confinement.
- **Legal extension situation:** (i) there was an extension of preventive confinement due to the fact that the 72-hour period ended on a Saturday or statutory holiday, in which case eligible preventive confinement is deferred until the end of the next working day, or (ii) a court order was issued authorizing the extension of the preventive confinement period.

The Claims Administrator will determine if there is Eligible Preventive Confinement under the Settlement Agreement.

SUMMARY OF THE SETTLEMENT

If the settlement is approved by the Court, the Defendants will establish a Settlement Fund from which valid claims of the Class Members will be settled. The compensation paid to each Class Member will vary based on the eligibility criteria and assessment factors set out in the Settlement Agreement. A remedial measure, administrative and legal fees, disbursements and applicable taxes of Class Counsel will also be paid from the Settlement Fund established by the Defendants.

The Defendants deny all the claims, any wrongdoing or any liability covered by the class action. The Court has not yet taken a position on the merits of the Plaintiff's or the Defendants' arguments and will have to determine whether the Settlement Agreement is fair, reasonable and in the best interests of the Class Members, regardless of the merits of the claim. One of the conditions of the settlement is that the class action be authorized for settlement purposes and without a trial on the merits of the dispute.

Class Members who meet the eligibility criteria set out in the Settlement Agreement may be entitled to compensation based on various factors that will be assessed by the Claims Administrator following analysis of a valid Claim Form and the health and/or court records required to support it.

Until all claims have been assessed, it will be impossible to determine the exact value of the compensation that may be paid to eligible claimants or the overall value of the settlement.

The Settlement Agreement, related documents and other documents are available on the Settlement website of Registry of Class actions at <https://www.registredesactionscollectives.quebec/en>, and copies may be requested from the Claims Administrator and/or Class Counsel, as indicated below.

WHO IS COVERED BY THE SETTLEMENT?

The Settlement Agreement applies to all persons who have been subject to preventive confinement for more than seventy-two (72) hours, without judicial authorization and subject to a legal extension of confinement, in a hospital in Quebec since January 1, 2015.

If you are covered by the settlement and do not opt out of the class action, you will be bound by the terms of the Settlement Agreement and may be entitled to compensation.

OPTING OUT

If you do not wish to be a Class Member or to obtain the compensation provided in the proposed Settlement Agreement, and you wish to retain your right, if any, to sue one or more of the Defendants on your own for the issues in this case, you must take steps not to be a Class Member (and the proposed Settlement Agreement). In other words, you must opt out from the class action (and Settlement Agreement).

To opt out, you must complete the Opt Out Form (Annex D) in attachment and send it to Class Counsel and Court Clerk. The duly completed Exclusion Form may be sent by e-mail to Class Counsel menardmartin@menardmartinavocats.com but **it must be mailed to the Court Clerk** at the following address:

Clerk of the Superior Court of Montreal
Montreal Courthouse
1 Notre-Dame Street East
Montreal, Quebec H2Y 1B6

Your Exclusion Form must be received by the Court Clerk by October 9, 2024.

OBJECTION

If you are a Class Member and you do not opt out from the class action, you may apply to the Court to deny approval of the Settlement Agreement by filing an objection. You cannot ask the Court to order a more advantageous settlement; the Court can only approve or reject the settlement. If the Court denies approval, no payment will be sent and the class action will continue. If you wish to do so, you must object in accordance with the conditions below.

In order to object or comment, you must file a written objection with the Court and send it to Class Counsel and/or the Defendant's Lawyers by October 9, 2024. You may appear at the Settlement Agreement's approval hearing on October 22 and 23, 2024, in person or through your own lawyer. If you appear through your own lawyer, you are responsible for the payment of that lawyer's fees and disbursements.

The written objection must include:

- a) a title that refers to the class action;
- b) your name, address, email address and telephone number and, if represented by lawyer, the name of your lawyer;
- c) a statement that the opponent has been placed in preventive confinement for more than 72 hours, as well as the details of such confinement;
- d) confirmation of your intention to appear at the Settlement Agreement's approval hearing, either in person or through a lawyer;
- e) the grounds for the objection;
- f) copies of any document on which the objection is based;

g) your dated handwritten signature.

Your objection may be sent by email to Class Counsel menardmartin@menardmartinavocats.com, but **it must be sent by mail to the Court Clerk** at the following address:

Clerk of the Superior Court of Montreal
Montreal Courthouse
1 Notre-Dame Street East
Montreal, Quebec H2Y 1B6

Your objection must be received by the Court Clerk by received by October 9, 2024.

FILING A CLAIM

The Settlement Agreement provides a process for assessing the eligibility of Class Members and, where applicable, the amount due to Class Members under the Settlement Agreement. Class Members must submit a completed Claim Form and provide authorization for the Claims Administrator to obtain a copy of their relevant health and/or court records. These documents will be reviewed by the Claims Administrator, who will determine whether the Class Members is eligible to receive compensation under the Settlement Agreement and, if so, the amount of such compensation. The Claims Administrator will make this decision based on the case evaluation criteria agreed between the Defendants and the Plaintiff. You may contact the Class Counsel for details regarding the case evaluation criteria and how they may apply to you.

To participate in the Settlement Agreement, you must complete and submit a Claim Form (including any necessary supporting documents) to the Claims Administrator prior to the date set by the Court in the judgment approving the Settlement Agreement.

If you DO NOT file your claim on time, you will not be eligible for the compensation in the Settlement Agreement.

To determine your eligibility and for further information on the Settlement Agreement, please contact Class Counsel at menardmartin@menardmartinavocats.com.

If the Settlement Agreement is approved, the claims process will require you to provide an authorization for the Claims Administrator to obtain a copy of your relevant health and/or court records. Health and/or court records may take time to obtain. **It is very important that you start this process as soon as possible, if you or your lawyer have not already done so.** You may retain the services of a lawyer to assist you in this process. You may retain the services of Class Counsel or a lawyer of your choice.

IMPORTANT DEADLINES

It is important that you contact the Claims Administrator or the Group's Lawyers to receive direct notice of upcoming deadlines.

[October 9, 2024] — Deadline for opting out or opposition

[October 22 and 23, 2024] — Hearing for approval of the Settlement

LEGAL FEES

Class Counsel have been retained and are responsible for funding all costs incurred in connection with this lawsuit. Their professional fees will be determined by the Court. If the Settlement Agreement is approved, the fees determined by the Court will be paid from the Settlement Fund established by the Defendants.

ADDITIONAL INFORMATION

If you have questions about the Settlement Agreement and/or would like to obtain further information and/or copies of settlement documents, please visit the settlement website of Registry of Class actions at <https://www.registredesactionscollectives.quebec/en> or contact the Claims Administrator at 514-878-2692

You may also contact Class Counsel of the firm mentioned below. You will not have to pay **any fee** to discuss the class action with Class Counsel.

Patrick Martin-Ménard
Ménard Martin, Lawyers
4950 Hochelaga
Montreal, Quebec H1V 1E8
Telephone: (514) 253-8044, ext. 261
Fax: (514) 253-9404
Email:
martinmenardp@menardmartinavocats.com

This Notice contains a summary of certain terms and conditions of the Settlement Agreement. In the event of a conflict between this Notice and the Settlement Agreement, the terms of the Settlement Agreement shall prevail.

This Notice has been authorized by the Superior Court of Quebec