

## PARAMED CLASS ACTION: NOTICE OF SETTLEMENT APPROVAL HEARING

Please read this Notice carefully. Your legal rights may be affected regardless of whether or not you act.

### Who is this Notice for?

This Notice is for all persons who received wound care involving the use of medical instruments at ParaMed's clinics located at 124 Barker Street, 1340 Huron Street, and 148 Fullarton Street, Suite 200 in London, Ontario between January 1, 2008 and July 27, 2018 and who were contacted by ParaMed and advised that they may have been exposed to infection and should be tested for hepatitis B, hepatitis C, and HIV, and who tested positive for hepatitis B, hepatitis C, or HIV, or where such person is deceased, the personal representative of the estate of the deceased person ("Settlement Class Members" or "Infected Persons Class Members").

### What is the purpose of this Notice?

A proposed Settlement has been reached in a certified class action lawsuit against ParaMed Inc. ("ParaMed"): *Kellesis v ParaMed Inc.*, Ontario Superior Court of Justice Court File No. 1862/18. The lawsuit alleges that ParaMed failed to follow public health standards in the sterilization of medical instruments used at ParaMed's wound-care clinics, exposing the Plaintiff and Class Members to the risk of contracting serious communicable diseases, including hepatitis B, hepatitis C, and HIV. ParaMed denies any liability whatsoever, and the Court did not decide who was right. The Parties have instead decided to settle the lawsuit.

The purpose of this Notice is:

- (1) to inform all Settlement Class Members of a proposed Settlement in this class action lawsuit;
- (2) to advise all Settlement Class Members of the Approval Hearing, at which the Ontario Superior Court of Justice will consider whether to approve the proposed Settlement; and
- (3) to advise all Settlement Class Members of their entitlement to file objections to the proposed Settlement on or before **Tuesday, September 5, 2023.**

### What benefits are available to eligible Settlement Class Members under the Proposed Settlement?

ParaMed has agreed to provide a settlement fund of **\$195,000.00** to pay successful Settlement Class Member claims as well as certain fees and expenses, including Class Counsel Fees in an amount to be approved by the Court.

Depending on the infection(s) suffered, eligible Settlement Class Members may make one or more of three categories of Claims: a Hepatitis B Claim (\$15,000), a Hepatitis C Claim (\$10,000), or an HIV Claim (\$25,000). The quantum of the payments to Claimants with Approved Claims will be reduced *pro rata* if the Settlement Fund is insufficient to pay all of the Approved Claims. Contact McKenzie Lake Lawyers LLP ("Class Counsel") for more information about eligibility and supporting evidence for making a Claim.

**APPROVAL HEARING:** The proposed Settlement and Class Counsel Fees must be approved by the Court before they become effective. The Court will decide whether or not to approve the Settlement and Class Counsel Fees on Friday, September 29, 2023 at 2:30 pm EST by video conference at the London Courthouse, 80 Dundas Street, London, ON N6A 6A3. Check Class Counsel's website (below) regularly after that date to see if the Settlement has been approved. You can also register with Class Counsel to be notified by email if the Settlement is approved.

## **YOUR LEGAL RIGHTS AND OPTIONS:**

- If the Court approves the Settlement, you can **participate** by submitting a Claim for compensation. If you wish to participate, you are not required to do anything until after the Settlement is approved.
- You can **object** to the proposed Settlement and attend the Approval Hearing to present that objection. If you wish to object, you must submit a signed and completed Objection Form to the Claims Administrator on or before **Tuesday, September 5, 2023.** A copy of the Objection Form can be obtained from Class Counsel's website (<https://www.mckenzielake.com/paramed-class-action/>) or by reaching out to Class Counsel by telephone (1-844-672-5666) or email ([christina.noble@mckenzielake.com](mailto:christina.noble@mckenzielake.com)).

## **FREQUENTLY ASKED QUESTIONS**

### **(1) Why did I receive this Notice?**

You are receiving this Notice because ParaMed's records indicate that you received wound care involving the use of medical instruments at ParaMed's clinics located at 124 Barker Street, 1340 Huron Street, and 148 Fullarton Street, Suite 200 in London, Ontario between January 1, 2008 and July 27, 2018 and were contacted by ParaMed and advised that you may have been exposed to infection and should be tested for hepatitis B, hepatitis C, and HIV. If you subsequently tested positive for hepatitis B, hepatitis C, or HIV, you may be entitled to claim certain compensation offered by the proposed Settlement if the proposed Settlement is approved by the Court and you submit a valid and timely Claim.

You have a right to know about the proposed Settlement and your options before the Court decides whether to approve the proposed Settlement. If the Court approves the proposed Settlement, ParaMed will provide the payments agreed to in the Settlement Agreement to Settlement Class Members who submit valid and timely Claims. This Notice explains the class action lawsuit, the proposed Settlement, your legal rights, what compensation is available, who is eligible for that compensation, and how to make a Claim for that compensation. Please read this entire Notice carefully.

### **(2) What is the class action about?**

*Kellesis v ParaMed Inc.*, Ontario Superior Court of Justice Court File No. 1862/18 is a certified class action lawsuit against ParaMed. The lawsuit alleges that ParaMed failed to follow public health standards in the sterilization of medical instruments used at its wound-care clinics, exposing the Plaintiff and Class Members to the risk of contracting serious communicable diseases, including hepatitis B, hepatitis C, and HIV. ParaMed denies any liability.

### **(3) Why is there a Settlement?**

The Parties have agreed to the proposed Settlement to avoid the cost and risk of further litigation, including potential trials, and to provide Settlement Class Members with reasonable compensation in exchange for releasing ParaMed from liability. The proposed Settlement does not mean that ParaMed did anything wrong, and the Court did not decide which Party was right.

The Parties entered into a Settlement Agreement. The individual who filed the Action (called the "Representative Plaintiff") and Class Counsel believe that the proposed Settlement is fair, reasonable and in the best interests of the Settlement Class.

**(4) How do I know if I am part of the Settlement?**

For the purposes of the proposed Settlement, all persons who received wound care involving the use of medical instruments at ParaMed’s clinics located at 124 Barker Street, 1340 Huron Street, and 148 Fullarton Street, Suite 200 in London, Ontario between January 1, 2008 and July 27, 2018 and who were contacted by ParaMed and advised that they may have been exposed to infection and should be tested for hepatitis B, hepatitis C, and HIV, and who tested positive for hepatitis B, hepatitis C, or HIV are Settlement Class Members. Where such person is deceased, the personal representative of the estate of the deceased person is a Settlement Class Member. Not all Settlement Class Members are eligible to receive compensation. Some exceptions apply (see below).

**(5) Who is excluded from the Settlement?**

Only Settlement Class Members who meet certain criteria are eligible to submit Claims in the Settlement. You are excluded from making a Claim in the proposed Settlement if:

- (a) you are not a Settlement Class Member under the terms of the Settlement Agreement;
- (b) you previously and validly opted out of this class action in writing; and/or
- (c) you previously settled claims against ParaMed and executed a release in favour of ParaMed in relation to matters that are the subject of this class action.

**(6) Why are Uninfected Persons Class Members not part of the Settlement?**

On September 22, 2020, the Honourable Justice Tranquilli of the Ontario Superior Court of Justice certified this Action as a class action and ordered that the Class be divided into two subclasses: the Infected Persons Class and the Uninfected Persons Class. On October 3, 2022, the Honourable Justice Tranquilli granted ParaMed’s motion for partial summary judgment dismissing the claims of the Uninfected Persons Class. Uninfected Persons Class Members are not part of the Settlement because their claims were dismissed on October 3, 2022.

**(7) What is available under the Settlement?**

Under the proposed Settlement, ParaMed will pay **\$195,000.00** to settle the Action. This amount includes payment of Approved Claims, Administration Costs, Notice Plan Costs, the Representative Plaintiff Honourarium, Class Counsel Fees, interest and all applicable taxes.

Under the proposed Settlement, Settlement Class Members (those who received wound care involving the use of medical instruments at ParaMed’s clinics located at 124 Barker Street, 1340 Huron Street, and 148 Fullarton Street, Suite 200 in London, Ontario between January 1, 2008 and July 27, 2018 and who were contacted by ParaMed and advised that they may have been exposed to infection and should be tested for hepatitis B, hepatitis C, or HIV, or where such person is deceased, the personal representative of the estate of the deceased person, and who are not excluded from the Settlement Class) may be eligible for compensation under one or more of the following Claim categories, provided that they submit a valid and timely Claim:

<b>Claim Category</b>	<b>Description</b>	<b>Set Payment Amount</b>
<b>HIV Claim</b>	An HIV Claim may be brought by a Settlement Class Member who tested positive for HIV after receiving wound care involving the use of medical instruments at ParaMed’s clinics, or where such person is deceased, the personal representative of the estate of the deceased person.	\$25,000
<b>Hepatitis B Claim</b>	A Hepatitis B Claim may be brought by a Settlement Class Member who tested positive for hepatitis B after receiving wound care involving the use of medical instruments at ParaMed’s clinics, or where such person is deceased, the	\$15,000

	personal representative of the estate of the deceased person.	
<b>Hepatitis C Claim</b>	A Hepatitis C Claim may be brought by a Settlement Class Member who tested positive for hepatitis B after receiving wound care involving the use of medical instruments at ParaMed’s clinics, or where such person is deceased, the personal representative of the estate of the deceased person.	\$10,000

**Settlement Class Members may claim for multiple Claim categories in their Claim Form** (i.e., Claimants may stack claims and receive compensation for both an HIV Claim and a Hepatitis B Claim, for example), **provided that they submit, with the completed Claim Form, supporting documentation for each Claim category claimed.** The quantum of the payments to Settlement Class Members with Approved Claims will be reduced *pro rata* if the Settlement Fund is insufficient to pay all of the Approved Claims the payment amounts set out in the table above.

**(8) How do I make a Claim?**

**The claims process has not yet begun.** If the proposed Settlement is approved by the Court at the Approval Hearing to be held on Friday, September 29, 2023 at 2:30 pm EST, you may make a Claim by doing the following:

- (1) fill out the Claim Form;
- (2) include the supporting evidence and documentation specified on the Claim Form; and
- (3) submit the Claim Form and supporting evidence and documentation to the Claims Administrator by mail (at the address listed on the Claim Form) or by email (at the email address listed on the Claim Form) on or before the deadline to submit a Claim Form (3 months after the Court Approval Date).

Please keep a copy of your completed Claim Form and all of the supporting evidence and documentation you submit for your own records.

If you fail to submit a Claim Form and supporting evidence and documentation on or before the deadline to submit a Claim Form, you will not be eligible for any compensation whatsoever (i.e., you will not get paid). Sending in a Claim Form late will be the same as doing nothing.

If you are claiming more than one Claim category (for example, an HIV Claim and a Hepatitis B Claim), please use one Claim Form to comprise all of your Claims and submit supporting documentation for each Claim category claimed.

**(9) What evidence do I need to prove my Claim?**

Supporting documentation must be submitted with the Claim Form. The supporting documentation required is documentation from a doctor or other medical professional demonstrating (1) that you are/were infected with HIV, hepatitis B and/or hepatitis C, and (2) the date of your diagnosis. Supporting documentation is required for each Claim category claimed.

**(10) Can I submit a Claim on behalf of someone else?**

Yes, you can submit a Claim on behalf of someone else if you have legal authority to do so. If a Claim is being submitted on behalf of someone else, the person completing the Claim must explain on the Claim Form why he/she has the authority to act and must attach a copy of any Certificate of Appointment of Estate Trustee, Power of Attorney or other document establishing that authority.

**(11) If my Claim is successful, when will I receive my compensation?**

The Claims Administrator will mail individual compensation cheques to successful Claimants at the postal addresses indicated in the Claim Forms.

The Claims Administrator cannot mail the individual compensation cheques until (i) all timely Claim Forms have been processed; (ii) the time to request a reconsideration has expired; (iii) all requests for reconsideration have concluded; (iv) the Claims Administrator has reviewed its determinations and has allocated amounts to successful Claimants; and (v) the Claims Administrator has prepared a Successful Claims Report advising ParaMed of the Approved Claims and the amounts to be awarded to each successful Claimant. The Claims Administrator will mail the individual compensation cheques within sixty (60) days of the completion of the Successful Claims Report. This process will take some time, and your patience is appreciated. When the cheques have been mailed, an announcement will be posted on Class Counsel’s website.

**(12) Who will review my Claim?**

The Parties agree that they will seek to have the Court appoint as the Claims Administrator Class Counsel and any employees of Class Counsel tasked with implementing and administering the Settlement and the claims process. The Claims Administrator will conduct an initial review of all Claims to verify that the Claimant is eligible to claim for compensation.

Once the Claims have been verified, the Claims Administrator will review the Claim Form and supporting documentation to determine the compensation category or categories, if any, for which a Claimant is eligible.

**(13) What if my Claim is found to be incomplete?**

The Claims Administrator will review each Claim Form for completeness. If your Claim Form is incomplete, the Claims Administrator will let you know within twenty (20) business days of receiving your Claim Form. You will then have to complete the Claim Form within the later of (i) sixty (60) days from the date that the Claims Administrator advises you that your Claim Form is incomplete; or, (ii) the deadline to submit a Claim Form and supporting documentation.

**(14) Do I have a lawyer in this case?**

Yes. The law firm representing the Settlement Class Members (Class Counsel) is listed below. You will not be charged for contacting these lawyers for more information. If you want to be represented by your own lawyer, you may hire one at your own expense.

<p><b>McKenzie Lake Lawyers LLP</b> 140 Fullarton Street, Suite 1800 London, ON N6A 5P2 Toll-Free Telephone: 1-844-672-5666 Email: <a href="mailto:christina.noble@mckenzielake.com">christina.noble@mckenzielake.com</a></p>
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**(15) How will the lawyers representing the Settlement Class be paid?**

At the Approval Hearing, Class Counsel will ask the Court for approval of the payment of their fees and other expenses out of the \$195,000.00 Settlement Fund. It will be up to the Court to approve or determine the amount that Class Counsel will receive from the \$195,000.00 Settlement Fund. The Court may award something less than the amount requested by Class Counsel.

You may continue to check on the progress of Class Counsel’s request for fees and expenses by visiting <https://www.mckenzielake.com/paramed-class-action/>.

## **(16) What if I don't agree with the Settlement?**

If you are a Settlement Class Member, you can tell the Court that you don't agree with the proposed Settlement or some part of it by filing an objection. In an objection, you can give the Court reasons why you think the Court should not approve the Settlement. The Court will consider your views.

To object, you must submit a **signed and completed** Objection Form to the Claims Administrator on or before Tuesday, September 5, 2023. Be sure to include the following information:

- (i) your full name, address, email address, and telephone number;
- (ii) a statement that you meet the criteria for membership in the Settlement Class;
- (iii) to the best of your recollection, a list of your wound-care history at one or more of ParaMed's wound-care clinics during the Class Period, with treatment dates and clinic locations;
- (iv) a written statement of all factual and legal grounds for your objection accompanied by any legal support for your objection;
- (v) copies of any papers, briefs or other documents upon which your objection is based;
- (vi) a statement setting out whether you intend to appear at the Approval Hearing;
- (vii) a statement setting out whether you intend to appear at the Approval Hearing through counsel, and if so, identifying any counsel representing you who intends to appear at the Approval Hearing; and
- (viii) your signature.

Objections must be sent by mail, courier, or email to the Claims Administrator on or before Tuesday, September 5, 2023, using the Objection Form, which can be obtained by requesting a copy from Class Counsel or by downloading a copy at <https://www.mckenzielake.com/paramed-class-action/>. Objections submitted after this date will not be considered.

If you want to speak at the Approval Hearing, you must indicate that you intend to do so in your Objection Form. You can hire a lawyer to appear on your behalf at your own expense or you may appear yourself. If you do not state your intention to appear in your Objection Form, or you do not submit a signed and completed Objection Form before Tuesday, September 5, 2023, you will waive all objections and can be barred from speaking at the Approval Hearing.

## **(17) What is the Approval Hearing?**

The Court will hold a hearing to decide whether to approve the proposed Settlement and Class Counsel Fees. You may attend and you may ask to speak, subject to the requirements above, but you do not have to attend.

## **(18) When is the Approval Hearing?**

The Approval Hearing will take place before the Ontario Superior Court of Justice on Friday, September 29, 2023 at 2:30 pm EST by video conference at the London Courthouse, 80 Dundas Street, London, ON N6A 6A3.

At this Settlement Approval Hearing, the Court will consider whether the proposed Settlement is fair, reasonable, and in the best interests of the Settlement Class. If there are objections, the Court will consider them. The Court will listen to Settlement Class Members who have asked to speak at the Settlement Approval Hearing. After the Settlement Approval Hearing, the Court will decide whether to approve the proposed Settlement. We do not know how long this decision will take.

At the Settlement Approval Hearing, the Court will also decide how much to pay the lawyers acting for the Settlement Class Members ("Class Counsel"). That amount will be paid out of the \$195,000.00 Settlement Fund. If the Settlement is approved, an additional Notice will be posted to Class Counsel's website. Check Class Counsel's website (<https://www.mckenzielake.com/paramed-class-action/>) regularly after the Settlement

Approval Hearing to see if the Settlement has been approved. You can also register with Class Counsel to receive an email if the Settlement is approved.

**(19) Do I have to attend the Settlement Approval Hearing?**

No, you do not need to attend the Settlement Approval Hearing, but you are welcome to attend at your own expense.

If you submit an objection, you do not need to attend in Court to talk about it. As long as you have mailed your signed and completed Objection Form on time, the Court will consider it. You may also attend or pay your own lawyer to attend, but it is not necessary.

Settlement Class Members do not need to attend the Settlement Approval Hearing or take any other action to indicate their approval of the proposed Settlement. Class Counsel will answer any questions that the Court may have.

**(20) What happens if I do nothing at all?**

If the Court approves the proposed Settlement and you do nothing at all, you will not receive any compensation from the proposed Settlement. In order to receive compensation in the proposed Settlement, you must submit a Claim Form with the supporting evidence and documentation specified on the Claim Form. Unless you previously and validly excluded yourself (opted out), you won't be able to start a lawsuit, continue a lawsuit, or be part of any other lawsuit against ParaMed about the legal issues in this class action.

However, even if you take no action, you will keep your right to sue ParaMed for any other claims not resolved by the Settlement, subject to any applicable limitation periods.

**(21) How can I get more information?**

This Notice summarizes the essential terms of the proposed Settlement. The Settlement Agreement and its schedules, which you can view at <https://www.mckenzielake.com/paramed-class-action/>, describe in greater detail the rights and obligations of all the Parties. If there is any conflict between this Notice and the Settlement Agreement, the Settlement Agreement governs.

Neither the Parties nor their counsel make any representation regarding the tax effects, if any, of receiving any benefits under this proposed Settlement. Consult your tax adviser for any tax questions you may have.

The court offices will be unable to answer any questions about the matters in this Notice. If you have any questions regarding the proposed Settlement or about the class action lawsuit in general, information is available on Class Counsel's website (<https://www.mckenzielake.com/paramed-class-action/>) or by contacting Class Counsel directly:

**McKenzie Lake Lawyers LLP**  
140 Fullarton Street, Suite 1800  
London, ON N6A 5P2  
Toll-Free Telephone: 1-844-672-5666  
Email: [christina.noble@mckenzielake.com](mailto:christina.noble@mckenzielake.com)

If the Court approves the proposed Settlement and the Settlement Agreement is not terminated, Notice of Settlement Approval will be posted to Class Counsel's website (<https://www.mckenzielake.com/paramed-class-action/>). Check this website regularly after the Settlement Approval Hearing to see if the Settlement has been approved and for the most up-to-date information.

**This Notice was approved by order of the Ontario Superior Court of Justice. This is not a solicitation from a lawyer.**